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Chapter 1

FRANCHE-COMTÉ BEFORE THE FRENCH

One day in March 1631, a dust-covered horseman appeared before the gates of Besançon. To the shouted questions of the sentries, he replied that he was a follower of Gaston, duc d'Orléans, brother of King Louis XIII of France, and he had an urgent message for the rulers of the city. Brought before the hastily assembled city council, he announced that his master was requesting sanctuary in Besançon. The loser in a bitter power struggle with Cardinal Richelieu, Gaston was now fleeing France in rebellion against his brother.

The duc d'Orléans's messenger arrived at a time of acute anxiety in Franche-Comté. All around the province, Europe was plunged into violence and disorder. For the past decade, the Holy Roman Empire had been embroiled in a savage religious civil war. In the Low Countries, the Spanish monarchy, sovereign ruler of Franche-Comté, had renewed its seemingly endless struggle with the Dutch. Most ominously, tensions between Bourbon France and the Habsburg powers were rapidly escalating to the point where open war appeared ever more likely. Thus far, Franche-Comté itself had managed to avoid being drawn into these conflicts only because of a long-standing treaty establishing a state of neutrality between the two Burgundys, the French duchy and the Spanish county.

Gaston's request for sanctuary therefore presented the magistrates of Besançon with a quandary. They feared that by granting the rebel duke sanctuary in their city, they would hand France an excuse to abrogate the treaty. They considered the problem so delicate and so serious that they decided to seek the advice of the Parlement of Franche-Comté. This consultation was itself highly unusual. An imperial free city subject only to the Holy Roman Emperor, Besançon jealously guarded its independence against even the smallest interference from the provincial authorities. Now, however, the magistrates sent a message to the court at the provincial capital of Dole; the judges replied by advising them to accede to Gaston's request. After some further deliberation, the Bisontins agreed and extended an invitation of refuge.

On March 26, 1631, Gaston d'Orléans and an escort of fifteen hundred cavalymen approached Besançon. Meeting him outside the walls, the civic authorities and the canons of the Cathedral Chapter gave Gaston an elaborate formal welcome. His troops took up quarters in the villages of

the city's *terroir*, while he himself settled into the *Hôtel d'Emskerque*, an elegant townhouse belonging to one of Besançon's most prominent families. But the renegade French prince's sojourn in the city was surprisingly brief. Just fifteen days later, he left to take up more permanent sanctuary in the duchy of Lorraine.¹

Although Gaston d'Orléans's stay in Besançon had no immediate consequences for Franche-Comté, the fears of the city's magistrates nevertheless proved grimly prescient. The seventeenth-century Comtois historian Jean Girardot de Nozeroy called this event "the beginning of our calamitous affairs."² In 1636 Richelieu used it as a convenient pretext to declare war. The French invasion that followed plunged Franche-Comté into the general crisis that had already engulfed most of Europe.³ The province became the scene of the Ten Years' War, the devastating Burgundian phase of the Thirty Years' War. Rapacious armies rampaged across its territory, plundering its towns and villages. In the wake of the soldiery came even more deadly killers—plague and famine. By the time peace returned in 1644, the province was utterly ruined and had suffered a population loss of staggering proportions.

The Ten Years' War was also a decisive turning point in the political fortunes of Franche-Comté. Since the beginning of the sixteenth century, it had been a peripheral possession of the Spanish Habsburgs, largely ruled by its own native elites. The crisis of the Ten Years' War exposed the fatal flaw in these elites' political system: their inability to coordinate their power as a result of bitter internal divisions. One key aspect of the seventeenth-century crisis in Europe was a struggle to define the location of authority.⁴ In Franche-Comté this struggle would continue long after the end of the war. It was made worse by a belated intervention by the Habsburgs to impose closer control, which resulted in the overturning of the province's traditional political system without its replacement by a new, more viable order. Only the coming of the Sun King in 1674 would finally resolve the crisis and establish lasting stability in Franche-Comté.

