Penal Servitude in Early Modern Spain

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Chapter 1
The Galleys

Penal servitude, like slavery, had its roots in antiquity. In ancient times convicted offenders were used in public works - opus publicum - cleaning sewers, repairing roads, and working in public baths. During the time of the Roman Empire a harsher punishment of this kind was a sentence ad metalla, i.e., to the mines and quarries and in opus metalli. In both instances, prisoners wore chains and, as servi poenae, lost their freedom for life. Both penalties were popularly regarded as sentences to a slow and painful death, and represent a kind of punitive imprisonment in the form of hard labor for the state.

In contrast to its occurrence in antiquity, penal servitude appears to have been used infrequently in the Middle Ages, although it is mentioned as a penalty in Castilian medieval law. Medieval society (except for the church) lacked the funds and facilities for long-term imprisonment and therefore preferred inexpensive capital and corporal punishments. In civil law, imprisonment as a punishment was almost unknown, and jails served mainly as detention centers. For major crimes the death penalty was the usual punishment, but depending on circumstances, it also was decreed for lesser offenses. Minor crimes were punishable by flogging, banishment, fines, and various forms of corporal mutilation. Often a combination of two or more of these penalties was applied. Only the church (prohibited by canon law from shedding blood) used imprisonment for offenders under its jurisdiction, and life sentences to prisons operated by the monastic orders were employed at times, ostensibly for correction and penance.

The reappearance of penal labor in western Europe at the end of the Middle Ages coincided with the emergence of the national state and an increase in its wealth and power. Along with the extension of royal jurisdiction and the greater degree of centralization characteristic of state-building in the early sixteenth century, there developed the idea that the state could utilize the labor power of prisoners for its own interests. In this period the needs of the Spanish monarchs were overwhelmingly military. Particularly vital was the defense of Spain's southern and southeastern coasts and its shipping through the maintenance of a standing galley fleet in the Mediterranean. Thus, for those guilty of capital crimes, penal servitude at hard labor on the galleys was introduced in the reign of Ferdinand and Isabella as an alternative form of corporal punishment more useful to the state than other existing afflictive penalties.

As the galley squadrons grew in response to the constant warfare between Spain and the Islamic empire in the Mediterranean in the sixteenth century, it became increasingly difficult to man the benches. This situation was closely related to changing economic conditions in the sixteenth century, in particular, the Price Revolution. As prices rose, the cost of maintaining salaried free oarsmen or buenas boyas became excessive. In 1538, for example, the salary of a free oarsman was one ducat a month, but by 1571 it had risen to eight ducats per month including a two-ducat clothing allotment. In order to avoid a crushing economic burden there was no alternative but to depend on a servile rowing force. Free oarsmen almost disappeared from the Spanish galleys by the end of the sixteenth century, and in the seventeenth
century those rowers who bore that title were convict oarsmen or forzados who had completed their sentences and were being retained illegally because of the critical shortage of rowers. They were given the ration and title of buenas boyas and were known as buenas boyas forzados. Hence, a combination of rising prices and an increase in the scale of warfare led ultimately to the establishment of galley service as the most common form of punishment.

[5] The establishment of galley service for men ultimately affected changes in the punishment of women. Female offenders (with the exception of those belonging to the noble and clerical estates) were subject to the same capital and corporal penalties as men. Since they were not given the death penalty except for particularly heinous crimes and their physical limitations prevented them from being sent to the galleys, they were customarily punished with public shame, flogging, and banishment. Although these penalties were rigorously enforced, the number of women offenders continued to increase in the last quarter of the sixteenth century. Between 1592 and 1598 the Castilian Cortes repeatedly complained about the vagrant and licentious women who filled the streets and public places of towns like Madrid, Seville, Toledo, and Valladolid. By that time it was apparent that the established methods of dealing with women delinquents were ineffective. In 1598 Dr. Cristóbal Perez de Herrera claimed that instead of reducing crime, they actually contributed to the professionalization of criminals. The continued application of public shame and lashes eventually destroyed their intimidative effect, while banishment merely served to remove culprits from the site of their crimes and transfer them to other areas where they were unknown to authorities.

The success of the galleys as a penal institution for men inspired their adaptation to the punishment of women. In 1608 a nun by the name of Mother Magdalena de San Jerónimo formulated a plan for the establishment of a house of confinement and punishment (galera) for delinquent women, which led to the creation of the galera de mujeres in Madrid in the early years of the seventeenth century. The galera was to be the equivalent of the galleys. In the words of Mother San Jerónimo, "it was to have the same severity and rigor so that the mere mention of its name would suffice to inspire fear." In order to recreate the same conditions as on the galleys, the hair of the inmates was to be shaved with a razor, and their diet was to consist of coarse black bread or biscuit (hardtack) and vegetables. The women were supposed to work continuously, and misdemeanors and infractions of the rules were to be punished by the application of chains, handcuffs, fetters, and other means of coercion so that "the institution would in every way resemble its name.

[6] From the beginning, the galera lacked sufficient funding. Its only reliable source of income was the municipality, and it had to depend almost entirely on private charity. According to Galdiano y Croy, its total income in 1676 was a mere 954 ducats, while its operating expenses amounted to 1,936 ducats. Its meager resources severely limited the number of women who could be admitted to a maximum of seventy or eighty. In 1676 there were only fifty-nine women in the galera, and they were living in conditions of extreme poverty and want, a situation that continued to characterize this establishment through the eighteenth century.

In contrast to the limited operations of the galera for women, the galleys became the principal male penal institution in early modern Spain. Sources for the study of the galleys as a penal establishment are few and incomplete. The galley registers in existence in Cartagena some fifty years ago have long since disappeared, and they seem to have been fragmentary. Whatever remained of them at the beginning of the twentieth century was used by the Spanish penologist Felix Sevilla y Solanas in his Historia penitenciaria española (la galera) (Segovia, 1917), still the principal work on this subject. In the absence of the galley registers, contemporary opinion and legislation form the main source of information. Over the course of three centuries a formidable corpus of royal and administrative
regulations and decrees was issued for the galleys, and much of this material has been preserved.\(^{(14)}\) In addition, there exist numerous references to the galleys in the works of Spanish writers of the period, and some of them, notably Cervantes, Mateo Alemán, and Vélez de Guevara, had a direct acquaintance with the marginal and delinquent types who made up the *chusma* or rowing force of the galleys.

