



OUTSIDER AND INSIDER VIEWS OF PHILIP V'S MONARCHY: RÉAL DE CURBAN AND ABBÉ DE MONTGON

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ABSTRACT

This article examines two French printed sources that reflect on the Spanish monarchy under Philip V (1700–1746): Gaspard Réal de Curban's *La Science du Gouvernement* (1760–1764) and the *Mémoires* of the abbé de Montgon (1748–1753). The former seeks to label and classify Philip V's realm through a broad comparative approach encompassing public law, the law of nations, and what would today be described as political science. The latter, by contrast, offers a detailed (subjective and lively) *ex post* narrative of court intrigues and secret diplomacy between Versailles and San Ildefonso. While the former situates well-known episodes -such as Ripperda's extraction from William Stanhope's residence- or institutions -such as the organisation of colonial trade- against the backdrop of the developing European law of nations, the latter reveals the lived reality of a transnational court society, in which female actors and confessors could weave together multiple strands of influence.

KEYWORDS: legal history; Spanish Succession; law of nations; Bourbon monarchy.

VISIONES DESDE FUERA Y DESDE DENTRO DE LA MONARQUÍA DE FELIPE V: RÉAL DE CURBAN Y EL ABAD DE MONTGON

RESUMEN

Este artículo examina dos fuentes impresas francesas que reflexionan sobre la monarquía española bajo Felipe V (1700–1746): *La Science du Gouvernement* (1760–1764) de Gaspard Réal de Curban y las *Mémoires* del abad de Montgon (1748–1753). La primera obra intenta identificar y clasificar el reino de Felipe V mediante un amplio enfoque comparativo que abarca el derecho público, el derecho de gentes y lo que hoy denominaríamos ciencia política. La segunda, en cambio, ofrece un relato *ex post* detallado (subjetivo, vivaz) de intrigas cortesanas y diplomacia secreta. Mientras que la

primera sitúa episodios bien conocidos -como la extracción de Ripperda de la residencia de William Stanhope- en el contexto del desarrollo del derecho de gentes europeo, la segunda revela la realidad vivida de una sociedad cortesana transnacional, en la que actores femeninos o confesores podían entrelazar múltiples hilos de influencia.

PALABRAS CLAVE: historia del derecho; sucesión Española; derecho de gentes; monarquía borbónica.

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The establishment of a second Bourbon branch in Spain and the ensuing conflicts have caught scholarly attention in several novel and original ways in the past two decades. Diplomatic and Franco-Spanish bilateral aspects have been in the centre of historiography for centuries (e.g.: MIGNET, 1835; BAUDRILLART, 1890; LEGRELLE, 1892; BOURGEOIS, 1909), with recent renewals (DÉSOS, 2009; HANOTIN, 2018; LLORET, 2024). Original work reconsiders the Atlantic face of the Spanish monarchy (CRUZ GONZÁLEZ, 2006) and its enduring economic importance (KUETHE & ANDRIEN, 2014), Philip V's action in North Africa as well as the resurgence of the House of Bourbon in the Italian peninsula (STORRS, 2016), which was earlier described as a 'national program' integrated as such by his minister José Patiño (BÉTHENCOURT-MASSIEU, 1999: 33, 61). From the fields of history of political thought and legal history, alternative pre-Enlightenment schemes and visions of the Spanish empire in the shadow of Philip V's 'erratic approach to power' are being studied (JONES CORREDERA, 2021: 32; FERNÁNDEZ DURAN, 2025). Alongside a renewed examination of interpoly relations following the Peace of Utrecht (ALBAREDA I SALVADÓ et al., 2014; ALBAREDA I SALVADÓ & SALLÉS VILASECA, 2021; SALLÉS VILASECA, 2024), scholars are progressively uncovering the intricate political, economic, and ideological factors that underpinned this turbulent reign. The state of the art has taken such proportions, that one could be tempted to wonder if any further additions would be possible.

In this contribution, I endeavour to focus on two French print sources, which appeared after Philip V's death, and offer a double image of the reign of Louis XIV's second grandson. Firstly, Gaspard Réal de Curban's *La Science du Gouvernement*, published in the 1760s but composed in the 1740s and 1750s, during the reign of Philip V's successor Ferdinand VI (RÉAL DE CURBAN, 1760-1764). This multi-volume

work offers an impressive comparative overview of public law (including the law of nations), as well as a thorough bibliographical survey of early modern scholarship. It has been translated into German (RÉAL DE CURBAN, 1766) and Spanish (RÉAL DE CURBAN, 1775). I will address Réal’s description of Spanish public law, as well as the appearance of Philip V and the numerous wars during his reign (War of the Spanish Succession, War of the Quadruple Alliance, War of the Polish Succession, War of the Austrian Succession) as far as they are seen as relevant by Réal for the development of state practice.

Secondly, I will briefly revisit an episode that, while not resulting in full-scale war, brought France and Spain to the brink of a general conflict. In 1725, the conclusion of a treaty of peace, as well as one of alliance and one of trade and commerce between Philip V (KAMEN, 2001) and Charles VI (LEÓN SANZ, 2003), broke off the peace congress of Cambrai (DHONDT, 2013), and triggered the constitution of a counter-alliance between France and Britain (DHONDT, 2011a; MUR RAURELL, 2011). Then, we will turn to the intriguing memoirs of abbot de Montgon (MONTGON, 1748; DURENG, 1911: 26), a French cleric who claimed to have been privately assigned a mission by the Duke of Bourbon, Prime Minister from 1723 to 1726 and cousin of the King of France: “*il plut alors à la Divine Providence de me conduire contre toute apparence, & par une suite d’événemens singuliers, à devenir en France le seul sur qui le Duc de Bourbon pût jeter les yeux*” (MONTGON, 1748: I, 27)

The dynastic ambitions of the Bourbon-Condé, who can be likened to those of the Orléans branch of the Bourbon family, are well-known (BÉLY 2003). When the Duke of Bourbon is brought down and ultimately succeeded by Cardinal Fleury (1653-1743) (CAMPBELL, 1996; MALCOR, 2023), France and Spain are gently reconciled, which leads to the preliminary articles of peace concluded in Paris and Vienna in May and June 1727. The ensuing Congress of Soissons, which I treated elaborately elsewhere (DHONDT, 2022), started yet another round of both multilateral and bilateral talks (DHONDT, 2024a).

Montgon claimed to have been sent by the Duke of Bourbon, in order to broker a deal favourable to the case of the latter’s house in France. This would have caused his progressive sidelining, and, ultimately, disgrace and arrest at the Cardinal’s command. Unfortunately, the volumes of Montgon’s memoirs do not reach the end of that story,

but they do portray interactions with hundreds of courtiers, clerics, diplomats, merchants, bankers and other protagonists both in France and Spain. Montgon resides at the Spanish court, portraying both male and female actors (notably absent from Réal de Curban’s analysis), accompanying the royal couple to Seville and Santa María. Philip V’s itineraries with court or army brought Henry Kamen to the statement that he had had ‘more contact with his subjects [...] than any Habsburg ruler since Philip II’ (KAMEN, 2001:219). The abbot also travelled to Lisbon for the wedding of the future King José I of Portugal (1714-1777) and Maria Anna Victoria of Spain (1718-1781), Louis XV’s former betrothed bride, on 27 December 1727 (MONTGON, 1748: VI, 61).

