

The Treaty of the Pyrenees, 350 Years Later

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ABSTRACT

An overall review of the 1659 Treaty between the Hispanic and French monarchies is undertaken. The European scope of the document is established in the light of its territorial clauses and articles on civil rights, commercial relations and troop withdrawals. While the Rhineland and Alpine front also comes in for attention, the main focus is on the Franco-Catalan Pyrenean front. The author notes that the Pyrenean range was the cradle of Catalonia, not a frontier, and gives an account of how the new delimitation was traced. She also discusses Catalan resistance along the border (in Rosselló). Reference is made to the on-going wars between France and Spain after 1659, to the ill-defined nature of the new border, and to France's offer to exchange Rosselló for the lands lying along its eastern frontier, in which it was primarily interested. This offer was never accepted. The dynastic, patrimonial and military origin and nature of European frontiers, which were established regardless of, and often in opposition to, the existence of peoples, is stressed.

KEY WORDS: Catalonia, Roussillon, Pyrenees, frontier, treaty

OVERALL CHARACTERISTICS OF THE TREATY

Following the Peace of Münster (30 January 1648), Rome and Venice took steps to put an end to the hostilities in Portugal as well, and along the borders of Flanders, in Lorraine, the Alps and the Pyrenees. But in 1650 the approaches they made at the courts of Paris, Madrid and Brussels failed and the Anglo-French alliance was formed.¹

The explanation for the 1659 Treaty lies first and foremost in the defeat of the Spanish by the Anglo-French army commanded by Turenne in 1658 at the Battle of the Dunes (Nieuwpoort, Flanders). Though peace had been restored along the Dutch front at Münster, the military conflict between the French Bourbons and the Hispanic Habsburgs continued along the Rhine and the Alps. As Núria Sales writes, "directly or indirectly, the Alps cast a much longer shadow over the Treaty of the Pyrenees than did the Pyrenees themselves".²

The Treaty's final clauses reveal that international arbitration was no longer exercised by any universal power on its own but by a more or less formal alliance of sovereign-

ties or powers brought together by one king or the other. The Pope and the Emperor are included on the side of the Catholic King, but all the archdukes of Austria are also mentioned, along with all the kings, princes, republics and states named in the Peace of Vervins, with the significant addition the United Provinces and the recently constituted (1621) Duchy of Guastalla. On the side of the Most Christian King the Treaty mentions the Duke of Savoy, the Duke of Modena, the Prince of Monaco, the Pope once more, and the electors and other princes of the Empire who were the allies of the King of France under the Peace of Münster³ (the Electors of Mainz and Cologne, the Count Palatine of the Rhine, the Duke of Neubourg, the Dukes of Brunswick and Lunebourg, the Landgrave of Hesse-Cassel, the Landgrave of Darmstadt, the King of Sweden, the Doge and Signoria of Venice, and the thirteen Swiss cantons). The Peace Treaty was open to anyone who wished to be part of it, even minor sovereigns who applied to one of the two kings. Both monarchs must refrain from "importuning or molesting, directly or through others" ("directa ni indirectament molestar ni treballar por si ni por otros") and a certain commitment to resort to international law rather than military force is envisaged. If either king "has any claim" ("pretende alguna cosa") against the allies of the other king, "he can only pursue it in law before the Competent Judges and on no account by the use of force" ("podrà solo seguirlo por derecho antre Juezes Competentes y no por fuerza de ninguna manera").⁴

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The Peace Treaty drawn up by Don Lu s M endez de Haro y Guzm n and Cardinal Jules Mazarin, acting as plenipotentiaries, was published in various languages in 1660, but no Latin original was produced: “when everything was ready, each of us signed the two peace treaties in French and Spanish separately, at our respective tables” (“lorsque tout a est  prest, nous avons sign , chacun en particulier, sur nostre table, les deux traittez de paix, en fran ais et en espagnol”).^{5,6} This may be seen as symptomatic of the decline of the papacy in European diplomacy.⁷ The compilers of diplomatic texts themselves tended to shun Latin: “Even the greatest treaties are not always published according to the original text. Thus the Treaty of Osnabr ck and the League of the Rhine, which as everyone knows were drafted in Latin, were published only in French, in other words, in a more or less faithful translation, in Dumont’s *Recueil*, which is nonetheless considered authoritative, and rightly so”.⁸

All this shows that it would be a mistake to believe that the agreement contained in the Treaty to “cease all hostilities by sea and land from 8 May that year” (“cessaci n de todas hostilidades por mar y tierra, desde 8 de mayo de aquel a o”)⁹ concerns only the area of the Pyrenees.

The 1659 Peace between the Hispanic and French monarchies encompassed a large area of western Europe. The still very recent Treaties of Westphalia, signed in 1648, have often led observers to assume that the Peace of 1659 also had limited geographical scope but the fact is that certain aspects of the second treaty extended to the whole of Europe. It referred, not only to parts of the Pyrenees, but to parts of the Alps as well, and to the corridor between France and the Empire, which has always been in dispute and where defiant attitudes — as in the case of Flanders — are still found today. Moreover the 1659 Treaty does not concern itself solely with territorially and/or jurisdictionally defined political units, but to aspects of economic activity and trade as well.

Despite all this, a view of the so-called Treaty of the Pyrenees has prospered which has little to do with its commercial provisions and pan-European character, as though it referred only to territorial matters and confined itself, furthermore, to the Catalan nation’s Pyrenean bastion.

The Treaty’s diplomatic name derives from the locality of Pheasant Island, in Lower Bidasoa, where the negotiations were conducted by the two plenipotentiaries, Don Lu s M endez de Haro on the Hispanic side, and Cardinal Mazarin on the French side. It was here too that the Treaty was signed (on 7 November 1659)¹⁰ and that Louis XIV and Philip IV listened as it was read out and swore on the gospels to abide by it (on 6 June 1660). The agreement was a prior step towards the marriage of Louis XIV to Mar a Teresa of Austria, the daughter of Philip IV. The ceremony, which was a complementary outcome to the Treaty, took place at Donibane Lohizune (Saint Jean-de-Luz) on 9 August.¹¹

THE DISTINCTIVE CHARACTERISTICS OF ROSSELL 

In the wake of the military action taken by the Hispanic forces in August 1637 against the fortress of Leucata, which was considered the gate to Languedoc, the Pyrenean frontier became a factor throughout the rest of the war.¹² The danger already arose at the talks in M nster — and was combated by the Catalan government institutions — that the two crowns would sign a peace treaty dividing Catalonia in two by the force of arms or separating Rossell  from Catalonia. But after 1648 the fate of Catalonia, like that of Flanders and Italy, still depended on the battle front and diplomacy.¹³ A memorandum from the French chief-of-staff, Bernard du Plessis-Besan on, stated in 1641 that “the conquest of Roussillon [is] the most solid advantage the King could derive from the risings in Catalonia” (“le plus solide avantage que le roi puisse tirer des soulvements de Catalogne [est] la conqu te du Roussillon”).¹⁴ Catalonia viewed Rossell  as its cradle; the Catalan population considered it essential to their defence, a link with Europe, and of vital importance to the economy as an additional source of wheat, wool and leather. The Spaniards knew this full well. In 1629 the Madrid government had weighed up the possibility of setting up a separate Diputaci ¹⁵ in Perpiny  to compete with the one in Barcelona, thus taking advantage of the rivalry between the two cities. The Duke of Feria, the viceroy of Catalonia, wrote on that occasion: “it is desirable that vassals who cannot be curbed should not grow in number or wealth... [Rosell n] would be a great loss to them... because the province would decrease in size, Barcelona would have fewer people and less wealth... [and] trade between Barcelona and that kingdom [France] would be greatly hampered” (“los vasallos que no se pueden refrenar es bien que no crezcan en n mero ni en substancia... [el Rosell n] ser a una gran p rdida para ellos... porque por este medio se reduc a la prov ncia a ser menos extendida, a ser de menos gente y cantidad de hacienda Barcelona... se dificultava mucho el comercio de Barcelona con aquel reyno [Francia]”). Moreover “their finances would be weakened... and the jurisdiction of the deputies; and since wool, most of which comes from the counties [of Rosell n], would become more expensive for them, the trade in cloth across the sea to Italy would decline, and all this province’s presumptuousness is based on this” (“se debilitava la hacienda... y la jurisdicci n de los diputados; y por la lana que se les encarec a, por ser la mayor parte de ella de los condados, ser a menos caudaloso el trato de los pa os por la mar en It lia, que es en lo que consiste toda presunci n de esta prov ncia”). Consequently, he felt, “no doubt it would be reduced to a better disposition than it shows today” (“sin duda se reducir a a mejor disposici n, que la que hoy tiene”).¹⁶ It is hardly surprising, therefore, that Louis XIV had the impression in 1656 that Madrid was not interested in the possession of Rossell  and wrote: “It has always been taken for granted that the counties of

Roussillon would be ceded to me, for the ministers of Spain raised not the slightest difficulty in Münster... whereas they would think twice about giving me satisfaction over the kingdom of Navarre, which is withheld from me even more unjustly than Roussillon” (“il a toujours été presupposé que les comtés de Roussillon me demeureroient, que les ministres d’Espagne n’en firent pas la moindre difficulté à Münster ... tandis que l’on feroit reflexion de me donner satisfaction sur le royaume de Navarre, que l’on me retient avec une injustice encore plus grande que celle qui regarde le Roussillon”).¹⁷

THE ARTICLES ON TERRITORIAL LIMITS

As Robert Mandrou states, disagreeing with Gaston Zeller, there was almost certainly no policy of “natural frontiers” or methodical plan for achieving the famous regularly-shaped French hexagon.¹⁸ And as Louis Batiffol explains in his prologue to the book by Vassal-Reig on the war in Rosselló under Louis XIII (1934), it was the Habsburg hegemony over Europe that worried Richelieu: “Richelieu always declared that the king’s constant preoccupation must be to release himself from this stranglehold. This he must do using the means he [Richelieu] describes, notably in an advice dated 20 April 1628 and a note written in early 1629, in other words, by supporting everywhere, as allies, those who were at war with the House of Austria, whether they be princes or peoples. This was how he acted towards Holland, towards the protestant princes of the Empire, and towards Alsatia. And this was how he acted towards the rebel Portugal and the Catalans”.¹⁹ Richelieu had proposed to the Catalan representatives — who were received as the “ambassadors of a free province” — that they should become an independent, sovereign republic. Batiffol considers that, on the face of it at least, this reflects his scruples and his intention to reconcile the military aid requested by the rebellious Catalans with his desire, as a statesman, to do nothing that was not legally justified. Consequently the Pact of Péronne between Louis XIII and the Catalans (19 September 1641) was conceived, not as an occupation but as a personal union between Catalonia and the King.²⁰ In contrast, Mazarin’s realism, in Batiffol’s view, put an end to Richelieu’s legalistic prudence: his policy “was an open admission of his idea of endowing France with natural frontiers”.²¹ According to Peter Sahlins, in 17th century France “ideas about geography, history and strategy coexisted” and “the idea of the Rhine and the Pyrenees as France’s ideal limits thus came to occupy a central place in the political culture of seventeenth-century France”.²²

