Galleys on the Coast!

The Hispanic Monarchy began to transform its naval forces in the Mediterranean after the conquest of Granada in 1492. The impulse came originally from Castile, which needed to reconfigure its Mediterranean policy after having absorbed the long coastline of the former Nasrid kingdom. Its objective was twofold. On the one hand, it hoped to devote more stable resources to guarding the coasts and the Strait of Gibraltar; on the other, it sought to overcome the obstacles that, up to that time, had made it difficult to organize the royal armadas and achieve the Crown’s immediate goals. Naval mobilization had been sporadic—there was no consistent royal policy for shipbuilding, and every summer there was a scramble to gather and launch a sufficient number of ships. In practice, the Crown relied too heavily on renting and requisitioning, making naval campaigns uncertain and ineffective. At the end of the fifteenth century, Ferdinand and Isabella dreamed of extending their sway over North Africa. By conquering and occupying several port cities, they sought to control part of the commercial traffic that flowed northward through the Sahara to the coast. It was not so much the conquests themselves as the later maintenance and defense of the captured ports that required stable communications with Spain, but that aim was hard to achieve with the current naval policy in Castile. Clearly, the emerging Hispanic Monarchy had to take decisive steps to create a permanent naval force, but aside from the obvious logistical and financial challenges involved there was another factor to consider: creating a permanent fleet meant changing prevailing policies, which might destabilize the delicate web of institutions in the places where royal jurisdiction was now to be imposed. A balance would have to be found between preexisting legal tradition and the necessary changes required by a new, more effective royal command of the sea.

1 Szmolka Clares, “Fuerzas navales,” 138.
3 Navarro Sorní, Calixto III Borja, 81–86.
4 Escribano Páez, “Actores.”
The Jurisdiction of the Galleys

The Galleys of Spain were born of a confluence of defensive needs, dynastic aspirations, and commercial motives. It was hoped that they would discourage the corsairs who harried the Spanish Mediterranean coasts, to the benefit of economic activity on shore; at the same time, they were expected to open and maintain new markets and defend them by patrolling the trade routes. The level of royal intervention they represented, while it took a new form, was in fact a modernization of long-held goals. The galley fleets built on existing achievements while eliminating or transforming other elements that stood in the way of the rulers’ plans. Our intention here is not to reconstruct this process from its origins in any exhaustive fashion; in any event, as Miguel Ángel Ladero Quesada reminds us, we know very little about how Castile exercised its military jurisdiction over the sea and the coasts during the Middle Ages.\(^5\) But we must make a few general observations in order to create a framework for the new developments that we will be analyzing.

1.1 Continuity and Change under the Catholic Monarchs

The obvious first step was to define the jurisdictional space that the new, permanent naval squadron and its leaders would occupy. From the thirteenth century onward the Crown of Castile had been establishing jurisdiction over its coasts and navigable rivers by strengthening the office of almirante mayor (high admiral). This figure was responsible for the logistical organization and command of temporary fleets and also, through the admiralty tribunals, held broad jurisdiction over maritime traffic and any commercial conflicts that arose from it. The comprehensive authority of the post reflected an attempt to regulate the Crown's military and commercial jurisdiction in these areas, and its great challenge was to ensure that this theoretical framework led to practical results. In fact, the high admiralty failed to become fully established during the fourteenth and fifteenth centuries, largely because of shifting royal policies. At times, it was reduced to a position at court that held little power, and by the beginning of the fifteenth century it effectively belonged to one family, the Enríquez.\(^6\)

Although the issue is still debated by historians, the current view is that, but for a few exceptional cases, the almirantes mayores of Castile had only a limited impact on maritime commercial activity, so that local consulates still took

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\(^6\) Calderón Ortega, Almirantazgo, 73–150, 218–22.
the lead in conflict resolution. There is somewhat more disagreement about the military influence of the office. But there is no doubt that Ferdinand and Isabella took that responsibility too away from the high admiral and conferred it on another position, also of long standing but readapted to the new interests of the monarchy—capitán mayor del mar (grand captain of the sea).7

The high admiral of the sea was the direct precursor of two other emblematic posts under the Hapsburgs, capitán general del mar Mediterráneo (captain general of the Mediterranean) and capitán general de escuadra (captain general of squadron). Restoration of the office was clearly meant to recover for the Crown a broad strategic jurisdiction that had been left in the hands of the nobility but was now essential for conducting the monarchs’ new naval policy. There was also a legal consideration: although the post had fallen into disuse, it already formed part of the jurisdictional order, subsumed under legal tradition and maritime custom. It was not a new institution alien to that juridical milieu. In the past, it had included responsibilities similar to those of the admiralty and therefore could justify its actions without undermining the admirals; it thus grew into a parallel institution that slowly leached power away from its rival and transferred it to the Crown. Here, we propose to establish which elements of juridical tradition were adopted in creating the Galleys of Spain and the patents of the captain general, which elements were discarded, and which others represented a true innovation in the two areas that converged under its jurisdiction, the military and the commercial.

In the fifteenth century, the admiralty of Castile held jurisdiction over every city, town, village, seaport, river, and loading dock of the Crown. José Manuel Calderón has studied the title of lugarteniente del almirante mayor (lieutenant of the high admiral) granted to Don Íñigo Artega and has shown that the office’s ordinances and statutes had to be obeyed by every legal entity in Castile and by all the king’s subjects irrespective of sex, status, rank, and condition. The authority of the post thus extended to the Crown as a whole, though it fell with special force on all those professionally involved with maritime affairs: captains, shipowners, skippers, mates, masters, sailors, seamen, fishermen, and all other persons who took to the sea.8

The many ship-related endeavors listed under Artega’s title show how heavily the post influenced all those people’s activities, both internally (maintaining discipline over the men who served in the royal fleets) and externally

7 Calderón Ortega, Almirantazgo, 224.
8 Calderón Ortega, Almirantazgo, 228–29 n. 201.
(involving vessels and persons whom the admiral or his delegates might encounter while at sea or in port). From the time of the Partidas, the thirteenth-century law code of King Alphonse X the Wise, every authority on the seacoast or the bank of a navigable river had to recognize the admiral’s (and his delegates’) civil and criminal jurisdiction when they sailed as a fleet, in every matter that had to do with the sea—in all things exactly as if he were the king. His power extended to legal cases related to corsair activity, the export of strategic products, or any type of commercial contract.

It is hard to define precisely how responsibilities were transferred from the admiralty of Castile to the high admiralty of the sea. The first years of the fleet’s existence, up to at least 1504 or 1505, were taken up with organizing defensive structures in Granada and establishing the jurisdiction of the High Admiralty of the kingdom. About ten years earlier, in 1495, Ferdinand and Isabella had signed the first asientos (contracts for administering the fleet) with Garci López de Arriarán and Juan de Lezcano, but the documents merely granted them the title of captains of the royal armada. It is reasonable to assume that these patents still fell under the jurisdiction of the admiral, though Ladero Quesada affirms that almost simultaneously, in 1496–97 when Princess Joanna traveled to Flanders, the admiral had exerted his traditional logistical and military authority for the last time, an authority that had scarcely been used in previous years. We can hazard, then, that when the first contracts were signed the admiral was no longer in charge of Mediterranean naval policy but had not yet been replaced by a fully formed new institution—that was still in the process of being defined. Antonio Jiménez Estrella suggests that although we do not have the original ordinances and instructions to the captain general of the kingdom of Granada, he must have supervised and controlled the fleet along its coast. This notion would be consistent with the problems of indiscipline and fraud that, according to López de Coca, caused tension between the admiral of the kingdom and contractors of galleys in that early period. It seems that the monarchy, which did not govern its galleys directly, still preferred to avoid granting broad authority to private contractors and left their oversight to its trusted men in Granada. This was entirely different from the traditional authority of the admiral, a surprising fact if we consider that his jurisdiction

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10 Calderón Ortega, Almirantazgo, 218–22.
11 López de Coca Castañer, “Reino de Granada,” 98.
12 Ladero Quesada, Armada de Flandes, 75.
13 Jiménez Estrella, Poder, 32–34.
seemed to fade away in Castile just as the Catholic Monarchs were moving firmly toward a centralized bureaucracy, since earlier rulers had used the admiralty in particular as a tool to strengthen the central government. In any case, and contrary to appearances, the functions of the admiralty were far from extinguished, although to identify them we must bear in mind the restructuring that Castile had undergone after its union with the Crown of Aragon.

In October 1501, Ferdinand the Catholic granted Gonzalo Fernández de Córdoba full power to make war on the Turks. In his instructions he recognized him as “our leader and captain general over the armies of land and sea with the broadest authority and power,” informing him that as such he enjoyed free rein in military action and enjoyed all the prerogatives pertaining to the office. He could act swiftly against the enemy “as it might be in our own person.” Finally, and since the kingdom of Sicily would be the base of operations, the king placed him above the other officials of those ports and warned of consequences if any of them contradicted the royal decree.

This document granted very broad powers that were not limited to the governance of the armada. It confirms that at least from the beginning of the sixteenth century the monarchy had removed the management and command of the armadas from the admiralties of Castile and Aragon and conferred them on this new office. It held complete jurisdiction over the administration of justice in any squadron that might be formed, and also over all actions connected to purchasing supplies, mobilizing troops, seizing prizes, and making profits. The latter concessions recognized the voracious consumption of men, food, and money in the fleets and their constant need to requisition those resources along the coasts where they sailed (to mitigate the ever-present dangers of insubordination and desertion, which risked the destruction of the armada).

To avoid such dangers, the monarchy recognized the captain general right to

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15 Pérez Embid, Almirantazgo, 26.
16 “[T]erra marique exercitum … ducem et capitanum nostrum generalem … cum amplissima facultate et potestate … generalis capitanieus armorum, possistis facere et exercere omnes et quoscumque actus quos duces et capitanei nostri armorum generales … et omnibus prerogativis superioritatis et facultatibus ad dictum officium pertinentibus et spectantibus. … [V]os solus locumtenentes vester iuxta potestatem … cum promptam et expeditam … faciatis iuxta criminum et excessuum ralis ac armorum capitaneus noster … personam nostram parent. … [P]er has easdem spectabilis viceregis nostro magistro justiciario eiusque in officio locumtenenti, judicibus nostre Magne regie Curie, magistris racionalibus, magistro portulano, thesaurario et conservatori nostri regni patrimonio, advocatueque fiscali, capitaneis, juratis ceterisque aliis officialibus dictorumque officialim locumtenentibus presentibus et futuris sub ire et indignaciones nostre incursu penasque.” Suárez Fernández, Política internacional, 6:279–82.
intervene in the markets of ports that supplied the galleys, and also in local and territorial jurisdictions whenever a civil or criminal case on land involved a member of the fleet.

These orders clearly continued a substantial portion, though not all, of the prerogatives that admirals had previously enjoyed. In Castile, the admirals maintained their authority over commercial traffic—even more directly at that time, through the admiralty’s controversial tribunals. Therefore, the new admirals did not control onshore economic activity as a whole, but only what was directly related to supplying the fleets.

The effects of this separation of competencies would not have seemed new along the coasts patrolled by the armadas. Although the existence of a permanent galley squadron was a change, the ships were few (no more than three or four at a time between 1495 and 1523, according to Mira Caballos), and the men who contracted for them did not seem to enjoy much autonomy. The truly destabilizing factor was the presence of an admiral with power to interfere in normal commercial transactions, like that granted to Fernández de Córdoba in 1501. But his position, unlike the first Galleys of Spain, was not yet permanent.

By the end of the Catholic Monarchs’ rule, most of the fleet was still occasional, as was the office that managed it. In 1502, the admiralty was conferred on Íñigo Manrique, and on several occasions beginning in 1505 it passed to Pedro Navarro and to a series of captains general of the kingdom of Granada’s coast. After Isabella’s death, command of the Galleys of Spain moved into a new phase. Contracts were renewed in 1504, and from 1505 Ferdinand the Catholic involved several Catalan shipowners in managing the squadron, though historians disagree on the title they were given; they have been called both capitanes (captains) and capitanes generales (captains general). In the absence of their patents, we cannot know whether the position’s jurisdiction had changed.

In any event, the presence of Catalan contractors in command of a Castilian squadron, and the naming of a Castilian like Fernández de Córdoba to an armada with broad jurisdiction over the Aragonese kingdom of Sicily, illuminate the most significant new institution taking shape during those years, the Capitanía General de la Armada (Captaincy general of the Fleet). Although the post was

18 Calderón Ortega, Almirantazgo, 232–34.
20 Suárez Fernández, Política internacional, 6:283–84.
not yet permanently established nor its jurisdictional reach clearly delineated, it enjoyed certain general prerogatives that applied to both kingdoms. It was therefore becoming a common and general institution in all territories controlled by the Hispanic Monarchy in the Mediterranean, and its offices were held by the subjects whom the king considered most capable or respected at the time, irrespective of their origin. The intent was certainly to make them the driving force of a new naval policy, and above all instruments of the monarchs’ jurisdictional power over naval warfare and its associated conflicts—this at a time when, by no coincidence, a similar process was taking place in many other aspects of the Hispanic Monarchy.

