
Penal Servitude in Early Modern Spain: the Galleys

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Penal servitude and slavery are two forms of coercive labor that had a long history in Spain as in other Mediterranean countries. Although historians traditionally have been interested in slavery on the Iberian Peninsula mainly as a background for slavery in the New World, penal servitude has remained a relatively neglected topic.¹ Yet penal servitude and slavery had classical origins and both institutions maintained a parallel and continuous existence from ancient to modern times.² Moreover, not only did these two systems exist together in time and space, but they often overlapped, a factor that has made it difficult for scholars to distinguish clearly between them. This has led some

* This article is part of a larger projected study of crime and penal servitude in the Hispanic World in the sixteenth through eighteenth centuries. It is based on materials consulted in the following archives: Museo Naval, Madrid, Spain; Archivo General de Simancas, Valladolid, Spain; Archivo Histórico Nacional, Madrid, Spain (abbreviated hereafter as MN, AGS, AHN), respectively.

¹ There are several general works on the history of the Spanish penal system that contain valuable information on penal servitude. The most useful are: RAFAEL SALILLAS, *Evolución penitenciaria en España* (Madrid, 2 vols. and FERNANDO CADALSO, *Instituciones penitenciarias y similares en España* (Madrid, 1922). Slavery on the Iberian peninsula has been studied by CHARLES VERLINDEN, *L'Esclavage dans l'Europe médiévale*, vol. I: *Péninsule Ibérique-France* (Brussels, 1955); ANTONIO DOMÍNGUEZ ORTIZ, "La esclavitud en Castilla durante la Edad Moderna," *Estudios de historia social de España*, II (1952), 369-428.

² For a discussion of the continuity between medieval slavery based on classical origins and slavery in America, see CHARLES VERLINDEN, *The Beginnings of Modern Civilization* (Ithaca, 1970).

of them to equate penal servitude with slavery, particularly in its most common early modern form, that of forced labor on the galleys.³ The apparent confusion between these two systems and the relatively unexplored state of research concerning penal servitude make it an excellent topic for further investigation. In the early modern era there is no better place to study these two systems of involuntary labor than on the galleys where they coexisted for three centuries.⁴ The purpose of this paper is to examine the historical development of penal servitude in early modern Spain from the perspective of the galleys and to view its parallel existence and interaction with slavery.

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 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.⁵ Both penalties were regarded popularly 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 antiquity, penal servitude appears to have been used infrequently in the Middle Ages although it is mentioned as a penalty in Castilian medieval law.⁶ 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 places of detention for persons

³ The sociologist J. T. SELLIN in *Slavery and the Penal System* (New York, 1976) considers penal servitude to be equivalent to slavery. According to Sellin, life sentences to penal servitude on the galleys (what he calls galley slavery) automatically resulted in confiscation or loss of the offender's property and civil death which meant that he took the attributes of a chattel slave: a non-person in the eyes of the law. While it is true that condemnation to the galleys did in fact mean civil death, not only for lifers, but time servers as well, it covered the period of the judicial sentence only. In the seventeenth century life sentences to the Spanish galleys became fixed at ten years. In contrast, the non-person status of a slave was considered permanent and that is precisely one of the most important differences between the two conditions; slavery is permanent; penal servitude is temporary.

⁴ Penal servitude and slavery also coexisted in the Spanish mercury mines of Almadén during the early modern period, but in contrast to the galleys this establishment contained small contingents of prisoners only (their stipulated quota was 40) and about twice that number of slaves. See RUTH PIKE, "Penal Servitude in Sixteenth-Century Spain, The Mines of Almadén," *Societas—A Review of Social History*, III (Summer, 1973), 193-206.

⁵ CARL LUDWIG VON BAR, *A History of Continental Criminal Law*, trans. Thomas S. Bell (Boston, 1916), p. 36.

⁶ *Códigos y Leyes de España*, ed. A. Aguilera y Velasco, 3 (Madrid, 1866), Partida VII, title XXI, law 4, p. 325.

awaiting trial, or decisions on their appeals, or the execution of their capital or corporal punishments in addition to coercing debtors. For major crimes, the death penalty was the usual punishment but depending on circumstances, it was also decreed for lesser offences as well. Minor crimes were punishable by flogging, banishment, fines and various forms of corporal mutilations. Often a combination of two or more of these penalties was applied to transgressors. 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.⁷

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, i.e., the defence 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 or hard labor on the galleys was introduced into Spain in the reign of Ferdinand and Isabella as an alternative form of corporal punishment more useful to the state than other existent afflictive penalties.⁸

As the galley squadrons grew in response to the constant warfare between Spain and Islam 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*

⁷ For methods of punishment in Early Modern Europe see C. L. VON BAR, *Continental Criminal Law*, chs. VII-XI and G. RUSCHE and OTTO KIRCHHEIMER, *Punishment and Social Structure* (New York, 1939).