But to return to the Treaty of the Pyrenees, it consists of 124 articles, of which numbers 42 and 43 refer specifically to the Catalan territories that were to be separated from the rest. It names them as the county of Roussillon/Rosellón, the Magistracy of Conflent and part of the County of Cerdagne / Cerdaña,²³ along with their depend-

encies and annexes, countries, towns, strongholds, castles, market towns, villages, vassals, subjects, woods and river banks. Article 42 lays the foundations for the demarcation in terms that are ideological rather than historical: “With respect to the strongholds and countries on the Spanish side occupied in this war by French arms, it [has] been agreed in the negotiation which commenced in Madrid in the year one thousand six hundred and fifty-six, upon which this treaty is based, that the Pyrenean mountains, which have always been commonly regarded as the division between the Spains and the Gauls, should from now on also be the division between the respective kingdoms” (“Por lo que toca a las plazas y paisas, que las armas de Francia han ocupado en esta guerra de la parte de España, aviendose convenido en la negociación, que comenzó en Madrid el año de mil y seiscientos y cinquenta y seis, sobre cuyo fundamento se va en este tratado, que los Montes Pirineos, que comunmente han sido siempre tenidos por división de las Españas y de las Galias, sean de aquí en adelante también la división de los mismos reynos”). The counties of medieval Catalonia, however, had been born in the Pyrenees: to them the mountain chain had never been a frontier but a cradle. France, on the other hand — possibly because of the memory of the old kingdom of Majorca, or because these same counties had been pledged to Louis XI of France in 1462 by John II of Catalonia-Aragon in the wake of the war that monarch from the Trastámara dynasty had waged against Catalonia — had always regarded this Catalan territory “as a ‘theater of distractions’ from the main battlefields”²⁴ or as an exchange token.²⁵ The Pyrenean regions of Catalonia had suffered from the dangers inherent to their condition as a frontierland between the Hispanic and French monarchies since 1462, long before the rest of Catalonia did so. This helps to explain the disputes that arose and Perpinyà’s fantasies about Barcelona between 1620 and 1630.²⁶ The region’s status as a frontierland also explains why, in December 1639, a notary of Perpinyà, Pere Pasqual, warned his descendants in his diary that “whenever they heard the rumble of war, they must leave the town [Perpinyà] immediately for some very distant and isolated place, because of the very great vexations [which] soldiers commit against persons” (“sempre y quant hoian mormoll de guerra que se’n vayan al hora de la present vila [Perpinyà] y en part molt lluny y apartada, per rahó de las vexations tant grans [que] fan los soldats en las personas”) and why he repeated this advice in January 1640: “and so I tell and beg any descendant of mine that he should on no account live in this town [Perpinyà] but in some place far away from these troubles” (“y axí dich y prech a qualsevol descendent meu que no habite en ninguna manera en la present vila [Perpinyà] sinó en part apartada de aquestes inquietuts”).²⁷

Politically speaking the contents of Articles 42 and 43 of the Treaty evince an attitude of great harshness towards the existence of Catalonia, a European people endowed with mature institutions dating back at least to the time of

Peter 'the Ceremonious' (1336-1387). The Treaty categorically annexes to France "the whole County and Magistracy of Roussillon/Rosellón and... the County and Magistracy of Conflans/Conflent" ("todo el Condado Vegueria de Rosellón y... Condado y Vegueria de Conflent") and goes on to say: "Naturally if there were any places in the aforementioned County and Magistracy of Conflans/Conflent only, not that of Roussillon/Rosellón, which lie in the said Pyrenean mountains on the Spanish side, they must remain to his Catholic Majesty, and in the same way, if there were any places in the aforementioned County and Magistracy of Cerdagne/Cerdaña only, and not in Catalonia, which lie in the said mountains on the French side, they must remain to his Most Christian Majesty. And to agree on the said division, Commissaries shall be appointed on both sides who, together and in good faith, shall declare which Pyrenean mountains, in execution of the contents of this article, must divide the two kingdoms in the future" ("Bien entendido, que si se hallaren algunos lugares del dicho Condado y Vegueria de Conflent solamente, y no de Rosellón, que esten dentro de dichos Montes Pirineos a la parte de España, quedaran a su Magestad Cathólica, como también si se hallaren algunos lugares del dicho Condado y Vegueria de Cerdania solamente, y no de Cataluña, que esten dentro de dichos Montes a la parte de Francia, quedaran a su Magestad Christianíssima. Y para convenir de dicha división, seran luego diputados Comissarios de una parte y otra, los quales juntos de buena fee declararan quales son los Montes Pirineos que, en execución de lo contenido en este artículo deben dividir en lo venidero los dos Reynos"). The contents of the text reveal that the royal diplomats had a considerably more feudalizing, non-integrated view of the territory than the Catalans. Neither the historian Andreu Bosch, despite his pro-Roselló stance, nor of course the government of Catalonia (the Diputació del General) could have accepted anything of the kind, because for all of them the counties were first and foremost magistracies of Catalan territory.

The severity of the diplomatic text lies in its irrevocable nature, in the way it acknowledges the Most Christian King's definitive right of succession and legitimates the Hispanic monarchs' violation of territorial constitutionalism and their oaths. "Under the irrevocable peace treaty" ("Por el tratado de paz irrevocable") the Hispanic monarch renounces Catalan territory north of the Alberes²⁸ "in perpetuum and for ever in favour and to the benefit of the aforementioned lord, the Most Christian King" ("a perpètuu y para siempre a favor y a provecho de dicho señor rey Christianísimo"). The Catholic King surrenders it "in his own name, that of his heirs, and legal successors" ("tanto por si, como por sus herederos, y por los que tuvieren su derecho") to the King of France and "his heirs, and legal successors" ("sus herederos, sucesores y de los que tuvieren sus derechos"). The text seeks to legitimate these successorial rights almost as though they were dynastic patrimonial rights. What is more, it seeks to le-

gitimate the incorporation of Catalan territories into the Crown of France "notwithstanding any laws, customs, statutes, constitutions and conventions adopted to the contrary, even if they were ratified by oath... (and) to the exclusion in perpetuum of all exceptions, on whatever right, title, cause or pretext they may be founded, and specifically any exception which might seek or claim in the future that the separation... might be contrary to the Constitutions of the Principality of Catalonia, and that for that reason the separation could not be decided or agreed upon without the express consent of all the peoples assembled in the States General" ("no obstante qualesquier leyes, costumbres, estatutos, constituciones y convenciones hechas en contrario, aunque ayan sido confirmadas por juramento" "y excluyendo a perpètuu todas las excepciones debaxo de qualquier derecho, título o causa o pretexto que puedan estar fundadas y nominadamente aquella que se quisiesse o pudiesse pretender en adelante que la separación... fuesse contra Constituciones del Principado de Cataluña, y que por esso dicha separación no ha podido ser resuelta ni acordada sin el consentimiento expreso de todos los pueblos congregados en Estados Generales"). The text also released from their oath of allegiance those who had previously been men, vassals and subjects of the Hispanic monarchy, without taking into account the territorial integrity or parliamentary unity of Catalonia.²⁹

The watertight wording of Article 43 should not surprise us. Whoever helped draft the text was thoroughly familiar with the Catalan political system and wanted to forestall any constitutional challenge or subsequent political rebellion. Throughout the month of June 1659 the Catalan government, aware that preliminary discussions between the two crowns were underway in Paris, had made approaches to the Catholic King to prevent the division. "It has been said," observed Jaume Copons, the archdeacon of Andorra, "that the county of Rosselló will be separated from this Principality, and put under allegiance to France, and this would be very harmful and prejudicial to the Principality" ("s'ha dit que lo comtat del Rosselló se separaria del present Principat, restant baix obediència de Fransa, lo que seria grandíssim dany y perjudici d'aquest Principat"). And the Generalitat stated, in a letter to Philip IV, that "It causes us great anxiety to think that the King of France is unwilling to forego the occupation of the counties of Rosselló and Cerdanya" ("Dónans molt gran cuidado lo pensar que per part del rey de Fransa no vulla restarse ab la ocupació dels comtats de Rosselló y Cerdanya") and reminded him that Peter 'the Ceremonious' had united them "to your royal Crown" ("a sa real Corona") and bestowed "the privilege of perpetual union" ("privilegi d'unió perpètua"). Nor did the Catalan government fail to mention the strategic value of the counties, which constituted "a rampart against the kingdom of France" ("muralla contra lo regne de Fransa"), for without them "the Principality [would be left] unprotected and the path would be open to any invasion the French-

man might wish to undertake” (“desabrigat lo Principat y uberts los passos pera qualsevol invasió vulla fer lo francès”).³⁰ The Council of Aragon had also opposed the partition of Catalan territory. This explains why Haro expressed fear during the talks lest the Council should object to the negotiations.³¹ According to Mazarin, Luís de Haro was not very dynamic (“he advances very slowly” — “va muy despacio”) and was somewhat ill-prepared (“he lacks thorough information about foreign affairs” — “Il n’est pas informé a fond des affaires étrangères”). It should be remembered, however, that Haro was trapped between decisions already taken at the court in Madrid and the objections being raised by the powerless Council of Aragon.³²

Articles 49, 116 and 118 established that various strongholds and ports in Catalan territory which were still in French hands should be returned to the Catholic King, but proposed postponing the restitution of Cadaqués, Roses and the fort of La Trinitat until definitive frontiers had been negotiated.³³

THE WORK OF THE COMMISSARIES IN CERET, FIGUERAS I LLÍVIA

It required special meetings between the commissaries on both sides to solve the problem of the delimitation in precise territorial terms. The commissaries on the French side were Pèire de Marca, the archbishop of Toulouse, and Hyacinthe Serroni, the bishop of Orange. On the Hispanic side they were Miquel Salvà de Vallgornera, a knight of the Order of Saint James, royal counsellor and lieutenant of the Mestre Racional (the court accountant and auditor) and Josep Romeu de Ferrer, a magistrate of the Catalan Royal Court of Justice. Though both the latter were Catalans, they acted as representatives of the Catholic King, and definitely not on behalf of Catalonia or the Council of Aragon.

Contemporary geographers lacked accurate knowledge of the Pyrenees. As the 17th century historian from Rosselló Andreu Bosch points out, some considered the massifs of Montseny, Sant Llorenç, Montserrat and Montsec as “branches, offshoots and arms of the Pyrenees” (“branques, rams y brazos dels Pyrineus”).³⁴ Article 42, which defined the Pyrenees as the dividing line, also raised other problems of interpretation. While the French version of the Treaty said that the Pyrenees “in olden times divided the Gauls from the Spains” (“avoient anciennement divisé les Gaules des Espagnes”), the Spanish version spoke of the “Pyrenean mountains, which have always commonly been regarded as the division between the Spains and the Gauls” (“montes Pirineos que comúnmente han sido siempre tenidos por división de las Españas y de las Galias”). The words *anciennement* (in olden times) and *comúnmente* (commonly) were basic to the discussions. Underlying the word *anciennement* was all Pèire de Marca’s geographical knowledge, drawn from

Strabo, Pliny and Ptolemy, but also his historical knowledge of the Carolingian counties. In the course of the War of the Reapers, the learned archbishop Pèire de Marca had been sent to Catalonia as a *visiteur* (1644-1651). He took possession of the documents of monastic origin collected by the Catalan historian Jeroni Pujades and used them in his *Marca Hispanica* to seek evidence in support of the territorial ambitions of Louis XIV.³⁵ Now Rosselló was no longer a topic of discussion and the debate focused on Conflent and Cerdanya. Marca used the word *anciennement* to defend frontiers based on the classical Roman interpretation, which claimed that the dividing line was marked by some lost trophy of Pompey’s or a temple to Venus: “olim trophaea Pompeii in summo Pyrenaeo posita quae, ut docet Stabo, Hispaniam et Galliam disternabant, ubi sunt fauces quae Hispanias Gallis jungunt, ut T. Livii verbis utamur” (“at that time, Pompey’s trophies, [were] placed on the summit of the Pyrenees which, according to Strabo, divided Hispania from Gaul, and where, to quote T. Livy, the pass that joins the Spains to the Gauls is located”) and “illos porro diserte et constanter docere promontorium montium Pyrenaeorum, in cuius vertice positum erat templum Veneris, Aphrodisium dictum graecus, esse verum limitem Galliarum et Hispaniarum” (“in olden times they were taught, in precise, unvarying terms, that the promontory of the Pyrenean range, on the top of which stands the temple to Venus, known in Greek as Aphrodite, was the true boundary between the Gauls and the Spains.”). Marca’s historical arguments dated back to the high Middle Ages. Any geographical argument that failed to confirm his reasoning he rejected. Consequently he ignored Mount Canigó and the Corberes as part of the Pyrenees and rejected the entire history of Catalonia after the initial period of its division into counties. The French commissaries, Marca and Serroni, considered that their conception of the mountain range, based on theory and on Roman sources rather than on reality and geography, was beyond dispute. In their opinion it was sufficient to insist that “qui fuerint olim limites Galliae Narbonensis et Hispaniae Tarraconensis in ea Pyrenaeorum montium parte” (“the boundary between Narbonnese Gaul and Tarraconensis [Hispania Citerior] was formerly in this part of the Pyrenean range”). Their historical arguments enabled the French commissaries to make still more ambitious claims: they could demand anything from La Seu d’Urgell — on the grounds that it belonged to the ancient county of Cerdanya — to the whole of Catalonia. In March 1660 Serroni wrote to Mazarin from Ceret: “... we discussed the division between the Gauls and the Spains, which are ancient terms, and not the division between France and Spain, which are the terms that are used nowadays...” and “... at present we are searching for Gauls and Spains and not for the domination or jurisdiction which one King or the other may have had there. Otherwise we would be entirely founded in claiming the whole of Catalonia and going to pitch our tents on the banks of the Ebro” (“... on parlait

de la division dels Gaules et des Espagnes, qui sont des anciens termes, et non pas de la division de la France et de l'Espagne, qui sont les termes dont on se sert présentement..."; "... on cherche présentement des Gaules et des Espagnes et non pas de la domination ou jurisdiction que l'un ou l'autre Roy y peuvent avoir eu. Autrement nous pourrions prétendre avec grand fondement toute la Catalogne et aller planter nos tentes sur les bords de l'Ebre").³⁶