1.2 Culmination of the Process: from Andrea Doria to Don John of Austria

The necessary step toward completing this shift was obviously to institutionalize the office of captain general of the sea, to end its temporary status and the sense of a brief and finite commission that still clung to it. First, however, there would have to be more investment of resources, and new contractors capable of sustaining permanently a larger number of galleys would have to be drawn into the service of the monarchy.

The reign of the Hapsburg Charles V (Charles I of Spain) began with a degree of continuity. Between 1518 and 1520 the Valencian Hugo de Moncada was placed in charge of several royal projects with the title of admiral; his instructions have not survived, but they were probably mere renewals of earlier patents. He was unable to suppress the growing threat of Barbary pirates and the gains of the Barbarroja brothers. At the same time, his early plans to increase the number of galleys patrolling the coasts by raising a new squadron in the Crown of Aragon met with a lack of strong support, and there were doubts about whether to devote resources to the defense of the land or of the sea.25

In the end, the final events of Charles I’s second sojourn in Spain capped the long series of changes that had begun at the end of the fifteenth century. The monarch, anticipating his (perhaps final) departure from the Iberian Peninsula in 1528, with his minister Gattinara began to institute a regency that would preserve the image and legal presence of the sovereign in his realms even when he was physically absent. One result was a profound reform of territorial governance in the Crown of Aragon that broadened the capacities and jurisdictions of the viceroyalties through a closer link to royal tribunals. The latter, from

25 Pardo Molero, “Per terra,” 64–70.
that point onward, were configured as advisory councils to the viceroy's whose members also served as *auditores* (judge advocates) to the king.26

As the king was departing in 1529, Hernando Enríquez, admiral of Castile, expressed his bitter regret that his hopes of ingratiating himself with the Crown were now finished. Over the preceding years, Charles had done away with the last remnants of the old admiralty—its tribunals.27 By then, the Crown of Castile had recovered all its authority to oversee trade on its coasts, with significant consequences. Until shortly before, admiralty tribunals had often caused conflicts by establishing controls over the export from Castilian harbors of all items considered strategic, particularly grain and wine, the most prized products consumed in the galleys.

Reform of the model of government on land, and the reestablishment of old prerogatives for controlling shipping out of coastal ports, are relevant for understanding a third phenomenon that probably also took place at this time—though we lack full documentation for the evolution of patents for admirals of the fleet from the early sixteenth century. Between 1527 and 1530, the Hispanic Monarchy finally achieved its goal of increasing the number of galleys in its service and strengthening its operations in the Mediterranean.28 Contracts signed in turn with Álvaro de Bazán, Rodrigo de Portuondo, and Andrea Doria allowed larger fleets to be organized, redefining Charles I's foreign policy.29 Although this change was crucial in itself, it was accompanied by an internal one of equal importance (independent of the resources invested at any given moment, the possible future number of galleys, or the vicious circle represented by alternating direct and indirect management of naval forces). We find its seed in the contracts granted to Andrea Doria in 1528 and 1530, which accorded him two basic prerogatives. The first was the right to purchase huge supplies of wheat (for feeding the crews) from any region of the kingdom where galleys were anchored. This gave Doria, among other things, a commercial advantage that helped him attract new and more powerful contractors and keep them loyal to him over time. It was made easier by the fact that the monarchy was no longer burdened with other jurisdictions, like that of the admiral, that might have stood in the way of such concessions. But the real change in the rules of the game was the combination of this prerogative, which merely corrected and extended a common, well-known privilege, with a second one, to be explained below.

26 Rivero Rodríguez, *Edad de oro*, 77–78.
28 Pardo Molero, "*Per terra*," 72.
29 Thompson, “*Galeras*,” 97.
We cannot be certain if such a thing had happened before, but the special political and reformatory events of those years suggest that its appearance was not coincidental. The first contract with Andrea Doria made scant mention of the jurisdiction that the monarchy would grant him in order to increase his authority; that power was essential if he were to engage in exporting wheat without meeting resistance. There was a single allusion, taking up little more than a line, that nonetheless marked an innovation of great significance. The contract declared that the king, because of his respect for and confidence in Doria, ordered the “granting of his patent of captain and lieutenant general [over the galleys and any other armed vessel] like the one that the illustrious Don Hugo de Moncada holds from His Majesty.”

With these words, a contractor capable of maintaining a large number of armed galleys over a long period—of offering a de facto squadron in permanent service—was given authority to govern not only those ships but all the monarchy’s galleys in the Mediterranean with the title of captain general of the fleet. At this point, the office ceased to be in some sense temporary (the composition of most fleets having been temporary up to that time, except for a handful of stable squadrons). The captaincy general of the sea became a permanent position, exercising its rule over a collection of permanent squadrons that might grow over time—and did, because contractors like the Dorias continued throughout the next century to renew their agreements with the Catholic kings.

Many things changed with the advent of a new model of coastal defense, consisting of a number of permanent squadrons of galleys under a general whose authority was broad and continuous. To begin with, men could now aspire to a set of posts, the capitánías generales of each squadron, that carried broad privileges in daily life, delegated by the monarch and his lieutenant general of the sea. Because these posts increased in prestige and offered opportunities for earning honors through service to the monarchy, they attracted members of the great noble families and created a deep bench of leaders or “heads.”

As a second result, the jurisdictional structure of the permanent galleys changed as well. Internally, the judicial power wielded directly by galley captains declined; now, the captains general of each squadron, and above them the captain general of the sea, were the figures to whom appeals would be directed. If authority became less direct at the galley level, it was also more continuous and predictable. In theory, the king’s jurisdiction over galley crews was strengthened, and potential changes did not end there. Externally, the king’s
galleys, in constant movement from one coast to another, came to be under the jurisdiction derived from the privileges of the admiral of the fleet; in theory also, the full authority of that position (unlike that of the former admiralty) was really exercised, especially and in practice while the royal armada was at sea, since that fleet was no longer temporary but permanent.

There might have been no problem for ports and docks visited by the king’s galleys if the ships had still been as few as before along the coasts of Granada, Valencia, and Catalonia. But by the early 1570s, Philip II had increased the total of his galleys to 168, and the squadrons’ growth called for a redefinition of the situation of galleys in port. Throughout the century, ports along the coast were visited with increasing frequency by royal galleys that brought not only hungry and thirsty crews but also their own legal privileges, creating the potential for conflict. Once again, it may be no coincidence that while Charles I was reforming the internal governance of the monarchy by consolidating the system of viceroyalties, management of the galleys was also evolving. New structures of governance and jurisdiction established the system of squadrons and came to regulate a different kind of territory, a different pueblo, a different Hispanic universitas.

The jurisdiction of the king’s admiral and lieutenant of the sea (the name of the post varied throughout the sixteenth century) grew to its broadest scope by 1568. In that year, its name was fixed as capitán general del mar Mediterráneo (captain general of the sea), a title used fairly consistently until about 1700. Don John of Austria was put in command of the war against the Ottoman Empire as the superior of all captains general and every other rank in the fleet; further, in the king’s name (pro rex), he commanded every jurisdiction—civil and criminal, high and low (the technical term was mero et mixto imperio, delegation of absolute power)—possessed by the monarch. His position authorized him to decide and execute in all legal matters, including those of such weight, nature, and importance as to normally require intervention by the sovereign, with every power and liberty that “the Emperor [Charles’s] captains general of the sea have had and held heretofore.” The patent therefore carried the force that derived from the legal and juridical traditions of ancient medieval institutions and the Roman law that had inspired them.

Although the post united certain special powers that had to be respected by all of “our subjects, greater and lesser, of any degree, dignity, title or preeminence,” in every territory of the Hispanic Monarchy in the Mediterranean,32

31 Thompson, “Galeras,” 98.
32 AGS, Estado, libro 38, fols. 1r–3v.
and in spite of the lofty language of the decree, the existing situation was not significantly changed. The monarchy now effectively controlled a preexisting jurisdiction acknowledged by maritime custom, adapted to new political needs and conditions.

1.3 The System in Its Maturity: from the Conquest of Portugal to the Thirty Years’ War

Although the parameters of the office reached their maximum extent under Don John of Austria, we cannot claim that they were perfectly delineated after 1568. Even in the most active years of Mediterranean naval policy, the post was not entirely stable, because the monarchy did not always confer it automatically on a captain general of a squadron; it might go to a military man with special prestige and experience at sea or to a member of the royal family. Philip II, from the 1560s to the end of his reign, did grant it great continuity, designating first Álvaro de Bazán and later Giovanni (“Gian”) Andrea Doria, great-nephew of Andrea. But the post could actually disappear if the man who held it was deployed elsewhere or left the service, as happened in 1601.

The 1580s marked the beginning of changes that were significant for understanding how the jurisdiction of this post developed. Álvaro de Bazán used the Journey to Portugal in 1580 and above all the conquest of Terceira Island in the Azores in 1583 as laboratories for consolidating the office of auditor general (judge advocate general) of the fleet, with profound implications for the administration of justice in the squadrons. Once the captaincy general of the sea was stabilized, it had to be endowed with an institutional structure that could support the disciplining of crews and defend its prerogatives against external interference in a permanent and practical way. We will have more to say below about the development and impact of those changes. We will now analyze whether, as management of the captaincy general responsibilities was developed and perfected, it was interrupted when the post disappeared at the beginning of the seventeenth century, and if that circumstance propelled new changes.

The armada organized for the conquest of Algiers in the summer of 1601 provided the spark that eventually led to the suppression of the admiralty of the sea. Around the time of King Philip II’s death and Philip III’s succession to the throne, Gian Andrea Doria was about to retire from the service, and his planned successor, his son Carlo Doria, was inexperienced. Captains general of the other squadrons saw a perfect opportunity to strip the Genoese family of its command of the sea. Competition among them turned the expedition against Algiers into a disastrous failure, after which Gian Andrea Doria...
decided, suddenly and unilaterally, to retire. The resulting scandal at court stripped him of his title of captain general of the sea almost on the spot, with an important consequence—the post, rather than be conferred on an captain general of a squadron, remained vacant for more than a decade.

In the following years, a new trend developed that helps us to understand a process little noticed until now, the creation of the new post of capitán general de escuadra (captain general of a squadron), parallel to that of admiral of the sea. The early seventeenth century is a propitious time for studying the phenomenon because, while Philip II in his later years had promoted the creation of land-based militias throughout his realm, his son Philip III began by establishing maritime militias, that is, new squadrons of galleys. By no coincidence, between 1598 and 1604 the Galleys of Spain were divided to allow for two new squadrons, the Galleys of Flanders and the Galleys of Portugal, while the king tried to persuade Catalonia, Valencia, and Sardinia to arm at least a small number of galleys apiece.

The pacts that the king made with each territory provide insight into how the royal armadas were coordinated in the absence of an captain general of the sea; into how the monarchy balanced its aspirations with the objectives of local legal institutions by handing out privileges, prerogatives for naming officers, and sources of funding for each new squadron; and into what degree of autonomy the new units enjoyed. Since this new activity occurred more than a century into the Crown’s naval policy, we gain perspective into the results over that entire period and now observe the final step in a process of more-or-less deliberate change. Here, we cannot make a full comparative analysis of the jurisdictional aspect of the patents of each new squadron, but we can study one of the most representative cases of the age.