Philip V in Réal de Curban

Réal de Curban and the European Balance

Réal de Curban’s best known fifth volume provides a consistent overview of the law of nations (FEDELE, 2020) applicable to interpolity relations. Not unlike his contemporary Vattel (1714-1767, JOUANNET, 1998), Réal situated the law of nations within the context of an integrated system of interpolity relations in Europe. In an almost identical formulation as Vattel, Réal stated in the sixth volume (“*le traité de politique*”):

“*l’Europe entière n’est que comme un corps formé par la liaison des intérêts des Princes qui y dominant. Ces Princes, à parler en général, regardant l’Europe comme une balance dont le côté plus chargé enlève l’autre, & croient qu’afin que l’Europe soit dans une assiette solide & tranquille, il doit y avoir, entre les parties principales, ce point d’équilibre qui empêchant qu’aucun des deux côtés de la balance ne pache, fait la preuve qu’ils sont dans un exact niveau*” (RÉAL DE CURBAN, 1764: VI, 443, Vol. VI, Chapter III, Section I, § III).

Réal explicitly refers to natural sciences to explain the analogy (“*aussi certain & aussi inévitable que dans les choses physiques*”): what happens at the extremities of the world we inhabit, according to the ‘laws of moral movement’, will rapidly spread to neighbouring parts, and will quickly be known by even the most remote polities. Therefore, an ‘exact equality’ between powers (“*Potentats*”) is necessary: as the jealousy of a too formidable power will be taken away from its competitors, peace will be maintained (RÉAL DE CURBAN, 1764: VI, 443). Not a single aspect of the

European powers’ life can be seen as aloof from the ‘common interest of Europe’ (RÉAL DE CURBAN, 1764: VI, 445).

However, writing after the bloodshed of the War of the Austrian Succession... “*que de flots de sang*” result from the obsessional quest for the balance, that idol or divinity (RÉAL DE CURBAN, 1764: VI, 446). Or, as one could reformulate, the dynamic aspect of balance of power-thinking allows to invoke it as a just cause to take up arms (LUARD, 1992). The Balance of Power is not content with the smoke of incense nor with the scent of perfumes; she demands human victims, and already more have been sacrificed to her than were ever immolated throughout the whole Universe to all the ‘most murderous Divinities of Paganism’ (RÉAL DE CURBAN, 1764; VI, 446).

Réal admirably captured the essence of the twin drivers behind the omnipresent use of balance of power-rhetorics in the first half of the eighteenth century. On the one hand, it is static, and serves as a synonym for sovereign equality, or security (DHONDT, 2015a). On the other hand, invoked as a pretext to take up arms: “*Cet équilibre, qui doit rendre chacun maître chez soi, si dangereux à chercher, & encore à trouver; & si on l’avoit trouvé, il seroit impossible à conserver*” (RÉAL DE CURBAN, 1764: VI, 447).

What causes the instability of the European balance? As we will see further below, Réal loathes the passions, or what contemporary IR scholars would call the role of emotions. As Europe is divided into many actors with a degree of agency akin to external and internal sovereignty, tumultuous internal and external evolutions are countless: the “inclination” of a people, the principles of statecraft, a change of ruler or internal revolutions make a point of balance hard to find. Perfect “equality” within the European balance is not to be attained in an absolute parity of power, but rather in a “*parfaite égalité de génie*” between two sovereigns and their diplomats (RÉAL DE CURBAN, 1764: VI, 447). *Chimérique* (JUSTI, 1758)! A new succession claim will lead to the increase in power of one player, and thus to the reversal of the balance. Hence the attempts of Réal’s contemporary abbot Saint-Pierre (1713, 1717) to “freeze” existing territorial claims in Europe, as a necessary precondition to the operation of a European Senate (DHONDT, 2020). Internal troubles will also lead to a perceived change, just as the increase in power of one of the monarchs’ allies. However, the key drivers, besides all these potential factual pretexts, are the “*ambition, jalousie, désirs de haine et de vengeance*” (ambition, jealousy, hate and revenge feelings)!

This general description is followed by an immediate specific example: Charles V and Philip II dominated France with the House of Austria (which Réal sees as the key element to the balance of Europe, in its antagonism with the ‘House of France’). Yet, “forty years of bad government” weakened the House of Austria a lot, with the example of Louis XIV’s expansion and the “*abaissement*” of Spain under Charles II (RÉAL DE CURBAN, 1764: VI, 447; STRADLING, 1981). Irrespective of new historiographical assessments (RIBOT, 2018), the reader would automatically be tempted to see how Réal would classify the decisions of Philip V, whose emotional leanings, obsession with the French succession (BAUDRILLART, 1889; GRELL, 2007; HAEHL & HILDESHEIMER, 2015) and mental health-issues were a topic in European news, pamphlets and diplomacy throughout the first half of the century.

As older historiography has argued, one could oppose the reproach of instability or unreasonable tenacity to the reality of the enduring and invariable demands formulated by the court of San Ildefonso. In the 1720s and 1730s alike, Philip V switched between alliances and agreements, but invariably demanded the restitution of Gibraltar (RÉAL DE CURBAN, 1764: VI, 522), the end of British commercial abuses in the Spanish Empire, as well as the return to Italy through his children with Elisabeth Farnese. As Béthencourt-Massieu expressed it in a lapidary way: “*una de las mujeres más inteligentes de todo el siglo XVIII, con una inteligencia puesta al servicio de una ambición desmesurada*” (BÉTHENCOURT-MASSIEU, 1999: 42).

How does Réal treat these issues?

Bourbon Spain, “trop foible”?

For Réal, the “dismemberment” of the Spanish monarchy at the treaties of Utrecht ought to assure the King of France: Spain was “*trop foible pour rien entreprendre contre la France*”. Moreover, “no” quarrels existed between the two crowns, which could only benefit from mutual trade. This, for Réal de Curban, was especially the case after the War for Jenkins’ Ear (1739-1748), whereby Spain blocked imports from the United Kingdom, which generated opportunities for French merchants (RÉAL DE CURBAN, 1764: VI, 508; Chapter III, Section XII, § LII; see; ROUSSET DE MISSY, 1740; WOODFINE, 1998; BÉTHENCOURT-MASSIEU, 1999: 451-518). France and Spain

are natural allies, especially since the whole of Europe resents their union, as the treaties of Utrecht illustrate (RÉAL DE CURBAN, 1764: VI, 509–10).