⁸ *Nueva Recopilación de las Leyes de España* (hereafter NR) (Madrid, 1772), Book VIII, title XXIV, 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, 1968), II, 749-50.

forzados.⁹ 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.

Sources for a study of the galleys as a penal institution are few and incomplete. The galley registers in existence in Cartagena some fifty years ago have long since disappeared and they seemed to have been fragmentary. Whatever remained of them at the beginning of the twentieth century were used by the Spanish penologist Félix Sevilla y Solanas in his *Historia penitenciaria española (la galera)* [Segovia, 1917] still the principal work on this subject. Lacking 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.¹⁰ 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 Veléz 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 the 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, and in 1552 the penalty for vagabondage was increased to four years on the galleys for the first offence, eight for the second, and life for the third. This legislation defined vagabonds as gypsies, foreign tinkers, and healthy mendicant poor. By the second half of the sixteenth century bigamists and blasphemers tried either by the Inquisition or the secular courts (both had jurisdiction in such cases) could be sent to the 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.¹¹ Such legislation in addition to constant royal pressure on magistrates to condemn as many men as possible to the galleys meant that by the second half of the sixteenth century the normal sentence for convicted male

⁹ OLESA MUÑIDO, *La organización naval*, II, 757-760; JOHN GUILMARTIN, *Gunpowder and Galleys* (Cambridge, 1975), p. 111.

¹⁰ These documents can be found in the Museo Naval in Madrid. Other assorted papers relating to the galleys also exist in the Archivo General de Simancas, Valladolid. See also I. A. A. THOMPSON, "A Map of Crime in Sixteenth-Century Spain," *The Economic History Review*, 21 (1968), 244-267.

¹¹ FÉLIX SEVILLA Y SOLANAS, *Historia penitenciaria española (la galera)*, *apuntes de archivo* (Segovia, 1917), pp. 30-32 lists this legislation. See also OLESA MUÑIDO, *La organización naval*, II, 762.

criminals, with the exception of the nobles and the 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.¹²

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 waiting the outcome of their appeals in jails to serve during the interim "in bond" (*en depósito*) on the galleys. Although there was some question as to the legality of this 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 incarceration and to obtain maximum utilization of convict labor for the state.¹³

Sentences ranged from two years to life with an average term oscillating between four to 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 life 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 non-payment 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*.¹⁴

Neither old age or 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 it was not always respected. In 1734 Philip V lowered the age requirement to fifteen years for those found guilty of theft at court.¹⁵ Despite the laws, magistrates who had wide discretionary powers in this period to in-

¹² FRANCISCO TOMÁS Y VALIENTE, *El derecho penal de la monarquía absoluta (siglos XVI-XVIII)* (Madrid, 1969), pp. 318-319.

¹³ AGS, Diversos de Castilla, leg. 28, 29; SEVILLA Y SOLANAS, *Historia Penitenciaria española*, pp. 55-56.

¹⁴ SEVILLA Y SOLANAS, *Historia penitenciaria española*, p. 33, 84-85; For the decree of 1653, MN, Colección Vargas Ponce, tomo XXV, doc. 31, Oct. 26, 1653.

¹⁵ *Novísima Recopilación de las leyes de España* (Madrid, 1850), Book XII, title 14, law 3, Feb. 1734. For the law of 1566, see NR, Book VIII, title XI, law 9, May 3, 1566.

crease or decrease penalties, were usually 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's officers and whether this was stated or not, all served in similar positions because they were the only ones that boys and adolescents could perform on the galleys.¹⁶

Like youths, old men were sent to the galleys regardless of their unserviceable nature. 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 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 for anyone from fifty years of age or more). 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 most crimes in this period were committed by men between the ages of 18 and 35, precisely the age group considered best for the exercise of the oars.¹⁷

