Representing Spanish Gypsies during the Second Half of the 18th Century: A Dissenting Voice

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Aquí se juzga a Santiago Maldonado pero
se pretende azerlo a todos
los Gitanos por uno solo demás
y no es justo

Introduction

In 1988, writing of the Gypsy presence in Spain during the early modern period, Juan Ignacio Gutierrez Nieto wrote:

> There are four main forms in which we find the idea that contemporaries had of the Gypsies and their world expressed: royal legislation, acts of parliament, memorials that talk about the theme of Gypsies, and finally, literature of the period.[1]

Although Gutierrez Nieto shows awareness of the bias of these sources and of the need to expand upon them, it is true that academics working on the history of the Iberian context have based their interpretative hypotheses on such a restricted corpus of documents. This holds true even in the otherwise exceptionally well-documented monographs by Maria Helena Sanchez Ortega and Bernard Leblon, who can be considered pioneers in this field of study. In their works, the context and the events relating to Gypsy families living in the Spanish Crown's territories in the early modern age is presented almost as a linear succession of conflicts with state institutions and the non-Gypsy population.[2] Such a picture seems to underestimate the continuity of the Gypsy presence in the Iberian Peninsula, even after the violent phases of conflict with secular and religious institutions. Julio Caro Baroja's reflections on another historically rooted minority, the so-called Moors, can be usefully extended to the *Gitanos*: "If the Moors, as such, had had all Christians against them, they would not have been able to endure as long as they endured in the Spanish territories".[3] Indeed, Caro Baroja's contention is even more valid with reference to the *Gitanos* who, despite the provisions repeatedly laid upon them, were never the object of a measure of general expulsion comparable to the one that decreed the mass exodus of the Spanish Moorish community between 1609 and 1614.[4]

Over time, attempts have been made to extend the historiographical enquiry. In particular, research by Antonio Gomez Alfaro and Manuel Martinez Martinez in parish and municipal archives (particularly in the Andalusia area) has uncovered testimonies that partially balance the series of measures generated by the main institutions of the time.[5] That scholars mainly focus on texts like ordinances, instructions, decrees, banishments, and *pregones*, which were all produced by central and regional institutions, leads in fact to repetitiveness in the presentation and interpretation of the data.

These official measures, due to their generality and impersonal nature, often prevent a multi-faceted reconstruction of the social history of the Gypsy community in the Iberian territories of the Spanish Crown. However, the common paradigm for academics still remains solidly anchored to the reconstruction of the systematic persecutions to which Spanish Gypsies were subject. Furthermore, most works published have focused their attention on the eighteenth century,[6] the period which coincides with one of the most dramatic phases in the history of the Gypsy population in Spain: the climax of the so-called *Gran Redada de Gitanos* or *Prisión general de gitanos* (Great Gypsy Round-up) (1749), in which Iberian Gypsy families were captured and forcibly transferred to different areas of Spain.[7] The choice to keep the focus on the bloodiest moments of the persecution undergone by the Iberian Gypsy community is both important and necessary, almost

as a sort of compensation for the previous silence of official academic history; it leads, nevertheless, to partial reconstructions, and continues to unbalance the axis of historiographical production, with the result that other relevant sources are made invisible. In this article I aim at establishing a dialogue between different types of sources. After outlining the context of the anti-Gypsy literature of the 1600s on the basis of pamphlets, treatises and memorials, I will analyse in detail one of them, the pamphlet *Discursos jurídicos* published in 1644 by Pedro de Villalobos. I will then compare and contrast Villalobos' argument with the hand-written notes added by an anonymous commentator to a copy of this text now at the University of Leeds (UK) – one of the Spanish documents of the Fraser collection, which is part of the Romani Collection held at the Brotherton Library. As I will show, the commentator demonstrates a deep understanding of the history of the Spanish Gypsy community and is not afraid of displaying non-conformist views. His precious notes suggest that, more than one century after the writings of Villalobos, there were *letrados* (lawyers and jurists) sympathetic to the Spanish Gypsies. This allows us to hypothesize a more varied picture of their life in the given time and space, and of their not always conflicted relationships with the other members of the local communities, including the intellectual elites.

1. The canonical representation of Gypsy otherness: *memorialistas* and *arbitristas*

The history of Iberian Gypsy communities has been written mainly on the basis of a corpus of texts that, although fairly heterogeneous, presents anti-Gypsyism as a common thread. These are publications produced by the cultivated elites of the time. As highlighted by Maria Helena Sanchez Ortega, throughout the early modern era, *canónigos, licenciados y expertos en leyes* (canons, licentiates, legal experts) operated in parallel to the *Procuradores en Cortes* – that is, the representatives of ecclesiastical, aristocratic and municipal powers who were the only ones entitled to present petitions to parliament. These *letrados* wrote *arbitrios* (projects or expedients) and *memoriales* (reports) in which, amongst other things, they denounced the damages that the *gitanos vagabundos* (wandering gypsies) caused in the country, proposing various solutions for this issue.[8]

The *memorialistas* and *arbitristas* of the *Siglo de Oro* grafted their work into a current of thought that had started flourishing in Europe in the second half of the 1400s, when the cultured elites – foremost amongst them the humanist Enea Silvio Piccolomini (1405–1464, and from 1458 as Pope Pius II) – took it upon themselves to identify the origins of the first western groups of the so–called "counts of Little Egypt", i.e. the precursors of the *Gitanos* living in the Iberian territories. In doing so, they proposed a classification of Gypsies as perpetual outsiders, nomads and foreigners that would have long-term consequences. This operation was far from neutral. As the anthropologist Leonardo Piasere has contended, the scholarly work of these elites crucially defined the hierarchical positioning of the new (or supposedly new) arrivals within the power relations of the time.[9]

The *letrados* of the Baroque period mostly limited themselves to drawing upon an anti-Gypsy repertoire that had by that time become canonical, selecting and eventually amplifying the real or assumed characteristics of the Iberian Gypsies. These were presented as vagabonds without fixed abode, slothful swindlers, spies at the service of the Grand Turk, licentious and without morals, persons incapable of controlling their own instincts, professional thieves, prototypical child abductors, and in some cases, even cannibals. Given their exclusively oral traditions and the subsequent impossibility of proposing a counter-narrative to the mainstream thought of the period, Iberian Gypsies ended up suffering the attacks of their detractors.