However, are things so simple in practice? Réal recalls that since the Peace of Utrecht, Philip V had had three times “*des déplaisirs sanglans*” from France, but also reunited with France three times. The first case is that of 1717–1720, whereby “the ministers of the Catholic King wanted to perturb the tranquillity of Italy, and excite a revolt in France” (CORNETTE, 2008; RÉAL DE CURBAN, 1764: VI, 510; SALLÉS VILASECA, 2024). As a result, Britain destroyed the Spanish fleet, France attacked on land. This, however, did not stop the betrothal of Louis XV and the infanta Maria Anna Victoria, as well as reconciliation. The second instance is the dismissal of Louis XV’s betrothed future bride, where anger brought Philip V to an alliance with Charles VI, “his natural enemy” (RÉAL DE CURBAN, 1764: VI, 510). Yet, some “light sacrifices” softened the Catholic King, who concluded a new alliance to wage war on the Emperor. The third instance, finally, is that whereby Philip V was angry with the separate peace concluded between Louis XV and Charles VI in 1735. In the end, however, four years later, Spain did accede, “*pour complaire au Roi Très-Chrétien*”. Two family pacts “brought French and Spanish to the apex of joy” (“*deux alliances de famille qui ont comblé de joie les François & les Espagnols*”, RÉAL DE CURBAN, 1764; VI, 511).

Hence, rather than to quarrel between them, the “natural allies” France and Spain ought to join forces to weaken Britain! Réal reproaches successive British monarchs and governments to preach the balance of power on the continent, but to practice quite the opposite on the high seas. British power exists “*que par leur commerce*” (RÉAL DE CURBAN, 1764; VI, 505, Chapter III, Section XII, §XLIX).

Philip V and the law of nations

Réal does not only provide the theoretical framework of the main topics (embassies – war – treaties – titles and prerogatives), but also illustrates them to the largest possible extent with contemporary state practice. I have argued elsewhere that Réal shares this distinctive element with his famous contemporary Emer de Vattel (DHONDT, 2015b).

The first mention of Philip V pops up in the sixth paragraph of Section VI of Chapter I, treating embassies, notably concerning the right of embassy (*ius legationis*)

in case a prince has been “dethroned” and his usurper intends to exercise the right to be diplomatically represented at another sovereign’s court. “*Le droit de Représentation imprime tant de majesté, qu’il ne peut découler que du pouvoir souverain*” (RÉAL DE CURBAN, 1764: V, 86, Chapter I, Section VI, §I). Recognising the latter’s envoy, means recognising “the sovereignty of the prince employing him” (RÉAL DE CURBAN, 1764: V, 86). Only sovereigns can send ambassadors. Logically speaking, only sovereigns can receive them. Only ministers sent by a sovereign to another sovereign can thus enjoy the protection of the law of nations (RÉAL DE CURBAN, 1764: V, 86).

Philip V is of course an obvious candidate for this category, as both he and Charles of Habsburg vied for recognition of their claims to the Spanish throne by pope Clement XI (1649-1721) (FRESCHOT, 1706; MARTÍN MARCOS, 2011). Réal condemns the Albani pope’s ambiguous attitude: he recognised first Philip of Anjou, but afterwards also Charles of Habsburg, while Austrian armies were controlling the Italian peninsula by 1707. This is not an “honourable” practice, but maybe merely a matter of necessity, according to Réal (RÉAL DE CURBAN, 1764; V, 94; Section VI, §VI). In a surprisingly contemporary way, still resounding in the 21st century, Réal does away with the distinction between fact and law, which merely served, in his eye, as a pretext:

“I recognised this prince, because he is the possessor, and thus King in fact. I also recognised the other Prince, because his right seemed well-founded. Although he only possesses part of a State, or even nothing at all, he is King in his own right [*de droit*].”

‘J’ai reconnu, dit-on, ce Prince, parce qu’il est possesseur & par consequent Roi de fait. J’ai reconnu cet autre Prince, parce que son droit m’a paru fondé; & quoiqu’il ne possède qu’une partie de l’Etat, ou qu’il n’en possède rien du tout, il n’en est pas moins Roi de droit’ (RÉAL DE CURBAN, 1764 ; V, 94).

Réal lamented that sovereigns, using the distinction between *possessio* (factual control with an appearance of a right) and *dominium* (property), construct mannerist arguments, to save appearances. The laws of politics seem to authorise their conduct, but cannot justify it. This practical use of legal language, however, is indispensable. No prince would dare to declare “*à la face de l’Univers*” that he had changed his views for his own interest, or by force. Not only a kind of common consciousness of mankind (“*reputation*”), but also mere “*amour propre*” explain this restraint.

However, the position of the papacy is peculiar. In case of rows between Catholic polities, Rome can least afford to refuse a pretender a title granted to his competitor. The *MAGALLÁNICA, Revista de Historia Moderna* ISSN 2422-779X 12/23, (2025: 256-286) <http://fl.mdp.edu.ar/revistas/index.php/magallanica>

Pope, as *Père commun des Fidèles*, cannot violate his “neutralité” (RÉAL DE CURBAN, 1764, V, 94-95; CATTELAN & DHONDT 2025). Other sovereigns can afford to break off all interactions with another, who might for example have hurt one by insultingly recognising a disputed title. The Pope, however, cannot abort relations with a Catholic sovereign, without violating his duty as *Père commun*. Reciprocally, no Catholic sovereign can do the same, without violating one’s duty as child of the Church (“*Enfant de l’Eglise*”, RÉAL DE CURBAN, 1764: V, 95).

The next appearance of Philip V’s reign (Section IX, paragraph IX) is the well-known episode of the Duke of Ripperda’s downfall (VAN DER VEEN 2007). Réal describes how Johan Willem Ripperda (1682-1737), having been dismissed as Prime Minister, could withdraw with an allowance and decided to retire in the residence of the English [sic] ambassador in Madrid. His movable and most precious goods were carried at night by the Dutch ambassador’s ‘mulets’ (RÉAL DE CURBAN, 1764: V, 196-199). The section treats the criminal and civil jurisdiction of a host state on a diplomat’s residence. Ripperda’s case, obviously, focuses on the right of the host state to capture a person in an ambassador’s residence. The British ambassador, William Stanhope (1683-1756) (WOODFINE, 2004), inquired whether Ripperda had fallen out of favour with his sovereign or was accused of committing any crime. Both cases would have excluded diplomatic asylum.

Ripperda answered he merely sought protection against “insults” from the Madrilenian populace. Stanhope allowed him to spend the night at his residence, and requested Philip V the next day to communicate his intentions. The monarch would have answered that Ripperda could withdraw at the embassy, but that he would only receive a passport for the Dutch Republic (where Ripperda originally came from) after having handed over “*divers papiers de conséquence pour son service*” (RÉAL DE CURBAN, 1764; V, 197). As an extensive inventory was still being compiled, Stanhope was asked to retain Ripperda. Spanish troops guarded his residence, and checked persons and carriages coming in and out. Soon, the “*Secrétaire d’Etat d’Espagne*” (VAN DER VEEN, 2007; 350; BADORREY MARTÍN, 2025) wrote to friendly request Ripperda to leave the embassy, assured of royal protection against the Madrilenian mob. Both the fallen Prime Minister and Stanhope refused: the latter would continue to grant

the former asylum. George II would not allow any violation of the law of nations against Ripperda, whatever his decision might have been.