The Habsburgs and the Free County of Burgundy

"The oldest possession of my dynasty" was how Charles V famously described the Free County of Burgundy.⁵ The emperor's obvious affection for Franche-Comté and its inhabitants did not, however, translate into close political control of the province by him or his imperial officials. Although he spent much of his reign crisscrossing Europe, Charles V never once set foot in Burgundy.⁶ He also never appointed a viceroy to rule it in his stead. He was content to entrust the province to the government of the Low Countries, itself a Habsburg appanage ruled first by his aunt, Margaret of Burgundy, and then by his sister, Mary of Hungary. The interventions of this

government were limited to demands that the Comtois provide money and men to support the emperor's wars. The Habsburgs permitted the Estates of Franche-Comté to negotiate the amount of the province's contribution as a "free gift" (*don gratuit*) and to collect these funds with their own officials.⁷ In every other respect, day-to-day rule of the province was left in the hands of its native elites.

Charles V established this loose relationship with Franche-Comté for several reasons. One was the province's geographic isolation. It was separated from the dynasty's other possessions by foreign territories and was remote from the Habsburgs' principal centers of power. A horseman setting out from Franche-Comté required at least a fortnight to travel to Brussels. Correspondence from Spain took at least two months to reach Dole.⁸ A second reason was the fervent loyalty of the Comtois people to the House of Austria, which Charles V believed he could largely take for granted. His *Political Testament* notes that "the vassals and subjects of this country have always kept and still keep a great loyalty and they have distinguished themselves by their services to our predecessors and ourselves."⁹ Third, and most importantly, Charles V felt that he had effectively secured Franche-Comté from invasion. With their hands full in other parts of Europe, neither he nor his archenemy Francis I of France had wanted to be dragged into war over the province. Therefore, in 1522, the two monarchs pledged not to attack each other's Burgundian possessions. In a further diplomatic coup, Charles V convinced the Swiss Confederation to act as the guarantor of this treaty of neutrality.

The only period before 1668 when the Habsburgs became closely involved in Franche-Comté was during the reign of Charles V's successor, Philip II. With the outbreak of the Dutch Revolt in 1565, the province became an important piece in the grand strategy of Spain's Prudent King. In order to send money and reinforcements to the forces fighting against the rebels, Philip II and his officials created the celebrated military corridor called the Spanish Road.¹⁰ In this route taken by the *tercios* from their presidios in northern Italy to the battlefields of Flanders, Franche-Comté was a vital waypoint. Between 1572 and 1602, thousands of Habsburg troops passed through it almost every year.¹¹

With Franche-Comté's newfound importance to the Spanish monarchy, Philip II intervened far more forcefully and frequently in its affairs than his father ever did. A succession of Spanish governors general of the Low Countries sent out commissioners from Brussels to supervise the activities of the provincial government. The Comtois authorities were required to take charge of the provisioning, lodging, and regulation of the Habsburg troops transiting through their territory.¹² Most importantly, Philip II worked to ensure the triumph of Catholicism in the province. He pressured the province's judicial authorities, particularly the Parlement of Dole, to take a more active role in the suppression of heresy. He encouraged the appointment of a

succession of zealous clerics as archbishops of Besançon and primates of the Comtois church. These prelates in turn introduced the decrees of the Council of Trent and oversaw the thorough reform of the provincial clergy. Such efforts successfully stamped the province with a fervently Catholic character that would last well beyond the end of the *ancien régime*.¹³

For all of their breadth and intensity, Philip II's actions in Franche-Comté did not fundamentally transform the relationship between the Habsburg monarchy and the province. Sovereign authority continued to emanate from distant Brussels or even Madrid. Furthermore, the commissioners sent out from Flanders held only temporary tenure and their competence was limited to specific spheres of action. More importantly, Philip II's interventions did not alter the province's internal power structure. Even in religion, the area where the Spanish crown had taken the greatest interest, native authorities maintained or even enhanced their position: it was the Comtois church that largely carried out the successful provincial Counter-Reformation.