While *forzados* made up one part of the galley *chusma*, slaves constituted the remainder. There were several kinds of slaves and their classifications reflected their mode of acquisition, that is, by capture, purchase, private donation and judicial sentence. Moreover, within these four categories there were different gradations and status. In the first classification were Moslem prisoners of war captured in the continuous struggles between Spain and Islam 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.¹⁸ Almost all were captured off North African vessels and were professional seamen and corsairs. Once captured they were reduce to slavery and became *esclavos del Rey* (royal

¹⁶ MN, Vargas Ponce, tomo XXV, doc. 18, Aug. 6, 1655; GREGORIO LASALA NAVARRO, *Galeotes y presidiarios al servicio de la Marina de Guerra de España* (Madrid, 1949), pp. 40-41.

¹⁷ RUTH PIKE, "Crime and Punishment in Sixteenth-Century Spain," *The Journal of European Economic History*, V (Winter, 1976), 700-701.

¹⁸ 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 had deserted from the Spanish presidios in North Africa where they were serving as soldiers or penal laborers and were recaptured by the Spaniards.

slaves), and were sent to serve on the galleys. When military forays and naval 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 in the Christian world. The standard price for such slaves remained at 100 ducats a piece 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 the purchases came from the sale of old and unserviceable galley slaves who customarily were auctioned off to the highest bidder.¹⁹ This system enabled the king to replace slaves at minimum cost to the royal treasury.

Not all of these enslaved 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 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 other occupation on the galleys except at the oars, and like the *forzados* were kept chained permanently to their benches.²⁰

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*. As for the slaveholders, this proved to be a convenient method of punishing disobedient slaves at no cost to themselves and at the same time the fate of these troublemakers served as an object example for the rest of their slaves. The only requirement was that they be infidels but, in reality, many were Christians (especially the blacks) as witnessed by repeated royal decrees prohibiting the acceptance of donated slaves who were Christians.²¹ Such slaves were particularly numerous on the galleys in the last quarter of the sixteenth century, a period in which slavery reached its zenith on the Iberian Peninsula. In 1568, for example, it was found necessary to establish the rule that in the event of escape or death, the king did not bear any financial responsibility for donated slaves and that no compensation would be paid to their owners. In the 1580's there were so many of them on the galleys that royal officials were

¹⁹ MN, Colección Navarrete, tomo III, doc. 6, fol. 14, Instrucción 29; *ibid.*, Vargas Ponce, tomo XXIX, doc. 153, Jan 14, 1683; OLESA MUÑO, *La organización naval*, II, 178.

²⁰ MN, Vargas Ponce, tomo XXVII 3, doc. 66, Oct. 2, 1673; OLESA MUÑO, *La organización naval*, II, 781; SEVILLA Y SOLANAS, *Historia penitenciaria*, p. 115.

²¹ MN, Vargas Ponce, tomo XXV, doc. 103, March 1, 1657; *ibid.*, tomo, XXX, doc. 254, Nov. 17, 1691; *ibid.*, doc. 172, Feb. 27, 1690.

ordered not to accept anymore, but in the seventeenth century the situation changed dramatically.²² Black slaves became less available and more costly (their sources of supply began to contract, especially after the loss of Portugal in the 1640's). In these circumstances, slaveholders became less willing to donate their 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.²³

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.²⁴ As *forzados* they remained chained to their benches and were prohibited from performing any labor other than the oars. Nevertheless, after the completion of their sentences, as slaves, they were subject to the legal limitations and restrictions inherent in the status. Hence, 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.²⁵

Loss of the galley registers and lack of other sufficient quantitative data hampers any systematic accounting of the slaves and *forzados* making up the *chusma* on the Spanish galleys. Moreover, their number and proportion depended on many factors, in particular, the size of the galley fleet and the capacity

²² *Ibid*, tomo XX, doc. 13, Jan. 27, 1585. For the decree of 1568 see SEVILLA Y SOLANAS, *Historia penitenciaria*, p. 109.

²³ ADOLFO DE CASTRO, "La esclavitud en España," *La España Moderna*, Feb. 1892, p. 137; JOSÉ DE PELLICER, *Avisos históricos*, ed. Enrique Ticno Galván (Madrid, 1965), p. 56.

²⁴ Slaves serving as *forzados* were specifically excluded from the legislation of 1653 fixing a ten-year limit on life sentences. MN, Vargas Ponce, tomo XXV, doc. 207, July 20, 1662.