On 25 May 1726 (according to Réal), Ripperda was abducted from Stanhope's residence (MARTENS, 1827: I, 174-209; VAN DER VEEN, 2007, 348-365). In a footnote, Réal mentions the memoirs of Montgon (see II), the *Recueil des Actes* of Rousset de Missy, his *Cérémonial diplomatique* and various other print sources provided to guide the reader through “*le détail de cette affaire*” (RÉAL DE CURBAN, 1764, V, 198-199, note B). Réal concluded that the court of Spain had violated the law of nations. Firstly, the house of a “*ministre public*” must remain an “*asyle inviolable*” at all points. Secondly, Philip V and William Stanhope had agreed that Ripperda could remain in the residence. Only an order from the latter's sovereign, George II, could rescind the agreement (with reference to Rousset's *Recueil*, RÉAL DE CURBAN, 1764: V, 199). Réal linked the outbreak of hostilities between Spain and Britain, among others around Gibraltar, directly to the incident. This is not surprising, in view of the crucial role diplomatic incidents could play (BÉLY & POUMARÈDE, 2010). However, this is of course not the only explanatory narrative for the episode, as we will see below (II). The expulsion of ambassador Cellamara by the Regent in 1718 was seen much more favourably by Réal de Curban. Cellamara would have been: “*traité avec considération [...] & le Droit des Gens, qui rendoit sa personne inviolable, fut respecté*” (RÉAL DE CURBAN, 1764: V, 240-241, Chapter I, Section IX, §XXVIII)

The third episode concerning Philip V appears in section XII of the same chapter, in the third paragraph. The section treats the interdiction to have one's own subjects abducted. On 20 February 1735 (during the War of the Polish Succession, which pitted Spain with France and Savoy-Piedmont against the Emperor) (MASSUET 1736), last Carnival Sunday, a man who had entered Madrid by the gate of Alcalà, reached a small bridge in the middle of the “*promenade publique du Prado*”, amidst a great mass of people. He was suddenly abducted to the residence of don Pedro Cabral de Belmonte, minister of the King of Portugal (Minister representing João V from 17 november 1729 to 19 november 1736, “*artificieux*” in Montgon's eyes, MONTGON 1748, VIII, 358). This fact was not disputed. However, in the Portuguese interpretation, the populace had abducted this man, who had been a prisoner, accompanied by archers, and brought him to the diplomat's residence. Two footmen of the embassy had simply joined the crowd.

As soon as the diplomat had heard what was going on, he ordered to take off the livery attire from four lackeys (RÉAL DE CURBAN 1764, V, 204-205). Although two of them had been merely passive spectators, they were dismissed together with their active colleagues. Cabral wrote to the Governor of the Council of Castile (“*Chef de la Justice en Espagne*”, RÉAL DE CURBAN, 1764: V, 205).

The Spanish reading of the episode was diametrically opposite. The abduction would have been premeditated: although executed only by the diplomat’s footmen, the design would have been solely his. An assassin had been distraught from Justice! The man had spent over thirty hours in the residence, had posed in front of its windows and had insulted Justice. The Governor of the Council of Castile, to whom Cabral’s letter had been addressed, was ill, and could thus not receive any kind of letters. Thirty hours later, the embassy staff had brought the prisoner to a place of security. Cabral, however, did not in any way render the “guilty” footmen to the Spanish authorities, nor did he chase them.

Consequently, on 22 February 1735, Spanish soldiers and officers entered Cabral’s residence, “*la baïonnette au fusil*”, and captured nineteen of his home staff, valets and lackeys, to lock them up in the Royal prison. As a reprisal, the King of Portugal did the same for a number of footmen of the Marquis of Capicelatto, Philip V’s ambassador in Lisbon. Both the latter and Cabral received orders to withdraw back to Portugal and Spain. Philip V sent his army to the Portuguese border, just as João V on the other side. No open war resulted, but communications were cut off between both courts for over two years, which is remarkable in view of their close relationship. France and Britain mediated, and the conflict was settled by a convention concluded in Versailles on 16 March 1737 (PARRY 1969, XXXV, 51). The release of the captured embassy staff in Madrid would only ensue after their Spanish counterparts in Lisbon would have been released as well.

Réal, again, condemned the actors’ behaviour. In this case, he targeted not the sovereigns, but foremost their representatives. The qualification of the facts and the resolution of the case according to the law of nations were little touched by the statements of both sides. Cabral would always have broken the rules, by not handing over the abducted prisoner, nor his staff responsible for that. If he would have behaved as the Court of Spain believed, and as everybody thought at that time, he ought to have

been severely punished. However, only his master (King João V) was competent to do that. The King of Spain had no right to offend the King of Portugal through his minister.

Philip V’s officials ought to have demanded satisfaction at the court in Lisbon. It would not have been possible to refuse it! A negative answer would have authorised Philip V to take up arms. However, Spain violated the law of nations herself by ignoring the sole possible remedy. Abducting staff from Cabral justified a demand of satisfaction by the court of Lisbon. The court of Spain, moreover, violated both law and political reason. Only moderation could have provided a dignified outcome. By allowing the affair to escalate, the court of Madrid became distracted from its *grand dessein*, establishing don Carlos (Philip V and Elisabeth Farnese’s oldest son) in Italy (AZNAR, 2022; HANOTIN, 2022)! Portugal, as Réal explained elsewhere, was militarily not very “*considerable*” in Europe, could harm Spain, “*en se joignant à ses ennemis*”, as it had done in 1703 by deserting the Franco-Spanish camp (RÉAL DE CURBAN, 1764: VI, 523).

Sources in Madrid argued that the broil between Spain and Portugal was precisely set up by Charles VI, to divert attention away from the Italian campaign. This was “of course” wrong, Réal explained: Portugal relied so heavily on peace with Spain, that it lacked the necessary manpower to form a camp, nor warehouses for its subsistence. If it would be true that Portugal looked for a pretext to go to war, would it then have been wise for its Spanish counterpart to provide one? Reprisals were a bad choice in this case (RÉAL DE CURBAN, 1764: V, 207).

Curiously, Réal de Curban did not mention that Spanish forces from Buenos Aires, according to Coxe, based on British State Papers, “made an attack in America, against the obnoxious colony of Sacramento, and succeeded in driving the Portuguese from their incroachments [sic] on the Spanish territory” (COXE, 1815: II, 453-454). Chronologically, it seems that tensions among “Portuguese and Spanish settlers” on the ground had been mounting for months in the run-up to a siege of Sacramento in October 1735 by the Spaniards (MARLEY, 2008: 378-380).

The copious chapter on ambassadors (which takes up almost two fifths of the volume devoted to the law of nations) ends by mentioning Philip V’s use of the regular clergy as his envoys: the Dominican Ascanio represented the King of Spain in Florence (a key position in the *bellum diplomaticum* between the Emperor and the Republic, see

QUAZZA, 1965 and SALERNO, 2023) for over three decades (RÉAL DE CURBAN, 1764: V, 253, Chapter I, Section X, §3).