One of the most influential authors to pay attention to the Gypsy population was Cristobal Perez de Herrera, *protomedico de galeras* for Philip II. In his *Discursos del amparo de los legitimos pobres*, written under mandate of the *Cortes* in 1598, he defined which elements were at play in indicating the fortune or misfortune of the nation, he identified the unproductive and surplus populations as some of the principal obstacles to the prosperity of the realm. Into these segments of society, Perez de

Herrera grouped both *Gitanos* and *Moriscos*.[10] In 1607 the Franciscan brother Melchor Huelamo suggested to parliament that it should not expel the Gypsies, but rather imprison all of whom lived in the Iberian territory.[11] In 1618 it was the turn of Pedro Salazar de Mendoza, expert in canonical penal law at the University of Toledo. Addressing the king Philip III, he compared the *Moriscos*, driven out of the Iberian kingdom by the Crown only a few years before, and *Gitanos*:

> More useless and immoral […] because, Sir, the Moors cultivated the land, carried out commerce, crafts and manual activities. Gypsies do not go into the fields except to rob and kill. The activities which they have learned and which they exercise are thefts and deceits. The Moors for fear of punishment would go to church, hear the mass, acquire dispensations for marriage. The Gypsies do not know what the church is, do not enter it unless to commit sacrilege.[12]

To safeguard the fate of the nation, consequently, the only option was the expulsion from the realm of all resident Gypsies, who were considered swindlers, thieves, or assassins, or who refused to work.[13] A year later, another academic from Toledo, Sancho de Moncada, professor of Philosophy, Scripture and Theology, wrote a chapter of his *Restauración política de España* entitled *Expulsion de los Gitanos*. Building on the arguments of Salazar de Mendoza, de Moncada contributes to the *leyenda negra* of the Spanish Gypsy population. He writes:

> […] it is an established opinion that those who wander around Spain are not Gypsies but a mass of good-for-nothings and godless men with neither law nor religion; Spaniards who have entered upon this life and sect of 'Gypsyism' and who every day let lazy and lost people into their ranks.[14]

The negation of the cultural specificity of *Gitanos* and *Zingari* had been a *leit motiv* since the first half of the 1500s. What had changed in the 1600s was the pervasiveness of a new anti-Gypsy rhetoric that, as the words of Moncada show, reached heights of contempt and violence previously rare. Although the positions of some Toledo and Salamanca scholars remained abstract, others matched a theoretical reflection with directed initiatives toward repression. This is the case for Juan de Quiñones, *alcalde de Casa y Corte* of the city of Madrid. As a royal official, he showed a determined cruelty towards the Gypsy groups who had the misfortune of encountering him at his duties.[15] As a scholar, in 1631 he published a pamphlet entitled *Discursos contra los Gitanos* in which he took up the themes dear to his predecessors. To the usual series of heinous crimes and felonies attributed to the Gypsies he added the further disgraceful charge of cannibalism. In a crescendo of horrifying testimonies from wayfarers who supposedly chanced upon Gypsies banqueting on human flesh, the *alcalde* concludes "It is nothing less than what the Caribs of the West Indies did, who ate human flesh".[16]

This phase represents a crucial transition in the life of the Iberian Gypsies. Only two centuries earlier, Iberian institutions had bestowed gifts, allowances and honours upon their leaders. By 1631, Gypsies had become total strangers, so distant that they could be compared to the indigenous American cannibals. The process of constructing otherness had assumed such extreme characteristics that it eventually de-humanised the Gypsy population of Spain. In this climate of hostility and rejection, fostered by the tireless production of the *memorialistas* and *arbitristas* of the period, measures were advanced that aimed at putting an end, once and for all, to the Gypsy question. In 1633, Philip IV issued a new royal decree, marking a new phase in the Crown's practices of enforced assimilation, which explicitly declared that "these who call themselves Gypsies are not Gypsies by origin or nature, but because they adopted this lifestyle." [17] The full application of this decree would have required Iberian Gypsies to abandon all of their unique cultural traits that fostered group cohesion, including language, clothing, lifestyle, and traditional professions. Held in the grip of the royal position, and pursued by corporations such as the artisanal guilds or the "powerful Castilian sheep-owners organization" *La Mesta*[18], who saw the Gypsies as dangerous economic competition, many families soon found themselves living hand to mouth. Those unable to access the full rights of *vecindad* (i.e. legal residence) swelled the ranks of the *gente de mal vivir*, and were hunted by the *Santa Hermandad* and other public powers.[19]

The repressive regulations launched by the central administration seriously affected the life of the Iberian Gypsy community, but did not lead to its disappearance. Ordinances contained heavy sanctions for those who gave refuge and protection to the Gypsies, but the stable capillary-like network of the Gypsy community, especially at the level of local relationships, guaranteed ample cover.[20] Implicitly, this suggests a wide-scale failure to apply the repressive orders on the part of authorities. Evidence attests to the many disagreements between the officers of royal justice sent to hunt the unlawful companies of Gypsies and the local authorities, who were unwilling to accept what they considered unwarranted interference from the central powers.