The interventions of the king of Spain were also short-lived. They were brought to an abrupt end by a shift in the European balance of power. In the late 1590s, Henry IV, having temporarily ended religious strife in France, was able to put increasing pressure on the Spanish Road; in 1595 he even launched a brief but highly destructive incursion into Franche-Comté. This pressure culminated with the Treaty of Lyons of 1601, which placed powerful French garrisons within striking distance of the existing route. The Spanish government was forced to redraw its military corridor eastward, skirting Franche-Comté entirely.¹⁴ When combined with the overwhelming victory of Catholicism, the original reasons for increased Habsburg interest and intervention in the province largely disappeared.

In 1598 Philip II acknowledged this changed state of affairs by ceding authority over the County of Burgundy to the Archdukes Albert and Isabella, the new rulers of the Low Countries. Once again, interventions from Brussels took familiar forms: requests for the *don gratuit* and recruits for the Army of Flanders. During the first half of the seventeenth century, Franche-Comté had reverted to an isolated peripheral possession of the Habsburg Empire governed largely by its native rulers.

The Rulers of Franche-Comté

Who were these rulers? The socially powerful elites who had access to public authority in Habsburg Franche-Comté were quite heterogeneous. There was first a small circle of families descended from the medieval and Renaissance warrior nobility. These sword nobles were rivaled in political importance by a rising *noblesse de robe* who dominated the province's higher courts: the Parlement and the Chambre des Comptes, both seated at Dole. A third

set of elites comprised the patricians who controlled the governments of the towns. These urban oligarchs had made their fortunes in trade or finance but had subsequently moved into the lower ranks of the judiciary.¹⁵ Finally, there were the high-ranking ecclesiastics of the Comtois church, namely the archbishop of Besançon, the abbots of the major monastic foundations, and the canons of the most important chapters.

These diverse elites did share some values and experiences that helped give them a common starting point in approaching political issues. By far the most important was an intense attachment to the historic privileges of the province. Although the Comtois frequently claimed that their “liberties” were of medieval or even Roman origin, they had first been codified in the middle of the fifteenth century under Duke Philip the Good. The Habsburgs had subsequently confirmed them on a number of separate occasions.¹⁶ The liberties included freedom from taxation without the free consent of the people of Franche-Comté as embodied in the Estates, the right to be governed only by native Comtois, the privilege of all natives of the province to be tried only before Comtois courts, and the obligation placed upon the sovereign to have a Comtois magistrate always present in the council of state. By the seventeenth century, the elites had come to regard these liberties as fundamental buttresses of their own power.

If Franche-Comté’s rulers thus possessed a shared political ideology, it was a commitment to preserving these privileges against all challenges. This could have given the elites a useful basis for the coordinated exercise of political authority. Yet it was overshadowed in practice by the way public power was divided among the province’s governing agencies. Under the Habsburgs, three sets of authorities exercised power on a provincial scale: the governor, the Parlement, and the Estates. These institutions owed their establishment to the Valois grand dukes in the fifteenth century. They therefore bore a superficial resemblance to ducal Burgundian and even French power structures. After a century of development under Habsburg sovereignty, however, the institutions of Franche-Comté functioned in particular ways that made them very different from their French counterparts.

The governor was the representative of the sovereign in Franche-Comté and was appointed by the monarch. But the office suffered from prolonged vacancies as the Habsburgs frequently failed to name a new governor immediately after an incumbent’s death. The most serious of these interregnums occurred between 1630 and 1637. The scope of the governor’s authority was nominally vast, encompassing every aspect of politics and administration. He was, first and foremost, supreme military commander of the province. Furthermore, his letters of nomination customarily gave him “full power and authority for the conduct and sound direction of the affairs of the country” and also obliged him “to attend to its defense and security, to prevent popular unrest and the oppression of the people and to do all that was duly

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