A series of laws beginning in 1530 gradually extended galley service to all kinds of offenders (both major and minor) as well as those whose deviant behavior was defined by the laws of the period as crimes. As early as 1539 all male gypsies between the ages of twenty and fifty years who were without employment and living without a master could be sent to the galleys for six years. In 1552 the penalty for vagabondage was increased to four years on the galleys for the first offense, eight for the second, and life for the third. This legislation defined vagabonds as gypsies, foreign tinkers,\(^{(7)}\) and healthy mendicant poor. By the second half of the sixteenth century, bigamists and blasphemers tried by either the Inquisition or the secular courts (both had jurisdiction in these cases) could be sent to galleys, as well as commoners who made, used, or sold playing dice, false witnesses in civil and criminal cases, male procurers, and persons who resisted arrest. In the seventeenth century the list was further extended.\(^{(15)}\) Such legislation was made the more effective by constant royal pressure on magistrates to condemn as many men as possible to the galleys; and by the second half of the sixteenth century the normal sentence for convicted male criminals, with the exception of nobles and clergy, was the galleys. Nobles could not be sentenced to any form of degrading punishment such as lashes or the galleys, and except in cases of treason, their sentences usually were commuted to banishment or military service. Likewise, the clergy could be prosecuted only by the ecclesiastical authorities, but if convicted of capital crimes, they were often secularized and sentenced to the galleys.\(^{(16)}\)

Indeed, so great was the pressure to make more men available for the oar that it became standard practice to take convicted offenders who were awaiting the outcome of their appeals in jails to serve during the interim (*en depósito*) on the galleys. Although the legality of this practice was questionable, it was deemed necessary in view of the long delays involved in the appeals system. It was not uncommon for prisoners to spend from three to six years waiting for a decision on their appeals, and during that time they often died, escaped, or committed additional crimes. By sending men to the galleys immediately after their initial sentencing, it was possible to avoid the evils of long encarceration and to obtain maximum utilization of convict labor for the state.\(^{(17)}\)

Sentences ranged from two years to life, with an average term oscillating between four and six years. Condemnations for less than two years were deemed inappropriate, because men needed at least a year to become fully serviceable at the oar. On the other hand, sentences for more than ten years were rejected on humanitarian and utilitarian grounds (considered excessive and, in the long run, unprofitable). By 1653 sentences had been set at ten years, but frequently prisoners were not released after the completion of their sentences. Until 1663, for example, men could be detained for\(^{(8)}\) nonpayment of fines and court fees imposed at the time of their original sentencing. In addition, *forzados* were retained as a result of sentences given for crimes committed on board while serving their terms. Cases of this kind were tried under military law by a special judge known as the *auditor de las galeras*.\(^{(18)}\)

Neither old age nor youth seems to have constituted disqualification for condemnation to the galleys, even though both groups were entirely useless at the oars. A minimum of seventeen years of age was established in 1566, but it is quite clear that it was not always respected. In 1734 Philip V lowered the age requirement to fifteen years for those found guilty of theft at court.\(^{(19)}\) Despite the laws, magistrates, who had wide discretionary powers in this period to increase or decrease penalties, usually were reluctant to send offenders under seventeen years of age to the galleys except in the case of those they considered incorrigibles, e.g., habitual thieves and vagrants. When they did sentence juveniles to
the galleys, they often stipulated that they be used as cabin boys or servants of the galley officers. Whether this was stated or not, all served in similar positions, because boys and adolescents were able to perform only a few functions on the galleys. (20)

Like youths, old men were sent to the galleys despite their unserviceability. There was always a sizeable proportion of aged and invalid forzados on the galleys, but almost all of them had been reduced to this condition as a result of years of service. How many of them were sentenced to the galleys initially at an advanced age is a question that cannot be readily answered because no legal maximums were ever set, and it is not clear what was the definition of "old" in this period (examples can be found to suggest any age from fifty upwards). Nevertheless, it seems likely that relatively few men over fifty years of age were sentenced to the galleys -- not because of any legal or humane considerations, but rather because a large percentage of the crimes in this period were committed by men between the ages of eighteen and thirty-five, precisely the age group considered best for the exercise of the oars. (21)

While forzados made up one part of the galley chusma, slaves constituted the remainder. There were several kinds of slaves, their classifications reflecting their mode of acquisition, that is, by capture, purchase, private donation, or judicial sentence. Moreover, [9] within these four general categories there were other subdivisions. In the first classification were Moslem prisoners of war captured in the continuous struggles between Spain and the Islamic empire in the Mediterranean and North Africa. The enslavement of prisoners of war was a well-established custom in the Mediterranean world. Christians enslaved Moslems and Moslems retaliated in kind. The majority of the Moslem prisoners of war were North Africans (Moroccans, Algerians, and Tunisians), but there also were Moriscos (converted Spanish Moslems) and renegades. (22) Almost all were captured off North African vessels and were professional seamen and corsairs. Once captured they became esclavos del rey (royal slaves), and were sent to serve on the galleys. When military forays and expeditions failed to provide sufficient numbers of prisoners, royal officials purchased slaves, but they had to be Moslems because legally only infidels could be enslaved on the Christian galleys. The standard price for these slaves remained at 100 ducats apiece in the sixteenth and seventeenth centuries, but in the eighteenth century it was somewhat higher, usually around 130 ducats. Most often the money utilized in these purchases came from the sale of old and unserviceable galley slaves who customarily were auctioned off to the highest bidder. (23) This system enabled the king to replace slaves at a minimum cost to the royal treasury.