The Catalan commissaries of the Catholic King, Salvà de Vallgornera and Romeu de Ferrer, were less learned but had a better command of real geographical, historical and legal knowledge acquired in the field. Contrary to what has sometimes been said, the arguments they put forward — according to which the whole Magistracy of Conflent, along with Capcir and the whole county of Cerdanya, should remain under the rule of the Hispanic monarch — were not inferior but different.³⁷

No agreement was reached in Ceret (22 March–13 April 1660); in fact only the separation of Rosselló was approved and the talks resumed in Figueres (at the end of April). The discussions over the frontier were delaying the royal marriage.³⁸ A new meeting was held in haste, this time in Llívia and without Marca. With only Serroni present, the separation of Conflent was confirmed and it was agreed that Cerdanya should be split in two. Rosselló and Conflent were adjudicated to the King of France, except for any places that might lie on the southern slope of the Pyrenees (no such places existed) and Cerdanya was adjudicated to the Hispanic King, except for any places lying on the northern slope of the Pyrenees (these included Planes, Sant Pere dels Forcats, La Perxa, Ruet and Llo).³⁹

Under this agreement (12 November), the enclave of Llívia was left in Hispanic hands but the valley of Cerdanya was irrationally divided in two. Other flagrant abnormalities were approved, among them the case of Ix and its borough: "this division [does not seek] to separate the said territory from the aforementioned village of Ix with regard to the domain, property, crops, pastures, or anything else belonging to it, and this separation [is to be understood] only as regarding Spain and France and not the private domain or property of the territory, which will always remain united to the said village of Ix" ("no pretendiendo por esta división separar el dicho territorio del dicho villaje de Ix en lo que toca al dominio, propiedad, frutos, pastos, ni otra qualquier cosa a él perteneciente, no debiendo entenderse esta separación sinó España y Francia y no del dominio o propiedad particular del dicho territorio, que quedará siempre unido al dicho villaje de Ix").⁴⁰ While solutions of this type were being found for Cerdanya, on the Coll de Panissars in the Alberes, between Vallespir and Alt Empordà, a monastery was split down the middle: the church, which was left on the French king's side of the border, was demolished and the stone used to build the castle of Bellaguarda, while the monastic quarters remained on the Hispanic king's side.⁴¹

On 28 April 1660, prior to the meetings in Llívia, the same commissaries had approved the method to be fol-

lowed in the complicated process of returning patrimonies and property confiscated in the course of the military conflict, in fulfilment of the provisions for restitutions and compensations under civil law.⁴²

As Núria Sales points out, though the frontiers between the old Pyrenean counties and the ongoing Franco-Hispanic wars preclude any definitive view, the Treaty was in effect a "mere Seven Years' Truce".⁴³ It should be borne in mind nevertheless that the two monarchies acted outside the Catalan parliamentary system with the intention of making the agreements watertight and, if possible, permanent, and of preventing the Catalan institutions from being represented.⁴⁴ Thus the Catalan *constitucions* (laws) were forcibly excluded from public territorial law.

It emerges clearly from the Treaty that the wide institutional diversity of each monarchy's territory was taken into account: in other words, neither the territory called Spain nor the territory called France corresponds to any political unit aside from the monarchy itself. Not only were the frontiers yet to be drawn, but the territories of both crowns were yet to be integrated. This explains why the Treaty, when referring to the subjects of the Catholic King, talks about "towns, subjects, merchants, residents and inhabitants of the kingdoms, states, provinces and countries belonging to his lordship the Catholic King" ("villas, subditos, mercaderes, estantes y habitantes de los reynos, estados, provincias y países pertenecientes al señor rey católico") and why it also alludes to the "subjects of his lordship the aforesaid Most Christian King, of whatever country or nation they may be" ("subditos del dicho señor rey christianíssimo de qualquier país o nación que sean"). The notions of 'Spaniard' and 'Frenchman' relate to their status as subjects of a particular monarchy, and certainly not to any national territory.

THE RHINELAND AND ALPINE FRONTS

If we now turn from the Catalan front to the front that ran along the King of France's eastern border, we see that the Treaty also served to reorganize European territories stretching roughly from the North Sea to the Alps which were perpetually under dispute.⁴⁵ The French crown obtained lands in the county of Artois and strongholds in the counties of Flanders and Hainaut and the duchy of Luxembourg; and it was stipulated that lands between the Sambre and the Meuse were to be interchanged or returned, and that no place was to be fortified in such a way as to prevent or hinder communications with France. The Most Christian King returned the Po and the county of Burgundy to the Catholic King. This was to be done without demolitions or damage; munitions, artillery and military supplies could be removed; and officers and soldiers were entitled to take their belongings with them, but must not leave debts or steal anything. Louis XIV agreed that when he recovered the stronghold of Hesdin and its bailiwick, he would grant an official pardon to the garrison,

which had gone over to the Catholic King in the course of the conflict. The Catholic King, for his part, surrendered any right to Alsatia and agreed that it was to become part of the French Crown, in accordance with the specifications of the Treaty of Münster, signed on 24 October 1648.⁴⁶ To bring the new demarcations into effect and implement the unfulfilled provisions of earlier treaties (Cateau-Cambrésis, 1559, and Vervins, 1598), it was also decided to appoint commissaries for the Low Countries and to resort to arbitration in case of disagreement.⁴⁷ Here, as in Catalonia, the acquisition of new territories brought with it the corresponding rights of sovereignty and ecclesiastical patronage, which were to be “for ever united and incorporated... notwithstanding any laws, customs and statutes and agreements that may have been enacted to the contrary” (“para siempre unidos y incorporados... no obstante qualquiera leyes, costumbres y estatutos y convenciones hechas en contrario”).⁴⁸ The King of France had three months from the signature of the Treaty to negotiate a peace settlement with Portugal. He had to guarantee a general pardon for the Portuguese and a return to the situation that existed prior to 1640. Whatever the outcome of the negotiations, France undertook “not to give the aforesaid Kingdom of Portugal... any assistance, or public or secret help, directly or indirectly...” (“no dar al dicho Reyno de Portugal... ninguna asistencia, ni ayuda pública ni secreta, directa ni indirectamente...”).⁴⁹

The Treaty reveals that financial compensation was also to be made. Three million *livres tournoises*, for instance, were to be paid to the Archdukes of Innsbrück in exchange for the rights to Alsatia, while the Duke of Lorraine was to pay an unspecified sum of money and agree to cede territories to the French crown, including the dioceses of Metz, Toul and Verdun, the duchy of Bar and the county of Clermont. All this was to compensate for the recovery of his now smaller duchy. Charles IV of Lorraine was reminded that his duchy had been conquered by Louis XIII’s army, and in order to neutralize his power he was required to demobilize and disarm before recovering it. The saltworks in Lorraine remained under the obligation to supply salt to France, and the duchy had to grant right of way and billets to French troops on their way to Alsatia. Finally a series of clauses regulate the procedure to be followed by the Most Christian King and the Duke in matters arising out of the provisions and confiscations, and the judgments handed down in the course of the war. With regard to the duchy of Lorraine, the Catholic King had to urge the Emperor to ratify “all the Articles agreed in the present Treaty by notarial act in identical form (which will be delivered to His Most Christian Majesty)” (“por auto en forma auténtica [el qual será entregado a su Magestad Christianíssima] todos los Artículos que se ha convenido en el presente Tratado”). Besides the submission of the Duke of Lorraine,⁵⁰ the Treaty provided for the return to allegiance of Condé, a member of the Fronde, who was a prince of royal blood from the Bourbon-Vendôme branch and a potential ally of the Catholic King.

Condé was to hand over the strongholds of Rocroi, Châtelet and Linchamps to the Most Christian King, and recovered in compensation all his titles and estates, subject to certain exchanges. His son, the Duke d’Enghien, was to be appointed Grand Maître de France.⁵¹ In compensation for the agreement between Condé and the King of France, the Catholic King was to return the castle of Juliers, which belonged to the House of Cleves, to the Duke of Neuburg, though he retained a right of way for his troops.⁵²

Finally the plenipotentiaries confirmed the validity of the 1598 Treaty of Vervins and reasserted the rights of the Most Christian King as King of France and Navarre.⁵³

Ten articles were devoted to the Italian hornets’ nest. The Dukes of Savoy, Modena and Mantua were included in the Treaty.⁵⁴ All were involved in the war, for geographical reasons, and all were involved in unresolved conflicts of their own, notably the Duke of Savoy, an ally of the King of France. Now they were also to take part in the restitutions, their subjects were to be guaranteed rights of navigation and trade, a solution was to be found to certain unfulfilled commitments with regard to dowries, and established territorial agreements were to be upheld. The castle of Vercelli and Cencio in the Langhe were to be returned to the Duke of Savoy. The Catholic King undertook to obtain legal clarification about the dowry of the deceased Catherine of Savoy — 48,000 ducats a year to be raised from the Foggia customs house in the kingdom of Naples — and settle any arrears. This dowry was the object of a dispute between Savoy and Modena. The amount corresponding to the years during which the House of Modena was at war with the Hispanic duchy of Milan were excluded from the dowry, however. The Catholic King accepted the submission of the Duke of Modena, promised him the stronghold of Correggio, which was to remain free of his garrison, and undertook to ask the Emperor to acknowledge his investiture. He warned the Duke to remain neutral between the two crowns. Philip IV agreed not to support any Italian prince who might seek to infringe the so-called *status quo* of Cherasco (1631) regarding the dispute between Savoy, Mantua and other seigneuries. The Treaty also refers to a dispute over another dowry — that of Margaret of Savoy, the grandmother of the Duke of Mantua — which was to be settled before the spring. In the clauses relating to Italy the two monarchs agreed to call on the Pope to put an end to the conflict between the Duke of Modena and the Apostolic Chamber over the Valli di Comacchio and to give the Duke of Parma time to pay off his debt to the Chamber by pledging or alienating part of his estates. The aim was to obtain a commitment from the Pope to “uproot the seeds of all the disputes that might disturb the repose of Italy” (“arrancar la simiente de todas las diferencias que podrian turbar el reposo de Italia”) in accordance with his desire “to prevent all occasions of discord in Christendom..., a cause which is so dear to the Apostolic See” (“prevenir todas las ocasiones de discòrdia en la Cristiandad... una causa tan benemérita de la Sede Apostólica”).