²⁵ SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 105-107. They could not be auctioned off like the rest of the slaves because they did not belong to the king.

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; for example, in 1612, the squadron of Spain (the largest one in the Spanish fleet) consisted of 11 galleys, but by 1668 there were seven only.²⁶ In addition galleys grew larger to accommodate more fighting men and cannon as the scale of warfare intensified between Spain and Islam in the Mediterranean. As they increased in size, the rowing force expanded proportionately. In 1587 the standard galleys of the squadron of Spain were required to have 170 rowers each, but in 1621 the galley ordinances of that year called for 260 oarsmen per galley with 375 and 280 for the two principal ships of the squadron, the *Capitana* and *Patrona*, respectively.²⁷ 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. As can be observed in Tables 2 and 3 in the year 1655 there were 1882 rowers in the squadron of Spain, some 42 more than were required while in 1668 the total of 2,080 oarsmen included 125 extra men.

Despite the apparent surplus of *chusma*, these figures are really misleading because they include men who were unserviceable, i.e., either crippled, incurably ill or too old to be used at the oar. Since they usually represented some 50 to 100 men, the actual number available to work the oars was much smaller. Furthermore, if the proportion of aged and incurables is added to those being held illegally (*buenas boyas forzados*) the situation changes substantially.²⁸ In view of these circumstances it is easier to comprehend the complaints of the galley officials who claimed that there never was enough *chusma*.

A comparison of the figures in Tables 1 and 3 clearly shows an increase in the number of slaves between 1612 and 1668. Galley rules held that for security reasons the number of slaves on each vessel should be strictly limited. In the sixteenth century their specific numbers was left to the discretion of the fleet commanders, but in 1607 official quotas were fixed at 40 slaves for a standard

²⁶ MN, Vargas Ponce, tomo XX, doc. 84, Dec. 8, 1612; *ibid.*, tomo XXVII, doc. 58, Sept. 21, 1668. There were the squadrons of Spain, Sicily, Sardinia and Genoa, respectively. Also for a short period of time, there was one for Portugal as well. See CESÁREO FERNÁNDEZ DURO, *Disquisiciones náuticas*, II (Madrid, 1877), p. 114.

²⁷ OLESA MUÑOZ, *La organización naval*, II, 754; MN, Vargas Ponce, tomo XX, doc. 126, July 1, 1621.

²⁸ The *buenas boyas forzados* represented an unreliable source of manpower because in theory they could be freed by the king at any time. For example, in 1654, MN, Vargas Ponce, tomo XXV, doc. 37, Jan. 20, 1654 and in 1674, *ibid.*, tomo XXVII B, doc. 102, July 23, 1674.

TABLE 1

OARSMEN IN THE SQUADRON OF SPAIN, YEAR 1612*

Galleys**	Forzados	Slaves	Total
Capitana	303	135	438
Patrona	206	71	277
Santa Bárbara	164	71	235
San Pedro	142	44	186
San Ramón	160	40	200
Santiago	125	69	196 (194)
Sandovala	174	56	230
San Jorge	136	55	191
Toledana	160	34	194
San Francisco	130	47	177
Santa Ana	139	31	170
Total	1841 (1839)	653	2494 (2492)

* There are several errors in calculation in this table. The correct sums have been placed in parenthesis.

** Figures for *buenas hoyas forzados* are missing.

Source: MN, Vargas Ponce, tomo XX, doc. 84, Nov. 6, 1612.

TABLE 2

OARSMEN IN THE SQUADRON OF SPAIN, YEAR 1655*

Galleys	Buenas Hoyas Forzados	Forzados	Slaves	Total
Patrona	3	171	112	286
San Francisco	16	173	87	271 (276)
Nuestra Señora de Guadalupe	4	174	79	257
Santa María	3	173	83	319 (259)
San Miguel	7	201	65	273
San Genaro	4	177	90	271
Nuestra Señora de la Soledad	17	178	65	200 (260)
Total	54	1247	576 (581)	1877 (1882)

* There are several errors in calculation in this table. The correct sums have been placed in parenthesis.

Source: MN, Vargas Ponce, tomo XXV, doc. 73, Aug. 22, 1655.