Not all enslaved Moslem prisoners of war could be disposed of so easily and profitably when no longer serviceable. Within this classification there also was a special category of slaves considered too dangerous and pernicious ever to be alienated from royal possession. They included the arraeces or captains of the corsair vessels, renegades, and Moriscos. All three groups were held to be royal slaves in perpetuity, that is, they could never be freed, exchanged (for Christians in Moslem captivity, a common practice), or sold. In contrast to the rest of the Moslem slaves, they could not be used in any occupation on the galleys except at the oars, and like the forzados they were kept chained permanently to their benches. (24)

In addition to those who became galley slaves as a result of warfare or purchase, there were others who originally were private domestic slaves. Masters often chose to punish rebellious and troublesome slaves by donating them to the king to be used on the galleys, and in this way they, too, became esclavos del rey. For [10] slaveholders this proved to be a convenient method both of punishing disobedient slaves at no cost to themselves and of letting the fate of these troublemakers serve as an object lesson for the rest of their slaves. The only requirement, which was that slaves must be infidels, appears to have been violated frequently (especially in the case of black slaves), as witnessed by repeated royal decrees prohibiting the acceptance of donated slaves who were Christians. (25) These
slaves were particularly numerous in the galleys in the last quarter of the sixteenth century; a period in
which slavery reached its zenith on the Iberian Peninsula. In 1568 it was found necessary to establish
the rule that in the event of escape or death of donated slaves, the king did not bear any financial
responsibility for them, and no compensation would be paid to their owners. In the 1580s there were so
many of them on the galleys that royal officials were ordered not to accept any more.\(^{(26)}\)

In the seventeenth century the situation changed dramatically. Black slaves became less available and
more costly as their sources of supply began to contract, especially after the loss of Portugal in the
1640s.\(^{(27)}\) In these circumstances slaveholders became less willing to donate slaves, even the most
troublesome, since their investment was now more valuable. On the other hand, the fact that private
slaves could be utilized by the king in this manner, that is, transferred from private to state control, set
a precedent for government actions in the seventeenth century. Several times during that century - for
example in 1639 and 1647, when there was an acute shortage of rowers - the king forced individual
owners to send their slaves to the galleys to serve "temporarily," a situation that usually lasted several
years.\(^{(28)}\)

The fourth classification of slaves were those who were on the galleys because of judicial sentences.
Slaves, like free persons, could be tried by the courts for delicts and, if convicted, condemned to serve
terms on the galleys. In this event, the conditions of slave and *forzado* clearly overlapped. Slaves
serving judicial sentences on the galleys remained slaves, but for the duration of their terms they
became *forzados* as well.\(^{(29)}\) As *forzados* they remained chained to their benches and were prohibited
from performing any labor other than pulling the oars. After the completion of their sentences, as
slaves, they were subject to the legal limitations and restrictions \[^{11}\] inherent in that status. They could
not be freed like the convict oarsmen, but rather they had to be returned to their owners. If their masters
did not reclaim them, they remained on the galleys as slaves, but in this capacity they could be used in
other tasks besides rowing. When they became old or unserviceable, they were given their freedom
(literally turned out to die) with the proviso that they withdraw from the coastal regions of the country
on the penalty of being returned to the galleys as royal slaves in perpetuity.\(^{(30)}\)

Loss of the galley registers and lack of other sufficient quantitative data hamper any systematic
accounting of slaves and *forzados* making up the *chusma* on the Spanish galleys. Their number and
proportion depended on many factors - in particular, the size of the galley fleet and the capacity of its
vessels. During the early modern period the size of the Spanish fleet varied considerably depending on
time and place, although for most of the sixteenth and seventeenth centuries there were five permanent
squadrons. The number of vessels making up these squadrons also fluctuated. In 1612 the squadron of
Spain, the largest one in the Spanish fleet, consisted of eleven galleys, but by 1668 there were seven.-\(^{(31)}\) However, galleys grew larger to accommodate more fighting men and cannon as the scale of
warfare intensified between Spain and Islam in the Mediterranean. As galleys increased in size, the
rowing forces expanded proportionally. In 1587 the standard galleys of the squadron of Spain were
required to have 170 rowers each, but in 1621 the galley ordinances called for 260 oarsmen per galley,
with 375 and 280 respectively for the two principal ships of the squadron, the *Capitana* and the
*Patrona*.\(^{(32)}\) These quotas still were considered standard in the early years of the eighteenth century,
but stipulated quotas bore little relation to reality. At all times, the actual number of oarsmen differed
from their authorized quotas. In the year 1655 there were 1,882 rowers in the squadron of Spain, some
forty-two more than were required, while in 1668 the total of 2,080 oarsmen included 125 extra men
(see tables 1.2 and 1.3).

Despite the apparent surplus of *chusma*, these figures are really misleading, because they include men
who were unserviceable, that is, either crippled, incurably ill, or too old to be used at the oar. Since
these men usually numbered some fifty to 100, the actual number available to work the oars was much
smaller. If the proportion of aged and incurables is added to those being held illegally (buenas boyas forzados), the situation changes substantially. In view of these circumstances, it is easier to comprehend the complaints of the galley officials who claimed that there never was a large enough chusma.

<table>
<thead>
<tr>
<th>Galley*</th>
<th>Forzados</th>
<th>Slaves</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitana</td>
<td>303</td>
<td>135</td>
<td>438</td>
</tr>
<tr>
<td>Patrona</td>
<td>206</td>
<td>71</td>
<td>277</td>
</tr>
<tr>
<td>Santa Bárbara</td>
<td>164</td>
<td>71</td>
<td>235</td>
</tr>
<tr>
<td>San Pedro</td>
<td>142</td>
<td>44</td>
<td>186</td>
</tr>
<tr>
<td>San Ramón</td>
<td>160</td>
<td>40</td>
<td>200</td>
</tr>
<tr>
<td>Santiago</td>
<td>125</td>
<td>69</td>
<td>194</td>
</tr>
<tr>
<td>Sandovala</td>
<td>174</td>
<td>56</td>
<td>230</td>
</tr>
<tr>
<td>San Jorge</td>
<td>136</td>
<td>55</td>
<td>191</td>
</tr>
<tr>
<td>Toledana</td>
<td>160</td>
<td>34</td>
<td>194</td>
</tr>
<tr>
<td>San Francisco</td>
<td>130</td>
<td>47</td>
<td>177</td>
</tr>
<tr>
<td>Santa Ana</td>
<td>139</td>
<td>31</td>
<td>170</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,839</strong></td>
<td><strong>653</strong></td>
<td><strong>2,492</strong></td>
</tr>
</tbody>
</table>

Table 1.1. Oarsmen in the Squadron of Spain, 1612
*Figures for buenas boyas forzados are missing.
Source: MN, Vargas Ponce, tomo 20, doc. 84, Nov. 6, 1612.