In 1599 Philip III tried to extract a promise from the Cortes of Catalonia to arm a squadron of four galleys. The negotiations were difficult, but an agreement was eventually reached that illustrates the juridical framework for each squadron in its territory of origin. While the various estates sought favorable economic concessions for maintaining the galleys (an issue we will discuss in the next chapter), sections of the approved text show clearly how the principality of Catalonia sought to gain effective control over the ships while minimizing the influence of any future captain general of the sea. Although

33 Lomas, “Juan Andrea Doria”; and see Bunes Ibarra, “Felipe III.”
34 ADP, scaffale 85, busta 23: Loano, Gian Andrea Doria, 11 March 1602.
35 Ruiz Ibáñez, Milicias, 29; Mora Casado, “Milicias,” 55–58.
it recognized that when that office existed the Catalan squadron would have to obey its orders, it was agreed that that could only occur when the captain general of the sea was actually present on the Catalan coast. At all other times (probably the majority), jurisdiction would rest with the captain general of the squadron, to whom the principality would grant the powers and controls with which we are already familiar—full authority in administering both civil and criminal justice. Further, although the king retained the right to name the Catalan captain general, he agreed to follow the recommendation of the principality’s deputies. And finally, the strategic post of auditor would remain in the hands of those deputies and Catalan oidores (civil judges), so that the auditor would pronounce sentence according to the constitution of the principality and could assume prosecutorial functions when necessary.\(^{37}\)

This type of agreement could be altered, however. In 1616 the Duke of Lerma negotiated with the monarchy to arm a squadron to protect the coast of the kingdom of Valencia; he was accorded the same privileges as above but, since he was a private contractor, the office of auditor would be overseen not by the civil judges of the kingdom of Valencia but directly by the Council of War.\(^{38}\) In Naples, on the other hand, the post of auditor of the squadron was supervised by the auditor general of the kingdom’s military administration, which answered to the viceroy.\(^{39}\) Local arrangements varied, then, as a function of the monarchy’s capacity to reach more-or-less advantageous agreements with each territory or individual; but as a common principle, the privileges of each squadron had to be respected by every viceroy, captain general, noble, prelate, judge, and minister of every kingdom and territory of the monarchy.\(^{40}\) In theory at least, all the squadrons enjoyed a greater or lesser degree of judicial autonomy not only in their territory of origin but also on all the coasts of the Catholic monarch and his allies. The prevailing jurisdiction endowed each squadron with a unique, privileged frontier character, even without the collaboration of the captain general of the sea.

In spite of all this legislation, the squadrons experienced a slow and progressive decline, detectable from the late sixteenth century and resulting from increasing difficulties with financing and the growing participation of large sailing ships in Mediterranean naval warfare. In contrast, Philip III during the second half of his reign made notable efforts to revitalize his galleys, first by issuing ordinances and attracting new contractors and later by reintroducing

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\(^{38}\) AGS, Estado, 1945, n.d.

\(^{39}\) AGS, Estado, 1425, fol. 114.

\(^{40}\) AGS, Estado, libro 38, fols. 3v–5r.
the position of captain general of the sea. The situation did not improve after
the king appointed Emmanuel Filibert of Savoy captain general, whether from
economic difficulties or from the new commander’s lack of skill. The Duke of
Osuna operated his naval forces with surprising freedom in Naples in those
years,\footnote{Redondo, “Lucha,” 395–416.} considering that at the time there was an captain general of the sea in
the Mediterranean with the same broad powers that Don John of Austria had
enjoyed.\footnote{Lomas, “Galeras de España,” 147–58.} Toward the end of Philip III’s reign, the post seems to have become
a merely honorific one, but that is hard to judge since we know little about its
role during the Thirty Years’ War.

These issues aside, we have determined that the office underwent no signif-
icant changes in its jurisdiction after the Battle of Lepanto (1571) and that par-
allel growth in the prerogatives of all captains general of squadrons gave them
similar and sufficient powers and autonomy. We still need to establish whether
this authority actually protected both the galleys and their crew members or
if, as had happened before with the admiralties, it existed more in theory than
in practice. For this, we must study the relationships that developed between
officers of the galleys and local authorities in the ports they visited, and be-
tween the squadrons’ crewmen and residents of those towns. Only then can we
assess the impact of changes in traditional jurisdiction, whether the squadrons
achieved the true freedom of movement they sought, and to what extent the
ports accepted and respected their presence. Perhaps then we can consider
and analyze the galleys as a corporation, a universitas that expressed the poly-
centric nature of the Hispanic Monarchy.

2 Galleys and Ports: Profiles of a Complex Relationship

In 1656 a virulent plague assailed the city of Naples. Rumor had it that it had
begun in the port when a group of soldiers from Sardinia had disembarked,
and had spread from there; at that point, the stories became less precise. Ev-
erything pointed to a ship called El Sol, but it was also whispered that “others
speak of a certain captain of a trireme who had come from Sardinia”\footnote{Renzi, Napoli, 370.} (i.e.,
that it had been brought by the captain of a galley). The detail is of interest
because the soldiers came from a place where the plague was known to be
present,\footnote{Manconi, Castigo de Dios, 36–88.} and yet the ship had been allowed to unload. More significant, even
during the epidemic’s worst months in the city the port was not quarantined and the movements of soldiers and royal ships continued.45

This admittedly extreme example illustrates a problem that must have existed in many coastal cities: except in cases of storms, contrary winds, high seas, or a direct order from the sovereign, almost nothing could prevent a squadron of galleys from entering or leaving a port. There must have been times when intimidation by an armed crew or local authorities’ wish to avoid trouble might act in the galleys’ favor, but what prevailed was the exercise of a jurisdiction that could be either respected or questioned but that always protected the galleys from external interference while tolerating their abuses. By studying the conflicts that often attended the galleys’ presence in port, we can analyze the practice of a jurisdiction that we now know of only in theory. We will begin with the external aspect of juridical practice, that is, how it related to other jurisdictions.

2.1 The Galleys: a Vehicle for Concord

We should first make clear that conflict was only one feature of the relations between galleys and the ports where they docked, and that it coexisted with commoner and more symbiotic activities. The best known is probably trade. The arrival of galleys, especially when a whole fleet was being armed, created commercial opportunities that stimulated local industries and required manpower; that increased the income of many families.46 In the next chapter we will attend to these important issues, and now say only that these were not the only reciprocal interests between the two universitates.

The most frequent contacts between galleys and ports took place when ships were loading and unloading soldiers, equipment, or arms, making short stopovers, or seeking shelter (more or less urgently) from bad weather at sea. But under the Hispanic Monarchy there was another type of ritual or symbolic visit: high-ranking royal officers and ecclesiastics were often in transit between the Iberian Peninsula and Italy. The travels of viceroys and ambassadors were the most conspicuous, and produced some of the most dramatic contacts between residents of a coastal port and crew members of a galley squadron.

Between December 1622 and May 1623, after the coronation of Philip IV, a large number of the new king’s trusted deputies sailed for Italy while others who were leaving their posts there returned to Castile by sea. These movements produced welcoming ceremonies—at the ports of arrival and ports of

45 Fusco, “Istituzioni,” 100.
46 Saavedra Vázquez, “Formación de armadas,” 55–76.
call along the way—that were recorded in contemporary accounts. As the galleys bearing the Count of Castro and his family approached the port of Genoa, they were greeted by a salvo of artillery, and two senators received the visitors after the ship dropped anchor. The Genoese representatives offered the count the friendship of the Republic of Saint George, inviting him to come ashore, where a welcoming committee of local nobles, surrounded by excited residents, was waiting to escort him to the Senate. There, the count returned their courtesies, making a public show of the Hispanic Monarchy’s affection for the people of Genoa.47

The Duke of Pastrana, Spain’s new ambassador to Pope Gregory xv, arrived by galley in Civitavecchia to similar acclaim. The port’s cannons were fired and the people rejoiced, since they usually received gifts, alms, and other welcome gestures, like the freeing of prisoners, from the pontiff on such occasions. The Orsini family, Dukes of Bracciano, were normally in charge of receiving important visitors to the port but, unable to be present on this occasion, they compensated Pastrana handsomely—his galley was escorted farther south to the castle of Palo, where hunts and other entertainments were often prepared for distinguished visitors. There, the new ambassador was feasted while awaiting the Pope’s delegation, which escorted him along a road lined with enthusiastic crowds to his first audience with Gregory.48

These visits served to renew ties of friendship and reciprocity between the Hispanic Monarchy and its chief allies in the Mediterranean. Their components varied according to local custom, but the opening ceremony was usually the same. A squadron of foreign galleys was welcomed warmly as the symbolic vehicle for a good relationship and lasting alliance, with local officials making a display of every step of the ritual, seconded by residents of the port. Naturally, these celebrations meant more in those ports where the man disembarking was not a foreign ally but a minister charged with exercising power in the port itself and the rest of its territory.

The Duke of Alba arrived at the port of Naples in the Christmas season of 1622 to take possession of his viceroyalty. He did so “accompanied by many galleys adorned with various standards and banners, and the whole city was excited by the boom of cannonades from the castles.” A city official boarded the duke’s galley, welcoming him and inviting him to disembark along a richly decorated gangway.49 During a ritual procession to the palace, the duke met all the city’s leaders, making a show of the continuity of royal power, while behind

47 ASV, Segretaria di Stato, Avvisi, 9, fols. 177r–181v.
48 ASV, Segretaria di Stato, Avvisi, 9, fols. 135r–139v; Visceglia, Città rituale, 270–79.
49 ASV, Segretaria di Stato, Avvisi, 9, fols. 1r–6r.
him, his soldiers followed the tradition of stealing the gangway’s luxurious fabrics.¹⁰

That same year saw the death of Emmanuel Filibert of Savoy, captain general of the Mediterranean Sea and viceroy of Sicily since 1619. His own inaugural journey to his kingdom had been more typical of a sailor fearful of the sea (and therefore of God)—he visited the principal sanctuaries along his route before arriving with his galleys at Palermo. As his ship dropped anchor, it was saluted by the port’s artillery, after which the city’s representative came aboard and invited the viceroy to disembark. With this ceremony completed but before stepping on land, Emmanuel made a gesture from the stern of his galley seeking the approval of his predecessor, the Duke of Lemos, who awaited him on the pier. After the two exchanged a few courteous words, Cardinal Giannettino Doria, the city’s archbishop, presented the newcomer with a gold-plated chair that symbolized his rule over the kingdom. Only then did the new viceroy disembark, amidst applause and the firing of arquebuses throughout the city; he rode through garlanded streets to the royal palace. The next day, after visiting the church of Monreale and the principal men of the town, he took ship to Messina, where an almost identical ceremony awaited him.¹¹

In both cases the reception of a new viceroy began with a ceremony that followed preordained rules. First, there was a jubilant welcome for the galleys, as if their arrival presaged a happy, prosperous future for the people. This display doubtless served to honor the figurative arrival of the monarch, incarnated in his new lieutenant, through a dramatic and grandiloquent spectacle that served as propaganda and, above all, as a vehicle for social cohesion and adherence to the monarchy and its legitimate power.¹² The galley was thus transformed into a ritualized space, but one distinct from the other powers that converged on the event. When groups of city fathers were received on board, they resembled the delegations that, on land, would await visitors at the borders of their own jurisdictions; it was understood that although the ships rode at anchor within the port, and ships and port city belonged to the same king, the galleys constituted a different territory, whose limits and privileges must be respected like those of any other frontier. Only when the viceroy stepped onto the pier did he actually enter the city, to be received by other officials who had been awaiting him beyond the “border.”

In these scenes of public festivity, the galleys—especially when they were the principal actors—were asserting their legal autonomy vis-à-vis that of the

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¹⁰ Hernando Sánchez, Reino de Nápoles, 111–12.
¹¹ ASV, Segretaria di Stato, Avvisi, 8, fols. 463v–464r.
authorities gathered to receive them. Such ceremonies were organized whenever a fleet set out on campaign, but even more so when it returned victorious. The triumphal entry of a fleet shared with the journeys of viceroys and ambassadors many theatrical features designed to promote the monarchy’s political and ideological program among the people. Maria Antonietta Visceglia recalls how, to receive the victorious admiral Marcantonio Colonna in Rome after the Battle of Lepanto, two models for conceiving and expressing his victory were competing: the allegory of Christ’s entry into Jerusalem, which stressed its spiritual nature, and the classic trope of the Roman imperial triumph, which emphasized its political one.\footnote{53} This tension between \textit{christianitas} and \textit{romanitas} existed within the Hispanic Monarchy as well and could be displayed dramatically through its galleys.

In October 1618 the Duke of Osuna, viceroy of Naples, sought to express his devotion to the Virgin and the protection she extended to his fleet by ordering that before it sailed, every vessel anchored in the port of Naples incorporate a Marian allegory into its banner and fly it next to the royal standard. The raising of the banners caused a sensation in the port “that a great crowd ran to see,” setting off a wave of euphoria in remembrance of Lepanto almost fifty years before.\footnote{54} The act transformed an omen for a safe journey into a memory deeply rooted in the collective imaginary. While promoting the notion of a shared spiritual crusade just before a new campaign, it also strengthened the people’s belief in the monarchy’s political objectives and, in this specific case, in the viceroy’s service, dedication, and good governance.

At these events the local people marveled at the galleys. News that wounded but gallant officers were leaving the ship, the sight of captured slaves, and tales of the amazing speed with which the rowers had completed the journey circulated widely.\footnote{55} Therefore, “to give some additional entertainment to the populace,” an order might be issued to print “a broadsheet with a key to the captains and the insignia of the galleys,” so that people could forget their own cares and enjoy those stories.\footnote{56} These were the right moments to strike up the drums in the public squares and recruit other men to honorable service at sea.