TABLE 3

OARSMEN IN THE SQUADRON OF SPAIN, YEAR 1668

Galleys	<i>Buenas Boyas</i> <i>Forzados</i>	<i>Forzados</i>	Slaves	Total
Capitana	53	148	178	379
Patrona	23	144	110	277
San Pedro	21	135	106	262
San Miguel	33	144	125	302
Soledad	32	137	122	291
Santa Teresa	23	140	94	257
Almudena	32	157	123	312
Total	217	1005	858	2080

Source: MN, Vargas Ponce, tomo XXVII, doc. 58, Sept. 21, 1668.

galley and 80 and 50 for the *Capitana* and *Patrona*, respectively.²⁹ Nevertheless, this rule seems to have been consistently ignored. In 1612 they made up 26 per cent of the rowing force in the squadron of Spain while in 1668, 41 per cent of the *chusma* were slaves, almost all of whom were captured Moslems.³⁰

Coincidentally with the rise in the proportion of Moslem slaves there was a decrease in the *forzado* component of the *chusma*. In 1612, 73 per cent of the rowing force consisted of *forzados*, but in 1668 they had declined to 48 per cent. 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. In addition to what appears to be an actual decline in population several other factors can be mentioned. To begin with, the laxity, inefficiency and corruption of the judicial system in seventeenth-century Spain meant that fewer criminals were being caught, prosecuted and sentenced. Thus, paradoxically, although crime was indeed increasing during this period as the extant sources imply, fewer criminals were available for service on the galleys. 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 conscripted from these same classes. Furthermore, the expansion of Spain's network of presidios in

²⁹ SEVILLA Y SOLANAS, *Historia penitenciaria*, p. 100; OLESA MUÑIDO, *La organización naval*, II, p. 755.

³⁰ All percentages are based on the corrected figures.

North Africa also increased the demand for soldiers and laborers there, and it was precisely in this same period that common criminals sentenced to the galleys began to be sent instead to the North African presidios.³¹ 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.³²

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 unabated 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 never was successful. 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.³³ As can be seen in tables 2 and 3, the proportion of *buenas boyas forzados* more than tripled between 1655 and 1668; in 1655 they made up 3 per cent of the *chusma* in the squadron of Spain while in 1668 they represented 10 per cent. Together with the slaves, they constituted 52 per cent of the rowing force in 1668.

Given the circumstances, particularly in the second half of the seventeenth century, legal limitations on sentences were rather 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 or disabled, were the most favorable candidates for such exchanges, but at times even able-bodied oarsmen were

³¹ 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, fol. 136; *ibid.*, year 1654, fol. 588; *ibid.*, year 1677, fol. 557.

³² PELLICER, *Avisos*, p. 56; MARÍA HELENA SÁNCHEZ ORTEGA, *Documentación selecta sobre la situación de los gitanos españoles en el siglo XVIII* (Madrid, 1977, pp. 30-47.

³³ SEVILLA Y SOLANA, *Historia penitenciaria*, p. 84; OLESA MUÑIDO, *La organización naval*, II, p. 754.

released in this manner. 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 officials at times also accepted slave replacements or payments for releases. In such instances, galley captains and *cómitres* might be willing to release weak or unfit oarsmen since the replacements might be stronger and more serviceable. While there is some indication that these illegal releases were standard practice on the galleys, there is no way to verify this assumption.³⁴

Convicted criminals destined for 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 a sufficient number of them had been gathered (not less than 12) 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 southeastern coasts but principally at Cartagena, Málaga and Puerto de Santa María. Generally, prisoners from the *depósitos* of Toledo, Valladolid and Granada were sent to Málaga while those from Seville and Granada went to Puerto de Santa María and Cartagena respectively.³⁵ But the destination of the individual "chains," as the troops of prisoners were called, corresponded more often to the immediate needs and locations of the galley squadrons than to any specific designations.

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 General de conducciones, fugas y solturas de galeotos y condenados a presidios y campañas* (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. Likewise 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 trebled. Thus, in 1671, the conductor of a chain from Toledo to Cartagena purchased his commission to take 34 convicts to the galleys at 15 ducats a head. The per capita fee was supposed to cover all the conductor's costs: subsistence for the chain, the neces-

³⁴ For a description of this system see ALONSO DE CASTILLO SOLÓRZANO, *La guardia de Sevilla y anzuelo de las bolsas*, ed. Federico Ruiz Morcuende (Madrid, 1942), p. 9.