A comparison of the figures in tables 1.1 and 1.3 shows an increase in the number of slaves between 1612 and 1688. Galley rules held that for security reasons the proportion of slaves on each vessel should be strictly limited. In the sixteenth century their specific number was left to the discretion of the fleet commanders. In 1607 official quotas were fixed at forty slaves for a standard galley and eighty and fifty for the Capitana and Patrona, respectively, but this rule seems to have been consistently ignored. As the seventeenth century advanced, their numbers grew steadily. In 1612 they made up
26 percent of the rowing force on the squadron of Spain, while in 1688, 41 percent of the *chusma* were slaves, almost all of whom were Moslems.\(^{(35)}\)

<table>
<thead>
<tr>
<th>Galley</th>
<th>Buena Boyas</th>
<th>Forzados</th>
<th>Slaves</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitana</td>
<td>53</td>
<td>148</td>
<td>178</td>
<td>379</td>
</tr>
<tr>
<td>Patrona</td>
<td>23</td>
<td>144</td>
<td>110</td>
<td>277</td>
</tr>
<tr>
<td>San Pedro</td>
<td>21</td>
<td>135</td>
<td>106</td>
<td>262</td>
</tr>
<tr>
<td>San Miguel</td>
<td>33</td>
<td>144</td>
<td>125</td>
<td>302</td>
</tr>
<tr>
<td>Soledad</td>
<td>32</td>
<td>137</td>
<td>122</td>
<td>291</td>
</tr>
<tr>
<td>Santa Teresa</td>
<td>23</td>
<td>140</td>
<td>94</td>
<td>257</td>
</tr>
<tr>
<td>Almudena</td>
<td>32</td>
<td>157</td>
<td>123</td>
<td>312</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>217</strong></td>
<td><strong>1,005</strong></td>
<td><strong>858</strong></td>
<td><strong>2,080</strong></td>
</tr>
</tbody>
</table>

Table 1.3. Oarsmen in the Squadron of Spain, 1668
Source: MN, Vargas Ponce, tomo 27, doc. 58, Sept. 21, 1668.

Coincidentally with the rise in the proportion of slaves there was a decrease in the *forzado* component of the *chusma*. In 1612, 73 percent of the rowing force consisted of the *forzados*, but by 1688 that figure had declined to 48 percent. Notwithstanding an increase in demand as the fleet and the capacity of the vessels grew larger, the contraction in the number of convict oarsmen was closely related to the general demographic decline in seventeenth-century Spain. The epidemics and subsistence crises of this period particularly affected the lower economic groups, the poor and marginal classes from which the galley *chusma* was drawn. At the same time, the military needs of the second half of the seventeenth century absorbed a large part of this group, since the armies were drawn from these same classes. It was also in this period that common criminals sentenced to the galleys began to be sent instead to the expanding network of North African presidios.\(^{(36)}\) Thus, the galleys had to compete with the army and the North African presidios for a declining reserve of convict manpower. In this context, repeated legislation ordering the requisitioning of slaves belonging to private individuals and the conscription of gypsies represent desperate acts by the government to fill the galley benches.\(^{(37)}\)

As fewer condemned men became available for service at the oar, the number of *buenas boyas forzados* rose dramatically. The illegal retention of prisoners after the completion of their sentences was one of the worst abuses of the galleys, and it continued for three centuries. Men were retained beyond their terms because the king needed their services. Originally, it was reasoned that since it took several years for men to become proficient in handling the oars, the king could not afford to release seasoned oarsmen. At times, men were offered the opportunity to remain voluntarily as free salaried oarsmen, but this system was unsuccessful. As it became more and more difficult to find replacements, illegal retention became common. In an effort to legitimize it, retainees automatically were converted into *buenas boyas forzados* and often remained in that status for years.\(^{(38)}\) The proportion of *buenas boyas forzados* more than tripled between 1655 and 1668. (See tables 1.2 and 1.3.) In 1655 they made up 3 percent of the *chusma* in the squadron of Spain, while in 1668 they represented 10 percent. Together with the slaves, they constituted 52 percent of the rowing force in 1668.

Given the circumstances, particularly in the second half of the seventeenth century, legal limitations on sentences were practically meaningless. Regardless of whether they were sentenced for life or a term of years, most men could expect to spend the rest of their lives at the oars, or until age, illness, or death ended their sufferings. Money, of course, could alter the situation, since there was some possibility of
obtaining release by supplying a replacement, i.e., a Moslem slave, or the price of a slave. Although this system was well established, little is known about how it actually worked and the extent to which it was practiced. Retainees, especially the ill and disabled, were the most favorable candidates for these exchanges, but at times even able-bodied oarsmen were released. In 1642, for example, several buenas boyas forzados who had been held illegally for years after the completion of their sentences successfully obtained their releases from the king after offering slave replacements. Nor was it always necessary to petition the king, since galley captains and cómitres at times also accepted slave replacements or payments for releases, especially when the petitioning oarsmen were weak or unfit. Although verification is wanting, there is some indication that these illegal releases were standard practice on the galleys.

While the hardships and privations of life on the galleys were well known and condemnations to them greatly feared, they were an improvement on the death penalty. There always existed the possibility (remote or not) of a return from the galleys, while the galloways were final - finisbusterrae, as expressed in the colorful thieves' jargon of the era. Spanish literature of the period is quite revealing in this regard. One of the best examples can be found in Vélez de Guevara's play El águila del agua, where the galeote Escamilla is reproached by his girlfriend for having preferred the galleys to "dying with honor" on the galloways. Escamilla's reply sums up the criminal's point of view: he states that it was better to be alive and "hitting the waves" than hanging from the gallows. With life there was hope, and everything bad came to an end eventually. Once the noose was avoided, the galleys were mere pastime.

The same opinion is encountered in Don Quijote when one of the prisoners in the chain of forzados, who is sentenced to six years on the galleys, exclaims: "I am young yet; and if I live long enough, everything will come out all right." Similar expressions can be found in the statements of the prisoners whose cases were on appeal before the Chancillería of Granada in 1572.

Although the criminal elements were optimistic about their chances for survival on the galleys, there is no way to test their assumptions, because of lack of data to estimate mortality rates. Significantly, there is no mention in extant records or contemporary accounts of prisoners returning from the galleys after the completion of their terms; but this may be more a reflection of the practice of retaining them illegally than of high mortality rates. Even men who were totally unserviceable, i.e., blind or crippled, were retained after the termination of their sentences. Given the loss of records, the question remains unanswerable. It does seem that the prisoners probably were right in their belief that survival was possible on the galleys (some hearty souls lived ten or more years), but more problematic was the possibility of returning home from them.