The galleys could also threaten public order at such times, however. The great raising of banners that Osuna ordered in Naples in 1618 ended with the violent expulsion of the crowds gathered on the piers, after a baker attending

\footnote{53}{Visceglia, \textit{Città rituale}, 220–24.} \footnote{54}{ASV, Segretaria di Stato, Avvisi, 8, fols. 265r–266v.} \footnote{55}{ASV, Segretaria di Stato, Avvisi, 9, fols. 198r–202v.} \footnote{56}{ASV, Soldati, 2, fol. 93.}
the spectacle was stabbed in the melee.⁵⁷ A few years earlier, in 1611, the kingdom's galleys had come into the same port escorting a large captured ship, and "so great was the mass of people who came to see them that some were trampled underfoot."⁵⁸ In 1623 a great artillery salvo in Málaga had caused gunpowder stored in a Spanish galley to explode, resulting in many deaths.⁵⁹ Although the arrival of galleys in a port carried great symbolic weight, their presence was always problematic, even if the worst thing the local authorities faced was the people’s excitement. Excitement, in any case, was better than fear.

2.2 “That Is Spain’s Flagship, and This Is the Pope’s Fortress”

On every Christian shore in the Mediterranean, the greeting was the same. When galleys approached a port, they showed their good intentions by firing their cannons three times, or four if the standard of the local ruler’s squadron was visible within the port. An answering shot from the port meant that they were welcome. Through this symbolic but essential exchange both jurisdictions, visitors and hosts, expressed their mutual respect and paved the way for a neighborly relationship that would be, ideally, as cordial as it was brief. For many coastal towns, a visit by galleys was a temporary problem that they dealt with as best they could, through a ceremony that was less rich and symbolic than some others but designed to keep the peace. After the required exchange of salutes, and just as in more important landings, the governor of the port would send a boat to assess the visitors’ intentions. These forays, aside from issuing the expected polite invitation to disembark, were a chance to examine the quality of the ships’ people, the number of soldiers on board, and how much hunger showed in the faces and bodies of the rowers. Whenever possible, a landing could be avoided by promising enough water and provisions to satisfy the officers.⁶⁰ But if the visitor was a friend, or if there were heavy seas and threatening winds, other solutions had to be found.

Marco Antonio Zani, a former captain at Lepanto and commander of the Pope’s navy,⁶¹ described such a situation in a letter to Duke Giacomo Buoncompagni written from Civitavecchia in December 1577. The previous day nine Spanish galleys, loaded with soldiers bound for Flanders, had appeared outside the port. Bad weather, and news of a strong Turkish squadron to the north, had persuaded them to lay over there, and their general was seeking both

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⁵⁷ ASV, Segretaria di Stato, Avvisi, 8, fols. 265r–266v.
⁵⁸ ASV, Segretaria di Stato, Avvisi, 4, fols. 271r–274r.
⁵⁹ ASV, Segretaria di Stato, Avvisi, 9, fols. 191r–195v.
⁶⁰ ASV, Segretaria di Stato, Particolari, 13, fol. 140r.
provisions and the support of the three galleys that Gregory XIII maintained at the time. To hold off any trouble, Zani received the general with “caresses and the usual welcomes,” while smilingly denying him both supplies and the loan of any galleys to help the expedition.\(^{62}\) Many years later one of his successors, Giovanni Moroni, would write that when polite words were not enough they would be accompanied by “the usual attentions, plus reinforcing the troops of guards by day and by night, as I have done on other similar occasions.”\(^{63}\)

Resisting a hungry crew, though it did not happen often, could prove a poor strategy. The republic of Genoa once asked Gian Andrea Doria to judge such a case from his position as the Catholic king’s captain general of the sea. In July 1603 three French galleys anchored in the port of San Remo, seeking shelter. Their negotiations with local authorities to obtain refreshment must not have gone well, because their commander let a number of soldiers disembark and raid local gardens while the ships’ artillery, though apparently without ammunition, fired on the town. Terrified soldiers from the little fort that guarded the harbor fired back at the galleys, killing nine people.\(^{64}\)

There is unfortunately no mention of this incident in Prince Doria’s later correspondence, but clearly the secret to success at such times was a little permissiveness. Many coastal towns knew that galley crews usually wanted just two basic necessities, water to drink and firewood to keep them warm, and that if these were not offered readily they would be seized outright. Because that fact was well known in Civitavecchia, its residents did not try to prevent Gian Andrea Doria’s three galleys from collecting wood in January 1569—after all, the ships were helping them by defending the coast. But the wood had to be reserved for the ships’ own consumption and could not be sold commercially.\(^{65}\) These concessions could be abused, however. In June 1620 the monastery of San Jerónimo near Seville complained that a plot of land it owned next to the River Guadalquivir was regularly invaded by crewmen from the Galleys of Spain, who cut down its trees “not only for the galleys but to sell [the wood] in the city.” Philip II had signed a judgment in the friars’ favor in 1588, but it had done them little good in the face of the squadron’s jurisdiction, which protected its men’s actions.\(^{66}\)

Commanders of the galleys knew that their jurisdiction favored them, and they sometimes managed to have their hosts assume the costs of their stays in

\(^{62}\) *ASV*, Segretaria di Stato, Particolari, 3, fol. 100.

\(^{63}\) *ASV*, Segretaria di Stato, Particolari, 13, fols. 55–56.

\(^{64}\) *ADP*, scaffale 86, busta 27: Gian Andrea Doria, Pegi, 11 July 1603.

\(^{65}\) *ASV*, Segretaria di Stato, Particolari, 3, fol. 8.

\(^{66}\) *AGS*, GyM, Consulta del Consejo de Guerra, 9 July 1620.
CHAPTER 1

port. One illustration is a case from beyond the Mediterranean. In early 1599 the galleys armed by Federico Spínola to serve in Flanders stopped over in Santander; the stay was supposed to be short, but the expedition was delayed there by winter weather. At first the situation was manageable; there were leftover supplies in Santander from an earlier campaign that provided clothing for some of the men and tents on deck to protect them from the cold. But food began to run short.\textsuperscript{67} Most of the soldiers were billeted in nearby towns while a skeleton crew manned the ships. Eventually a local doctor had to be found, and soldiers began to be arrested for “the little debts they have run up after not receiving their pay.”\textsuperscript{68} Although the soldiers were genuinely in need, some were arrested not for failing to pay for food but for debts from other activities such as gambling. When the sum to pay them finally arrived, their officers had to admit that “it was impossible for the soldiers to be disciplined enough to spend their pay on food, because some would gamble it away, others would spend it on clothing, and others would take the money and desert.” The officers, realizing that once the salaries were frittered away the troop might disintegrate, decided not to distribute the funds at all; instead, they kept them to buy food for the crewmen still on board.\textsuperscript{69} That meant that local residents had to keep providing for the soldiers billeted on them, while those impoverished men kept causing trouble in the towns. The officers protected them, petitioning the king to remind the Santander authorities not to interfere with the galleys’ jurisdiction by arresting their soldiers.\textsuperscript{70}

If a port was visited by a foreign squadron this problem did not disappear, but it might be handled with different strategies. Port authorities had to consider their sovereign’s alliances, and their behavior should always honor their ruler, but there were ways of avoiding trouble. In 1638 Giuseppe Mattei received a request from eight Neapolitan galleys to enter the inner harbor at Civitavecchia and take shelter from a contrary wind. Because Mattei knew that the 500 soldiers on board could cause conflicts, “I told him politely that it was not a good time to receive him in port, and treated with courtesy all the officers who came on land.”\textsuperscript{71} Flattering the officers maintained good relations with Spain while avoiding a massive disembarkation of soldiers, with all its risks.

Still, it was often hard to avoid receiving galleys whether the polite forms were observed or not. Two years earlier, in May 1636, the Papal port had

\textsuperscript{67} AGS, GyM, 539: Tomás de Aguirre, Santander, 27 January 1599.
\textsuperscript{68} AGS, GyM, 539: Fernando de la Riva, Santander, 28 January 1599.
\textsuperscript{69} AGS, GyM, 541, fols. 71–72.
\textsuperscript{70} AGS, GyM, 539: Fernando de la Riva, Santander, 28 January 1599.
\textsuperscript{71} ASV, Segretaria di Stato, Particolari, 13, fol. 106.
awakened to a squadron of galleys anchored just offshore. No signal was offered for several hours, until finally at noon the ships began to move toward the inner harbor—still without firing the usual salute. Faced with this action, the castellan first fired an empty cannon, then sent a shot wide, and finally launched a ball that grazed the lead galley’s mast. Only then did that ship send out a boat to request free passage for the Galleys of Spain. The castellan replied that while the galleys might belong to the king of Spain, the fort belonged to the Pope, and he would not admit them without the proper courtesies and signs of respect. The galleys finally gave the salute, and though the official preferred not to receive them, he had to consider the diplomatic consequences of a denial; therefore, he opened the harbor and accepted a short but difficult visit in which both sides had to overcome their mutual distrust. The squadron commander, for his part, restrained his soldiers and “made his people act with great modesty.” Meanwhile, the admiral of the papal galleys, while “not failing in courtesy toward him,” reinforced the garrison in the arsenal and surrounding territory “to make our people aware that we have served our lord correctly,” that is, to let residents know that the visitors would not disturb the peace. He achieved his aim on this occasion, but many others were not so fortunate.

The port of Cartagena was a provisioning site for the armadas of the Hispanic Monarchy and therefore saw constant traffic of galleys and soldiers; it had to live daily with the sort of problem that the castellan of Civitavecchia had faced with the Galleys of Spain. That squadron visited Cartagena regularly and seems to have grown more careless over time. In the early summer of 1602 Carlo Doria, contractor for the Galleys of Genoa then en route to the Strait, found the entrance to Cartagena’s inner harbor closed off. When he asked the reason, the local authorities replied that a few days earlier the Galleys of Spain had arrived, faced the entrance to the port, and refused to salute the castles—they wanted to enter without observing any of the proper forms. After the local governor denied them entry, the ships had taken revenge by burning every local boat they could find, so the city had refused to receive any galleys at all until the king answered their complaint. Clearly, these cities had relatively little recourse if galleys decided to abuse their privileges.

Quarrels like this one, arising from each side’s assertion of its dominance, were frequent and of more than anecdotal importance. Both parties were insisting on their position within the political or jurisdictional order of that

72 ASV, Segretaria di Stato, Particolari, 13, fol. 61.
73 ASV, Segretaria di Stato, Particolari, 13, fol. 67.
74 Lomas Cortés, “Armada de Felipe III.”
75 ADP, scalfalle 82, busta 27: Domenico Sevo, Cartagena, 6 July 1602.
special web of relationships; each was trying to gain space at the expense of
the other, or at least to not lose the status it had already claimed. Conflicts
about expressing the proper courtesies to galleys and ports, or about respect-
ing and honoring each prince’s flag, dramatized the weight of every sovereign
in an alliance, the limits of friendship, and the role that each ruler sought to
play in Mediterranean politics. On a humbler level these disputes—occasional
ones like the layovers in Civitavecchia, or more permanent ones in the gal-
le ys’ home ports—expressed rights that the parties thought they had earned
or aspired to earn. They demonstrated how continual insistence on the galleys’
jurisdiction affected institutional networks on land.

2.3 Soldiers, Sailors, and Townspeople
There were never any guarantees that both sides would respect minimal norms
of courtesy and maintain a cordial tone. When officers allowed shore leave for
soldiers and sailors, those men often disturbed the peace, and officials in the
ports knew that their own laws would usually not be obeyed.

One constant cause of disorder among galley crews in the Mediterranean,
often punished by the authorities, was gambling. In 1571 a report to Pope Pius
V contained advice on improving discipline in the armada of the Holy League,
with the vice of gambling figuring among the greatest concerns: “By day and
by night they do nothing but gamble, young men and old, and it is as if they
joined the fleet only for the folly of gambling.”

Gianclaudio Civale has noted that the habit grew out of the long periods of idleness aboard the galleys,
when card games were widespread and so popular that it could be dangerous
to forbid them. Therefore, although officers tried to maintain discipline by not
allowing too much freedom, they were careful not to impose new limits on
games of chance. If officers were not too strict about gambling on board ship,
it is understandable that they did not try hard to control it among soldiers and
sailors who went ashore, especially since the activity was a useful escape valve.

Sometimes, however, gambling did not relieve tension but had the contrary
effect. In 1599 Philip III spent several weeks in Barcelona for the meeting of
the Cortes. Gian Andrea Doria’s galleys had conveyed him there from Valencia,
where he had just married Marguerite of Austria. While Philip planned to
travel on to Madrid, the galleys had remained in port to guard the coast while
the king was in residence. It was one more occasion for galleys to take part in
public festivities, in this case for the sovereign’s welcome presence in the city.