The power imbalance in the increasingly bitter disagreements between the Gypsy companies and the royal functionaries employed to catch them, was partially compensated by the existence of the so-called *asilo en sagrado* (right of ecclesiastic asylum). This guaranteed impunity for minor offenses, a possibility some Gypsies took advantage of. In addition, those accused of more heinous crimes could enjoy the so-called *inmunidas frias* (cold immunity). This granted protection to people who had already taken advantage of the right of ecclesiastical asylum, by extending its protection to include more serious crimes not covered by the *asilo en sagrado*.[21] The royal functionaries (amongst others) deprecated that the Gypsies, of all categories of criminals, were those who most assiduously resorted to ecclesiastical protection. The continual clashes between companies of Gypsies and the representatives of state power found their place within a broader playing field on which the Holy See, in the Iberian Peninsula and in other contexts, worked to defend what remained of its own legal privileges.

The role of the ecclesiastical authorities in any case appears ambiguous. From the first half of the 1400s, local clerics became preoccupied with any behaviour not conforming to the rules of the Christian life, by groups of continental “Egyptians,” who were generally regarded with suspicion. Also in the Iberian Peninsula, beginning with the Synod of Tarragona in 1564, many synodal decrees urged parish priests to exercise greater control of Gypsies, a category of people considered recalcitrant in complying with the precepts of the renovated, post-Tridentine Church.[22] Such scrutiny came on top of the special attention reserved for them by the tribunals of the Holy Office of the Inquisition, which, in the exercise of its own disciplinary responsibilities, focused particularly on the female component of the Gypsy community.[23] As Leblon and Sanchez Ortega have argued, while belonging to a particular cultural group did not constitute a specific aggravating factor in the eyes of the Inquisition, nevertheless it increased the Gypsies’ visibility and made them a particularly vulnerable target.[24]

Moreover, in Habsburg Spain the cultivated elites drawn from the ranks of the clergy, as in the examples of Huelamo, Salazar and Moncada, were the greatest detractors of the Gypsies. They saw Gypsies as part of an alien and dysfunctional culture when compared with the behaviour conventionally accepted in civil and religious circles. It is thus remarkable that at this stage ecclesiastical institutions found themselves protecting the interests of Gypsy companies, even if they did so for reasons unrelated to the defence of the Gypsies’ way of life. This situation created some frictions. As Gomez Alfaro notes, from the end of the 1500s religious authorities debated whether it was advisable that the Gypsies maintain their right of ecclesiastical asylum in light of their public reputation. Some believed they should be assimilated into other categories, such as thieves, highwaymen and rustlers, and thus be excluded from the privileges of immunity.[25]

2. Pedro de Villalobos’ *Discursos Jurídicos* (1644)

The work of Pedro de Villalobos, chair of *Vespera de leyes* and dean of the Faculty of Law at the University of Salamanca, emerged from this line of anti-Gypsy thought. On the occasion of the trial against Santiago de Maldonado, ringleader of a band of Gypsies that operated in the area, Villalobos defended the *corregidor* Don García de Cotes Morejón y Vega in a hearing on his actions [26]. The *corregidor* had been brought to trial for abducting and refusing to return Maldonado, who had taken refuge in the Topas parish church. In 1644, a year after the (supposed) crime has been committed, Villalobos printed his closing statement for the defence in the form of a

pamphlet. Subdivided into thirteen chapters, its title is *Discursos Jurídicos Politicos en razón. De que los gitanos vandoleros de estos tiempos no les vale la Iglesia para su Inmunidad.*[27] The charges laid against Santiago de Maldonado were various. On the basis of testimonies gathered during the course of the trial, we know that the Gypsy leader led a company of around 30 or 40 people:

> This Count of Gypsies and captain of bandits, such as he behaved and was considered and esteemed by them, in all the actions undertaken by this type of person could create respect and subjection in some and superiority and valour in others. And so they served him at table with great reverence and punctuality as if he were a count. When he walked, he walked ahead of everyone like a captain, leading them; and to show it more clearly he wore the insignia of captain, and the abovementioned company marched to the sound of clarions and horns, as in war, and they were rallied with such when they were dispersed. He gave out safe passes and passports to those he held to be friends so that other Gypsies did not cause them trouble. [28]

This is not simple ostentation. As Martinez Martinez observes, Maldonado was a Gypsy leader who had acquired a certain military competency over the years, possibly developed in Flanders, a territory where Spanish troops had been present for many years. Here, the inclusion of companies of Gypsies in the royal *tercios* is documented from the second half of the 1500s.[29] His military skills enabled him to confront and eventually drive off a band of cavalry near the village of Escurial de la Sierra. The band was headed to Ciudad Rodrigo to put a stop to the raids by Maldonado's people. The raids consisted of hit-and-run tactics, such as those carried out in the villages of Santos and el Tejado, where many houses were pillaged leaving the local population frightened and distressed. The raids by the armed group were so sudden that they did not leave time to organize an effective defence.

It is possible that Santiago Maldonado was part of that group of Gypsies that, after the reform of the army, was prevented from re-enlisting on their return to Spain. After returning home they were unable to find stable jobs, due to the anti-Gypsy legislation, which in turn prevented them from re-acquiring the full rights of *vecindad*. This was the reason why many ended up organising themselves into armed groups; they could better resist the actions of the public powers and obtain what they needed for their sustenance. The base of Maldonado's band was in a ruined farmhouse near Calzada de la Fuente. The principal objective of the raids was to acquire animals, such as mules, donkeys and horses, as well as other basic necessities; additional revenue from smuggling, in particular of wine, added to the proceeds from the thefts and raids. To this substantial list of accusations, Villalobos added the serious crime of murder. He attributed to Maldonado the killing of a woman in the cemetery of the village of Cuba, slaughtered for rebuking the Gypsy captain for the wicked life he was leading. He also claims his involvement in the murder of the priest of Avedillo.[30] To these accusations Villalobos also added the murder of another Gypsy, Sebastian de Malla, in Ventalbo near Zamora, carried out with the complicity of Maldonado's son Cazano, later killed in a showdown between some of Maldonado's men.[31] This internal conflict seems even to have involved some of Santiago's closest relatives, since his brother Francesco, known as *el Zurdo*, appears amongst the people called to testify in the trial.[32] Villalobos notes that the *corregidor* in the village of Toro did not hesitate to summarily hang Francisco Maldonado, despite doubting his guilt; lacking definitive evidence, he had been inclined to return the offender to the church at Topas where he had been captured, with the parallel aim of avoiding conflict with the religious authorities following the *pleito* (lawsuit) raised by Santiago. Instead, he had him executed.