Prison conditions in this period are another factor to be considered. In the early modern era jails were places of detention for persons awaiting trial or decisions on their appeals, a procedure that usually lasted several years. During that time no provisions were made for their upkeep, and if prisoners could not afford to purchase food and other necessities of life from wardens and jailers, then it was expected that they would be supported by relatives and friends. Failing this, inmates supported themselves by begging and with alms donated by religious and charitable institutions, but the funds collected in this manner were hardly enough to sustain life. Many poor and destitute prisoners died of starvation. In contrast to the lack of rations in the jails, prisoners on the galleys were supported by the king. Though badly prepared and monotonous, the king's ration represented regular meals, and there were also periodic clothing allotments. As Fernand Braudel has noted, the true poor and unfortunate in this period were those who had no official provider, either warlike or charitable. Whether or not the food ration on the galleys was as inadequate as is often assumed is debatable, since the diet of the lower classes in early modern Europe was universally limited, unvaried, and devoid of meat. Many vagrants and unemployed in Spain lived on a soup (sopa boba) provided by religious
establishments that was not very different from the vegetable stew of the galley rowers. Prisoners eking out their days in the jails sometimes were so desperate that they asked to be sent to the galleys before the termination of their appeals. In December, 1572, for example, the Corregidor of La Coruña wrote to the king that a number of convicted criminals who had been in the town jail for three years or more awaiting the outcome of their appeals had petitioned him repeatedly to send them to the galleys where they could "serve the king instead of slowly starving to death." 

As for the labor of the galleys, pulling an oar required practice and skill, but once learned it became routine and the oarsmen grew resistant to fatigue. In the Middle Ages the job of rowing the galleys was done by volunteers. The work could be hard and oppressive when the ships were at sea, especially when in flight, under attack, or in a storm, when the cómitre lashed the rowers to increase speed. But according to the picaro-forzado Guzmán de Alfarache, when traveling between ports they ordinarily rowed at a leisurely pace, [17] alternating by pairs according to odd and even numbers, almost like a kind of diversion or exercise. Such labor was seasonal, for the galleys were tied up in port some seven or eight months a year. When the fleet was in, the prisoners remained on board, and it was not until the end of the seventeenth century that convict oarsmen were sent ashore to work in ports and arsenals. Criminals were aware of the long "slack period" on the galleys. The picaro Ginés de Pasamonte in Don Quijote, for example, felt that he would be able to finish his autobiography while serving his sentence because there was plenty of leisure time on the Spanish galleys. The same opinion is expressed by the protagonist in El donado hablador by Dr. Jerónimo Alcalá Yáñez when he says that the galeotes have their "winter season" when they rest in the ports and little work is done. A similar view of life on the galleys was held by the prisoners in the mercury mines of Almadén. When they were asked by a royal investigator in 1593 what could be done to improve their conditions, they all answered that they preferred to finish their sentences on the galleys. At Almadén the convicts worked mainly at bailing water out of the mines to prevent flooding. This labor was constant and strenuous even though the risk of mercury poisoning was less than at the furnaces. In sworn depositions the prisoners declared that despite the fact that the food, living conditions, and medical conditions at Almadén were adequate (actually far superior to the galleys), they could not tolerate the continuous toil to which they were being subjected, and for this reason they wanted to be transferred to the galleys. 

If the labor on the galleys was not as arduous as it appeared to be, living conditions there, although unsanitary, were not as unbearable as modern historians have concluded. In the early modern era the poor both in countryside and in city lived in deprivation, squalor, and stench. The rest of the crew and any passengers as well also had to put up with conditions that were typical of shipboard life in this period. Contemporary accounts vividly report the inconveniences and hardships of sea voyages for all concerned. What made the galleys so feared in the popular consciousness was the loss of freedom that they represented -particularly the practice of chaining men to their benches and the uncertainty of release. Yet, as the forzado Escamilla said, where there is life there is hope, and for [18] these men and others in the period there existed a condition both physically and psychologically more oppressive and hopeless. It is mentioned by the principal character in El donado hablador: if rowing on the Spanish galleys is a temporal hell, he says, even it is better than being a Christian captive chained to the bench of a North African galley.

Convicted criminals sentenced to the galleys were sent by their local justices to the central prisons (depósitos de rematados a galeras) of their respective judicial areas (Toledo, Soria, Valladolid, Seville, Granada). When enough of them were gathered (not less than twelve), they were chained together and manacled and marched overland under heavy guard until they reached the galleys. Oarsmen were taken on at a number of ports along the southern and south-eastern coasts, principally at Cartagena, Málaga, and Puerto del Santa María. Generally, prisoners from the depósitos of Toledo, Valladolid, and Granada
were sent to the Málaga, while those from Seville and Soria went to Puerto de Santa María and Cartagena, respectively. But the destinations of the individual "chains," as the troops of prisoners were called, depended on the immediate needs and locations of the galley squadrons.

In the sixteenth and seventeenth centuries the system of servicing the chains was poorly organized and ineffectively controlled, despite the existence of a special government agency, the Superintendencia de conducciones, fugas y solturas de galeotes y condenados a presidios y campanas (established by Philip II in 1566), to oversee its operations. One of the principal defects of the system was the way in which those who conducted the chains were selected and paid. Usually the conductors were constables, or other law enforcement officers, but at times the position was auctioned off to the highest bidder. The conductors were paid a fixed sum for every prisoner they delivered alive at their destination, regardless of physical condition. In the sixteenth century the conductors normally received five ducats a head for each prisoner, but by the end of the seventeenth century the cost had tripled. In 1671 the conductor of a chain from Toledo to Cartagena purchased his commission to take thirty-four convicts to the galleys at fifteen ducats a head. The per capita fee was supposed to cover all the conductor's costs: subsistence for the chain, the necessary carts and mules, salaries for the guards and notary. Since everything beyond that was the conductor's remuneration, the system encouraged fraud and corruption on the part of the conductors.