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76 ASV, Miscelanea Armadi, 2:116, fols. 139–41.
77 Civale, Guerrieri di Cristo, 111.
78 Lomas Cortés, “Renovar el servicio.”
after a long absence; but some soldiers took celebration too far. The fleet had landed on May 17, and six days later the king ordered in person that, to avoid “the disputes that began today between the soldiers and the locals ... there may be no gaming tables on land, because that is the road to many sorrows.” In just those few days, two residents of Barcelona had been killed, and all men with shore leave were sent back to their ships, not to return to land until they received new orders.79

The 1571 report had tried to shed more light on the problem. If gambling proved uncontrollable, it was largely because at every rank on board, including that of captains general, “they have done nothing but gamble for hundreds and thousands of gold scudi ... they have lost bets of here six, there twelve, and even twenty-four thousand, to the ruin of their estates.”80 Gian Andrea Doria and his sons were all famously dedicated cardplayers who did not set the best example for their crews, although excuses could always be made. In spite of all the criticism of gambling in military treatises,81 officers generally treated the practice benignly. A game of cards was a confrontation or struggle between gentlemen that could impart values important to a soldier: thirst for victory, competitiveness, the development of strategies for survival. Like defeat in battle, it taught gentlemen how to fight with honor and control their emotions at all times. Both wins and losses helped to channel the frustrations and tensions of life on board, defusing them in more-or-less controlled fashion while setting an example to the rest of the crew. Despite all appearances, gambling had psychological and educational benefits for the men, plus other ones useful to the officers charged with managing the galleys. As Pedro de Toledo, captain general of the Galleys of Spain, wrote to the king in 1610, “Gambling ... is the means of finding willing men [buenas bollas, i.e., buenaboyas] on land,” so the practice had to be allowed a certain freedom.82

This last assertion is a curious one. Buenaboyas were volunteers who worked for a salary and formed a very small proportion of a galley’s rowers.83 While officers were always on the lookout for men to fill the benches, volunteers were not a significant force, at least not in the Galleys of Spain. Pedro de Toledo’s report makes clear that gambling was actually more useful on board ship, since sometimes a convict who had served out his sentence could be forced to keep rowing to pay off a debt. These two types of cases might add up to a good

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79 ADP, scaffale 82, busta 18: Alonso Muriel, Barcelona, 23 May 1599.
80 ASV, Miscelania Armadi, 2:116, fols. 139–41.
82 AGS, GyM, 742: Pedro de Toledo, Madrid, 21 May 1610.
83 Lomas Cortés, “Galériens.”
number, but we cannot judge their extent. We can assume, however, that officers in the galleys both encouraged gambling and generally kept it under control. They could turn to their advantage certain negative effects that, although condemned by the Church, were justifiable in the special universitas of a galley as a way of cultivating and supporting its crew.

Perhaps in the galleys gambling could help to serve the king of Spain, but ports, like other towns visited by troops, found that gaming tables might act as traps for careless residents; in spite of the towns’ best efforts, there would be fights and murders. In late December 1603, while ships were docked at the fortified port of Oran, “a quarrel arose between a sailor from the galleys and a butcher from Oran, resulting in the butcher’s death.” The sailor tried to escape but was caught before he reached his ship, setting the scene for a confrontation. The captain general of the galleys demanded the prisoner’s return, but the governor refused to release him and closed the gates to the fort so that the remaining crewmen could not reach their embarkation point at Mazalquivir. As soon the Council of War learned of the problem, however, resistance came to an end. Its letter to the king explained that the governor was “obliged to return ... the imprisoned sailor who had killed the butcher, and Your Majesty should reprove [him] for having detained seven galleys for twenty-four hours with a clear danger of losing them, confining inside the gates of Oran all those who sailed in them.”

Because soldiers had relative immunity on land and local authorities could not always resist them, indignant residents sometimes took justice into their own hands. In early August 1577 several galleys filled with Spanish infantry dropped anchor in Civitavecchia on their way to Genoa. Captain Zani, as usual, had tried to ensure “that no news got about,” but there was such a crowd at the port that confusion ensued. In the midst of it all a Spaniard decided to urinate against the corner of a house, and angry neighbors began to stone him, injuring him in the head. Other Spaniards, hearing his cries, ran to help their comrade while more residents joined the fray, and the violent melee ended with four more Spaniards wounded; others fled from the city, and still more sheltered in a nearby church and a lady’s house. The Pope’s soldiers closed the gate between the town and the port to hem the men in and avoid further bloodshed, but that only provoked the visitors to draw their swords and try to hack the gate to pieces. An unlucky dyer on the other side was pierced by a blade and died. The Spaniards did not fare much better—when at last the tumult subsided

85 AGS, GyM, 624, fol. 111. See Lomas Cortés, “Esclave captif.”
and Zani asked the commander of the galleys to order his men back on board, several of them arrived gravely wounded, and one soon expired.

Although Zani immediately ordered the galleys to sail away, he also seized the occasion to complain about how little zeal the commissioners of the port, in charge of administering justice, showed in pursuing such outrages: “If there were justice here such things would not be done, for whenever galleys come here there is always some homicide, and all because the local people are too insolent. The rumors begin with them, and if punishment were meted out the first time there would be peace the next time, and they would not try to do what they did. ... If local people kill someone from a galley or ship, that is to say foreigners, they settle everything by paying five giulii\textsuperscript{86} to the commissioner.” To make matters worse, while everyone was distracted by the skirmishes with the Spaniards, two of the Pope’s captains had fought a duel on the other side of the city.\textsuperscript{87}

Perhaps Zani had forgotten to report that the galleys’ own people, beginning with those under his command, were partly responsible for the anger of Civitavecchia’s residents and the indolence of its commissioner. We find one example in early November 1623. A soldier from the papal galleys newly arrived in port was ordered by a captain on the pier to lead him to the vicarage. His companions objected and started a fight with the captain’s underlings that ended in arquebus fire; two men drinking in a nearby tavern were struck by bullets and killed.\textsuperscript{88} In an atmosphere in which violence broke out so often (in separate incidents, but too-frequent ones by many accounts), it is unsurprising that residents of ports where galleys anchored regularly were, just like the crews, both victims and perpetrators of conflict. Even so, quarrels with angry civilians paled beside the ones that arose between galley crewmen and soldiers who guarded the ports.

One example sheds light on this last type of conflict, even though Spanish squadrons were not involved. In 1600 the Pope’s galleys stopped over at the Spanish fortified port of Porto Ercole. Once they had dropped anchor, their lieutenant ordered some sailors to escort a few slaves to collect water on shore,

\textsuperscript{86} “[S]e qua ci fosse giustitia non si farebbero simile cose, che ogni volta vengono galere qua sempre interviene qualche homicidio, et tutto per causa di questi della terra che sono troppo insolenti, che da loro cominciano li rumorii che si fossero castigati una volta l’altra volta starebbero in pace, et non cercarebiano di fare quel que fanno ... che se questi della terra ammazzano uno o di galera o di barca, o sia forestieri, con cinque giulij che diano al detto comisario accomodano ogni cosa.” A giulio was a coin worth one-tenth of a Roman escudo.

\textsuperscript{87} ASV, Segretaria di Stato, Particolari, 3, fol. 403.

\textsuperscript{88} ASV, Segretaria di Stato, Avvisi, 9, fols. 321v–326r.
but after landing they were confronted by a group of Spanish soldiers, and in
the resulting quarrel a sailor was killed. The lieutenant, who had witnessed the
scene from his galley, ordered the trumpet blast that meant “all hands board
ship,” but the governor of the fortress, unwilling to let matters rest there, com-
manded his artillery first to sink the boat carrying the sailors and slaves back
to their galley and then to fire on the galleys themselves. The boat managed to
stay afloat and the lieutenant, to put an end to the firing, offered to parley. But
he claimed that the sailors who had caused the fracas had not reached their
boat but one had died on land, so that punishment should befall only those
who had wounded many crewmen by bombarding the visitors from the port.
The Spanish governor, who disagreed, waited till nightfall to fire on the galleys
once more, forcing them to weigh anchor and sail away with all speed. 89

These cases suggest a few general conclusions beyond their chronology, the
squadron involved, and the place where the incident occurred. It is obvious
that whether the relationship established was friendly or hostile, the authori-
ties of ports where galleys anchored usually accepted the ships’ jurisdictional
autonomy. That acceptance was somewhat diluted on land, which became the
battleground for imposing one system of justice over the other when a crime
involved persons from both sides of the frontier. But if on land there was some
margin in favor of local justice, there was no such power over the galleys. Per-
haps the ships’ cannons were dissuasive enough that local officials did not dare
to pursue delinquents all the way to the deck, but it seems that no one really
questioned that the royal standard that flew over the Spanish squadrons (or
the French, Tuscan, Papal, or Maltese ones) conferred on those ships the status
of a territory apart.

As with all rules, there were exceptions. We saw above how in the autumn of
1606 soldiers of the captain general of the kingdom of Portugal actually came
on board to try to free two prisoners from a galley anchored in Lisbon. But the
incident was rare, threatened to cause tremendous bloodshed, and was quickly
resolved in the galleys’ favor. 90 All these cases, even the last, show how far the
monarchy was willing to go to render its squadrons immune from external in-
terference, even if they sometimes exceeded their authority.

This was the situation in ports of the Hispanic Monarchy that received the
king’s galleys, but it obtained at other Mediterranean ports as well. In towns
that obeyed other rulers, the squadrons’ legal autonomy was likewise respect-
ed, despite occasional flares of resistance. Whether motivated by treaties of

89 ASV, Segretaria di Stato, Spagna, 53, fols. 244–45.
90 Lomas Cortés, “Justicia y gobierno.”
surrender, offensive or defensive alliances, mutual interests, or simple maintenance of cordial relations with neighboring powers, the relationships of port officials with foreign galleys followed, in times of peace, almost identical practices—the same salutes on arrival, the same courtesies on land, and very similar reactions to conflicts that arose.

Virtually everyone understood the limits of those relationships, and it is clear why sailors and soldiers from the galleys sometimes behaved badly on land and why local populations might respond with violence. It would be a mistake to think that systems of justice in ports visited by galleys accepted the situation willingly, no matter what gestures might be made toward good relations. Justice related to the galleys did not spring up fully formed; it was shaped gradually through a series of ordinances, legal prudence, and the experience derived from conflict resolution. It appears that the creation of permanent squadrons, led by captains general who possessed much of the military authority of the ancient admiralties, changed the balance of power in institutions along or near the coast. But to understand the process fully we must explain how the galleys were endowed with the resources and structures they needed to put into practice the autonomy that they held in theory, both at sea and on land. We need to know how the galleys articulated their defense and whether the structures that allowed it remained the same or had evolved since the temporary fleets of the fifteenth century.

3 Between Naval Tradition and Military Innovation

A separate jurisdictional space for the galleys was constructed, as we have learned, to protect them from possible interference by land-based justice. We have also explained how their legal prerogatives were not linked to the existence of a particular squadron (that is, they did not belong to the galleys) and that these prerogatives could vary in scope, even reaching full autonomy, depending on the moment and especially on the identity of the person who enjoyed them.

One could object that after 1531, when the galley ordinances established by Álvaro de Bazán were approved, and especially after 1607, when the new broader, revised ordinances for the Galleys of Spain were introduced, the situation changed. Galley regulations then provided more detail about how powers were conferred in practice on the captains general, strengthening their ability to deal with their ships’ geographic dispersal, the temporary absence of an captain general, and problems arising from the presence of disembarked crewmen on land. Application of the ordinances allowed a power that had been
mainly hypothetical to become actual, at a time when naval infrastructure was growing in size and complexity and the posts of captain general of the sea and captain general of a squadron were undergoing fundamental change. But this supposition is difficult to demonstrate.

3.1 **Galley Ordinances and Corsair Customs**
The chief aim of the 1531 ordinances was to systematize the governance of the ships and, above all, of the men who sailed in them. The initial clauses sought to fix the salaries of the freemen on board (officers, soldiers, and buena-boyas), the food rations designated for each group, and the percentage due to each crew member of any captured prize. So that contractors would be sure of securing the galleys’ basic provisions, especially grain and wine, they were guaranteed “fair prices,” meaning concessions that gave them an advantage in the markets, a factor that attracted important men of business to the king’s service. We will explore this issue further in the next chapter, but here we will establish how these ordinances introduced a new factor that protected galley crews on land.