Villalobos' defensive indictment insists upon the gravity of the crimes committed by the Gypsy chief, so as to render the appeal of the criminal to the full rights of ecclesiastical asylum inapplicable. At the same time, regardless of the responsibility attributed to Maldonado at a personal level, the dean of Salamanca's argument is based on the labelling of Gypsies as a criminal category equated with that of *ladrones* and *vandoleros famosos* – an association which, as we have seen, implied automatic exclusion from the benefits connected to the *asilo en sagrado*. In the effort to legitimise the public authorities,

Villalobos continues with a declamatory crescendo in which he cites the pantheon of classical authors, including Cicero, Plutarch, Seneca and Virgil, to conclude “Gypsies, due to the particular way of life, should not enjoy immunity”. [33] Richard Pym observes how the rancour towards the representatives of the Iberian Gypsy community was such that it brought Villalobos to supply unreliable or incorrect information. For example, Villalobos considered as part of the explicit anti-Gypsy measures also the ordinance of Philip IV published in Madrid on 15 June 1643, a text of general application that didn’t have any specific intent to persecute Gypsies.[34]

Alongside misdemeanours that came under the umbrella of criminal behaviour, Villalobos also dedicated much space to misdemeanours tied to the religious sphere. He contended that the members of the band were accustomed to transforming the churches that welcomed them into bedrooms, kitchens, and camps, with no respect for the sacred decorations and in disregard of every Christian law. Building on rumours collected during the course of the investigation, he claimed that Gypsy men abandoned themselves to every sort of vice with their women.[35] The caustic acrimony of the Salamancan professor implacably focused on the depraved living habits and perverse customs attributed to Spain’s *Gitanos*, whom he variously labelled as sacrilegious, enemies of the clergy, blasphemers, and wicked Christians. His escalation of epithets functioned rhetorically to stigmatize them, which in turn, would justify the legal exclusion demanded by Villalobos.

In early modern Spain, the lack of recognition of the Gypsy community as an entity with legitimate legal rights challenged the delicate legal balance between secular and religious authorities, since, for the latter, Gypsies had the same rights as all the other subjects of the Crown. Other legal proceedings over the course of the 1600s resulted in jurisdictional conflicts between officials of the judiciary and representatives of the Holy See. A glaring example is the episode reported by another professor from Salamanca, Juan de Solorzano, who strongly criticised the behaviour of the *Alcaldes de la Justicia de Valladolid* for having burst into a church in which a band of Gypsies had found refuge, and then branding them before returning them to the religious authorities. The action was dubious both for the lack of respect it showed for the ecclesiastical prerogatives associated with the right to asylum, and for carrying out an arbitrary and irreversible punishment prior to a proper trial.

> If, according to what is suggested, they knew the consequences of breaking the law and of disregarding the immunity and respect due to the Church, as well as the duty to return them unharmed, still they willingly defied the ruling, it is a very serious guilt. [36]

The National Archive in Madrid holds another dossier that suggests that this type of controversy was not unusual. The Gypsy Diego Bernardo was the only surviving member of a band of Gypsies caught by a *corregidor* in 1638 at Colmenar de Oreja, a few kilometres from Madrid. Not only did the *corregidor* burst into the church where the Gypsies had sought asylum, but he executed a large number of the group. Unfortunately, the final outcome of Diego Bernardo’s *pleito* is unknown.[37] In some cases the Church excommunicated the legal officials who resorted to force to capture Gypsies who had taken refuge in churches. This happened to the *corregidor* Francisco Antonio de Salcedo y Aguirre who, at Plasencia in 1695, broke into the cathedral of Santa Maria to arrest a Gypsy woman accused of theft.[38]

The dispute between the Crown and the Holy See on the right to asylum continued until the second half of the eighteenth century. A commission set up in 1723, made up of lay and ecclesiastical advisors, invited the Holy See to negotiate a papal brief to exclude Gypsies from the right to ecclesiastical asylum. The envoy with the task of collecting the opinions from the highest ranks of the Iberian church found a rather motley situation. In favour of the removal of the right to asylum were the archbishop of Toledo and the bishops of Avila, Badajoz, Cuenca, and Sigüenza, while those against it were the archbishops of Granada and Zaragoza and the bishop of Jaén. The bishops of Pamplona, Oviedo, and Murcia did not take definite positions. While the split delayed a definitive decision by the Holy See, some general pronouncements had great repercussions for the companies of Iberian Gypsies. First came a reduction in the number of places where they could enjoy the right to asylum. This specifically excluded them from refuges located outside

of populated centres. Then – with the publication on 4 July 1772 of the papal bull *Ea semper fuit* – the number of urban churches able to grant legitimate asylum was also reduced. In the face of increasingly oppressive legislation and actions by the Crown's functionaries, these measures reduced one of the few ways the Iberian Gypsy community could find legal protection.[39]

Returning to the case of Maldonado reveals how Villalobos' strategy appears less about ascertaining the guilt of a given criminal on the basis of witness statements, and more about stigmatising the deviant lifestyle of the Gypsy population. This approach worked very effectively. Despite some indecision, Luis de Toral, prior and canon of the Cathedral of Salamanca, gave his permission to deprive the Gypsy chief of the privilege of immunity. This justified the actions of the legal officials and consequently sealed the fate of Santiago. He was sentenced to death and publicly executed on 1 December 1643.