In the eighteenth century the procedure was better organized and more effectively controlled. More vehicles were provided for the weak and sick, and there was a greater readiness to allow all convicts to ride in instances of rough terrain or bad weather. An effort was made to avoid dispatching chains in winter, since cold weather could be disastrous for prisoners on the road. These improvements began to appear in the first half of the eighteenth century, but the system was not reorganized until the second half of the eighteenth century (after the abolition of the galleys in 1748), when the chains were destined for the naval arsenals and overseas presidios.
On the march the convicts wore collars made of bands of iron (colleras), which were joined along the length of a long central chain. They walked, and sometimes rode in carts, along routes established early in the sixteenth century and maintained unchanged through the eighteenth century. The journey from Toledo to any one [20] of the galley ports required some three weeks depending on climatic conditions and other circumstances, but conductors often tried to shorten the trip by forcing the chain to cover more than the accustomed distance per day. In this way, particularly if the chain was large, conductors could reduce their expenses and increase their profits. The towns and villages along the route were obliged to provide shelter for the chain, either in local jails or (when jails were unavailable) in barns and stables. Food and all other supplies had to be purchased along the way. (55)

On arrival at their destination prisoners were turned over to the galley officials, who registered each man's name, age, place of origin, crimes, sentences, and other pertinent information in the galley registers. At the same time they were given physical examinations to discover any hidden defects or special physical characteristics. In instances of physical disability, only galley officials on the advice of the galley physicians had the authority to reject men, who would then be returned to the central prisons. In practice, except in cases of obvious incapacity or infectious disease, almost all men regardless of age or infirmities were accepted. (56) On the other hand, prisoners with serious physical disabilities were not sentenced to the galleys in the first place. For major crimes they were given the death penalty, and for lesser offenses some other form of punishment, such as flogging and banishment. In cases where healthy prisoners became disabled after being sentenced to the galleys, they could be disqualified for service by the prison physicians before being placed in the chains. The requirement that all prisoners be examined by the jail doctors before the departure of the chains gave rise to frauds and abuses. Prisoners tried all kinds of expedients to make themselves physically unfit for the galleys. Moreover, doctors in some prisons (Seville was particularly notorious for this) had the reputation of accepting bribes and payments to declare men unserviceable for the galleys. (57)

Slaves (with the exception of those under judicial sentence who were joined to the chains with the convicts) were brought to the galleys in gangs (gavillas), and like the forzados went through the same procedure of registration and examination. (58) Once aboard the galleys, the differences between slaves and forzados were further muted. The newcomers, regardless of status, were assigned their [21] places according to the needs of the individual galleys and each man's estimated strength and capacity for work at the oars. The galley ordinances afforded equal treatment to slaves and forzados in all aspects of their life on the galleys, but because of the essential difference in the nature of their conditions, the punishments meted out to them were not always the same. While flogging was the common penalty applied to all oarsmen for minor offenses, in instances of rebellion or attempted escape the penalties differed. Forzados customarily were punished for major offenses with additional sentences, or in cases of mutiny (considered the most heinous crime on the galleys) with the death penalty. In contrast, slaves (except for those under judicial sentence) were on the galleys in perpetuity and therefore could not be castigated by extending their terms; and they were far too valuable to be sentenced to death except in extreme circumstances. Instead, they often were subjected to the cutting off of an ear or a nose, which served not only as punishment but as a visual warning to others. Aside from these two penalties, oarsmen in general were protected by the galley ordinances against any crippling injuries, since it was in the interest of the king to preserve the rowers. (59)

All oarsmen received the same food and clothing rations. The standard fare on the galleys per man per day was twenty-six ounces of biscuit or hard tack and a vegetable stew composed of six ounces of rice prepared in water and olive oil. Water was the customary beverage except on special occasions when more effort was required from the rowers and wine was distributed in the hope that it would stimulate them. (60) Meat virtually disappeared from their diet in the last quarter of the sixteenth century, when
only eight stews a year included meat. The growth of population in the sixteenth century increased the
demand for grain, and as cultivation of grain expanded, pasture lands were plowed under and the
production of meat decreased accordingly. Before 1540, oarsmen aboard the Spanish galleys were
allotted about four pounds of meat per month. By 1580, meat had been replaced completely by beans,
which became the standard galley fare for the next two centuries.\(^{(61)}\)

The actual distribution of food aboard the galleys left much to be desired, since the \textit{chusma} did not
always receive its full ration. Standards were set by royal decree, but short weighing, false measuring,
[22] cheating, and corruption characterized the system. At times, the penury of the royal treasury or
difficulties with the food contractors caused a reduction in rations. In 1678, for example, the biscuit
allowance was reduced from twenty-six to sixteen ounces because of a shortage of flour. The following
year an additional eight ounces per man was removed from the bread ration, and chickpeas were
introduced as a substitute. Reductions in the bread ration became so common in the last quarter of the
seventeenth century that no attempts were made to substitute anything else, or to make up the losses
after the scarcity had passed.\(^{(62)}\)

The quality of the food on the galleys varied greatly. The biscuit was often hard and moldy and the
stews full of vermin, because the pots were not cleaned thoroughly after their use so as not to waste the
leftovers. Frequently the foodstuffs were of inferior quality, old, or spoiled, but since the galleys
usually sailed close to shore and anchored at night in some coastal haven, fresh supplies could be taken
on more often and there was less chance of spoilage. Rations were relatively fresh, at least in
comparison to those found aboard transatlantic vessels.\(^{(63)}\)

Attempts to vary the diet of the oarsmen proved unsuccessful. Shortages of beans at the end of the
seventeenth century led to the introduction of rice as a substitute, but in the long run this measure
increased the frequency of deficiency diseases such as beriberi and pellagra which, like scurvy, were
always present. In 1680, galley officials in Cartagena complained that 257 oarsmen were ill as a result
of the continued use of rice instead of beans.\(^{(64)}\) In view of the inadequacy of rice and the total absence
of meat it is not difficult to understand why for three centuries galley administrators considered beans
(a cheap source of protein) as the essential food for the \textit{chusma}.