Spain’s maritime and commercial empire could not be absent from Réal’s volume on the law of nations, notably in section III (“*De la Compétence entre les Princes*”) of Chapter IV (on titles), under paragraph II, devoted to “*préséance*”, on land as well as at sea. Pursuant to an enumeration of claims of pelagic sovereignty by among others Venice, Tuscany, Genoa and Savoy-Piedmont (CATTLEAN, 2025), Réal treats the exclusive colonial trade regime for Spanish subjects (RÉAL DE CURBAN, 1764: V, 755, Chapter IV, Section III, § II). The *Gardes-côtes* (“*guardacostas*”) used by the Spanish crown visit vessels passing too close by his coasts. Réal admits this right counts among the best founded pretensions, for three reasons. First: “*chacun est maître sur son territoire*”, or territorial sovereignty (DHONDT, 2025). Second, the King of Spain controls all coasts of the Gulf of Mexico. Finally, ‘all powers of Europe’ have agreed at Utrecht, Rastatt and Baden that trade with Spanish America is reserved to Spanish subjects only (MACLACHLAN 1940). Equality among other nations cannot exist if “*le canal des Espagnols*” would not be the sole, trusted, access to the richness of America (RÉAL DE CURBAN 1764: VI, 755)!

This equal access to Spanish America is a cardinal point in the bilateral Franco-Dutch negotiations during the winter of 1707-1708 in The Hague, in the heat of the Spanish Succession (DHONDT, 2011b: 350-369). The importance of these talks can not be underestimated, as Nicolas Mesnager, the merchant and ad hoc envoy who carried them out, also signed (as highlighted by Réal, solely) the decisive Franco-British preliminaries of Peace (RÉAL DE CURBAN, 1764: V, 770-771; BÉLY, 1990: 41-43, 125, 304, 439-440).

Due to the sequence between domestic governance (volumes I and II) and the law of nations (volume V), some aspects that we might qualify as domestic today, are treated in the fifth volume. In reality, this should not surprise us. Although the law of nature (*ius naturale* RÉAL DE CURBAN, 1764: I, 16), the law of nations (*ius gentium*, RÉAL DE CURBAN, 1764: I,22) and domestic law (*ius civile*, RÉAL DE CURBAN, 1764: I, 18) were different *sources*, law was considered to be one single corpus of norms and rules (JOUANNET, 1998). Hence, Réal de Curban treats the erection of “titles of sovereignty” as the fifth and last section of chapter IV. Paragraph XIV is

concerned with Spanish “*maxims*”, such as the inalienability of the “Kingdom of Spain” [sic]. Taken as such, the statement might seem isolated and of little importance. However, one cannot but think of the Utrecht bilateral peace treaties’ common provision, that of the separation of the crowns of France and Spain. I argued elsewhere that this can be seen as a *species* of a *genius* under the law of nations. However, the reverse is also true: the Spanish desire to acquire a sovereign who -if he would be born into another branch of the House of Austria- would be educated *à l’espagnole* in Madrid, as well as the aversion to a partition of the monarchy, are well-known *topoi*. In Philip V’s case, knowing the King’s ambitions to return to France if the branch of his elder brother Burgundy would become extinct, an abdication would have been not only personally, but only constitutionally logic, as we have seen with the advent of Luis I (GRELL, 2007: 677, 686; DHONDT, 2015: 282-284).

Réal de Curban’s method of comparison through description is directed at an initially Francophone, learned European audience, yet it implicitly takes the French monarchy as the standard frame of reference. For the question of the succession of Charles II, the author sighed that the partition treaties of 1698 and 1700 could have spared France unnecessary bloodshed (“*plus heureuse mille fois la France, si le feu Roi avoit pu faire le traité de partage*”, RÉAL DE CURBAN, 1760: II, 101, Book I, Chapter VII, Section II, §XXI)! Only the “English” had gained something out of the war. The conflict certainly benefitted the “*Maison de France*” (the House of Bourbon) as a whole, but certainly not the individual crowns of France and Spain: whole kingdoms and provinces were lost for the latter, whereas Réal counted territorial losses in the Low Countries (e.g. Tournai, Ypres) and the Alps as “*démembremens de ses Domaines*” (RÉAL DE CURBAN, 1760: II, 101-102). Réal approved of Philip V’s renunciation: “*les renonciations à la future succession d’un Etat Souverain sont bonnes*”, irrespective of Philip V’s wish to retain a “*droit d’option*” (Chantal Grell) between the crowns of Spain and France (RÉAL DE CURBAN, 1760: II, 102).

Grell nuanced (GRELL 2007: 675-677) that even if Philip V depicted his renunciation as the result of violence and necessity, he did understand that the separation of France and Spain was to be preserved. I understand the cycle 1698-1713 as one of logical unity, whereby the idea of partition and thus compromise is entrenched in treaties, going often against domestic public law. This -of course- does not exclude

the presence of arguments trying to invalidate either the renunciations or the idea of partitioning the Spanish monarchy against domestic provisions (ARROYO VOZMEDIANO, 2019; DHONDT, 2016).

Spanish governance, seen by Réal de Curban

Chapter 7 of Book I (providing an overview of systems of government) immediately treats Spain (section II) after France (RÉAL DE CURBAN, 1764: II, 82, Book I, Chapter VII, Section II). Réal devotes several pages to a description of Philip V and Ferdinand VI’s overseas empire, immediately after recognizing the reality of Spanish military “resurgence”: whereas Philip III, Philip IV and Charles II suffered from “*forces disperses [...], troupes mal payées, les finances mal administrées*”, a “flourishing navy” and “a bit better sustained manufactures” come with 50 000 men of infantry, cavalry and dragoons, which can easily be doubled in wartime (RÉAL DE CURBAN, 1764: II, 88).

How should we interpret Réal’s assessment? Elsewhere in his work, Réal clearly stated that Spain was clearly less strong than France on the military level. Elder Spanish historiography, e.g. Béthencourt Massieu, saw Philip V’s rule as one of renewal and a more “European” mentality, unleashing Spanish potential which would have been “locked up inside” before (BÉTHENCOURT MASSIEU, 1999: 32), while Henry Kamen underlined the fiasco of Cape Passaro (1718), whereby “over two-thirds of the warships built in the reign were sunk shortly after being launched” (KAMEN, 2001: 231).

The “*très-grandes*” possessions of the Catholic King in Africa, America, the Western and Eastern Indies and “an almost countless number of islands” do not mean that he owns the whole of the “new world”. However, he controls “the middle of the land”, with the largest and richest domains in “both Americas” (RÉAL DE CURBAN, 1760: II, 89–92).

The organisation of American commerce starts with the assertion of the abundance of gold and silver flowing to Spain, and then “from this Kingdom on, irrigating the other parts of Europe”. The idea of the bullion influx as a common European good is a frequent *topos* of economic and strategic thought in his own day, as well as of Spanish historiography. In 1707–1708, Nicolas Mesnager, who negotiated

French trade in Spain himself (HANOTIN 2018: 273-311), insisted that control by one player would allow the latter to control the whole continent (DHONDT 2011b: 362). In 1725, Charles VI’s ambassador, Königsegg -which one can hardly suspect to be Protestant or Anglo-Saxon in his approach- starts a scathing description of the state of Spain by the impossibility to make this precious inflow fructify:

“[...] les richesses immenses qu’on y porte chaque année des Indes, s’évaporent et passent presque toutes dans des pays étrangers [...] ils se croient au dessus du reste de tous les hommes, et méprisent ceux qui s’attachent au commerce, et aux sciences [...] les anglais, les hollandais et les genois quoiqu’il ne leur soit pas permis de négocier directement avec aux Indes, se sont si bien (en Espagne même) emparés par des voies indirectes de tout le commerce que les propres marchandises et lingots d’or et d’argent, qui [sic] amènent les espagnols de leurs Indes à Cadix, passent en droiture en Angleterre, Hollande ou à Gênes” (KÖNIGSEGG, 1726, published in MUR RAURELL, 2011: II, 355-371).