Both crowns concealed their warlike attitude by claiming that divine inspiration had led them to play the role of pacifiers desirous of “giving rest to their peoples” (“dar el reposo a sus pueblos”), not only in Italy, through the appeal to the Pope, but in the Empire as well. Here they expressed concern over “the present state of Germany and the other Northern Countries where war is raging and where it may also break out in the Empire owing to the divisions between its Princes and States” (“el estado en que estan la Alemania y demás Países del Norte donde la guerra se halla encendida y que también puede encenderse en el Imperio por la divisiones de sus Príncipes y Estados”). In other words, despite the Treaty of Westphalia “the disputes that can disturb the repose of the Empire” (“las diferencias que pueden turbar el reposo del Imperio”) were still alive.⁵⁵ The preventive action to be taken by the two crowns also extended to the Swiss cantons where, despite the resolution of religious discord between “Catholics and Protestants.... a few sparks still remain beneath the ashes [which] give rise to disagreement and division within the said nation” (“cathólicos y protestantes... quedan debaxo de la ceniza algunas centellas... que ocasionan la mala inteligencia entre la dicha nación”). Their action included the Grisons as well, an area affected by the Franco-Hispanic dispute over the Valtellina. Here the two crowns undertook to reach amicable agreements once the Grisons had accepted the Treaty. Unrest in Italy had had repercussions on Monaco too. The war in the kingdom of Naples and the duchy of Milan had driven the principality to put itself under French protection and the Catholic King now returned his domains to the Prince of Monaco. Philip IV was also to indemnify the Duchess de Chevreuse with the sum of 165,000 *livres tournoises* for the lands and seigneuries of Kerpein and Lommersein, which she had bought from him and he had subsequently adjudicated to the Bishop Elector of Cologne.⁵⁶

The Treaty stipulated the dates at which these restitutions and exchanges were to take place and how they were to be carried out. Each monarch was to delegate a minister to represent him at the other court. If objections or claims arose over the restitutions, these ministers were to act as a tribunal, with no appeal from their decisions.⁵⁷

CLAUSES GOVERNING THE DISBANDING OF TROOPS

The overall European scope of the clauses referring to princes, territories and peoples emerges with equal, or greater, clarity from the provisions concerning the release without ransom of prisoners of war. These clauses applied to prisoners “of whatever nation and condition they might be” (“de qualquiera nacion y condición que sean”), including galley slaves and French soldiers held captive in Hispanic strongholds on the African coast. The return of prisoners in Italy was to be hastened so that “they could cross the Mountains [Alps] before the passes [were]

blocked by ice” (“puedan passar los Montes antes que los yelos embaracen el passo”). The Treaty laid down the rules for the payment of rations and other expenses to do with prisoners of war. The terms of reference were provided by the procedures followed “in the year one thousand six hundred and forty-six, which were established in Soissons, when the Marquis of Castel-Rodrigo was governing the Low Countries” (“del año de mil y seiscientos y quarenta y seis, que se hizo en Suesons, gobernando los Países Baxos el marqués de Castel-Rodrigo”). Commissioners on both sides were to meet in some place in Flanders yet to be specified with the accountants of the kingdoms of Naples and Sicily, Milan, Piedmont, “the Principality of Catalonia and the counties of Roussillon/Rosellón and Cerdagne/Cerdaña” (“Principado de Cataluña y condados de Rossellón y Cerdaña”) and the borderland between France and the Low Countries. There they were to calculate the expenditure and determine which king was in debt to the other. The debtor undertook to settle outstanding amounts “for the expenses and rations of the said prisoners of war” (“por los gastos y raciones de los dichos prisioneros de guerra”) in cash.⁵⁸

The Treaty of the Pyrenees, like that of Vervins, was to be ratified by registering it in the Catholic King’s Councils and Chambers of Accounts in the Low Countries, the kingdom of Castile and the kingdom of Aragon, and in the Parliaments and Chambers of Accounts in Paris and the other Parliaments in the kingdom of France.⁵⁹ The plenipotentiaries undertook to ensure that the terms of the Treaty would be ratified and sworn by both monarchs in the presence of accredited witnesses.⁶⁰

The text is rife with the diplomatic dissimulation of the period. This can be seen from the copy of the powers given by both kings at the end of the Treaty to their respective plenipotentiaries. Neither King, it claims, wanted war, but both went to war because of “the hidden will of God” (“ocultos juicios divinos”) or “the will known only to Divine Providence” (“juicios reservados a la Providencia Divina”). It was also the hand of God that made it possible for peace to be sealed. Now the Catholic King wanted “the vassals of both Crowns [to begin] to enjoy the rest they so badly need and have deserved during the toil and calamities of a very long and burdensome war and [to feel] mutual love and affection as they used to, seeking comfort from each other and their common welfare” (“que los vassallos de ambas Coronas comiencen a gozar el descanso que tanto necessitan y han merecido en los trabajos y calamidades de tan larga y pesada guerra y que buelvan a amarse y corresponderse como solian entre si buscando el alivio unos de otros y el mayor bien de todos”). The Most Christian King exculpated himself by invoking his wish to conclude “a war we found burning when we succeeded to the Crown” (“una guerra que en nuestra sucession a la Corona hallamos encendida”) and “to give peace to the peoples who owe us allegiance and at the same time to cause Christendom to enjoy the repose it so sorely needs” (“dar la paz a los pueblos que estan sum-

issos a nuestra obediencia y juntamente hacer gozar a la Christiandad el reposo que tanto necessita”).

CIVIL RIGHTS, COMMERCIAL AND CONSULAR RELATIONS

A whole series of articles are devoted to guaranteeing the liberties and civil rights of the Catalans on either side of the new frontier, including those relating to inheritances, testaments and donations between living persons. Those who live on opposite sides of the border are guaranteed the right to receive income, providing this is done through procurators who are above suspicion, and the right to receive justice in the case of lawsuits. The articles deal with the restitution of confiscated patrimonies and revenues and the way this is to be done. All these provisions also apply to seigneuries and ecclesiastical benefices.⁶¹

The Peace includes another series of articles on freedom of trade and navigation, the prohibition of reprisals, and the guarantee of linguistic and legal rights for merchants, subject always to the payment of the appropriate taxes. Commercial reciprocity is established between the subjects of the two monarchies, in line with the policy pursued by France —according to the Treaty— with England and Holland. The establishment of consulates and the recognition of embassies is recommended.⁶² But there are also restrictions of course. The subjects of both kings are prohibited from trading with countries that are at war with either of them or with enemy ships. Inevitably specific reference is made to Portugal.⁶³ Trading with the king’s enemy and trading in military supplies are clearly defined as contraband. A series of articles referring to obligatory passports, the issuance of maritime passports, and admiralty courts are designed to prevent and penalize smuggling.⁶⁴ Though the Treaty specifies that if any new conflict should break out, six months’ leeway will be allowed so that subjects of either crown can remove themselves and their possessions to safety,⁶⁵ the fact is that both the Peace and the frontiers were so fragile that the vassals’ customary trading activities were often criminalized. It can be observed that the term ‘Spaniards’ is used to refer to the subjects of the monarchy and in no case to the natives of a particular country, kingdom or principality. Thus the wars waged by the king could make trade between Catalonia and Languedoc a crime, while the freedom of trade that was in the interest of the monarchies could undermine Catalan law in times of shortage by permitting the unrestricted circulation of wheat. It is clear that the articles on the free circulation of merchandise between monarchies ignore existing commercial systems in the different countries and nations that are part of these monarchies. The requirements of free trade and the notion of contraband, as defined in the light of royal military and fiscal policies, could — and indeed did, both south and north of the Alberes — distort socio-economic relations between nations with a historical and socio-economic

logic of their own. The Treaty of the Pyrenees opened the door to French commercial competition in Hispanic Catalonia and tended to criminalize the economic relations between Catalans on either side of the new frontier and consider them as contraband.

A SHORT-LIVED PEACE, A PERPETUAL WAR, AND AN UNCERTAIN FRONTIER

The opening articles of the Peace Treaty contain an assortment of considerations about the need for a lasting peace. The true reasons for the Treaty are concealed, however, and there is no mention of factors to do with finance or military inadequacy. The suspension of hostilities decreed on 8 May 1659 is explained in diplomatic language that resorts to moral rhetoric: the aim was to stop “the long and bloody war” (“la larga y sangrienta guerra”), to put “an end to countless misfortunes” (“fin a tantos infortunios”) which have “afflicted peoples, kingdoms, states and countries” (“afligido los pueblos, reynos, estados y paisas”) and “given rise to distress, suffering, poverty, calamities and desolation” (“han resultado males, miserias, calamidades y desolación”), and to permit peoples “everywhere to repair the damage and misfortune endured” (“puedan reparar en todas partes los daños y miserias padecidas”).⁶⁶

The end of the war, however, did not arouse much enthusiasm: “the people were not very happy” (“la gent no n’estava molt alegra”), wrote Miquel Parets in his contemporary diary, referring to the people of Barcelona, decimated by the plague. For the Catalans the war had ended in total defeat. Official news of the signing of the Treaty did not reach Barcelona until mid-February and the Catalan government lamented the late arrival of the information (and no doubt other things besides): “[the delay] surprises us not a little since, in the light of the requirements of our posts, we consider ourselves the most directly concerned in knowing how the Treaty affects the Principality” (“del que fem no poca admiració, per considerarnos los més interessats per l’obligació de nostres càrrechs en saber com resta est Principat en lo tractat de pau”).⁶⁷ Once diplomatic silence had been lifted, the text of the Treaty was widely distributed. “Very many copies were printed,” wrote Parets, “so that they could be sent all over Catalonia and private individuals could buy them to find out what type of agreements had been reached and how they affected the different provinces” (“ne estamparen moltíssimes, per enviar-ne per tota Catalunya y per a que los particulars ne comprasen, per a saber lo modo dels pactes y del modo que restaven unes provínties y altres.”).⁶⁸

The borders defined under of the Treaty of the Pyrenees might have been altered by the new series of wars between the two crowns that took place in the second half of the 17th century, for the hostilities continued, despite the peace rhetoric of the preliminaries to the 1659 Treaty

and no permanent or lasting peace ensued. Quite the opposite, in fact, for Catalonia endured constant wars. Before the War of the Spanish Succession, as Soldevila points out, “it can be said that, from 1626, when an army was posted to Catalonia, until 1697, the date of the Peace of Rijswijk, Catalonia constantly suffered the plague of troop billeting and levies”. During the wars that broke out in the last decades of the 17th century — in 1676, 1678, 1684, 1688, 1690 and 1691, and during the Nine Years’ War, from 1692 to 1697 —, Catalan territory was constantly occupied by the French army, always in a climate of royal mistrust and without any type of Hispanic military defence.⁶⁹ This situation led the historian Núria Sales to consider that the Treaty in fact inaugurated “a mere seven-year truce in over eighty years of almost constant war between the Habsburgs in Madrid (or the Habsburg in Barcelona, from 1705 to 1713) and the Bourbons in Paris (or the Bourbons in Paris and Madrid, from 1700 to 1715). It was rather a short truce in comparison to the one that followed the Treaty of Cateau-Cambrésis (1559) and above all the Treaty of Vervins (1598), and was part of over two centuries of rivalry over the inheritance of the houses of Burgundy and Foix-Béarn (among others)”.⁷⁰

Prior the 1679 Treaty of Nimwegen, the French crown offered more than once to return the Catalan regions in the Eastern Pyrenees to the Hispanic crown in exchange for territories in the Low Countries.⁷¹ The Spanish rulers, blinded by the Habsburgs’ patrimonial tradition, repeatedly refused, despite the debilitating effects of maintaining these far-off possessions, already partially in French and Dutch hands, which they were destined to lose entirely under the Peace of Utrecht (1713). The idea of an exchange was not a new one. For France, keeping the Catalan lands and Germanic Alsatia meant giving up much of the Burgundian inheritance and losing a few million Walloons, who were culturally French. Mazarin had already proposed such a solution in Münster (1646). At the 1656 Madrid talks, he had authorized his secretary Lionne to give up all the Catalan territories ceded to France in 1659 in exchange for the whole of Artois, Luxemburg, and Franche-Comté or the part of Navarre under Hispanic domination. The trade-off plan was revived in 1668 by Jean Hérault de Gourville, the quartermaster of the army in Catalonia. Though Gourville had been dragged down with the minister Fouquet in his fall, he was entrusted by Lionne with the task of opening unofficial peace talks. The negotiations had the approval of Louis XIV, who even drew the Emperor’s attention to them in Vienna. The latter, already aware of the coming clash over the Spanish succession, was himself weighing up the advantages of a different exchange with France: the Hispanic Low Countries for Alsatia. Louis XIV was not prepared to give up Baiona (Bayonne) and Perpinyà at the same time, and on 22 January 1671 he sent the following message to Emperor Leopold’s Czech minister, Prince von Lobkowitz, through his envoy in Vienna, Jacques Brethel de Grémonville: “My thoughts regarding the aforesaid exchange

are to return Roussillon and the county of Cerdagne to the Spaniards along with everything I acquired beyond the Mountains under the Treaty of the Pyrenees, adding a few pieces over towards Navarre which might suit them, and to give in addition considerable sums of money, payable every year over a period”.⁷² News of the unofficial and supposedly secret negotiations spread all over Europe and was related to a number of episodes of resistance that broke out in Rosselló (1670-1675). In the autumn of 1677 one last exchange was turned down by Don Juan José de Austria. France offered him the Catalan lands in the eastern Pyrenees and the Sicilian strongholds which the latest wars had left in French hands in exchange for the Low Countries and Franche-Comté. Alsatia too was to be returned to the Emperor, while Lorraine, which had been occupied again since 1670, would be returned to its duke, and Don Juan José himself would receive 4 million *livres tournoises*.