³⁵ Royal Pragmatic of May 3, 1566 as quoted in TOMÁS Y VALIENTE, *El derecho penal*, pp. 455-463.

sary carts and mules, salaries for the guards and notary.³⁶ 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.³⁷ More vehicles were provided for the weak and sick and there was a greater tendency 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. While conditions were somewhat improved in the first half of the eighteenth century as compared with the previous period, 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 maritime arsenals and overseas presidios.

On the march the convicts each wore a collar made of a band of iron (*collera*), and were attached by their necks to the others along the length of a long central chain. They walked and sometimes rode in carts along routes established early in the sixteenth century and continued unchanged through the eighteenth century. The journey from Toledo to any one 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 number of miles a day. In this way, particularly if the chain was large, they could reduce their expenses and increase their profits. The towns and villages along the routes were obliged to provide shelter for the chain usually in local jails and when unavailable in barns and stables. Food and all other supplies were purchased along the way.³⁸

On arrival at their destination prisoners were turned over to the galley officials who duly registered each man's name in addition to other pertinent information as to age, place of origin, crimes and sentences 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 advise of the galley physicians had the authority to reject men who consequently would 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.³⁹ On the other hand, prisoners with serious physical disabilities usually were not sentenced

³⁶ SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 46-50; AGS, Consejo y Juntas de hacienda, leg. 113 Antigua, no. 16, April 5, 1571; Licenciado J. CASTILLO DE BOVADILLO, *Política para corregidores* (Madrid, 1597), II, Libro V, ch. 6, p. 1094.

³⁷ LASALA NAVARRO, *Galeotes y presidiarios*, pp. 57-58.

³⁸ AHN, Alcades de Casa y Corte, year 1642, fol. 490-491v; 488-489v; *ibid.*, year 1654, fol. 439-441; LASALA NAVARRO, *Galeotes y presidiarios*, pp. 57-58.

³⁹ SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 57-59.

to the galleys in the first place. For major crimes they were given the death penalty, and for lesser offences some other form of corporal punishment, such as flogging and banishment, was applied. In cases where healthy prisoners became disabled after being sentenced to the galleys, they could be disqualified for such 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.⁴⁰

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.⁴¹ Once aboard the galleys, the differences between slaves and *forzados* were further muted. The newcomers were assigned their places according to the needs of the individual galleys and each man's estimated strength and capacity for work at the oars regardless of status. 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 offences, in instances of rebellion or attempted escape the penalties differed. *Forzados* customarily were punished for major offences 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. In addition they were far too valuable to be sentenced to death except in extreme circumstances. Hence, they often were subjected to corporal mutilations such as cutting off an ear or a nose which served them as punishment as well 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.⁴²

⁴⁰ AGS, *Diversos de Castilla*, leg. 29. Report of the Corregidor of Trujillo, Dec. 22, 1572. See also CRISTÓBAL DE CHAVES, *La relación de la cárcel de Sevilla*, in BARTOLOMÉ JOSÉ GALLARDO, *Ensayo de una biblioteca española de libros raros y curiosos*, I (Madrid, 1863), p. 1370.

⁴¹ SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 58-59; 65-67; LASALA NAVARRO, *Galeotes y presidiarios*, pp. 61-65.

⁴² For the galley ordinances of 1607-1676 see MN, Vargas Ponce, tomo XXV B, doc. 218; for the year 1682, *ibid.*, tomo XXIX, doc. 45, Jan. 2, 1682. See also LASALA NAVARRO, *Galeotes y presidiarios*, pp. 71-73.

All oarsmen received the same food and clothing rations. The standard fare on the galleys per man a day was 26 ounces of biscuit or hard tack, and a vegetable stew composed of six ounces of beans, or an equivalent amount of chickpeas, or two and one-half ounces of rice prepared in water and olive oil. Water was the customary beverage except on special occasions when more effort was required and wine was distributed to stimulate them.⁴³ Meat virtually disappeared from their diet (only eight stews a year with meat were included) in last quarter of the sixteenth century. The growth of population in the sixteenth century increased the demand for grain and as cultivation of grain expanded, pasture lands were ploughed 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.⁴⁴