Villalobos' pamphlet represents a particularly interesting case study. Beginning from a real legal event, it enables us to register the narrative slippage between description and depiction. The detailed and generally reliable description of the internal organisation of the company of Gypsies commanded by Maldonado – whose lifestyle, habits, spheres of movement, and internal group hierarchy are analysed in detail – yields to a general portrayal of the Iberian Gypsy population rich in erudite citations, but pompous and artificial, prejudiced and hostile, and repetitive and distorting.

Although negative descriptions misrepresenting the Gypsy community dominated elite chronicles, alternative narratives existed that described with more humanity a group with a more nuanced social life than the *memorialistas'* and *arbitristas'* representations suggested. Although ferocious detractors of the Iberian Gypsy population could be found amongst the clerics working in the Crown's territories, others dealt with the different communities in a non-conflicting manner. Gomez Alfaro highlights that Jesuit preachers showed themselves especially sensitive, giving charitable help and carrying out catechesis amongst Gypsy families. Father Pedro de León (1545–1632), who between 1578 and 1616 gave spiritual assistance to the prisoners in the jail of Seville, ministered to two Gypsies in 1609 and 1615 respectively.[40] And it was in the *barrio de Triana* in Seville, home of the most populous Gypsy community, that Pedro Calatayud (1689–1773) directed his mission in 1757.[41]

3. An alternative view: the anonymous annotations to a copy of Villalobos's *Discoursos*

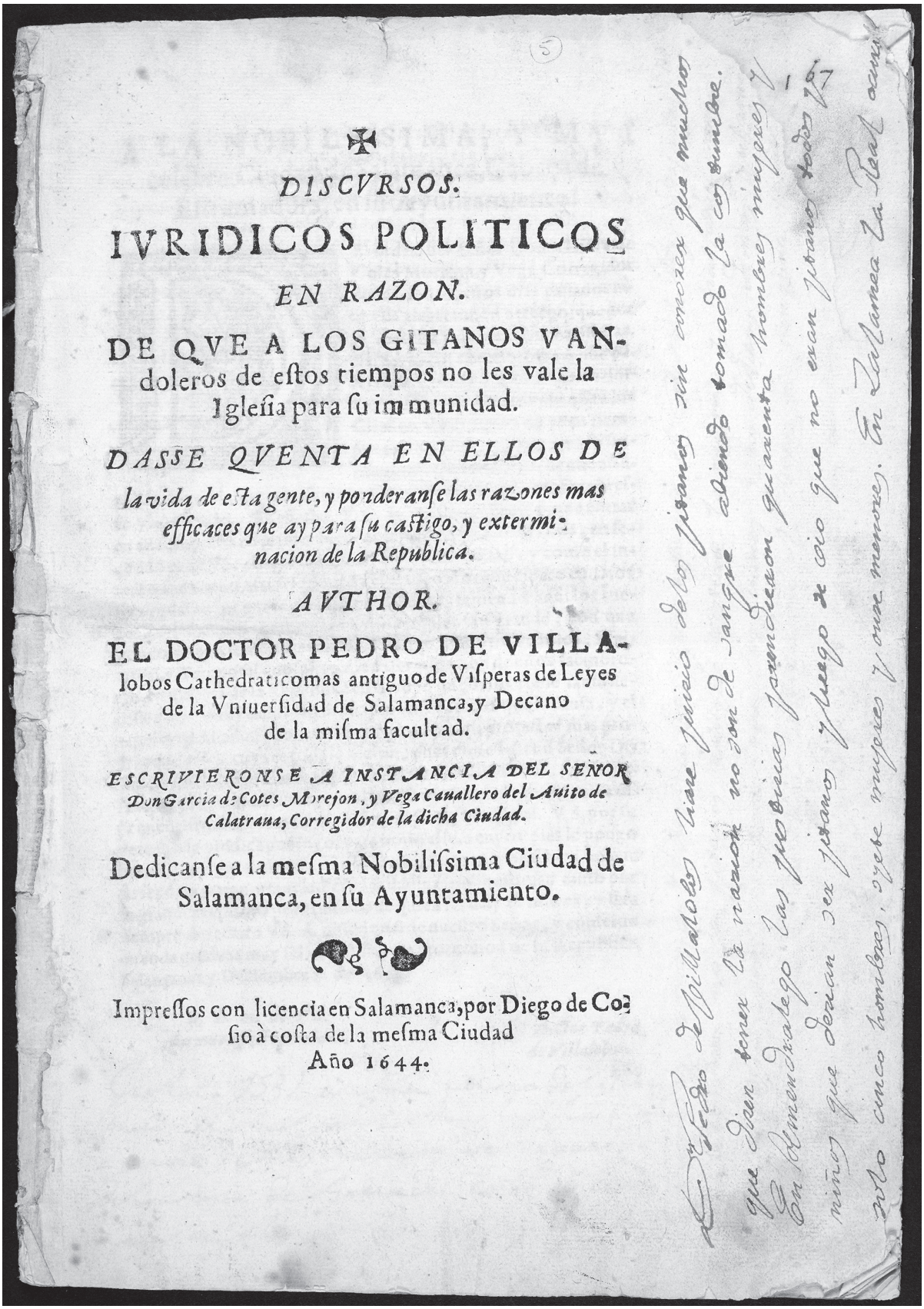
The anonymous author who enriched the pages of the Leeds volume of the *Discursos Jurídicos Politicos* with a dense series of handwritten notes, probably from the second half of the 1700s,[42] was most likely a cleric. The comments reveal a deep understanding of events linked to the Iberian religious institutions of the early modern period and a notable command of the archives, in particular those of Seville. In an almost uninterrupted flow of comments, the anonymous commentator rebuts point after point from the arguments proposed by Villalobos. In addition, he highlights significant aspects of the lives of Iberian Gypsies.