Peter Sahlins writes: “But the 1660 treaty failed to define the exact territorial location of the Spanish-French boundary. Only the Treaties of Bayonne in 1866-1868 formally delimited the political boundary, as France and Spain placed border stones along an imaginary line demarcating their respective national territories”.⁷³

AFTER 1659: RESISTANCE, ON-GOING TRENDS AND ALTERNATIVES

Inevitably the process aroused resistance. From 1652 onwards people had been fleeing across the border to avoid reprisals. While leading groups from the French period, including men such as Josep Fontanella and Francesc Martí Viladamor, had taken refuge in Perpinyà, others escaped to Barcelona. Among these was Gabriel de Llupià, a member of the Llupià family whose property was located in Rosselló and from which the royal procurators of the counties of Rosselló and Cerdanya had always been drawn.⁷⁴ But loyalty to one or other monarchy was not the only factor: there was also Catalan identity. In the words of the historian Henry: “the inhabitants of Roussillon had been Catalans for too many centuries for them not to join forces with these peoples”.⁷⁵ After 1652 the division of Catalonia into two parts, one under French military domination, the other under Hispanic military domination, also gave rise to a division between Catalan soldiers (known as Miquelets): some were called Miquelets *de França*, others Miquelets *d’Espanya*, but both were Miquelets *de la terra* (of the homeland). What had occurred was a military division between sovereigns rather than a political division between Catalans.

The finances of the part of Catalonia that was subject to the Hispanic monarch were ruined. It had preserved its institutional framework, however, though the *insaculació* system used in elections to the Generalitat and the *Consell de Cent*⁷⁶ was under royal control from 1653-1654 onwards. To the king’s men, Barcelona “was at the forefront

of all the Monarchy's misfortunes" ("la que a hecho cabeza a todas las desdichas de la Monarquía"). Not only was the city held responsible for the Catalan revolt: it was accused of giving "a good chance to the Portuguese rebellion" ("buena ocasión a la rebelión de Portugal") as well, and of opening "the appetite of Naples and Palermo to unrest and tumult" ("el apetito a las inquietudes y tumultos de Nápoles y Palermo").⁷⁷ Barcelona escaped the threatened construction of a citadel, but it lost its political immunity and was placed under military garrison.

At least nominally, however, the part of Catalonia under Hispanic domination kept its institutional and constitutional system. The perpetual state of war prevented the creation of a new system of government. The Generalitat was financially weak, the political power of the Catalan institutions (Diputació and Consell de Cent) had been stifled, royal control had been stepped up and the Captaincy General reinforced: for the Catholic King's government this was sufficient.

After the fall of Barcelona in 1652, Mazarin ordered his minister Servien to enlist the services of Catalans loyal to France who had taken refuge in Rosselló to form a new Catalan government. Such outstanding figures of the Catalan revolution as the lawyer Josep Fontanella and above all Francesc Segarra from Lleida, and Ramon Trobat, a native of Rosselló, entered the service of the King of France. While the war was still raging, the Chancery in Paris addressed the Catalan political refugees in Perpinyà, thanking them for their loyalty, promising them rewards, and entrusting them with the government of Rosselló. The Comte d'Hocquincourt was appointed Lieutenant, Dr Segarra Governor, and the Generalitat, the Royal Council and the other tribunals of Catalonia were set up in Perpinyà (1654).⁷⁸ This situation came to an end 1660, when the Sovereign Council of Roussillon was created, all persons with social status or patrimony were ordered to take an oath of allegiance to the King of France (July 1660), and restrictions were placed on gatherings in Perpinyà and the rural regions of Rosselló, Conflent and Cerdanya (1662).⁷⁹ Thus no sooner had the Peace of the Pyrenees been signed than the Catalan government in Rosselló was wound up.

Catalans in both Barcelona and Rosselló defended the integrity of their institutions by appealing to their respective monarchs on the grounds of Article 55 of the 1659 Treaty. Barcelona invoked Article 55 in a bid to recover the *insaculació* system, control over the city gates, and the baronies confiscated by the king, and to have the garrison withdrawn. Perpinyà called for the maintenance of its own Generalitat: "Abolishing this house and council of the Diputació⁸⁰ which belong to the Catalans of the counties of Rosselló and Conflent and neighbouring lands who remain under your royal obedience according to the peace treaty accepted by Your Majesty with the crown of Spain, will cause great disservice to Your Majesty and distress to your very faithful vassals... In Chapter 55 of the peace treaty between Your Majesty and the Catholic King, Your

Majesty graciously honoured the Catalans and by virtue of this agreement 'all Catalans and other inhabitants of the aforesaid province... without exception can return and will return, and will effectively be permitted and re-established in the possession of all their property, honours, dignities, privileges, rights, exemptions, constitutions and freedoms...'" ("Lo abolir aquesta casa y consistori de la Diputació als catalans dels comtats de Rosselló y Conflent y terras adjacents que, ab lo tractat de pau v.m. ha concordada ab la corona d'Espanya réstan baix de la sua real obediència, ha de resultar en gran deservy de v.m. y desconuelo de sos fidelíssims vassalls... En lo tractat de la pau concordat entre v.m. y lo rey Catòlich, cap 55, és estat v.m servit honrar los catalans, que en virtud del present tracte "tous les catalans et autres habitans de la ditte province... sans nul excepter pourront rentrer et reentreront, et seront effectivement layssez et restablis en la possession de tous leurs biens, honeurs, dignités, privileges, droits, exemptions, constitutions et libertés...").⁸¹

But despite everything in June 1660 Louis XIV signed a decree in Donibane Lohizune (Saint-Jean-de-Luz) ordering the dissolution of the Catalan institutions still in existence in the territories acquired under the Treaty: the Royal Council, council of the Diputació, tribunal of the interior, tribunal of the royal patrimony, and tribunal of the court accountant were all abolished in order to ensure "the same good order and the same form of justice and government as is maintained in the other provinces of our kingdom, reducing things as far as possible to the ordinary usage of the latter, and to create for this purpose a Sovereign Council of the counties and magistracies of Roussillon and Conflent and the adjoining lands" ("le mesme bon orde et la mesme forme de justice et de gouvernement que se garde dans les autres provinces de nostre royaume, reduisant autant qu'il se pourra les choses à l'usage ordinaire de celui, et de créer pour cette fin un Conseil Souverain des comtés et vigueries de Roussillon et de Conflent et pays adjoints").⁸² From this time onwards the government of Northern Catalonia was organized around the Intendant Général, who was in charge of political matters, the Capitaine Général or military governor, and a Lieutenant Général who was the commander-in-chief of the army. These positions were mostly held by Frenchmen and the military government became a monopoly of the Noailles family. However certain Catalans, as mentioned earlier, also helped to set up the new political structures. The lawyer Ramon Trobat i Vinyes, a native of Rosselló, even became Intendant Général du Roussillon from 1686 to 1698.⁸³ On the other hand, the French crown maintained the local administrative structure. Thus the post of magistrate of Cerdanya, which was always held by a member of the Catalan Sicart family,⁸⁴ retained the corresponding seigneurial jurisdictions regardless of the lord's origin and had to retain the ecclesiastic jurisdiction too, though these had never quite coincided with the political boundaries. Rosselló, as a *province réputée étrangère* (reputedly foreign province), had two

frontiers: one separated it from Languedoc and the other was the new Hispano-French frontier. The continuity of Catalan social relations based on property, revenues, usufruct, right of way and family ties necessarily required a permeable border, “which does not mean,” said the text signed in Llívia on 12 November 1660, “that this right of passage can serve for committing crimes” (“no entendiendo que esta libertad de passaje pueda servir por los delitos que pudieran cometerse”).⁸⁵

The perpetual wars, the restrictions imposed under the 1659 Treaty on commercial activities in enemy territory, and the Bourbons’ salt tax were to affect Catalan political life on both sides of the military frontier. They also sparked off outbursts of resistance and led to the emergence of a new political alternative in the war known in diplomatic terms as the War of the Spanish Succession.

Peter Sahlins has investigated the conflicts that arose out of the inextricable intertwining of the military frontier with ecclesiastical, fiscal and civil jurisdictions in Cerdanya and the difficulties and trauma experienced by the inhabitants of the valley during the process he calls the “territorialization of the State”, in other words, the conversion of the military frontier into a political frontier.⁸⁶

The most decisive factor in fixing the political dividing line was the criminalization of military desertion and of trade across the new frontier. Ministers in the 18th century believed it was necessary to rid the kingdom of foreign enclaves and to “close the state”, in so far as that was territorially possible. “This is no longer a time for conquests. France must be satisfied with its greatness and extension,” wrote the Marquis d’Argenson, Louis XV’s foreign minister. “It is time to start governing, after spending so much time acquiring what to govern”.⁸⁷

The change of sovereign brought with it a change in the tax structures of Northern Catalonia. The imposition of the salt tax triggered a major episode of anti-tax resistance with nationalistic overtones. Since 1283 the salt trade among Catalans had been free of royal taxes. The only tax levied — 1.66% of the value of imported salt, 5% of the value of salt exported from Catalonia — was paid to Catalonia’s own government (the Diputació del General or Generalitat).⁸⁸ Salt was essential to human life, and also to livestock, which was of prime importance in the Pyrenean regions. Louis XIV, for military reasons, introduced a salt tax in the Catalan lands under his dominion in December 1661 and put guards from Languedoc in charge of raising it. The guards began to interfere in routine purchases of salt from Cardona by the inhabitants of Cerdanya. In effect the decree issued by Louis XIV in 1661 criminalized the trade in Catalan salt among the people of Cerdanya and turned it into a habitual form of contraband. In the spring of 1663 Sant Llorenç de Cerdans rose against the managers of the salt tax to cries of “Slaughter them! Out with the thieves!” (“A carn, a carn. Via fora els lladres”). The Sovereign Council of Roussillon took repressive measures against the village (1665): it was fined six thousand *livres* and the bailiff, councillors