There was certainly an improvement in the ability to intervene in the markets, an important aspect of the development of the galleys’ economic and commercial jurisdiction. But the form of governance introduced in 1531 and expanded in 1607 (there are references to intermediate ordinances that remain undocumented) was in fact virtually unchanged from the uses and customs that had regulated the arming of corsair galleys for centuries. There is clear influence here of the legal tradition of Mediterranean commercial navigation. According to the *Llibre del Consolat del Mar* (Book of the consulship of the sea) of Barcelona, a list of naval customs, a man who signed on to a corsair galley armed by a private individual had a right to four things. First, the contractor had to inform him of the quantity and quality of the galley’s provisions, so that every potential crew member could evaluate the risks of the assignment before accepting it. Further, the admiral chosen by the contractors to lead the expedition had to pledge that everyone on board would receive his daily ration of food, his salary, and the percentage of any profits due to him. For strategic reasons, of course, it was better if royal galleys did not reveal their exact logistical conditions, but it is clear that the basic rights of crewmen under the Hispanic Monarchy were exactly those enjoyed for centuries by men in galleys that sailed with letters of marque. This fact suggests that the squadrons were

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formed not only for political (particularly defensive or offensive) reasons but also for economic ones, expressed through a series of regulations much like the rules for corsair activity. It supports the notion that those regulations were essential to the galleys’ survival, even when their actions were represented as the results of political, religious, or civilizational conflict.94

The 1531 ordinances did introduce a few new factors, however, meant especially to regulate the governance of the unfree persons aboard—slaves and especially convicts—who were much more numerous than in a galley with letters of marque. Those men received no pay and had no contract for supplies, but they were guaranteed sufficient amounts of food.95 They were also bound, like the freemen, by a set of rules that again showed continuity with traditional legal practice and lend support to our concept of the squadron as a corporation or universitas.

In exchange for the rights and provisions described above, every crew member of a galley armed for commercial purposes had to acknowledge its admiral’s full power to employ all means of coercion necessary for good governance of the vessel. The admiral had sworn an oath to the ship’s contractors, and then every man at every rank swore loyalty and homage to the admiral, in life and in death. Having received this verbal assent to his jurisdiction, the admiral could impose harsh physical punishments on any sailor or soldier who refused his orders or caused damage to the ship’s cargo. A violator could be “flogged round the ship” or, in more serious cases, have his ears cropped.

The heaviest punishments were reserved for officers, especially cómitres. By the sixteenth century some duties of that rank had passed to skippers and captains, leaving cómitres (something like second mates) as simply the officers in charge of overseeing and maintaining the rowers. But in the fifteenth century, a cómitre had been more like a captain,96 the galley’s first officer and the one charged with administering justice on the spot. For him to violate his oath of loyalty and homage to his admiral was the worst possible offence, punishable by impalement, with a single limitation—his authority over the crew ended the moment they set foot on land ruled by another jurisdiction. This exception is important because, as we know, in the galleys of the sixteenth and seventeenth centuries the ships’ jurisdiction followed each crew member even onto land.

The squadrons of the Catholic monarch, in their ordinances, followed the same ritual oath-taking that applied to corsair ships, with a few variations.

94 Williams, *Empire and Holy War*.
95 Marchena Giménez, “Vida y los hombres,” 438.
The oficiales de sueldo (financial officers)—the veedor (inspector), pagador (paymaster), and contador (purser), all charged with the squadron's financial and logistical administration—swore to the captain general that they would perform their duties faithfully. In turn, they received the captains' oaths to command their ships well. The rest of the crew accepted the authority of their captain general at the muster (known as the alarde or muestra) that preceded any new expedition, when new men were entered into the lists and inactive ones crossed off. In this way, the captain general of the squadron received the fealty of everyone aboard his galleys, all acknowledging his position at the pinnacle of that unique legal and juridical universe, just as the inhabitants of a territory did at the start of a new sovereign's reign.

In contrast, the ordinances of royal squadrons did not contain the list of crimes and punishments included in Barcelona's naval regulations, which were recognized by private admirals' jurisdiction. This was probably because titles like that of admiral of Castile already assumed them, giving that office the capacity to “pass justice on all those who ... go absent without leave or escape, or steal something or fight so as to cause injury or death,” rules that the captains general' jurisdiction later inherited. Although the 1531 and 1607 ordinances stated that the squadron's captain general should carry out all their prescriptions with strict justice and employ all his powers in commanding the vessels, they did not specify how that justice should be administered, or where, or under what assumptions. Those faculties, therefore, were privileges belonging to, and defined by, the title that the captain general obtained from the monarch; subsequently, the crew swore to obey them. The ordinances protected the galleys inasmuch as they belonged to the king, as did all the ships' people, and above all they protected the commercial privileges that ensured the continuation of the whole enterprise. But we must also conclude that the protections extended to sailors, soldiers, and slaves on land were not connected to the galley ordinances, but must be sought elsewhere.

3.2 Convergence with the Tradition of Military Privileges

The Partidas of Alphonse X the Wise stated that those sailing in a royal fleet constituted a “great host” (hueste mayor). According to Covarrubias's dictionary Tesoro de la lengua castellana (1611), hueste at the time meant “an army sent into the field against the enemy”, therefore, crewmen in a fleet were

98 Calderón Ortega, Almirantazgo, 217–18.
100 Calderón Ortega, Almirantazgo, 223 n. 181.
101 Covarrubias, Tesoro, 482, s.v. hueste.
legally considered members of an army on campaign, and as such they enjoyed a whole series of long-standing privileges well established in Roman law. Since these formed part of the norms that regulated discipline in the legions, we find them in clauses on military affairs (De re militari) in law codes such as Justinian’s Digesta. There, we see how soldiers in wartime had certain advantages in making a will, for example, while their commanders could administer severe punishments, ranging from flogging to execution, depending on a man’s rank and the nature of the crime; that jurisdiction extended to offenses such as disorderly conduct, insubordination, and above all desertion. The combination of those two principles produced norms in Roman law that strongly recall cases we have already seen. One example will suffice here. According to the Digesta, if a soldier committed a crime of a military nature the punishment should conform to military justice; therefore, if a soldier who fled after committing a relatively minor offense was caught by another authority, he should be turned over immediately to his superior with a report on the incident. But at the start of the early modern age this measure did not apply in every situation but was confined to the jurisdiction of the high admiral, which as we know extended only to the sea and the lands along the coasts.

In thirteenth-century Castile, military penal legislation began to be built on legal principles of Roman origin, and that still held true when the Hispanic Monarchy needed to modernize its military structures in the early sixteenth century. We can observe this process in the judicial arena by comparing Ferdinand and Isabella’s “Great Ordinance” of 1503 with the Ordinance of Genoa of 1536. In both it is easy to identify crimes and their punishments with those described in the Digesta, and René Quatrefages has observed that we can also trace a loss of autonomy by infantry officers parallel to that suffered by cómitres in the galleys.

In cases that straddled military and civil society, however, military jurisdiction was still not wholly independent of the civil variety. The Great Ordinance of 1503 decreed that in Castile, cases involving both soldiers and civilian residents should be heard only by the corregidor (local crown magistrate), even in places where an alcalde de las guardas (a military judge, who dealt with disputes between soldiers) was present. They also specified that if no corregidor was in residence, the military judge must hear the case together with local magistrates. While the Digesta, recognizing that a soldier might commit both military and civil crimes, called for punishment according to the nature of the

102 Rodríguez de Fonseca, Digesto, 120–21.
offense,\textsuperscript{104} that does not appear to be the spirit of the 1503 ordinances. Though some military matters fell under the corregidores’ jurisdiction,\textsuperscript{105} the fact that military judges had to collaborate with local courts suggested to Quatrefages that punishments meted out to soldiers in these situations owed more to civil than to military justice.\textsuperscript{106}

In 1536 Charles V laid down the directives for organizing his troops in Italy, creating the system of infantry regiments (tercios); at the same time, he made a significant alteration to the internal administration of justice in those units. The change, which does not appear in earlier ordinances, established the auditor as the figure delegated by the general of a regiment to administer justice within it.\textsuperscript{107} Unfortunately the 1536 Ordinances were less explicit than those of 1503 in defining how conflicts involving both military and civil justice should be handled; they noted only that the auditor would find and pass sentence in cases “between parties.” Therefore, it is hard to determine the limits of that jurist’s powers. Further, since new permanent troops of soldiers were being established outside of Castile and Aragon, it is not clear whether they fell under traditional Peninsular laws or whether innovations were introduced, as was happening during those years in the strengthened system of naval squadrons. We wonder, then, why judicial limits were so vaguely defined in the 1536 Ordinances when they could easily have incorporated earlier Castilian legislation.

We must bear in mind that auditor did not replace the alcaldes, who continued to serve in units of the Guards of Castile.\textsuperscript{108} Their areas of responsibility made sense within the traditional organization of that kingdom, but they could not readily be transferred to a different geographical and legal space such as Italy. There was always a duality between the internal and external logic of Spanish military administration\textsuperscript{109} and its handling of justice. The office of auditor belonged more to the external realm, after units were created that might serve under a variety of foreign jurisdictions. Historians have shown that a crucial factor was the definitive adoption of Roman law in a process that culminated in 1587 with the ordinances that Alessandro Farnese (“Farnesio”) issued in Flanders.\textsuperscript{110} These specified the precise functions of the judicial officers of

\begin{itemize}
\item \textsuperscript{104} Rodríguez de Fonseca, \textit{Digesto}, 119–20.
\item \textsuperscript{105} Lunenfeld, \textit{Corregidores}, 13–21.
\item \textsuperscript{106} Quatrefages, \textit{Revolución}, 185–86, 199–200, 384.
\item \textsuperscript{107} Quatrefages, \textit{Revolución}, 323.
\item \textsuperscript{108} Martínez Ruiz, \textit{Soldados del rey}, 2:15.
\item \textsuperscript{109} Quatrefages, \textit{Revolución}, 225–70.
\item \textsuperscript{110} Portugués, \textit{Colección}, 38–45.
\end{itemize}
the regiments, especially those of the auditor, and are considered the foundation of the administration of military justice under the Hapsburgs. But little has been written about the process of evolution itself, that is, how the auditor position evolved from its introduction without a clearly defined scope in 1536 to a sharper delineation of its authority in 1587.

One might argue that since our purpose is to define legal jurisdiction for the galleys this excursus has been unnecessary, but that is not the case. In the sixteenth and seventeenth centuries soldiers who sailed in the galleys did not belong to specific naval units but were assigned at random to whichever ones were operating at the time. Therefore, two legal systems coexisted aboard ship, the naval one based on maritime custom, and the military one that soldiers brought on board with them and retained when they disembarked at a Mediterranean port. It is no coincidence that auditores, either general (auditores generales) or attached to squadrons (auditores de escuadra), began to appear on galleys after 1536. It is essential to understand their origin, the nature of their functions, and at what point their duties became fixed if we are to grasp the squadrons’ legal universe, which not only protected the crews but also, as we shall see in the next chapter, justified their participation in maritime traffic and influenced the evolution of legal practice in the Mediterranean.

3.3 **Roman Law and Experience: the Introduction of Auditores into the Galleys**

Juan Francisco Pardo has recently remarked that in the sixteenth and seventeenth centuries Spanish jurists habitually commented on and reelaborated Roman legal texts as they sought to understand and explain the institutions of their own time. They used a dialectical method, collecting sentences and opinions by authoritative voices of the past in order to formulate theses that justified the scope of a given office or institution. Auditores were merely letrados (lawyers), assigned by royal courts to help captains general perform the legal duties attached to their office and delegated by the king, but once present they might play a role similar to the one they already performed in other royal institutions.

The name of the office provides an initial clue. For Covarrubias auditor meant “a judge who hears cases,” and the term had been introduced because it was “used in Rome.” Jean-Marc Pelorson claims that it originated with the

111 Moreno Casado, “Ordenanzas,” 431–39; Martínez Ruiz, Soldados, 2:16–17; Millán Garri-
do, Justicia, 21–22.
112 Pelorson, Letrados juristas, 68.
113 Covarrubias, Tesoro, 103, s.v. auditor.
auditor of the Apostolic Tribunal of the Roman Rota\textsuperscript{114} but that idea might actually derive from the example Covarrubias used in his definition. The word might also simply be a Latinization (\textit{auditor} = lit. “hearer”) of Spanish \textit{oidor}, the chief judge in the monarchy’s royal councils, \textit{audiencias} (courts of appeals), and chancelleries. Perhaps this person was understood to be the chief judge of the captain general’s appeals court, in parallel to the long-standing relationship between a viceroy and his royal appeals court.

Once the office had been created, it had to assume certain powers that, while still unclear, had an obvious goal: to provide military justice with a set of principles that would grant it greater autonomy and (as with other decisions relating to galleys) prove decisive in the viability and outcome of a campaign. Its actions probably determined the limits of prerogatives that were being strengthened at this time, as we already know. Through these and with the help of tradition, experience, and exemplary laws from the past—in edict after edict and campaign after campaign—\textit{auditores} would gradually establish both general and specific principles that, while absent from the ordinances of 1536, must obviously have evolved beyond the ones articulated in 1503.