Three types of ships are allowed to participate in the transatlantic trade. Firstly, the *flotte* (composed of both royal and private ships), sent off to Mexico from Cadiz in August, was underway for eighteen to nineteen months. The two or three frigates preceding its arrival and carrying news are called *flotilla*. Secondly, the eight to ten galleons or warships destined for Cartagena and Portobelo, escorting twelve to fifteen merchant vessels. Portobello houses the “*plus célèbre foire de l’Univers*”, with the richness of Peru and the “*Terre ferme*” (RÉAL DE CURBAN, 1760: II, 92). After passing at the fair, the galleons continue to Cartagena and sail home from Havana. Thirdly and finally, the register ships, allowed by the “*Chambre des Indes*” to trade with Honduras, “*Venezuela*”, Buenos Aires and other ports (TAVÁREZ, 2025).

However, Réal makes the same contrast as Königsegg: Spain, “exhausted in manpower”, cannot furnish with the labour of its own residents what would be necessary to exploit the immense colonies. The “idle pride” of the Spaniards allowed the riches of the New World to fall into other hands: traders from France, Italy, England, and the Netherlands, who operated under the cover of Spanish merchants in Cádiz (RÉAL DE CURBAN, 1760: II, 93). The King of Spain had nothing more than his “Indult”, or “Commission right” for his local subject. Furthermore, Réal portrays Spain as dependent on other European nations for goods and troops. Spain possesses “homegrown” silver and gold, yet remains enfeebled, whereas England and the Dutch Republic -lacking any silver or gold mines other than those of “labour and industry”-

nonetheless succeed in importing the wealth extracted from Spain’s mines. The plight of the country is so widely recognized that it has come to serve as a particular illustration of a general maxim (“*preuve de cette proposition incontestable*”): in all nations where gold and silver abound and whose inhabitants place excessive reliance upon them, not one can be considered enviable for its happiness, nor does any inspire fear (RÉAL DE CURBAN, 1760: II, 93).

To explain this problem, “diminishing the power of the Catholic King”, Réal does not refer to the treaties of Utrecht and the British privileges, but to demographic and cultural factors, notably “*leur superstition les empêche d’avoir des traités & de faire le commerce avec les Turcs & avec les Maures*”. Réal invokes thus a lack of commercial activity, due to moral and religious reasons (RÉAL DE CURBAN, 1760: II, 93). In this way, the possession of Oran, within the territory of the Dey of Algiers, and of Ceuta, within the “*Empereur du Maroc*’s dominions, allows Spain to cultivate its “pious singularity”. The crown of Spain, in Réal’s eyes, prides itself on being “the sole Christian Nation to have concluded not a single peace treaty with the Turks and Moors” (RÉAL DE CURBAN, 1760: II, 94).

Elsewhere, in volume VI, Réal explained the strategic use of the conquest of Oran and Mazarquivir, which make sure that Spain had nothing to fear from either Algiers or Tunis. Moreover, this created a useful hub between Spain and Italy. The operations of Barbary pirates were less harmful to the Spaniards, who in any case did not transport their own goods around Europe. The issue concerned more those from Britain, the Dutch Republic and elsewhere with an established trade in Spain, Italy or the Ottoman Empire (RÉAL DE CURBAN, 1764: VI, 518, Volume VI, Chapter III, Section XIII, §LVIII; RESSEL, 2012; SIMON, 2021).

Apart from the conquest of Oran and Mazarquivir, Spain had been “waging war for about a century” in Africa, without formally fighting (RÉAL DE CURBAN 1764: VI, 518; BENTON 2024). In the same way, the Spaniards would “traffic without truly engaging in commerce” (RÉAL DE CURBAN, 1764: VI, 518). The “Moors” keeping Ceuta under siege for over sixty years ought to be relativised: the sole garrison of Cadiz would have spent more in powder, than Ceuta needed for its defense! Not concluding any kind of treaty with “Moors”, Réal added, is not a sign of being a “good Christian”, but foremost one of being “*mauvais Politique*”! The French author lambasted -again-

“superstition”, the main driver behind the Spanish obsession not to conclude peace nor to allow communication with “pagans or Mahometans” (RÉAL DE CURBAN, 1764: VI, 519). The idea is so absurd, that Spaniards trade with French and British merchants established in Africa, rather than with the ‘Moors’. In case of grain shortage, Spain imports from France, “à grands frais”, Britain, the Dutch Republic, the Levant or any other place, rather than from Africa. All wool needed for Spain could come directly from “Barbarie”, rather than from European manufactures, allowing Spanish competitors to compete with France and Britain.

The same “fanatisme de religion” explained why the Spaniards did not have an ambassador in Constantinople, nor traded in Turkey (RÉAL DE CURBAN, 1764: VI, 519). This rhetorical position allows for consistent support from the papacy, notably for the crown’s fiscal demands on the clergy. The “pretexte de faire la guerre aux Infidèles” or “Croisade” is thus a resource other Catholic monarchs cannot mobilise in the same way (a motive invoked by Philip V and Alberoni when assembling their fleet that would attack Sardinia in 1717, see: ROUSSET, 1720). However, Réal inquired, would this advantage really disappear if the Crown of Spain just allowed for trade with the infidels, as happened across the Mediterranean? (RÉAL DE CURBAN, 1760: II, 94; CALAFAT & GRENET, 2023). A final obstacle to Spain’s economic problems is the enduring power of the nobility, notably the *Grandes*, who have drawn too much wealth to themselves: “l’indivisibilité de la Monarchie est aussi utile, que la trop grande inégalité des fortunes particulières est nuisible” (RÉAL DE CURBAN, 1760 : II, 94, note c)

This adds to the enduring “opulence” of the Spanish clergy, whose wealth, in spite of the “Croisade”, remains harmful to the state. Réal advised to tax the clergy anyway, as the “necessities of the state” imposed to do that, without permission from Rome. Is the mere existence of papal authorisation even legally acceptable? Trade ought to be conducted, finally, according to the interest of the state, and nothing else (RÉAL DE CURBAN 1764: VI, 519). Königsegg’s earlier analysis was very close to his views:

“Une grande partie des richesses est absorbie [sic] par les prêtres et par les moines qui fourmillent, et qui ont pris un tel ascendant sur l’esprit de ces Peuples qu’ils les menent par le nez sous pretexte de devotion comme des idiots, et obligent toujours ces pauvres gens d’une manière ou d’une autre à leur donner tout ce qu’ils ont [...] il est certain que l’état ecclésiastique posséde [sic] près des deux tiers des richesses du royaume et plus de la moitié des biens fonds, et que si l’on y remedie, ils s’empareront du tout avec le temps, et ne feront de leur Prince qu’une ombre vaine [...] Tous ceux qui depuis le regne de

Philippe V aujourd’hui regnant ont voulu entreprendre de remédier à ces abus [...] ont été culbutés par les intrigues du clergé” (KÖNIGSEGG, 1726 in MUR RAURELL, 2011: II, 354-357).