and fifty-one residents were sentenced to the galleys for life. This helped to fan and politicize the revolt against the tax and turn it into national resistance.⁸⁹ Between 1667 and 1675, under the leadership of Josep de la Trinxeria, a member of a family of wool manufacturers and notaries from Prats de Molló, the rebellion against the salt tax officials and the representatives of the French authorities grew.⁹⁰ Known as the *Revolta dels Angelets* (Revolt of the Little Angels),⁹¹ it extended throughout Vallespir and reached Conflent, where the rebels were commanded by Joan Miquel Mestre, a peasant nicknamed L’Hereu Just (The Just Heir). Francesc Segarra, a member of the Sovereign Council of Roussillon, played an active part in crushing it. On 5 May 1670 the Lieutenant Général Noël Bouton Chamilly and an army of 4,000 men defeated the Angelets in Alt Conflent. The victory was followed by a severe crackdown, including fines, prison and galley sentences, and executions. Many Angelets took refuge south of the Alberes while others went on committing sporadic acts of resistance. The movement was not unconnected to the wars between France and Spain which broke out again in June 1667 when Louis XIV demanded the duchy of Brabant as part of the inheritance of his wife María Teresa. From 1672 to 1678 the Franco-Dutch War dragged on and there is every indication that the Angelets may have been expecting the Catalan counties to be exchanged for Flanders. But despite the repression unleashed by the Sovereign Council, Catalan territory to the north of the Alberes was not pacified. “The people of Roussillon calls itself and regards itself as Catalan,” reported the Intendant Pont d’Alberet around 1674, “and would deem the name of Frenchman degrading and insulting ... This spirit even extends into the Conseil Superieur. The domination of the French nation is endured only because of the impossibility of shaking off the yoke” (“Le peuple de Roussillon se nomme et s’estime catalan et regarderait comme une degradation et une injure le nom de françois ... Cet esprit est respandu jusque dans le Conseil Superieur ... On n’y souffre la nation françoise maître, que pour impossibilité d’en secourir le joug”).⁹² Manuel Descatllar, a noble from Vilafranca del Conflent who had been under suspicion of pro-Hispanic conspiracies since 1670, tried to occupy the town with a regiment of soldiers from Puigcerdà in 1674. He was assisted by numerous fellow conspirators, both nobles and plebeians, including Francesc de Llar, Carles de Llar, Carles de Banyuls and the second councillor of Vilafranca, Joan Soler.⁹³ They were betrayed, however, and the attempt failed. Carles de Banyuls and Francesc de Llar fled. Manuel Descatllar, Carles de Llar and Joan Soler were accused of *lèse-majesté au premier chef* (in the first degree): their property was confiscated and they were severely tortured before being executed. Nor were they the only ones. Among the other conspirators from Perpinyà who received death sentences were Antoni Rivet (a city councillor), Josep Tixedas, Francesc Puig (the parish priest of Forques), Manuel Boixó, Pere Dantés (a

soldier), Josep Salgas (bailiff of La Bastida) and T. Fageda. Over fifty people of all types (young noblemen, lawyers, teachers, priests and women) and from many different places (Vilafranca, Perpinyà, Ceret, Vinça, Fullà, Banyuls, Bassegoda and Prats de Molló) were imprisoned and had their property confiscated. In 1675-1676 the trials for conspiracy were still going on.

The widespread hostilities had repercussions on the Pyrenean military frontier. Invasions launched from one side or the other meant that Catalonia, the buffer between two crowns and perpetually mistrusted by both, was in a continual state of war.

The part of Catalonia under Hispanic domination underwent a series of invasions. The most spectacular occurred during the so-called Nine Years' War (1689-1697), when the French fleet bombarded Barcelona — and Alacant in the Valencian Country (1691) — and the troops of the Most Christian King occupied first the Vall d'Àneu, Puigcerdà, Bellver, Ribes de Freser and Camprodon, and later Roses, Girona and Hostalric. Barcelona was occupied as the war drew to a close (1697).⁹⁴ The political restrictions imposed after 1652 along with the constant wars — which now concerned the Hispanic succession and the way the inheritance of the Habsburgs of Madrid was to be shared out — also led to risings south of the Alberes. The *Revolta dels Barretines* (Revolt of the Berets, 1687-1689)⁹⁵ took place against the background of these unending hostilities and was triggered by a crisis caused by failing food supplies and excessive and unjust billeting (nearly three thousand troops, half of them cavalymen), which chiefly affected the common people and the country areas. It had anti-noble overtones and demanded the reinstatement of the Catalan *constitucions* (laws), which afforded protection against military tributes, and the freedom of the Catalan electoral system (*insaculació*). The first sparks of rebellion were kindled in Centelles. The penalties inflicted by the High Court on the villages and the Diputació, which had taken timid steps to assist the peasants, helped fan the revolt south of the Alberes till it reached Collsacabra, Lluçanès, Segarra, Urgell, Vallès and the River Llobregat. Two years in a row (in 1688 and 1689) over ten thousand peasants massed beneath the walls of Barcelona: they were rebelling against the government of the monarchy and calling for free elections by the *insaculació* method and action against the troops. Their leaders were Antoni Soler — who was assassinated —, Sebastià Enric Torres, Josep Rocafort and Joan Rocabrúna, all of them wealthy landowners.⁹⁶

Just as the Vilafranca conspiracy north of the Alberes — which had been set off by the action of the Puigcerdà garrison against Rosselló — was motivated by pro-Catalan, not pro-Hispanic, reasons, so the leaders of the *Revolta dels Barretines* entered discussions with the Intendant of Roussillon, the Catalan Ramon Trobat, for pro-Catalan, not pro-French, reasons and with similar ideas. Enric Torres had been excluded from the general pardon granted on 14 March 1690 and repressive meas-

ures had been taken against him by the Lieutenant of Catalonia, the Duke of Villahermosa. He now retreated north of the Alberes with over forty of his followers and the leaders of the *Barretines* became *Miquelets de França* (mountain fusiliers in the service of Louis XIV), just as Josep de la Trinxeria, after being forced to flee south of the Alberes a few years earlier, had become a *Miquelet d'Espanya*. The leaders of the *Barretines* acted as agents of the Intendant Trobat, who fostered another unsuccessful attempt to ally and annex the whole of Catalonia to France (1691).⁹⁷ This attempt apparently had the support of a few nobles linked to the *Diputació*.

In the War of the Spanish Succession, the Catalans, spearheading the whole Catalan-Aragonese crown, aspired to recover the political ground lost between 1652 and 1659, to modernize their political structures (both institutional and legislative) by reinstating their parliamentary system (the Catalan Corts), and to reunite the country.⁹⁸ The key political role played by the *Tres Comuns* (Three Commons) made this possible. The Catalan economy had begun to grow in the second half of the 17th century, despite the wars and royal control, and this lent new momentum to political life as well. An ad hoc government known as the *Tres Comuns*, comprising representatives of the *Consell de Cent*, the *Diputació* and the estate made up of leading citizens of Barcelona,⁹⁹ began to launch initiatives. The scope of the action of the Catalans of Barcelona even extended north of the Alberes, where the actions of the Sovereign Council enable us to detect the presence in Rosselló of sectors favourable to the Hague Alliance.¹⁰⁰ But the Catalan alternative was put down by the now very united Franco-Spanish army.

The examination of the Treaty of the Pyrenees and its consequences 350 years after the events is useful in that it enables us to grasp the plurinational character of the two monarchies and the dynastic-patrimonial nature of their frontiers. Diplomacy was merely the peaceful mirror-image of war and was set in motion only when money was running out and it became impossible to maintain fiscal pressure or military recruitment. The origin of the present-day frontiers lies in the military and diplomatic action of those monarchies, which took no account of the identity of the peoples involved. Historiography, moreover, has contributed decisively to endowing those dynastic-military frontiers with democratic legitimacy.

NOTES AND BIBLIOGRAPHY

- [1] Henri VAST studied all the negotiations, notably those between 1648 and 1658, in *Les Grands Traités du règne de Louis XIV, I: Traité de Münster, Ligue du Rhin. Traité des Pyrénées (1648-1659)*. Alphonse Picard et fils éditeurs, Paris 1893, pp. 65-71. He writes: "The negotiations lasted from 1643 to 1650 but did not succeed", p. 79. Joan REGLÀ also traced the various diplomatic meetings between the two

monarchies from 1648 until the Treaty was signed on 7 November 1659 on Pheasant Island. The following list includes only the major dignitaries: Vantorte/Peñaranda (Brussels, 1648-1649), Lionne/Peñaranda (Brussels, 1649), Pimentel/Mazarin (Cologne, 1651), Marquis de Sillero/Hispanic authorities (Low Countries, 1651) and Lionne/Haro (Madrid, 1656), Mazarin/Pimentel (Lyon-Paris, 1658-1659). The latter, despite Turenne's opposition, agreed on 7 May to suspend the hostilities and allowed Mazarin and Haro, who had full powers, to have the final word. Joan REGLÀ. "El Tratado de los Pirineos de 1659. Negociaciones subsiguientes acerca de la delimitación fronteriza". *Hispania*, XI No. XLII, Madrid 1951, pp. 101-166, especially pp. 109-116. A more recent historiographical account can be found in Rafael VALLADARES. "El Tratado de Paz de los Pirineos: una revisión historiográfica (1888-1988)". *Espacio, Tiempo y Forma, Serie IV, Historia Moderna*, 2 (1989), pp. 125-138. In this article it has not been possible to draw on the recent book by Daniel SÉRÉ. *La Paix des Pyrénées: vingt-quatre ans de négociations entre la France et l'Espagne, 1635-1659*. Honoré Champion, Paris 2007.

- [2] Núria SALES. "Tractà dels Pirineus, el Tractat dels Pirineus?" *Estudis d'Història Agrària*, 17 (2004), pp. 829-842 (the quotation is on pp. 832-833). H. Vast, for his part, writes: "The Treaty of the Pyrenees... (though) less important for Europe than the Treaties of Westphalia, was more important for France... France could hope to conquer and keep Belgium". *Les Grands...*, pp. 89-90.
- [3] Signatories of the League of the Rhine, Henri VAST. *Les Grands Traités...*, pp. 65-78.
- [4] Articles 122 and 123 of the Treaty. I consulted the following edition: *Tratado de Paz entre esta Corona y la de Francia ajustado por el excmo señor don Luís Méndez de Haro y Guzman, marqués del Carpio, conde-duque de Olivares, alcaide perpetuo de los Reales Alcazares y Ataraznas de la Ciudad de Sevilla, gran Canciller perpétuo de las Indias, comendador mayor del orden de Alcantara, del Consejo de Estado del Rey nuestro señor, gentilhombre de su Cámara y su cavallerizo Mayor y por el Eminmo señor cardenal Julio Mazarini*. Madrid, Imprenta de Domingo Garcia Morrás, 1660. Editions of the diplomatic texts which should also be taken into account include that of ABREU Y BERTODANO. *Colección de los los Tratados de Paz*, Vol 7. Madrid 1740-1752, pp. 114-246, and the French edition by H. VAST.
- [5] H. VAST. *Les Grands Traités*, I, p. 89. Vast's bibliography refers to the existence of French, Spanish, Latin and German versions of the Treaty, p. 90.
- [6] The spelling of place names in this article reflects the existence of two versions of the Treaty, one in French and one in Spanish. When the names of places in Catalan-speaking lands are referred to in

texts from the Treaty, their French and Spanish translations are used (e.g. Cerdagne/Cerdaña). Similarly, when such places are mentioned in quotations from French or Spanish-speaking contemporaries, the names are cited in the language used by the author of the quotation. In all other cases — in the body of the article and as part of original quotations in Catalan — the criterion applied throughout this journal is maintained: the Catalan place name is used.