The unnamed scribe first denotes the mixed nature of Gypsy groups. He establishes a precise differentiation between *gitanos de Nación* and those that, while not Gypsies, still followed their way of life:

> Don Pedro de Villalobos judges the Gypsies in a prejudiced manner without knowing that many who say they are Gypsies are not so by birth but because they have taken on their customs. At Almendralejo the authorities captured forty men, women and children who said they were Gypsies and after it was seen that all were not Gypsies, but only five men, seven women and eleven children [...]. [43] (Img. 1)

The attribution to Gypsies of crimes committed by others had serious consequences, since those captured were only by luck able to demonstrate their own innocence. Concerning this point, the anonymous writer notes that:

> In the same way at present at Archidona, those who robbed the king's messenger after torture say they are not Gypsies even though they dress in the same way and speak as they speak. These are worse than Gypsies and their crimes are more infamous and,



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DISCVRSOS.

IVRIDICOS POLITICOS

EN RAZON.

DE QVE A LOS GITANOS VANdoleros de eſtos tiempos no les vale la Igleſia para ſu immunidad.

DASSE QVENTA EN ELLOS DE la vida de eſta gente, y ponderanſe las razones mas efficaces que ay para ſu caſtigo, y extermination de la Republica.

AVTHOR.

EL DOCTOR PEDRO DE VILLAlobos Cathedratico mas antiguo de Viſperas de Leyes de la Vniuerſidad de Salamanca, y Decano de la miſma facultad.

ESCRIVIERONSE A INSTANCIA DEL SEÑOR Don Garcia de Cotes Morejon, y Vega Caualliero del Auito de Calatraua, Corregidor de la dicha Ciudad.

Dedicanſe a la meſma Nobiliſsima Ciudad de Salamanca, en ſu Ayuntamiento.

Impreſſos con licencia en Salamanca, por Diego de Coſio à coſta de la meſma Ciudad
Año 1644.

1 First Page with the anonymous handwriting, Anonymous, f. 167r, in: Villalobos, Discursos, *Salamanca 1644. Romani Collection, the Brotherton Library, Leeds.*

> moreover, because no justice is carried out against them in any part of the realm, for this reason they rob and kill; and there are men murdered on the highways without knowing the perpetrators who are not only Gypsies, and because of the presence of vagabonds, lost people and foreigners, the roads are not safe. Those who robbed Mathias' tavern at Huelva were not Gypsies and those who were captured were set free again because over the course of time two of the bandits died in prison and confessed.[44]

He also notes how in other circumstances, the dogmatic and hasty superficiality with which the justice system carried out lawsuits meant that some individuals were condemned to death simply for being Gypsies:

> On the 7 March 1640, Andrea Venega, Pasqual Venega and Benito Rodrigues were sentenced to death by hanging, accused of being animal thieves and for carrying out acts of violence and theft, and it was proved that they did not deserve capital punishment thanks to a witness who was in Arrieta's house who saw the perpetrators, but he gave testimony after the three Gypsies were dead.[45]

Furthermore, he references cases in which Gypsies were not only arbitrarily imprisoned for other's crimes, but also when no crime had actually been committed:

> In 1622 the chief magistrate of Soria went to the village of Osma to execute three Gypsy thieves and observed […] of innocence so that he did not proceed; afterwards, when the abovementioned Gypsies were prisoners in the jail at Soria, it was proved […] the beasts being found on a plot of land far from the village.[46]

Besides pointing out errors of justice, the anonymous commentator demonstrates how some Gypsies were perfectly integrated into the official commercial networks (especially the animal trade), in spite of the ordinances that theoretically should have prevented this:

> In 1631 the printer Andres Grande published the report of the animal traders who had a permit from the *alcalde mayor* of the city of Seville, and in the cited report six Gypsies appeared who had taken an oath and been given the document to be able to carry out their trade.[47]

The commentator also describes testimonies that demonstrate how, in the first half of the 1600s, some Gypsy families, like the *Cabellos* mentioned below, possessed royal documents attesting to their direct lineage from ancestors who had already acquired the full rights of *vecinidad* by the end of the 1400s:

> Permission was asked of the Viscount of Corzana, who was the assistant of Seville, for residency for the *Cabellos* who had obtained a royal permit, being descendents of Antonio de Egipto who acquired residency in 1494 thanks to a bull granted at Valladolid on the 30 January of that year.[48]

Such testimonies enable the commentator to demonstrate how some members of the Gypsy community were perfectly integrated into the larger communities' social and economic life and had conflict-free relationships with central and regional authorities. Such examples undermine the premises of Villalobos' system of prosecution. The anonymous author strongly disapproves of the labelling of the Gypsy community as a whole. His point is that while the Gypsy community is characterised by specific cultural traits denoting a strong group identity, this fact does not make them a group of malefactors. The misdemeanours of Santiago Maldonado, consequently, did not constitute sufficient reason to denigrate an entire group whose members, on the contrary, often went to prison for the crimes of others:

> This lawsuit seeks to punish the Gypsies through a person amongst them who is a notorious bandit for whom there seems to be no just motive for asylum; but the Gypsies are not called such for crimes committed or for divine punishment, they are so because they are born from parents who were such and they are not born guilty of crimes. And that which makes them such is men and the justice of men. Many were [condemned] to prison without knowing their crime and many go to prison to pay for the crimes of others.[49]

Amongst the testimonies cited are episodes which demonstrate that Gypsies often resorted to various expedients in order to circumvent the repressive legislation imposed upon them. One of the most common was the falsification of *cedulas* which gave them full access to the right of *vecindad*. In some cases those providing the counterfeit documents even came from the ranks of the clergy:

> To Seville there came a friar who falsified royal permits and who sold them to the Gypsies and he was imprisoned in 1580; and it is known that he had written more than two hundred and he came to be known by being denounced by another cleric. One of the falsified permits asked that lodgings and residence in that city be given to some girls from Utrera who were wanted by the authorities for having committed robbery in the lands of the Count of Landin, from whom were taken two beasts.[50]