The distribution of food aboard the galleys left much to be desired since the *chusma* did not always receive their full ration. Standards were set by royal decree, but short weighing, false measuring, 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 26 to 16 ounces per man a day 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. Nevertheless, reductions in the bread ration became so common in the last years of the seventeenth century that no attempts were made to substitute anything else, or to make up the losses after the scarcity had passed. In addition *forzados* and Christian slaves (including Moslems who had been converted while serving on the galleys) regularly contributed from their bread rations to the maintenance of religious services on the galleys. In the period 1665-1674 their contribution amounted to two ounces per bench a day.⁴⁵

As for the quality of the food in general, it varied greatly. The biscuit was often hard and mouldy 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. In any event, rations were relatively fresh at least in comparison to those found aboard transatlantic vessels.⁴⁶

⁴³ MN, Vargas Ponce, tomo XXIX, doc. 120, Nov. 25, 1684; FERNÁNDEZ DURO, *Disquisiciones*, p. 134; SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 160-166.

⁴⁴ GUILMARTIN, *Gunpowder and Galleys*, pp. 269-270.

⁴⁵ MN, Vargas Ponce, tomo XXVII B, doc. 126, July 22, 1675; SEVILLA Y SOLANAS, *Historia penitenciaria*, p. 194; FERNÁNDEZ DURO, *Disquisiciones*, pp. 134-138.

⁴⁶ MN, Vargas Ponce, tomo XXVII, doc. 107, Jan. 6, 1670; GREGORIO MARAÑÓN,

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.⁴⁷ In view of the impossibility of relying on 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 essential food for the *chusma*.

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 *forzados*, who treated the oarsmen at their benches (*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 their ailments, for example, scrofula, 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 refused to allow the oarsmen to be taken to the hospitals. Only in exceptional cases — instances of epidemic disease or incurable illness — did they permit removal for hospitalization. As a general rule, they believed that a stay in the hospital weakened the oarsmen and reduced their resistance and usefulness when they returned aboard.⁴⁸ There also was the problem of security. Despite elaborate precautions (numerous guards, prisoners chained to their beds) the hospital was not secure as witnessed by an incident in 1685 when a notorious robber band attacked the hospital at Cartagena with the objective of freeing the *forzados* inside.⁴⁹ 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

"La vida en las galeras en tiempo de Felipe II," in *Vida e Historia* (Madrid, 1968), pp. 99-103.

⁴⁷ MN, Vargas Ponce, tomo XXVII, doc. 246, Nov. 18, 1680; *ibid.*, tomo XXIX, doc. 32, Nov. 1, 1681.

⁴⁸ SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 178-180; OLESA MUÑOZ, *La organización naval*, pp. 730-738; MN, Vargas Ponce, tomo XXVII B, doc. 75, Dec. 25, 1673; *ibid.*, doc. 115, Feb. 1675; *ibid.*, tomo XXX, doc. 20, March 31, 1687; *ibid.*, tomo XXIX, doc. 23, Dec. 20, 1683.

⁴⁹ MN, Vargas Ponce, tomo XXIX, doc. 135, Feb. 26, 1685; LASAIA NAVARRO, *Galeotes y presidiarios*, p. 76.

adopted governing its organization and administration.⁵⁰ Whether or not such floating infirmaries existed in other squadrons as well is not known, but, in any event, it is quite clear that in the eighteenth century oarsmen were still being treated aboard the galleys, either chained 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 respective places at the oars reflected their physical strength rather than status. Hence, slaves and *forzados* rowed side by side, but the slaves reputedly of superior physical ability, usually occupied the farthest inboard places 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, they were used to haul and load supplies on to 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.⁵¹

In addition there were certain special 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 galleys officials. There also were the *barberotes* or aides of the barber-surgeons who helped to shave the hair and beards of the oarsmen every 15 days and to care for the sick. While slaves generally were preferred for these posts, they could be held by *forzados* (only those men serving sentences of less than 4 years) as well.⁵² Regardless whether they were slaves or *forzados*, men occupying these positions received better rations (usually the regular seaman's ration) 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, *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 labored at such tasks as mending and

⁵⁰ *Ibid.*, tomo XXXI, doc. 218, Oct. 25, 1703; *ibid.*, doc. 218 bis, Nov. 5, 1703; SEVILLA Y SOLANAS, *Historia penitenciaria*, p. 80.

⁵¹ MN, Vargas Ponce, tomo XXII, doc. 100, Dec. 9, 1689; *ibid.*, tomo XXIV, doc. 42, Feb. 28, 1655; SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 116-120.