It was also customary for the \textit{forzados} and Christian slaves (Moslems who had been converted while
serving on the galleys) to contribute regularly from their bread rations to the maintenance of religious
services on the galleys. In the period 1665-74, their contribution amounted to two ounces per bench a
day.\(^{(65)}\) Free oarsmen gave a small sum from their salaries to this fund as well. When the ships were at
sea, a special mass (\textit{misa seca} or \textit{náutica} without the consecration of the Host) was held on Sundays by
the galley chaplain \[^{(23)}\] for all except the Moslem slaves, who were required to retire under their
benches and cover their heads during its celebration. When in port, an altar was erected on the wharf
near the galley anchorage for these services. In addition, all Christians on the galleys, whether \textit{chusma}
or galley personnel, belonged to a religious confraternity whose principal objective was to provide
decent burials for its members. Two chapels were founded for this purpose in Puerto de Santa María
and Cartagena, respectively, where masses were said for souls of deceased members and where some
apparently were buried.\(^{(66)}\)

Medical facilities aboard the galleys were the same for all oarsmen, but were completely inadequate.
Aside from the fleet physicians (one per squadron), the regular medical staff of the galleys consisted of
barber-surgeons and their assistants, either slaves or \textit{forzados}, who treated the oarsmen at their benches
\textit{(en cadena)}. They were assisted by the galley chaplains, who gave spiritual comfort to the dying.
Despite these services, afflicted oarsmen generally expired, since most of the ailments - for example,
scurvy, consumption, and tetanus - were incurable given their circumstances and the limited medical
knowledge of the times. Hospitalization and an improved diet could have helped in some instances,
especially in the case of the common deficiency diseases, but even though two galley hospitals existed, one at Puerto de Santa María and the other at Cartagena, few oarsmen were treated there. Galley officials, ever alert against feigned illness, generally refused to allow the oarsmen to be taken to the hospital. Only in exceptional cases - instances of epidemic disease or incurable illness - did they permit removal for hospitalization. They believed that a stay in the hospital weakened the oarsmen, reducing their resistance to fatigue when they returned aboard.\textsuperscript{[67]} There also was the problem of security. Despite elaborate precautions (numerous guards, prisoners chained to their beds), hospitals were not secure: in 1685, for example, a notorious robber band attacked the hospital at Cartagena with the (unaccomplished) design of freeing the forzados inside.\textsuperscript{[68]} In order to avoid such occurrences and to prevent the removal of ill oarsmen ashore, one of the galleys belonging to the squadron of Spain was converted into a floating infirmary in the last years of the seventeenth century. In 1703, rules were adopted governing its organization and administration.\textsuperscript{[69]}\textsuperscript{[24]} Whether or not floating infirmaries existed in other squadrons as well is not known, but it is quite clear that in the eighteenth century oarsmen still were being treated aboard the galleys, chained either to their regular benches or to those of the floating infirmaries.

The distribution of labor on the galleys provides one of the best examples of the overlapping between slavery and penal servitude. When at sea, the principal occupation of both forzados and slaves was rowing, and their placement at the oars reflected their physical strength rather than status. Slaves and forzados rowed side by side, but the slaves, reputedly of superior physical ability, usually occupied the places farthest inboard, which were considered the most fatiguing rowing positions. While the primary labor of the slaves was pulling the oars, they performed other services as well. Slaves customarily were sent ashore chained together in pairs and under guard to draw water and collect firewood. When the galleys were in port, slaves were used to haul and load supplies onto the galleys, and in the last quarter of the seventeenth century and in the eighteenth century they labored at other heavy tasks in the galley arsenals and ports.\textsuperscript{[70]}

There were certain positions on each galley that were held principally by slaves. For example, slaves (almost always chosen from among those Moslems who had become Christians) served as assistants to the guards. Their main functions were to assist the guards in chaining and unchaining the chusma and to help them conduct the clothing and other inspections. Others, both Christians and Moslems, were personal servants of the galley officials. There also were the barberotes, or aides of the barber-surgeons, who helped to shave the hair and beards of the oarsmen every fifteen days and to care for the sick. While these posts could sometimes be held by forzados (but only those serving sentences of less than four years) slaves were preferred.\textsuperscript{[71]} Regardless of whether they were slaves or forzados, men occupying these positions received better rations than their fellows, usually the regular seaman's rations, and went about their duties aboard the galleys either unchained or with light fetters.

In contrast to the varied activities of most of the slaves, most forzados and certain categories of slaves (Moriscos, renegades, and arraeces) were prohibited from performing any labor on the galleys except rowing. In practice, when the ships were in port, the oarsmen\textsuperscript{[25]} labored at such tasks as mending sails, ropes, and other equipment or worked at their trades and handicrafts, since a substantial proportion of the forzados were craftsmen or skilled laborers. Numerous decrees throughout the sixteenth and seventeenth centuries reiterated the prohibition against allowing the forzados ashore for any reason whatsoever until they had completed their sentences and were given their freedom. This rule was established originally so as to insure the proper expiation of their crimes in the manner in which they had been sentenced, i.e., as rowers on the galleys. Later it was claimed that the refusal to use forzados ashore was motivated by the desire to protect them from exploitation and to preserve their strength for the oars.\textsuperscript{[72]} Fear of escapes was another factor, since it proved impossible to guard slaves
and forzados well enough to prevent flights. Most of the successful escapes were accomplished by slaves who managed to flee either while performing their regular chores ashore or when laboring in the galley ports.\(^{(73)}\)

When the galleys were at sea, mutinies and escape attempts were infrequent, and those that have been recorded usually involved a conspiracy between forzados and Moslem slaves. Although differences in religion might seem to have impeded such cooperation (and sometimes probably did), for desperate men this too could be overcome. In any event, it would have been useless for Christian forzados to mutiny and seize a galley unless they planned to take it into a North African port. The assistance of the Moslem slaves was essential to any successful rebellion, especially since most of them were professional corsairs who knew the routes and coastal waters well. Mutinies were particularly likely when the galleys neared the North African coast. Most of the recorded incidents occurred at that time or during the course of battles between Spanish and North African galleys.\(^{(74)}\)

Notwithstanding the long-established policy of prohibiting the use of forzados ashore, such labor became more frequent by the last years of the seventeenth century, as the galleys gradually became outmoded. In the eighteenth century, when the vessels spent most of the year tied up in port, the forzados worked alongside the slaves in the galley arsenals in a wide range of occupations, although most performed heavy labor. They were used to move masts and other stores around the arsenal and docks and to cut and transport timber\(^{(26)}\) used in the shipyard. From 1716 they worked at dredging the port of Cartagena and cleaning the basins where the ships were built and launched. In addition, forzados and slaves from the galleys helped to build the pontoon bridge that served as principal access to the port of Cartagena, and worked at excavation for construction in the dockyard areas.\(^{(75)}\)

The utilization of forzados from the galleys in unskilled labor in the arsenals and navy yards during the last years of the seventeenth century and the first half of the eighteenth century set the precedent for their use ashore in the second half of the eighteenth century. When the galleys were abolished in 1748, forced labor in the arsenals was substituted for galley service, and the navy yards and arsenals were transformed into penal establishments as replacements for the galleys. In the years 1749-87, a period of naval expansion, sentences to hard labor in the arsenals became the most common form of punishment as the government exploited the manpower of prisoners to perform the necessary heavy labor of construction and maintenance in the naval arsenals. As penal labor moved from the galleys, so did slavery. Slaves worked side by side with the convicts as the two systems of involuntary labor continued to coexist in the arsenals as they had on the galleys.