How could one explain, as a Catholic, that treaties with infidels were binding (BECANUS, 2019; DHONDT, 2015a: 407)? Réal de Curban pointed to the example of Jesus Christ himself, who had no issues with demanding water from a woman from Samaria, irrespective of the lack of ‘*communication*’ between Jews and Samaritans (RÉAL DE CURBAN, 1764: V, 678, Chapter III, Section IX, §2; DHONDT, 2024b, 250–52). Theodosius, Arcadius, Honorius and Valentinianus concluded alliances with the Goths, “*qui étoient Arriens, mais encore des Payens, plus ennemis du Christianisme que ne le sont les Mahométans*” (RÉAL DE CURBAN, 1764; V, 679, Chapter III, Section IX, §III). The Kings of Hungary and Transylvania would have waged war on the ‘Germans’, under the protection of “Mahometans”.

What justified these treaties? Reason (RÉAL DE CURBAN, 1764; V, 679)! Don’t we all love our liberty more than we hate infidels? Nothing is more conformable to the law of nature, than to stop one’s enemies with allies. Réal admitted that an infidel ought to inspire “horror” to a Christian, because he does not honour the same God. Yet, religion persuades, and “*ne se commande pas*” (RÉAL DE CURBAN, 1764; V, 679). He exhorted to love religion and hate impiety, but not men: “*Il faut aimer la Religion, & haïr l’impiété; mais il ne fait pas haïr les hommes*”. There was no “necessary” link between religion and war: Christian princes can treat with “Mahometans”, without betraying either their country or glory, or even renouncing faith (RÉAL DE CURBAN, 1764; V, 680).

Philip V’s court in Montgon

“*Il faut, comme le Bourgeois Gentilhomme de Moliere, se vanter qu’on a parlé de moi dans la Chambre du Roi*” (MONTGON, 1748: VI, 32)

It is hard to digest a single narrative from the maze (MONTGON, 1748: V, 338) depicted in Montgon’s detailed memoirs, which portray (*ex post*) dozens of characters and weave several threads crossing the continent (in my notes: 114 characters, for the Spanish court between 1725 and 1730). Jean Dureng, in his monumental study on the

foreign policy of the Duke of Bourbon, suggests Ripperda fomented a Jacobite plot: a union of Catholic sovereigns (Spain, Austria, France) could develop if France acceded to the Treaty of Vienna. Bringing the Pretender to England from Ostend would lead to a restoration of Stuart rule and even... trading privileges granted to the Ostend Company, from the court of Saint-James, which had actually been fighting the Company's existence (DURENG, 1911: 442)! This would then explain the British eagerness to block the Spanish Silver Fleet in 1726, preventing thereby funding of Imperial troops to support a descent on the English coast. In Montgon's memoirs, a certain sociability with Jacobite figures is hardly denied: Clark (Irish, rector of the “*collège des Ecossais*”, removed by orders of the royal confessor, the Jesuit Bermudez), Maxhil (priest in the same college, called a “friend”), Wharton (who “founded [...] the first lodge of Masons” in Spain (KAMEN, 2001:234) or the Duke of Ormond (who dines with Montgon).

Irrespective of the success or failure of these schemes, they illustrate at least the temptation to keep domestic quarrels within competing polities alive (e.g. MONTGON 1748: V, 370, citing Amida's intention to keep Britain divided on the question of the Pretender, which is quite logical in view of the maritime and imperial opposition between Spain and Britain). One could even apply an analogy with the seemingly everlasting quarrels offering pretensions to sovereigns: even if the Quadruple Alliance and the Congress of Cambrai seemed to have decided otherwise, Montgon argues the question on the competence of the investiture for Parma and Piacenza was still open between Emperor and Pope (MONTGON, 1748: V, 393). Diplomatic history, it hardly needs to be said, distinguishes itself within historiography as the field particularly adept at mapping the coexistence of multiple plausible alternatives or the interconnection of a multitude of issues occurring simultaneously (e.g. BLACK, 1987), which help to understand the option finally chosen, or the image of events in published sources, e.g. Réal de Curban's *La Science du Gouvernement*.

Abbé de Montgon's lengthy and prolix volumes bring a granular narrative of places, people and itineraries between France, where familial and patronage ties continue to exist despite the fall of the Duke of Bourbon and the arrival of Fleury, on the one hand, and, on the other hand, the residences of the Spanish court, where Montgon hoped to obtain a politically or ecclesiastically (e.g. a cardinal's hat, MONTGON, 1748:

VIII, 251) relevant position and at least financial support to complement his dwindling French resources. Montgon does not forego a necessary institutional explanation for his French (European) readership, e.g. on the *Consejo de Castilla* (MONTGON, 1748: V, 96). Of course, ministers as Patiño or La Paz, or diplomats as Monteleón, Van der Meer, Keene... abound. With all the methodological prudence due with ego-documents, especially since the author systematically aims to undermine Fleury's reputation (e.g. when Montgon's pension is cut: MONTGON, 1748: V, 64), the memoirs sketch networks and flows of communication with its centre of gravity in the Mediterranean world, thus decentring away from Paris or at least complementing the perspective in a French-speaking source. Montgon equally visits peripheral places, e.g. Bayonne, residence of Maria Anna of Neuburg, Charles II's widow (MONTGON, 1748: V, 313; MARTÍNEZ LEIVA, 2025).

Throughout the memoirs, actors appear who are absent from Réal's legal treatise. These include, to begin with, the many women at court -such as -of course- Elisabeth Farnese (PÉREZ SAMPER, 2021) and the Duchess of Saint-Pierre (Marie-Thérèse Colbert de Croissy (1682-1769), married in 1704 to Francisco María Spínola y Spínola, duke of San Pietro in Galatina (1659-1727) (SÁNCHEZ MARTIN, 2025), but also the ladies of honour and palace ladies, as well as merchants (e.g the Flemish merchant “Roberto Verminen” in Seville, MONTGON, 1748: VIII, 196), unsurprisingly, the *Grandes* and numerous members of the Spanish clergy, not in the last place the Archbishop of Amida, the Queen's confessor (MONTGON, 1748: V, 289; HERRERO, 2025). The King's health is often a matter of concern: he and the Queen jointly receive visitors, while rumours of poisoning schemes instil fear (MONTGON, 1748: V, 323).

The diplomatic society at Philip V's court is portrayed in a continuous swirl of gossip. Montgon's chronicle is not confined to the highest levels of diplomacy: secondary actors, as the Sicilian intermediaries between Fleury and Elisabeth Farnese, make an appearance as well (MONTGON, 1748: V, 138-144). Montgon works to preserve Philip V's rights to the throne of France (GRELL, 2007: 685), but the King never gives him the appointment that provides financial and political stability (see for a comparison with Alberoni: HÉNAULT, 1855: 128). The bad relationship between Montgon and Fleury logically explains that the abbot is trapped in Madrid. As France

and Spain draw closer to each other again, promoting Montgon, who is on bad terms with the Cardinal, would be detrimental to the relations within the “House of France”.