- [7] George CLARK. *The seventeenth century*. Oxford University Press, 1972, pp. 128-129 (first edition, 1929). Robert MANDROU. *La France aux XVIIe et XVIIIe siècles*. Presses Universitaires de France, Paris 1967, p. 231.
- [8] Henri VAST. *Les Grands Traités...*, "Introduction", p. I.
- [9] Article 2.
- [10] The Treaty was actually drafted by the assistants of the two plenipotentiaries, Pedro de Coloma on the Hispanic side, and Hugues de Lionne on the French side. They wrote the articles in Hendaia on the basis of the minutes that reached them at the end of each day's negotiations. Joan REGLÀ. *El Tratado...*, p. 115.
- [11] Joël CORNETTE. *Chronique du règne de Louis XIV*. Sedes, St-Just-la-Pendue 1997, p. 71.
- [12] Josep SANABRE. *El tractat dels Pirineus i la mutilació de Catalunya*, Barcelona 1960, p. 28.
- [13] Josep SANABRE. *La acció de Francia en Catalunya (1640-1659)*, Barcelona 1956, pp. 351-365.
- [14] Josep SANABRE. *El tractat...*, p. 34.
- [15] The Catalan government at this period was known as the *Diputació* (or *Diputació del General*, or *Generalitat*). The three names are used interchangeably in the present article.
- [16] J. SANABRE. *El tractat...*, pp. 22-23.
- [17] J. SANABRE. *El tractat...*, p. 49. Louis XIV considered that Rosselló belonged to him. He said to his foreign secretary Hugues de Lionne: "You cannot be unaware that the counties of Roussillon and Cerdagne are the most ancient patrimony of my crown; that the crown of Spain has retained them from me for a long time under an illegitimate title" ("vous ne pouvez pas ignorer que les comtés du Roussillon et de Cerdagne sont de l'ancien patrimoine de ma couronne; que celle d'Espagne me les a retenues long temps sous titre illegitime"). The memory of the ancient Carolingian March or the fact that Rosselló was pledged to the King of France in 1462 by John II of Catalonia-Aragon could have caused him to speak in these terms.
- [18] Gaston ZELLER. "La monarchie d'Ancien Régime et les frontières naturelles". *Revue d'Histoire Moderne*, 8 (1933) pp. 305-333. Robert MANDROU. *La France...*, p. 230.
- [19] Charles VASSAL-REIG. *La guerre en Roussillon sous*

- Louis XIII (1635-1639). Préface de M. Louis BATIFFOL, administrateur de la Bibliothèque de l' Arsenal.* Éditions Occitania, Paris 1934, p. XII.
- [20] C. VASSAL-REIG. *La guerre...*, p. XIV. Article 13 of the Treaty of Péronne (18 April 1641) stipulated that the counties of Rosselló and Cerdanya could not be separated from the Principality of Catalonia. On the ambivalence of French historiography with regard to the acquisition of Rosselló in the 17th century, see: "Per què l'adquisició del Rosselló és presentada per la historiografia francesa com una conquesta militar més?" *Revista de Catalunya*, 90 (November 1994), pp. 23-38. The Catalans, in their plight, tended to legitimate the alliance with France and agreed to be vassals of Louis XIII "as their predecessors had formerly done in the times of Charlemagne". Josep SANABRE. *La acción de Francia en Cataluña.* Barcelona 1956, p. 132 (other references to Charlemagne are on pp. 102, 134 and 701). C. VASSAL-REIG, *Richelieu et la Catalogne.* Paris 1935, p. 188. Charlemagne, in view of the situation, was perceived by the Catalans as a sovereign who had emerged from the voluntary choice of a free people. On the relations between Catalonia and France, see also the recent book by Oscar JANÉ CHECA. *Catalunya i França al segle XVII. Identitats, contraidentitats i ideologies a l'època moderna (1640-1700).* Afers, Catarroja-Barcelona 2006.
- [21] C. VASSAL-REIG. *La guerre...*, p. XIV.
- [22] Peter SAHLINS. *Boundaries. The making of France and Spain in the Pyrenees,* University of California Press, 1989, pp. 37-38.
- [23] From the Catalan point of view these territories were: the magistracy of Rosselló and the sub-magistracy of Vallespir, the magistracy of Vilafranca del Conflent and the sub-magistracy of Capcir, and the magistracy of Puigcerdà. Lluís de PEGUERA. *Practica, forma y stil de celebrar Corts Generals en Catalunya y materias incidentes en aquellas,* Gerony Margarit, Barcelona. 1632. Facsimile edition, Ed. Base, Barcelona 1974, pp. 221-225, 227-234. Peguera was a Catalan juriconsult (1540-1610) and in this work he provides a description of Catalonia, listing all the country's towns and villages by magistracies and sub-magistracies.
- [24] Peter SAHLINS. *Boundaries...*, p. 65.
- [25] This was highlighted by Catalan historiographical research into the wars of the second half of the 17th century. See: Ferran SOLDEVILA. *Història de Catalunya,* Barcelona 1963, pp. 1060-1095. Joaquim ALBAREDA. *Els catalans i Felip V.* Barcelona 1993, pp. 11-58. Josep Maria TORRAS. *La Guerra de Successió i els setges de Barcelona (1697-1714).* Barcelona 1999, pp. 27-42. Antonio ESPINO. *Catalunya durante el reinado de Carlos II. Política y guerra en la frontera catalana, 1679-1697.* Bellaterra 1999.
- [26] Perpinyà saw itself as "Catalonia's perpetual rampart" ("muralla perpètua de Catalunya") and its "frontier against the French and other enemies (...) and the frequent object of attacks by them and of numerous wars." (i "frontera de francesos y de altres enemichs (...) y per aquells sovint infestada y molt garrejada"). Eva SERRA. "Perpinyà, una vila a Corts catalanes (Montsó, 1585)". *Afers*, 28 (1997) pp. 580 and 587.
- [27] *Cròniques del Rosselló. Segles XVI-XVII* in Antoni SIMON I TARRÉS; Pep VILA (Eds.). Barcelona 1998. pp. 100-101 and 103.
- [28] The Alberes mountains are the easternmost end of the Pyrenees. The part of Catalonia lying to the south of them still belongs to Spain, whereas the part lying to the north is part of France.
- [29] Under the Treaty the towns of Perpinyà, Argelers, Cotlliure, Salses, Tuïr, Vilafranca del Conflent, Vinçà and El Voló were deprived of representation in the Catalan parliament while Perpinyà and its magistracy were excluded from the law governing elections to the government of the Generalitat. Eva SERRA. "Ciutats i viles a Corts Catalanes (1563-1632): entorn de la força municipal parlamentària". *El món urbà a la Corona d'Aragó del 1137 als decrets de Nova Planta. XVII Congrés d'Història de la Corona d'Aragó.* Barcelona-Lleida, 7-12 de setembre de 2000. University of Barcelona 2003, Vol. III pp. 873-900. Eva SERRA. "La representació de la Catalunya Nord a les Institucions Polítiques Catalanes abans de l'annexió amb França". *Sessió de la Secció Històrico-Arqueològica a Perpinyà (20 d'octubre de 2004),* Institut d'Estudis Catalans, Secció Històrico-Arqueològica, Barcelona 2005, pp. 13-19.
- [30] Josep SANABRE. *El tractat...*, Barcelona 1960, pp. 74-77.
- [31] Josep SANABRE. *El tractat...*, pp. 60, 62.
- [32] Joan REGLÀ. "El tratado...", pp. 114-117. However, in order to get the negotiations underway Luís de Haro, according to Joan Reglà, took away documentation about Conflent, Cerdanya and Rosselló which the Viceroy of Catalonia, the Marquis de Olías, had taken from the Royal Archives in Barcelona along with a copy of the chapters of the *Anales de la Corona de Aragón* by Jerónimo Zurita which dealt with these territories.
- [33] Reglà explains that the terms for the restitution of these strongholds were modified in the secret treaties relating to the royal marriage. The handover was to take place when María Teresa crossed the Bidasoa. Then two French hostages were to enter in order to guarantee that the restitution was carried out. REGLÀ. "El tratado..." p. 120. The secret articles of the treaty and excerpts from the marriage contract between Louis XIV and María Teresa were published by H. VAST. *Les Grands...*, I, pp. 168-175 and 176-187. ABREU. *Colección...* published the

- Treaty and the marriage contract, VII, pp. 114-229 and 324-343.
- [34] Dr Andreu Bosch of Perpinyà dedicated Chapter 29 of his *Títols d'Honor* to the topic. It is entitled: "Of the five different opinions about what should be considered the beginning and promontory of the aforementioned Pyrenean mountains in the Mediterranean sea in the land of Rosselló and discourse in the land of Cerdanya for the purpose of establishing the demarcation between Spain and France and part of Narbonnese Gaul" ("De les sinch opinions diferents ahont se té de pendrer lo principi y promontori dels dits monts Pyreineus en lo mar Mediterraneo terra de Rosselló y discurs a la terra de Cerdanya per fer la divisió entre Espanya y França y part de la Gal.lia Narbonesa"). Andreu BOSCH. *Summari, Índex o Epítome dels admirables y nobilíssims títols d'honor de Catalunya, Rosselló y Cerdanya y de les gràcies, privilegis, prerrogatives, preheminències, llibertats e immunitats gosans segons les pròpies y naturals lleys*. Pere Lacavalleria estamper, Perpinyà 1628, Facsimile edition, Curial, Barcelona-Sueca 1974, Chapter 29, pp. 117-124. The quotation is from page 117. P. Sahlins also explains that Mazarin had difficulties comprehending Pyrenean topography and consulted maps with assistance from the Catalan doctor in law Ramon Trobat to support the claim to Conflent and part of Cerdanya. Many of his maps, however, showed mountains where there were none. *Boundaries...*, pp. 54 and 55.
- [35] In fact the *Marca Hispanica* was a posthumous work, published in 1688 by the secretary of Pèire de Marca, Étienne Baluze, and dedicated to Jean-Baptiste Colbert, the minister of Louis XIV. Baluze took up Marca's ongoing project and completed it. His preface to the reader contains an account of the Ceret negotiations from the viewpoint of the French commissaries. With respect to the *Marca Hispanica*, see Tomàs de MONTAGUT [Bibliography]. *Anuario de Historia del Derecho Español*. Vol. LXX (2000), pp. 626-630, and Jesús VILLANUEVA. "La Marca Hispanica de Pierre de Marca y Étienne Baluze a través de sus tres momentos de composición (1648-1650, 1660, 1688): de «ilustración» humanista a colección documental". *Pedralbes*, 24 (2004) p. 205-231. Núria Sales, commenting on the book by Blandine BARRET-KRIEGL. *Les historiens et la monarchie* (1988), explained the complex way in which interests of State intertwined with the patronage of scholars and monasteries in the 17th and 18th century. She writes: "in 1683 Colbert showed the need to commission knowledgeable people to produce vast compilations of 'provincial' history". It seems likely that the *Marca Hispanica* was part of this plan of Colbert's. Núria SALES. "Dom Mabillon, dom Lobineau" i el P. Villanueva una No-història?". *Afers*, 10 (1990), pp. 521-532.
- [36] Ph. TORREILLES. "La délimitation de la frontière en 1660", *Revue d'Histoire et d'Archéologie*, I (Perpinyà, 1900) p. 24. Marca claimed the whole of Cerdanya, La Seu d'Urgell and its region and the viscounty of Castellbò, SANABRE. *El Tractat...*, p. 82.
- [37] "Arguments relating to counties, magistracies and sub-magistracies, arguments taken from authors from Ancient Greece and Rome and geographical arguments were used by both sides," writes Núria Sales, "except that different ones were selected and they were interpreted differently: thus when P. de Marca had to give up his Greater Cerdanya, he invoked the supposed original limits of the county of Rosselló to lay claim to Conflent, while the Spanish commissaries showed that Conflent had not formed part of it, but rather that the former counts of Cerdanya had also been counts of Conflent. As for Mount Canigó, P. de Marca simply wiped it off the map, claiming that there were no mountains between Rosselló and Conflent except 'a hill called the Col de Terranère' ('une colline que l'on appelle le col de Terranère'). SALES. "Tractà dels Pirineus...", p. 836, Note 17.
- [38] Article 33 and secret articles appended to the general treaty. REGLÀ. "El Tratado...", pp. 115 and 120.
- [39] The King of France was to receive thirty-three villages. On 13 August 1660 Serroni wrote to Mazarin: "I have already managed to obtain twenty-eight, which in fact means more than fifty, because the word Your Excellency added about villages under jurisdiction has enabled me to gain ten, though they count only as one, and I have received as two some that in fact number four or five" ("je m'en suis fait desja accorder vingthuit, qui sont effectivement plus de cinquante, car le mot que VE fait adjouter des villages avec jurisdiction, m'on fait gagner dix, que ne sont compter que par un, et je n'ay receu que par deux, ceux qui sont en effect que quatre ou cinc"), SANABRE. *El tractat...*, p. 88. It was its status as a town under royal jurisdiction that made possible the outlandish solution found for Llívia.
- [40] J. SANABRE. *El Tractat...*, p. 89.
- [41] Eduard VIVAS I LLORENS. "Panissars històric i monumental". *Annals de l'Institut d'Estudis Empordanesos*, 26 (1993), pp. 35-58.
- [42] Ten articles set out the procedure to be followed for the normalization of legal affairs on the basis of the provisions in Articles 55, 57, 58, 59 and 112 of the Treaty. REGLÀ. "El Tratado...", pp. 139-146; SAHLINS. *Boundaries...*, pp. 54-59.
- [43] Núria SALES. "Tractà dels Pirineus...", p. 830 Note 9.
- [44] In this connection Joan Reglà indicates that Mazarin wanted to prevent parliamentary resistance such as had been put up by the States of Burgundy in 1526. At that time Francis I had taken advantage

of the situation by refusing to relinquish Burgundy on the grounds that the States of Burgundy were withholding recognition of the 1526 Treaty of Madrid, which had been drawn up without consulting them. For the rest of the 17th century the Catalan government (Diputació del General or Generalitat) went on considering the magistracies of Rosselló, Conflent and part of Cerdanya as its own territory for electoral purposes (*insaculació*) and its administrative documents never acknowledge the renunciation of Northern Catalan territory. The meeting of the Catalan parliament (Corts de Barcelona) convened in 1705-1706 by Archduke Charles III alluded to it frequently. Several Catalan claims to the same effect were made, such as the anonymous booklet published in 1734, *Via fora els adormits*, mentioned by Ferran SOLDEVILA in his *Història de Catalunya*. Barcelona 1963, p. 1067.