Notes for Chapter One


4. NR, book 8, title 24, law 2, Nov. 28, 1510; Francisco Felipe Olesa Muñido, *La organización naval de los estados mediterráneos y en especial de España durante los siglos XVI y XVII* (Madrid: Editorial


9. The exact date of the establishment of the *galera* in Madrid is not known. Perez de Herrera mentions it by name in his *Relación de sus muchos y particulares servicios* (1618), but there are no references to it in extant official sources until 1622. See Perez de Herrera, *Amparo de pobres*, Introducción, p. 156; and Antonio Domínguez Ortiz, "La galera o cárcel de mujeres de Madrid a comienzos del siglo XVIII," *Anales del Instituto de Estudios Madrileños* 9 (1973): 280.


11. Ibid. See appendix for the mies of the *galera*.


17. AGS, Diversos de Castilla, legs. 28, 29; Sevilla y Solanas, *Historia penitenciaria*, pp. 55-56.


21. Conclusions based on data utilized in this study.

22. The Moriscos were expelled from Spain in 1609-11 and prohibited from returning under penalty of death or perpetual enslavement on the galleys. Many of the Moriscos were renegades as well, since they had renounced Christianity for Islam after leaving Spain for North Africa. In the eighteenth century some renegades were Christians who, after deserting from the Spanish presidios in North Africa where they were serving as soldiers or penal laborers, were recaptured by the Spaniards.


25. MN, Vargas Ponce, tomo 25, doc. 103, Mar. 1, 1657; ibid., tomo 30, doc. 254, Nov. 17, 1691; ibid., doc. 172, Feb. 27, 1690.


29. Slaves serving as *forzados* were specifically excluded from the legislation of 1653 fixing a ten-year limit on life sentences. MN, Vargas Ponce, tomo 25, doc. 207, July 20, 1662.

30. Sevilla y Solanas, *Historia penitenciaria*, pp. 105-7. They could not be auctioned off like the rest of the slaves, because they did not belong to the king.

31. MN, Vargas Ponce, tomo 20, doc. 84, Dec. 8, 1612; ibid., tomo 27, doc. 58, Sept. 21, 1668. There were the squadrons of Spain, Sicily, Sardinia, and Genoa. Also, for a short period of time, there was one for Portugal. See Cesáreo Fernández Duro, *Disquisiciones náuticas* (Madrid: Aribau y Ca, 1877), 2:114.


33. The *buenas boyas forzados* represented an unreliable source of manpower because in theory they could be freed by the king at any time. For an example in 1654, see MN, Vargas Ponce, tomo 25, doc. 37, Jan. 20, 1654; and in 1674, ibid., tomo 27B, doc. 102, July 23, 674.


35. All percentages are based on the corrected figures.

36. Two royal decrees, dated 1653 and 1654, respectively, directed magistrates to send convicted felons to Melilla and Larache. In 1677 all prisoners sentenced to less than three years on the galleys were to be sent instead to La Mamora. AHN, Sala de Alcaldes de Casa y Corte, year 1653, f. 136; year 1654, f. 588; year 1677, f. 557.


43. Von Bar, *Continental Criminal Law*, chs. 7-11; *Cortes de León y Castilla*, 5:852.

44. The three principal sources for prison life in sixteenth-century Spain are: Bernardino de Sandoval, *Tractado del cuydado que se debe tener de los presos pobres* (Toledo: En Casa de Miguel Ferrer, 1564); Tomás Cerdán de Tallada, *Visita de la cárcel y de los pobres* (Valencia: Pedro de Huete, 1574); and Cristóbal de Chaves, *La relación de la cárcel de Sevilla* (1591), in *Ensayo de una biblioteca española de libros raros y curiosos*, ed. Bartolomé José Gallardo (Madrid: Rivadeneyra, 1863).


46. AGS, Diversos de Castilla, leg. 29, La Coruña.


50. Conditions at Almadén are discussed in pt. 1, ch. 2, below.


1674; ibid., tomo 30, doc. 251, Oct. 13, 1691.


64. MN, Vargas Ponce, tomo 27, doc. 246, Nov. 18, 1680; ibid., tomo 29, doc. 32, Nov. 1, 1681.

65. MN, Vargas Ponce, tomo 27B, doc. 126, July 22, 1675.

66. Sevilla y Solanas, Historia penitenciaria, pp. 194-95, 186.


68. MN, Vargas Ponce, tomo 29, doc. 135, Feb. 26, 1685; Lasala Navarro, Galeotes y presidiarios, p. 76.

69. MN, Vargas Ponce, tomo 31, doc. 218, Oct. 25, 1703; ibid., doc. 218, Nov. 5, 1703; Sevilla y Solanas, Historia penitenciaria, p. 80.

70. MN, Vargas Ponce, tomo 22, doc. 100, Dec. 9, 1689; ibid., tomo 24, doc. 42, Feb. 28, 1655; Sevilla y Solanas, Historia penitenciaria, pp. 116-20.

71. Olesa Muñido, La organización naval, pp. 782-88. Clothing inspections were held weekly on Sundays, and men whose garments were found missing were punished.

72. Biblioteca Nacional de Madrid, MS. 8850, June 4, 1607, f. 51; Sevilla y Solanas, Historia penitenciaria, pp. 78-81.

73. MN, Vargas Ponce, tomo 30, doc. 222, June 4, 1691; doc. 231, July 14, 1691; tomo 25, doc. 41, Feb. 25, 1651; doc. 178, June 10, 1686.

74. Fernández Duro, Disquisiciones, p. 108; Lasala Navarro, Galeotes y presidiarios. p. 70.

75. MN, Vargas Ponce, tomo 32, doc. 190, Dec. 1, 1730; tomo 31, doc. 289, Oct. 20, 1716.