Gypsies' relationships with religious institutions and their members, it should be noted, was not always peaceful. The commentator records how in 1686, in the village of Priego de Cordoba, a priest killed two Gypsies in a brawl that broke out, according to the cleric, following an attempted scam against him.[51] Sometimes even when Gypsies approached religious authorities requesting greater spiritual sustenance things still did not end well. For example, in Seville during the first half of the 1600s some Gypsy families, who met weekly "*al rezo de el Rosario entero de Nuestra Señora*", turned to brother Domingo de Molina, head of the College of Saint Thomas Aquinas, asking permission to form a fraternity. The *Provisor* and *vicar general* of the city of Seville, Don Joseph de Bayas, rejected this request some decades later on the grounds that to be "*Christiano Viejo de padre y madre*" and to have "*abuelos limpios de toda raza*" excluded any possibility of a Gypsy confraternity.[52] The relationships between the Gypsy community of Seville and the religious powers seemed to fluctuate. On the occasion of his transfer to Toledo in 1645, the archbishop Don Gaspar de Borja y Velasco received "*tres danzas de gitanas*" as an expression of gratitude,[53] but some years later, in 1707, archbishop Don Jaime de Palafox y Cardona complained to the assistant of Seville about the great number of Gypsies in the city and the insults he received when he passed through the parts they inhabited.[54]

The balance of testimonies enables the commentator of Villalobos' text to show that the Iberian Gypsy population's relationship with religion and its representatives mirrored, at heart, that of the other believers whose lot they shared. Exemplary of this common destiny is the case of the Gypsies captured by Moors in the town of Salobreña in the Kingdom of Granada. Together with 250 other Christian prisoners, they were all were ransomed in Morocco by the Mercedarian friars in 1630.[55] Under extreme conditions, the adhesion of Gypsies to the Catholic faith, a move seen by detractors as a mere show for convenience, proved on the contrary to be an unrenounceable identity marker, even in life or death situations. This seems to be the case for two Gypsy prisoners in Algiers. As Gregorio de Arona recounts, in 1629 they were on the point of being released together with other prisoners but, speaking with some local people, imprudently insulted the Muslim religion with the blasphemous declaration "*que se ensuciavan en Mahoma*" (literally, "they would get dirty with Muhammad").[56] The statement caused them to be reported to the local governor who, after arresting and failing to make them retract their statement under torture, had them executed.[57] Finally, there is the example of one Gypsy who, having suffered greatly as a prisoner on the Barbary Coast, after being released from captivity and at his return to Spain decided to live a life of penitence as a hermit:

> In 1751 Thomas Maldonado, New Castilian by order of the Council of Castille, on his return from Algiers and release from prison, became a hermit in the hermitage of San Pablo de la Breña, which is found outside the walls of the village of Moron, and it is said that he is living in a cave and nourishes himself only with dry bread and exercises of solitude, a solitary and penitential life.[58]

The commentator also contextualizes how since the 15th century, moreover, those roamings, which for Villalobos appeared only as a troublesome form of vagrancy, fit into forms of popular devotion shared with the rest of the population. This is true of the frequent pilgrimages to "*Hermita de Sant Lazaro a Sevilla*," or those in Andalusia of the "*Conde Jacobo*

de Egipto" and his company, whose penitential journeys to Santiago de Compostela are also witnessed in other documents of the time.[59] These practices, still visible at the beginning of the 1500s, were tied to the observance of the precepts of the Christian life, and involved not only individuals, but also entire Gypsy communities, as well as the broader society of the time:

> Regarding the holy communion that was given to the prisoners in the royal jail at Málaga, in 1606 the whole cost of that communion was paid for by the Gypsies, as were also the dances which accompanied the procession.[60]

This is a very different picture from that of Gypsies as "sacrilegious, and profaners of Churches and sacred places" that emerges in Villalobos' pamphlet. Gypsies could find lodging in the churches in which they found asylum, but their presence there does not necessarily mean they behaved sacrilegiously or disrespectfully.[61]
The anonymous commentator also contests the unreliable theories on the origin of the Gypsies picked up by Villalobos, while reiterating their long presence in the Crown's kingdoms.