- [45] Articles 34-40 and 61.
- [46] Article 61. Articles concerning the restitution of territory to the Catholic King: 44 (county of Charolais but under the sovereignty of the King of France), 46 (Ieper/Ypres), 47 (Valenza on the Po and Mortara), 48 (county of Burgundy). Articles concerning the conditions governing evacuations: leaving without causing damage (50); artillery and other military equipment can be removed (51); debts to the inhabitants must be paid prior to departure (52); the Most Christian King pardons the Hesdin garrison (53); all types of documents and title deeds attesting ownership must be returned (54).
- [47] Article 110.
- [48] Article 41.
- [49] Article 60.
- [50] Articles 62-78 and 121 relate to the Duke of Lorraine.
- [51] Articles 45, 79-87 and 117.
- [52] Article 88.
- [53] Articles 21, 22, 89, 90, 108 and 109.
- [54] Articles 91-100.
- [55] Article 101.
- [56] Swiss cantons, Article 102; Grisons, Article 103; Monaco, Article 104; Duchesse de Chevreuse, Article 105.
- [57] Articles 112, 113, 114, 115, 116, 117, 118, 119 and 120. Articles 49, 116 and 118 refer, as mentioned earlier, to the Catalan strongholds of Roses, Fort de la Trinitat and Cadaqués.
- [58] On prisoners of war, Articles 106, 107 and 111.
- [59] Article 124. Vast indicates that the Treaty was registered on 21 July 1660 in the Parliament in Paris and in the course of the year in various provincial parliaments, but says that "on the other hand, the court in Madrid seems to consider Article 124 as void". The Treaty was registered neither in Castile nor in the Low Countries. VAST. *Les Grands...*, I, p. 166.
- [60] Final considerations of the Treaty.
- [61] Articles 55, 56, 57, 58 and 59. The Treaty tries to establish patterns for solving the complex casuistry of the restitutions with regard to matters such as loans, property under dispute, *lluïsmes* (*laudesima*, a type of property transfer tax), pro-rata agreements and advance payments, and to regulate as far as possible the return of confiscated property, etc. The talks in Figueres laid down the rules to be followed in these matters in the case of Catalonia. Articles 28-31 also refer to civil restitutions in various geographical areas. In Article 32 both monarchs agree to uphold ecclesiastical appointments made during the war.
- [62] Articles 5, 6, 7, 8, 9, 25, 26 and 27. Merchants and subjects who travel are entitled to a lawyer and can keep their accounts in "whatever language they want, Spanish, French, Flemish and others, and may not be importuned or investigated for this reason" ("la lengua que quisieran, en español, francés, flamenca o otras sin que por esto puedan ser molestados e inquiridos") (Article 25).
- [63] Article 10.
- [64] Articles 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.
- [65] Article 24.
- [66] Articles 1,2, 3 and 4. Article 4 called for "All causes of enmity or disagreement [to] be wiped out and extinguished for ever and everything that has been said or has occurred as a result of the present war or during the time of the war [to] be relegated to perpetual oblivion". ("Todos los motivos de enemistad o mala inteligencia quedaran borrados y extinguidos para siempre y todo lo que se ha dicho y pasado por razón de la presente guerra u en el tiempo della se pondran en perpétuo olvido").
- [67] SANABRE. *El Tractat...*, p. 79.
- [68] For the quotations from Parets, see Antoni SIMON I TARRÉS. "L'estatus de Barcelona després de la pau dels Pirineus, presidi o ciutatella?". *Estudis*, 32 (2006), pp. 240 and 241.
- [69] Ferran SOLDEVILA. *Història de Catalunya*. Barcelona 1963, pp. 1090-1095; SALES. *Història de Catalunya. Els segles de la decadència. Segles XVI-XVII*. Barcelona 1989, p. 396; ALBAREDA. *Els catalans...*, pp. 36-50; ESPINO. *Cataluña durante...*, Chapters 1, 2 and 3. As Soldevila says, on the eve of the War of the Spanish Succession, "political intrigues mingled with the war, while the defence of Catalonia was subordinated to the interests of the pro-French party, which was rapidly gaining supporters at Court", p. 1091.
- [70] Núria SALES. "Tractà dels Pirineus...", p. 830, Note 9.
- [71] Pau de la FÀBREGA PALLARÈS. *L'ofertament de retrocessió del Rosselló a Espanya (1668-1677)*, Barcelona 1994. On this point H. Vast says that between 1643 and 1650 "Mazarin would have liked to facilitate France's acquisition of all the conquests made in the Low Countries and Franche-Comté, in ex-

- change for Catalonia and Roussillon”, *Les Grands...*, p. 80.
- [72] Pau de la FÀBREGA. *L’oferiment...*, pp. 30 and 38-39. In the letter Louis XIV also expressed his willingness to offer assistance to the Hispanic king in the form of troops, ships and money “for the conquest of Africa, which is so close to his Crown and which is so necessary to him for trade and for the security and defence of his maritime strongholds”.
- [73] SAHLINS. *Boundaries...*, p. XV.
- [74] J. SANABRE. *Resistència...*, p. 73. Pere GIFRE. “Família i patrimoni a l’època moderna, segles XVI-XVIII” and Miquel PÉREZ LATRE. “Els Llupià i la política a l’edat moderna”. *Història dels Llupià (1088-1771) i dels llinatges incorporats: Icard, Roger i Vallseca*. Edicions Trabucaire, Canet 2006, pp. 85-129 and 141-184.
- [75] “[and] not to share their dislike of the French” D.M.J. HENRY. *Histoire du Roussillon*. Paris 1835, II, p. 417. On factors of identity in Rosselló: Oscar JANÉ. *Catalunya i França al segle XVII...*
- [76] The Consell de Cent (Council of One Hundred) is the name given to the Barcelona municipal council. The Generalitat (cf. Note 14) is the Catalan government. The system of *insaculació* (also known as *sac i sort*) consisted of making appointments to public office by drawing lots.
- [77] Josep Maria TORRAS I RIBÉ. “El projecte de representació dels catalans de 1652”. *La revolució catalana de 1640*, Barcelona 1991, p. 251. On the criminalization of Barcelona, see Fernando SÁNCHEZ MARCOS. “El nuevo ‘status’ de Barcelona tras su reincorporación a la monarquía hispánica en 1652”. *Homenaje al Dr D. Juan Reglà Campistol*. Valencia 1975, Vol I, pp. 597-609. Antoni SIMON. “L’estatus de Barcelona...” and Antoni SIMON. *Ecos catalans i hispànics de la caiguda de Barcelona el 1652*. Institut d’Estudis Catalans, Barcelona 2007.
- [78] SANABRE. *El tractat...*, p. 91 and J. SANABRE. *Resistència del Rosselló a incorporar-se a França*, Barcelona, 1970, pp. 70-71.
- [79] SANABRE. *Resistència...*, pp. 94, 96.
- [80] Deputació is a variant spelling of Diputació (see Note 14).
- [81] Josep SANABRE. *El Tractat...*, p. 91.
- [82] J. SANABRE. *La acción de Francia...*, p. 596 and SANABRE. *Resistència*. pp. 91-92. Also G. CLERC. *Recherches sur le Conseil Souverain de Roussillon, 1660-1790: organisation et compétences*. 2 Vols. Law thesis. University of Toulouse, 1973. Moreover an edict issued in February made it compulsory for notarial deeds, public documents, proceedings and verdicts to be drawn up in French. Raymond SALA. *Dieu, le roi, les hommes. Perpignan et le Roussillon (1580-1830)*. Perpinyà 1996, p. 218.
- [83] Anette SMEDLEY-WEILL. *Les intendants de Louis XIV*. Fayard, 1995, p. 60.
- [84] SAHLINS. *Boundaries...*, p. 56.
- [85] SANABRE. *El Tractat...*, p. 90.
- [86] SAHLINS. *Boundaries...*, Chapter 2, pp. 61-102. On the continuation of trans-Pyrenean trade, see Patrice POUJADE. *Une société marchande. Le commerce et ses acteurs dans les Pyrénées modernes*. Tempus, PUM, 2008.
- [87] SAHLINS. *Boundaries...*, pp. 95-96. The English translation of the words of the Marquis d’Argenson is also taken from Sahlins.
- [88] Eva SERRA I PUIG. “Tarifs douaniers dans la Catalogne Moderne” in Gilbert Larguier (Ed.). *Douanes. États et Frontières dans l’Est des Pyrénées de l’Antiquité à nos jours*. PUP-AHAD, Perpinyà 2005, pp. 61-88, especially p. 81.
- [89] *La guerra de la sal*, R. MEGERAND and R. SALA (Eds.), Perpinyà 1985.
- [90] Alice MARCET. “Une révolte anti-fiscale et nationale: les Angelets du Vallespir (1663-1672)”. *Actes du 102e Congrès National des Sociétés Savantes*. Limoges 1977, Section d’histoire, Bibliothèque Nationale, Paris 1978, Vol. I, p. 35-48. Alain AYATS. *Les guerres de Josep de la Trinxeria (1637-1694). La guerre du sel et les autres*. El Trabucaire, Perpinyà 1997.
- [91] The nickname may have arisen out of the speed at which the rebels were able to appear and disappear, owing to their familiarity with the mountains and the form of guerrilla warfare they employed, or it may be a reference to Saint Michael, the patron of the wool manufacturers of Prats de Molló.
- [92] SANABRE. *Resistència...*, p. 112.
- [93] SANABRE. *Resistència*, pp. 113-114. Descatllar had the support of important families of Vilafranca del Conflent such as the Llar, Soler, Miquel and Prats families. “On seeing that the principality had rid itself of those who were now considered only as oppressors,” writes Henry, “they too sought to escape from them, and appealed to their compatriots for assistance”. *Histoire...*, II, p. 417.
- [94] Albert GARCIA ESPUCHE. *Barcelona entre dues guerres. Economia i vida quotidiana (1652-1714)*. Vic 2005, pp. 147-198.
- [95] The name refers to the traditional headgear of Catalan peasants and sailors.
- [96] Joaquim ALBAREDA. *Els catalans...*, pp. 31-50. Jaume DANTÍ. *Aixecaments populars als Països Catalans (1687-1693)*. Barcelona 1990, pp. 119-158.
- [97] J. ALBAREDA. *Els catalans...*, p. 35.
- [98] The Catalan laws (*constitucions*) approved at meetings of parliament (the Catalan Courts) held during the reign of Archduke Charles III (1705-1706) often refer to the “our towns in the Present Principality of Catalonia and the Counties of Rosselló and Cerdanya” (“viles nostres del Present Principat de Catalunya i Comtats de Rosselló i Cerdanya”).
- [99] Eduard MARTÍ. “La Conferència dels Comuns. Una

institució per a la defensa de les institucions a Catalunya (1698-1714)". J. SOBREQÜÉS (coord.). *Actes del 53 Congrés de la Comissió Internacional per a l'Estudi de la Història de les Institucions Representatives i Parlamentàries*, Vol. I. Parlament de Catalunya, Museu d'Història de Catalunya, Barcelona 2005, pp. 447-466. Also *Ibidem*, *La Conferència dels*

Tres Comuns, Treball d'iniciació a la recerca. Institut Universitari Jaume Vicenç-Vives-Universitat Pompeu Fabra, Barcelona, September 2005.

[100] Mònica FERRER. "El suport a l'arxiduc en els combats del Rosselló i la Cerdanya durant els primers anys de la guerra". *L'Avenç*, 206 (September 1996), pp. 34-39.

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