⁵² OLESA MUÑOZ, *La organización naval*, pp. 782-788. Clothing inspections were held weekly on Sundays and men whose garments were found missing were punished.

repairing sails, ropes and other equipment, or worked at trades and handicrafts since a substantial proportion of the *forzados* were craftsmen or skilled laborers. Numerous decrees throughout the sixteenth and seventeenth century 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 ensure 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.⁵³ Fear of escapes was clearly another important factor since it proved impossible to guard them sufficiently so as to prevent flights. In fact, most of the unsuccessful escapes were accomplished by slaves who managed to flee while performing either their regular chores ashore, or when laboring in the galley ports.⁵⁴

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. Clearly 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. A particularly dangerous moment for such mutinies was when the galleys approximated 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.⁵⁵

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 used in the shipyard. From 1716 they worked at dredging the port of Cartagena and cleaning the basins where ships were built and launched. In addition *forzados* and slaves from the galleys helped to build the pontoon

⁵³ Biblioteca Nacional de Madrid, MS. 8850, June 4, 1607, fol. 51; SEVILLA Y SOLANAS, *Historia penitenciaria*, pp. 78-81.

⁵⁴ MN, Vargas Ponce, tomo XXX, doc. 222, June 4, 1691; *ibid.*, doc. 231, July 14, 1691; *ibid.*, tomo XXV, doc. 41, Feb. 25, 1651; *ibid.*, doc. 178, June 10, 1686.

⁵⁵ FERNÁNDEZ DURO, *Disquisiciones*, p. 108; LASALA NAVARRO, *Galcoetes y presidarios*, p. 70.

bridge that served as principal access to the port of Cartagena and worked at excavation for construction projects in the dockyard area.⁵⁶

The utilization of *forzados* from the galleys in unskilled labor in the arsenal 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, 1749-1787, 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 maritime arsenals.⁵⁷ But as penal servitude 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 done on the galleys. Frequent treaty exchanges between Spain and the North African states (especially after 1766) gradually reduced their numbers, but in the 1780's Moslem slaves still could be found in the arsenal of Cartagena.⁵⁸ By this time, however, slavery was in its final moments of existence on the Iberian Peninsula, but as slavery declined, it gave impetus to the further extension of penal servitude. As slaves became scarce, their places were taken by penal laborers whose numbers increased precisely in this same period. The availability of more convicted offenders (reflective no doubt of the general rise in population in the second half of the eighteenth century in conjunction with more effective law enforcement and a decline in the death penalty) coincided with an expansion of projects undertaken by the state in the public sphere. This led to the widespread application of prisoners to public works projects in the last quarter of the eighteenth century, a system that reached its culmination in the nineteenth century.⁵⁹ At the same time, under the influence of the eighteenth-century penal reformers, there occurred a change in the concept of punishment that provided intellectual justification for the continued and expanded

⁵⁶ MN, Vargas Ponce, tomo XXXII, doc. 190, Dec. 1, 1730; *ibid.*, tomo XXXI, doc. 289, Oct. 20, 1716.

⁵⁷ The maritime arsenals of Cartagena and El Ferrol were built in the second half of the eighteenth century mainly through the use of convict labor. See RAFAEL SALLILLAS, *Evolución penitenciaria*, II, 125-128, and AGS, Marina, legs. 693-700.

⁵⁸ AGS, Marina, legs. 701-709; DOMÍNGUEZ ORTIZ, *La sociedad española en el siglo XVIII* (Madrid, 1955), pp. 227-228.

⁵⁹ SALLILLAS, *Evolución penitenciaria*, II, pp. 80-84.

use of penal labor. Reformers such as Cesare Beccaria and his Spanish interpreters (Gaspar Melchor de Jovellanos, Manuel de Lardizábal, Juan Meléndez Valdés), while rejecting the death penalty, stressed the correction and reformation of offenders through useful labor.⁶⁰ The eventual acceptance of the idea that rehabilitation should be the ultimate end of the penal system meant that the punitive hard labor symbolized by the galleys was converted into a system of rehabilitative forced labor that became a part of the modern prison system.

⁶⁰ MANUEL LARDIZÁBAL, *Discurso sobre las penas*, in JOSÉ ANTÓN ONECA, "Estudio preliminar: El derecho penal de la Ilustración y D. Manuel de Lardizábal," *Revista de la Escuela de Estudios Penitenciarios* (Madrid, 1966), pp. 591-746.