This hypothesis gains credibility in the light of evidence from the galleys. In 1596 Cristóbal Mosquera, a member of the Council of Castile and former \textit{auditor} general of Philip II’s fleet and army, published his \textit{Comentario en breve compendio de disciplina militar} (A brief commentary on military discipline). There, he described the Battle of Terceira in the Azores under the command of Álvaro de Bazán, which had completed Spain’s conquest of Portugal in 1583. As Mosquera acknowledged after narrating the campaign, the captain general of the fleet had charged him with defining the principles of military discipline that had obtained in the battle; in other words, with justifying the legal norms on which penal law had been based and distributive justice applied on that occasion.\textsuperscript{115} Mosquera gave his reasons in the first pages of his work, pointing to the important context that we have been exploring: “For only a short time now … a large armada of sailing ships [and] a squadron of galleys [has embarked] on seas never accustomed to supporting them,” a situation that produced new challenges to the justice system.\textsuperscript{116}

Cristóbal de Mosquera tells us how captain generals had exercised their jurisdiction over their crews up to that point. Because the ordinances did not name specific offenses and their punishments, before each expedition captain generals would publish an edict, shown to every man in the fleet, that set out

\textsuperscript{114} Pardo Molero, “Usos de Roma,” 390–91.
\textsuperscript{115} Mosquera de Figueroa, \textit{Comentario}, fol. 9.
\textsuperscript{116} Mosquera de Figueroa, \textit{Comentario}, fol. 4r.
the rules of discipline that would apply. For the 1583 campaign Bazán listed the punishments to be imposed if a crewman deserted, turned renegade, blasphemed or insulted, was violent in word or deed, profaned a church, took revenge for a past affront, initiated an action without his officer's permission, took a mistress, sold his clothing or weapons, gambled without having funds, switched companies without leave, or even created confusion by shouting during battle. All these were frequent behaviors by crew members to which the ordinances did not refer.117

The most interesting revelation of Mosquera's work was that each captain general issued his own orders for the battle he faced, with the advice of his auditor. Orders were based on offenses drawn from normal military law, “taken from [previous] military [examples] and legal prudence so that both soldiers and seamen may be ruled and governed by them.” There was therefore no obligatory model; rather, each commander relied on his own experience and tried to proceed with caution and in good order, “being moved by examples from the ancients, imitating at times the Romans and at times the Greeks and adopting the best of the Macedonians besides, through frequent reading of good books.” Mosquera hoped to make Álvaro de Bazán’s actions in 1583 a model for the future, while describing the origin and functions of the auditor or—which comes to the same thing—laying the legal foundations for a post that was still in the process of being defined.118 Since Mosquera was a auditor general himself and wrote in his own hand, his work supports our hypothesis that he was setting dimensions for a new office, born of the 1536 ordinances. Although its publication was delayed, it coincides in time with Farnese’s initiative, so the 1580s appear to be the decisive decade for the delineation of the auditor position.

It is easy to trace Roman law in both Farnese’s 1587 text and Mosquera’s chronicle of 1596. Farnese’s ordinances defined the duties of the auditor, and other scholars have already written about its roots in the Roman legal tradition.119 Mosquera’s definition, however, though incorporated into a narrative, was the truly influential one for the squadrons. Above all it describes more accurately the origin and early justification of the post, in a way that helps us to determine the nature of the captains general’ authority and their influence on the corporate structure of galley squadrons.

Late medieval jurists, and sixteenth-century ones during the reorganization of audiencias and viceroyalties, commonly identified the audiencias (which had replaced local magistrates’ courts) with ancient Roman institutions and

117 Mosquera de Figueroa, Comentario, fols. 18v–19v.
118 Mosquera de Figueroa, Comentario, fol. 10.
their extensive prerogatives. According to Juan Francisco Pardo, viceroyes were interpreted as the modern equivalent of proconsuls and audiencias as modern senates. Mosquera took up this interpretation in his own argument, adapting it to the contemporary posts of captain general and auditor of the sea. He attributed the origin of the judge in wartime to a decision by Hector of Troy, thereby linking it to the most remote of the arcana imperii of Rome, but above all he tried to identify auditores with praetors, the Roman magistrates who administered justice under the consuls. After that, it was easy to define the duties he considered proper to the post—adjudicating and meting out swift punishment in all civil and criminal cases, imposing sentences from the lightest to the most severe according to the gravity of the offense, and moving cases forward regardless of the delays typical of normal tribunals, “deciding them as active affairs of the field, making no official documentation or delay in them.” This notion created a perfect equivalence between the captain general’s jurisdiction and that of the “Emperor or commander of the army, which was supreme in the field and was granted to him in war,” the auditor being the person who “provides justice in his [the Emperor’s] name ... in [the exercise of] his praetorship.”

The theatrical aspects of this position must have impressed both residents of the ports and soldiers and sailors in the galleys. In 1606 in Lisbon, when there was an attempt to free two prisoners from a galley at anchor, a witness reported that its captain, Diego Brochero, arrived at the port escorted by twelve arquebusiers. Mosquera states that the auditor during his years of service always had “a guard of arquebusiers close to his person, just as, when praetors appeared in public, they were usually accompanied by six attendants [lictores]; unlike the great consuls, who had twelve, ... because Praetors had only half the dignity of Consuls.” Such scenes may not have reminded many people of Roman times, but they did display the power of these men even to those of limited understanding and certainly conveyed a clear message to local authorities.

The expansion of auditores’ powers appeared unstoppable. By Gian Andrea Doria’s account, in 1592 and perhaps under the decisive influence of Farnese’s ordinances, every one of the Catholic king’s squadrons of galleys in the Mediterranean had its own auditor—except for the Galleys of Sicily, which were apparently petitioning to have one too. Above all, Cristóbal Mosquera's
Compendio became the great reference for issues of jurisdiction and auditor relating to galleys. In 1620, the deputies and judges of the principality of Catalonia needed to know whether someone substituting for the auditor of its galleys enjoyed his same authority. Mosquera was the author most cited in explaining how that military judge enjoyed full exercise of all civil and criminal jurisdiction, not only in the galleys but also (and here he agreed with many ancient and modern writers) in “any place on land, despite the rule … stating that judges’ jurisdiction does not extend beyond his [sic] own territory … [because] the jurisdiction of the auditor general over military men and subjects is not limited to that territory … [for] it is not limited like that of an ordinary judge within the bounds of his territory … rather his commission is more extensive, not having a designated territory … rather he has competence wherever the crime is committed and all guilty persons arrested appear before him.” Roman law had now been incorporated in its totality. The traditional jurisdiction of the admiralty, which had extended only to coastal areas, was superseded, and so was the Castilian tradition that placed limits on military judges and forced them to accept the authority of regular magistrates in certain cases.

3.4 The Galleys’ Jurisdictional Supremacy
In 1621 Gabriel de Santans, a soldier serving in the Galleys of Spain, entered a tavern with his friends in the town of Tocina in western Andalusia. His conduct must have been disorderly, because soon he was exchanging “very hostile words” with the owner’s servant, whom he wounded. A local magistrate ordered Santans confined in chains, but he did not remain in custody for long. When the Council of War heard of the incident, it ordered that the soldier be released at once to his captain general together with a written report of the case. We learn from this incident that at least toward the end of Philip III’s reign, the Hispanic Monarchy had established the two basic jurisdictional principles for defending the privileges of men from the squadrons—that auditores held

125 “[Por] cualquier parte de la tierra, no obstante la disposición … por la cual está dispuesto que la jurisdicción de los jueces no se extiende mas allá del territorio en el que está … [porque] la jurisdicción del auditor general de los militares, entre sus militares y súbditos, no se circunscribe al territorio … [pues] no está limitada como la del juez ordinario dentro de los términos de su territorio … por extenderse más su comisión, la cual no tiene señalado territorio, antes en cualquier parte que se comete el delicto es competente, y se le remiten todos los culpados que se huviere recogido.” AHC B, Ali.legaciones jurídiques, 4:12, doc. 6. See Capdeferro i Pla, Ciència, 107–20.

126 AGS, GyM, 871: Petición de Parte, Madrid, 9 August 1621.
sway in any place where a soldier committed a crime, and that their authority also covered cases in which civilians were involved.

In the military Ordinances of 1632, which updated earlier ones of 1611, an article specified that no magistrate, on either Crown or noble land, could charge a soldier with any crime except robbery or treason. The naval ordinances of 1633, however, stated that in cases of problems or quarrels between landsmen and sailors on shore the auditor general should not carry his orders to excess and should seek to avoid “competing in jurisdiction with ordinary magistrates.” Even as the jurisdiction of the auditor became better defined, authorities on land would still try to defend their own prerogatives.

There were certain limits that the galleys’ jurisdiction was never able to overcome. By the rules of Barcelona’s Consulate of the Sea, an admiral with letters of marque could never punish a crime on land, because that would interfere with civil justice; by the same token, squadrons were barred from doing so. In February 1601 Marino Caracciolo, Prince of Avellino and a commander of Neapolitan galleys, strung up a scribe in the port of Savona for an unrecorded offense. His action infuriated both the port’s podestà and Gian Andrea Doria, who, to keep the scandal from spreading throughout the republic of Genoa, condemned the act in the strongest terms, reminding the prince that the Catholic king’s galleys could not punish anyone in a land with a different system of justice. But since many other limits were less well defined, magistrates drew on the same tools that had already served the monarchy (i.e., the principles of Roman law).

In 1684 the city of Barcelona engaged the jurist Jerónimo Ferrer to try to limit the privileges that the military ordinances granted to billeted soldiers. He argued that sometimes soldiers were accused of nonmilitary crimes, ones typical of civilians rather than soldiers, and that before the new military ordinances came into effect a soldier who committed a common offense had been subject to civil justice. He concluded that the military ordinances could not always “transfer the Soldier from the Ordinary system to its own,” since “under the ordinary [system] he would still enjoy military privilege” but only in matters pertaining to soldiering, for “in Catalonia the constitutions and municipal laws, having been made by His Majesty and the Cortes, belong to common law and do not recognize any higher one.” Clearly, the line between military and

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127 BNE, Ms. 9422.
128 BNE, Ms. 8224.
130 ADP, scaffale 85, busta 20: Gian Andrea Doria, Loano, 6 and 8 February 1601.
131 AHCB, Al.legacions jurídiques, 4:12, doc. 13.
common law was variable rather than firmly drawn, and the monarchy took advantage of the fact, making its squadrons the vehicle for a political practice that, according to Jean-Frédéric Schaub, used jurisdictional conflict as a way of governing.  

Something similar happened in the navy. In principle, *auditores* had to do only with soldiers who shipped in the galleys, but if we recall Mosquera’s account, Álvaro de Bazán’s instructions before the 1583 campaign covered both soldiers and sailors in his fleet. We wonder, then, about the coexistence in the galleys of two sets of ordinances, naval and military, that governed the crew. It may be that the superposition of both jurisdictions in the person of the captain general defused occasions for conflict; in any case, we have no reference to such cases. But we still must ask if sailors, and by extension any crewmen who went ashore, benefited from the privileges originally designed for soldiers or whether their privileges descended from the ancient prerogatives of the high admiral.

In November 1600 the Count of Santa Gadea, captain general of the Galleys of Spain, wrote a report to the king that sought a solution to the shortage of sailors in his squadron. He believed that better enforcement of existing ordinances was not sufficient and that the ordinances should be expanded. He suggested that sailors’ privileges be made equal to those of soldiers, beginning by removing any crimes they might commit from civil jurisdiction and transferring them to the *auditor*, with the Council of War as the court of appeal. To achieve the maximum number of enlistments, he proposed extending that advantage to a radius of six leagues from fleet’s anchorage. The count had other changes to suggest as well. Sailors should have the right to bear arms by day and by night in every kingdom under the monarchy, they should be exempt from arrest for debt, and their weapons and other property related to the sea should not be confiscated. They should even have a pew reserved for them in the main chapel of every church, in which they would be seated according to the merits earned during their service, and this list of privileges proposed many more exemptions from taxes and other economic benefits. In short, the Count of Santa Gadea hoped to improve recruitment by making sailors into a privileged collective.  

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132 Schaub, *Portugal*.  
133 Mosquera de Figueroa, *Comentario*, fol. 18r.  
134 AGS, GyM 567, 173.
the auditor general’s jurisdiction extended to both soldiers and sailors, we do not know if Santa Gadea’s wishes had actually come to pass or if the reference was to a single system that contained two sets of regulations.\footnote{135}{BNE, Ms. 8224.}

Theory aside, we can pay attention to practice by returning to a case already cited. When in 1603 a sailor from the Galleys of Spain killed a butcher in Oran, giving rise to the conflict we described, a special justice commission was convened at court. It dictated that, though the governor of the fortress had the authority to punish the galleys’ people when they came on land, the captain general of the squadron had been physically present at the scene and in that special circumstance had a higher jurisdiction in the case; therefore, the sailor should be set free.\footnote{136}{AGS, GyM, 624, 111.} In the end it did not matter that seamen of the galleys—sailors, convicts, salaried rowers, and slaves—were not protected by the law that protected soldiers; the high admiral’s ancient prerogatives still extended to everyone in his fleet and to lands edged by the sea, and, if the captain general was aboard his fleet, nothing could stand against him.