Events throughout Europe and in the world (e.g. the peace treaty between “*le Grand Seigneur*” and “*Le sultan Aszraff usurpateur du Royaume de Perse*”, MONTGON, 1748: VI, 161) are commented on *ex post*: Fleury deceased in 1743, Montgon’s memoires, composed from within the Protestant Swiss Lausanne (MONTGON 1748: V, 488), are published five years later. The Cardinal is depicted as furthering his own interests under the guise of those of Europe or peace (MONTGON, 1748: V, 394). Against the background of Fleury’s perceived personal ambition and resentment (e.g. explaining the choice of Soissons for a congress by deference to the Cardinal’s advanced age... MONTGON, 1748: V, 105), the interests of the King of Spain take center stage. Montgon depicts the conundrums of Spanish foreign policy as the domain of the Queen: the court scrutinizes her personal reactions, which are portrayed as decisive in the choice between Habsburg (the Ripperda Treaties) or France (the Bourbon Family Pact, as first concluded in 1721; MONTGON, 1748: V, 324).

Montgon’s memoirs concur with Réal on the perceived imbalance between France and Spain: in 1725, when the Duke of Bourbon sends back Maria Anna Victoria to Spain, Spanish troops raided the French frontier. Yet, their French counterparts were instructed to complain only to the soldiers’ superiors: “*cette Monarchie, destituée d’Alliés & épuisée par la longue guerre [...] ne se fût trouvée dans une entière impossibilité d’en entreprendre une nouvelle. Sa foiblesse fut seule capable de mettre des bornes à la vengeance [...]*” (MONTGON, 1748: I, 25).

Montgon invariably sides with Spain against the reproaches made to Britain on interloping, precisely to underline either Fleury’s naivety or his bad faith in setting up diplomatic grand masses (the British would “violate all commercial treaties themselves”, MONTGON 1748: I, 121). He blames Fleury for continuing the policies of Dubois and the Regent, as a deviation from the “*constantes maximes*” of established foreign policy under Louis XIV (MONTGON 1748: I, 126). Acting as an agent for the Duke of Bourbon (BAUDRILLART 1890: III, 5-8), Montgon tries to broker an agreement between Philip V and the latter, in case Louis XV would die heirless. Hence, rumours of Marie Leczynska’s “advanced” pregnancy in 1727 are depicted as making Montgon’s self-assigned mission “less relevant” (MONTGON, 1748: V, 128). Cardinal

Fleury's actions are described as steps in a well-devised malicious plot, aiming to ruin Montgon, who does not leave occasions unused to depict his own talents, to be compared to those of Orry and Bergeyck (MONTGON 1748: V, 128 and 243, whereby Montgon mentions “rumours” predicting his appointment as minister, to Patiño and Castelar's resentment).

In 1726-1727, prior to the Congress of Soissons, the Cardinal is working towards a Franco-Spanish reconciliation (in Réal's terms, within the ‘House of France’), but clearly without Montgon, against whom he spreads gossip and bad rumours (MONTGON 1748: V, 153). Shortly before his downfall (MONTGON 1748: V, 228) Montgon visits Morville, secretary of state for foreign affairs, who he counts in the circle of Bourbon, who is isolated in the family residence of Chantilly (MONTGON 1748: V, 177, 197). Fleury would insist on hearing all pending complaints and pretensions in Europe, yet... “*on l'accabloit de Memoires; il les lisoit, & ne décidoit rien*” (MONTGON 1748: VI, 311). Montgon probably exaggerated his importance in Fleury's eyes: “*l'abbé de Montgon se croyoit l'objet de toute la politique du cardinal [...] mais si c'est un ridicule de se croire un personnage, cette présomption ne naissoit que de son malheur*” (HÉNAULT, 1855: 127).

Yet, he managed to provide a unique source on the multiple ins and outs of the Bourbon court of Madrid, which was not peripheral in Europe. If Réal de Curban's work tries to digest *ex post* an image of state practice under Philip V, Baudrillart, synthetising correspondence in the late nineteenth century, associated actors as “Dubois, Alberoni, Ripperda or Montgon” with years of personal struggle for the Spanish monarch, who would have become “*presque raisonnable*” from 1733 on, closing the room for manoeuvre for his spouse, and taking over the direction of affairs himself (BAUDRILLART, 1890: IV, 11).

Conclusion

Thirty years after the Peace of Utrecht (for Montgon) or even more than half a century after his arrival in Spain (Réal de Curban), the reign had to receive its place in European memory, just as in Spain itself, where the creation of the Real Academia de la Historia is cited by Kamen as an answer to this need (KAMEN, 2001:233). Memoirs

and legal treatises adhere to another rhythm and temporality than that of the continuous source publications of Rousset de Missy or of newspapers.

Reasoning from a broad comparative perspective, combining the law of nations and internal public law, Réal de Curban either sees famous moments as the arrest of Ripperda or the competing titles of Charles ‘III’ and Philip V as examples of the general vice of passion that keeps sovereigns from applying and abiding by the law of nations. Philip V and Louis XV ought to have united against Britain: their mutual incidents, such as under the Regent (1718-1720), during the Duke of Bourbon’s tenure (1725) and when Fleury concluded peace with Charles VI (1735), are cast as diversions from a true policy of unity. However, as far as governance is concerned, Réal de Curban singles out Spanish persistence in refusing formal trade with non-believers as well as its perceived economic ineptness, although he values the monarchy’s control of Oran and Ceuta. The observation of the nobility’s excessive obstruction power, and the failure to develop a system of *intendants* as in the French *pays d’élection*, creates obvious differences with France (KAMEN, 2001: 221).

In his 2001 standard biography on Philip V, Henry Kamen stated that the core of the Spanish bureaucracy remained essentially domestic, hence the necessity to leave diplomatic and international political roles to recruits from abroad (KAMEN 2001: 224). Notwithstanding the clear roles played for Philip V by “Italians” as Alberoni or Beretti Landi, “Flemings” (e.g. Bournonville, “*nuestro flamenco*” at the Congress of Soissons, BÉTHENCOURT MASSIEU, 1999: 48; GLESENER, 2017; VERMEIR, 2024) or Dutchmen as Ripperda and the strong imbrication with France, Montgon’s memoirs reveal that a monolithic analysis of the Spanish monarchy would fall short from a diverse and transnational reality. The abbot dresses his long justificatory and comminatory considerations in a religious language, attacking Fleury’s supposed dissimulation and hypocrisy, but also lauding Philip V’s profound piety, which one can see as a distant reference to Fénelon (KAMEN 2001: 223) and the circles around the Duke of Burgundy, Philip V’s older brother, wherein Montgon had his connections, as his mother (raised by Madame de Maintenon), had been employed by Philip V’s mother, Marie-Adélaïde de Savoie (Louise Sublet d’Heudicourt, Marquise Montgon (1668-1707) (ANGLIVIEL DE LA BEAUMELLE, 1778: 276; PROSOCOUR, 2024).

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