This prerogative was so common that writers of treatises usually defended it. Juan Baños de Acevedo wrote in his Política Militar de Príncipes (Military policy for princes) that this type of “gift perhaps [can be] granted by setting aside the law, when changing it seeks only the public good”;\footnote{137}{Baños de Velasco y Acevedo, Política militar, 247.} in other words, service in war should come before other considerations, and certain issues should be glossed over that would be unpardonable in other circumstances. For the authorities in Mediterranean ports, the problem was not only the presence of the galleys’ people in their towns but also how daily reminders of the galleys’ privileged jurisdiction affected local residents.

We can best illustrate this state of affairs with a case from the papal galleys. In late July 1610 Giovanni di Luca, a resident of Livorno who had recently enlisted as a soldier in the Pope’s galleys, ran through the streets of the port trying to board the ship on which he served while a column of smoke rose up behind him. It seems that while the squadron was tied up there, he had gone home and, by his account, had found his wife in bed with another man. In the resulting quarrel, his wife had died of a stab wound and her lover had wounded Giovanni himself. Livorno’s governor, informed of the incident, came to the port and asked the galleys’ commander to hand over the soldier, who had managed to board before he could be caught. But the commander refused on the grounds of respect for papal jurisdiction, and sent his auditor out to negotiate—Sixtus V had copied the Spanish model of governance for his squadron. It seems that
on other such occasions the conflict had been resolved by discreetly surrendering men who sought refuge in the galleys, but here the situation was different because Giovanni had already enlisted. While the auditor argued that the case should come under the galleys’ jurisdiction, the governor countered that the Livornese was known for abusing his wife, that the accusation of adultery was a lie, and that Giovanni and some of his new shipmates had set fire to the house to cause a distraction and cover his escape.

The dialogue produced few results. The auditor’s reasoning shocked the governor “because it introduced the idea that in Livorno, such a principal and proud fortress, there would be less concern for wrongdoing, since delinquents were assured of saving themselves in the galleys of other princes”; the people of Livorno should not believe that they could escape punishment for their crimes simply by enlisting or enrolling in the galleys of a different prince. The governor refrained from firing on the galleys out of respect for the friendship between the Grand Duke of Tuscany and Pope Paul V, but he could be pushed only so far; he ordered the auditor arrested, though he later proposed an exchange of prisoners.\(^{138}\)

The conflict then rose to a higher level. The grand duke ordered the governor of Livorno not to release the auditor until the commander handed over the guilty man, and he wrote to the papal nuncio in Tuscany, the bishop of Torcello, asking him to mediate. But the nuncio, after consulting the Pope’s nephew Cardinal Borghese and receiving new instructions, issued a warning to the grand duke. The latter’s galleys, the Saint Stephen squadron, spent more time in Spanish ports like Naples and Messina than on the Tuscan coast, and if the duke insisted on changing the rules of the game in the present quarrel, the Pope would have the Spanish viceroys start to arrest soldiers who served under the banners of the Medici. The nuncio reminded the duke that when similar problems had arisen before, the proper procedure had been to respect the galleys’ system of justice in the first instance and then appeal for the criminal’s release to the sovereign who had armed the vessels. Those petitions tended to be granted, thus avoiding difficulties and respecting the rights of both sides while avoiding public scandal.\(^{139}\)

Unfortunately, we do not know the result of this particular incident; the last news we have is that the grand duke held firm, and the papal galleys left Livorno without their auditor but with Giovanni di Luca on board.\(^{140}\) Whatever the outcome, the case provides some insight.

\(^{138}\) ASV, Segretaria di Stato, Firenze, 15A, fols. 141–47.
\(^{140}\) ASV, Segretaria di Stato, Firenze, 15A, fols. 151–52.
The arguments the nuncio used to secure the auditor’s release show how, when a foreign squadron of galleys was in port, both sides had an interest in respecting its jurisdiction over its own men when they disembarked. All princes owned galleys, and if one day a prince suffered from the presence of foreign galleys on his coast, on another day his own ships might be causing problems for a different state and ruler. All sides benefited if no one interfered with the others’ autonomy and freedom of movement. This common consensus maintained the system of permanent Christian squadrons in good working order.

As a result of this tacit agreement, however, other potentially difficult situations could arise. The Spanish ordinances held that if a man enlisted in the galleys after committing a crime, by request of a civil magistrate his enlistment could be canceled and he could be handed over to local authorities. But there was no provision for a premeditated crime such as Giovanni di Luca’s may have been.141 The situation was more complicated if at least two squadrons under different princes were in port at the same time, because then crewmen fleeing from punishment could just enlist in the foreign squadron. In fact, Gian Andrea Doria complained in October 1588 that the recently created papal galleys had become a habitual and shameless refuge for delinquents sought by, or expelled from, other squadrons, so that a layover at Civitavecchia had become a danger for the fleets. Although he did not deny that Spanish ports such as Naples had similar problems, the practice seemed especially typical of the Papal States. Doria asked the Count of Olivares, ambassador to the Holy See, to seek redress from Sixtus V,142 but at the same time the captain general of the sea admitted that not much cooperation could be expected from Spain. While for writers of treatises these betrayals were mortal sins, and for captains general they were the worst of crimes, what hurt one day could be of help the next. Although a soldier who tended to flee was not very trustworthy, the galleys were used to this type of behavior and, like all other European armies, they did not scruple to accept such men in times of need.143

In these cases the deference offered to the squadrons’ jurisdiction strengthened their status as a border. As they sailed into an inner harbor, they brought with them and onto the coast a Mediterranean frontier to which any resident or crewman might resort to his benefit; he might eventually cross it, as bandits did when they escaped punishment by crossing the line between two kingdoms. Giovanni di Luca, like any other resident of Livorno, obviously

141 BNE, Ms. 8224.
142 AEESS, legajo 9, fol. 280v.
143 González Cruz, “Deserciones.”
understood that the presence of a foreign galley in port was not only a potential problem but also an opportunity. He knew that, by taking refuge on a galley after murdering his wife, he could create a jurisdictional conflict that would help him in the end, especially since he had enlisted as a soldier in the papal squadron beforehand.

Finally, what was an obstacle to magistrates in port cities became an advantage, even a necessity, for the squadrons. Their officers, with the sword of Damocles hanging over their heads, were in constant fear that desertions or sickness might make their ships inoperative. They had to defend their people to the end, in all circumstances, both to maintain morale and to make the harsh life on board ship attractive to landsmen. Civilians, attentive to how conflicts developed, envied the freedom of soldiers and sailors to set up their gaming boards and live their dissipated lives virtually free from punishment. In a society in which an individual’s position depended on what privileges he enjoyed or lacked, life in the galleys was not always an accident to be endured; for some it was a temptation that rested on the special legal protections offered by service on land and at sea.

In the words of Juan Baños de Velasco, a kingdom without ports was like a chimney without fire—but so was a kingdom without warships. Therefore, as Bernardino Barroso explained, it was essential to attract to the virtuous service of arms men who, though not sons of hidalgos or descended from ancient honorable families, wished by their actions “to raise up their progeny and successors in quality and dignity,” just like “Tullus Hostilius, born to poor parents and raised poor on humble soil, [who] by his virtue and parts became emperor of Rome.” The profession of war was a privilege that the galleys defended jealously; like infantry regiments, they used it as a tool for recruitment, proclaiming the merits of military life while using wiles and stratagems to enlist the credulous. The soldiers who disembarked on Terceira in 1583 were shocked that some Portuguese nobles had formed infantry units with their black slaves “against all the laws that forbid it … giving them license to become men of war and fight, through which they could gain freedom and privileges.” In 1605, when the magistrates of Seville stripped the king of his right to seize soldiers from the Galleys of Spain for crimes of resistance, their captain general complained bitterly that “to avoid the inconveniences that follow from...
this ... for this reason no one wants to serve in the galleys unless they are useless sorts,” and he asked that the privilege be restored.148

Behind this appeal lay a more serious problem. A few years earlier, after “very great disturbances between its [Seville’s] officers and soldiers from the galleys ... which led to the arming of both sides,” a soldier named Gaspar de Cuenca was violently seized by the asistente (the local equivalent of a corregidor) after having, probably accidentally, fired the arquebus he carried. To make matters worse, a few hours later “they sentenced him to be hanged without hearing any defense,” so as to “pacify the city, since the galleys were in the river and the two jurisdictions were facing off.” It seems that the official meant to execute Gaspar before his friends could react, but that proved impossible; the city was already in turmoil, having seen “the soldiers from the galleys [who] came marching in to the beat of a drum, prepared to free their comrade from prison.” Under pressure from a corporal of the squadron, the asistente promised to investigate the soldier’s offense and then surrender him, but that was only a sham. Before dawn, “quietly” and expecting a fresh attack from the soldiers, “for [the official] was so fearful of the soldiers and halberdiers who blocked the streets that he lost his reason,” he hanged the prisoner, who “was found there in the morning at the prison door on a scaffold built in the middle of the street.”149 With this precedent, it was clear that granting jurisdiction over soldiers to local justice in Seville would be especially dangerous.

Galley crews, like other “military societies,” were viewed with mistrust. But as Sabine Loriga has observed, it would be wrong to assume that a man who enlisted suspended his relationship with the outside world, that the new discipline would wipe away his self-concept and the baggage from his past, or that civil society would invariably take him for an aggressor. At a time when societies were divided into corporations and communities, institutions like galley squadrons did not separate or subordinate their members but legitimated and protected them in their relations with civil society, validating their behaviors and personal strategies. Therefore, we must remember the positive motivations, not always coercive or based on need, that generated loyalty to that way of life, to a corporation (the galleys) whose clichés and stereotypes have been constructed over centuries by literature and political and military history. We have to conceive of service in the galleys from the viewpoint of its members, understanding its people’s internal dependencies and reciprocities, as well as

148 AGS, GyM, 605, 213.
149 León, Grandeza, 503–7.
how the base of that social body influenced its head (i.e., its officers, and also civil institutions).\textsuperscript{150}

Although the bureaucratic and logistical development that increased the number of permanent galley squadrons reshaped the conflictive nature of those fleets in the Christian Mediterranean, civil society accepted their presence in its midst. It did so, in part, for the benefits that their protection brought, and in part perhaps believing in a collective obligation to support them, even if it meant tolerating gambling, recruitment, disorderly crews, and abusive or fraudulent commerce. Mistrust arose not because the frontier between ships and society was firm, but because it was porous—contact between crews and landsmen was too intimate. Galley squadrons became not only a site for dissension but also a tool for transmitting the monarchy’s ideas and political culture, through their prominent role in public ceremonies even at times of conflict. Service in the galleys also functioned as an element of social protection, helping members to gain in dignity and improve their standing in the social order, even though the galleys’ internal world was marked by profound inequality and discrimination, as we will see throughout the following pages.\textsuperscript{151}

In the last instance, the prerogatives enjoyed by these corporations resulted from a long process of change, adaptation, and bureaucratic and jurisdictional modernization promoted by the monarchy, which first restored oversight and then incorporated earlier, even ancient, rights and privileges. These gave rise to a form of governance whose rules straddled medieval maritime custom and Roman-inspired military law. Those two principles defined the galleys as a unique territory in which the crews’ oath of loyalty to their captain general made him the sovereign of that kingdom and, through Roman legal doctrine applied for the occasion by its \textit{auditores}, the imperator of that naval militia. This conjunction of ancient sources with medieval tradition constructed a political theory that gave permanence to the autonomy and privileges of the galleys and their people, but it also launched them inevitably into a more complex, centuries-old debate about the relationship between central power and local governments. When the galleys affirmed their jurisdiction, which was like that of any other institution and based on the same doctrinal principles, and magistrates of civil law responded, they were repeating patterns that Brian Tierney once explored in explaining the keys to constitutional thought in medieval and early modern Europe—debates about the

\begin{itemize}
  \item \textsuperscript{150} Loriga, \textit{Soldats}, 9–23.
  \item \textsuperscript{151} Loriga, \textit{Soldats}, 45–46, 91–94.
\end{itemize}
legitimacy and the extent of authority, the idea of a mixed constitution, and the right to resist.¹⁵² We shall take up these matters later on. First, having illustrated some of the problems that arose from applying the galleys’ civil and criminal jurisdiction to Christian coastal lands in the Mediterranean, we will go more deeply into how those legal principles were expressed at sea and in trade.

¹⁵² Tierney, Religion, 103–5.