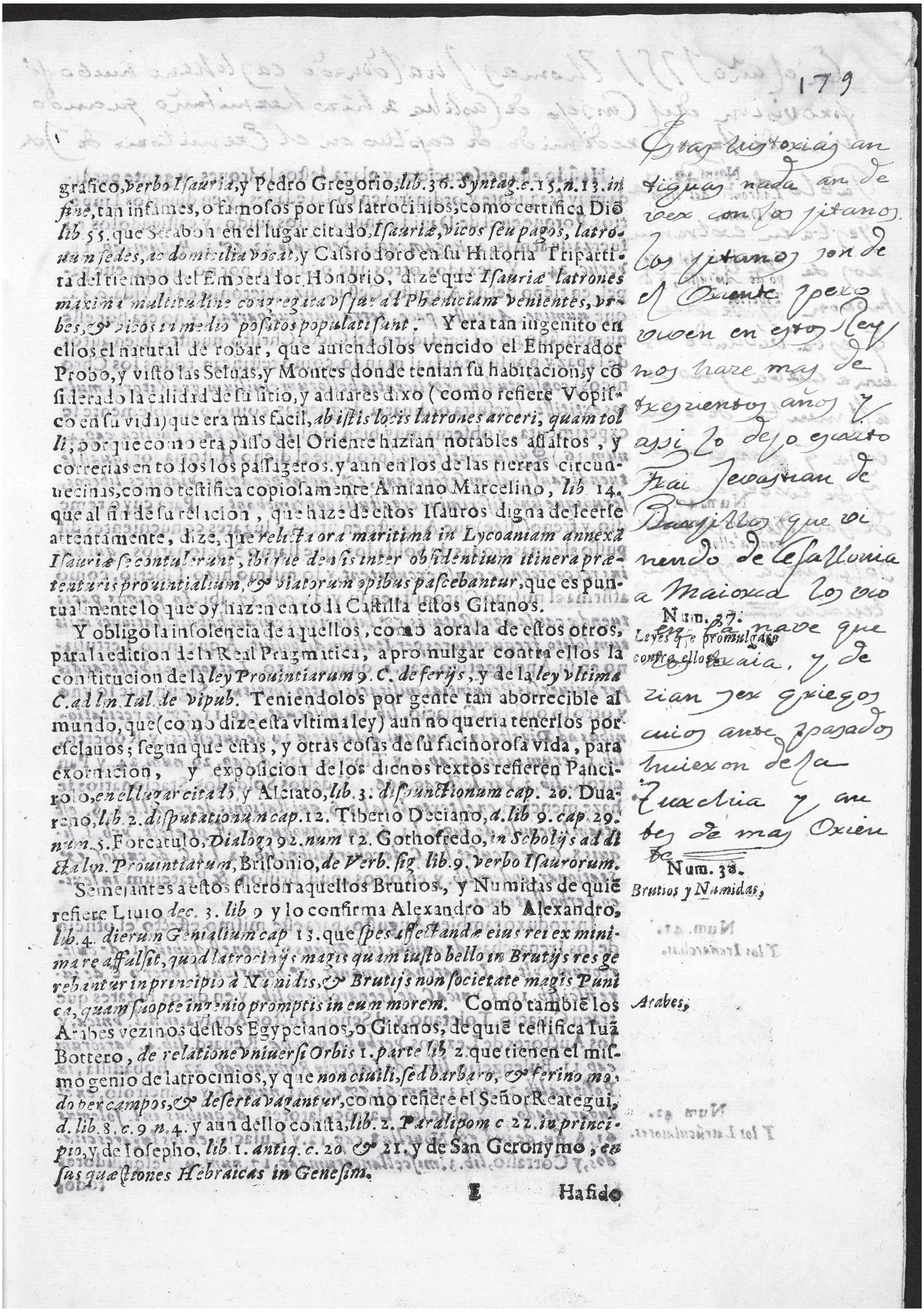
> These old stories have nothing to do with the Gypsies. The Gypsies originate from the Orient, however, they have lived in these realms for more than three hundred years, so we are told by the writings of brother Sebastian de Burgillos who, coming from Cephalonia to Majorca, saw them in the ships transporting them. And they said they were Greeks whose ancestors fled from Turkey and before that from further east.[62] (Img. 2)

The difficulty of the often-conflicting relationship between Gypsies and non-Gypsies is not ignored by the anonymous writer. He references clashes with the Spanish Inquisition[63] and moments of tensions occasioned by the frequent outbreaks of plague in the Baroque period. Even if in the testimony of Francisco da Cordova the numbers of those affected by the epidemics in Logroño seem too hyperbolic to be true,[64] there are interesting notes relating to Leon, where in 1630 two Gypsy families were imprisoned after being accused of spreading the disease.[65] Similarly, in Ciudad Real, the inhabitants in 1680 lashed out against a company of Gypsies believed to be the carriers of pestilence.[66] Both episodes, which eventually lacked serious consequences, indicate how official institutions and local populations could create potentially hostile situations towards Gypsy communities. Too often their members played the role of the scapegoats. Such frictions, however, do not indicate a uniform or structural irreconcilability between Gypsies and non-Gypsies. Rather, they are dependent on circumstantial phenomena.
As with their relationships with the *Christianos Viejos* (old Christians), Gypsies relationships with members of the Muslim community is not univocal. Some testimonies from the beginning of the 1700s demonstrate the complicity in Cádiz between *Moros* (probably freed slaves) and Gypsies, who were active in smuggling goods between the Spanish Crown's African territories.

> The fortifications of Cádiz being poorly protected, there was a great number of Moorish slaves who lived as though at liberty and another part of their neighbours were Gypsies, and the walls gave shelter to pack animals and it was said that the place served to organise the smuggling of merchandise in the marketplaces of Africa and Tangier, as was seen in 1707 with the arrival of goods to resell to the tailors and shopkeepers.[67]

This statement seems to confirm the good relations reported by various modern scholars between members of the Moorish and Gypsy communities throughout the early modern period,[68] even if other comments within the text indicate a more complicated relationship between the two groups:

> Sandoval says that the Moors complained about the violence to which they were subjected by the Gypsies of the Kingdom of Granada, whose abuse went as far as the theft of cattle, but they did not receive punishment for their crimes; and when at times the Moors killed some Gypsies, these Gypsies made a law between themselves by which for every dead Gypsy ten Moors would be killed, but this did not happen because the king decreed the Gypsies should be expelled from the kingdom, and this was carried out in 1532, and those who did not leave received beatings



179

grafico, *verbo Isauria*, y Pedro Gregorio, *lib. 36. Syntag. c. 15. n. 13. in fine*, tan infames, o famosos por sus latrocinios, como certifica Diō *lib. 55.* que Strabon en el lugar citado, *Isauriæ, vicos seu pagos, latronum sedes, ac domicilia vocat*, y Cassiodoro en su Historia Tripartita del tiempo del Emperador Honorio, dize que *Isauriæ latrones maximi multitudine congregata vsque ad Phæniciam venientes, vrbes, & vicos in medio positos populati sunt.* Y era tan ingenito en ellos el natural de robar, que auiendolos vencido el Emperador Probo, y visto las Seluas, y Montes donde tenian su habitacion, y cōsiderado la calidad de su sitio, y aduares dixo (como refiere Vopisco en su vida) que era mas facil, *ab istis locis latrones arceri, quam tolli*; porque como era passo del Oriente hazian notables assaltos, y correrias en todos los passageros, y aun en los de las tierras circunuecinas, como testifica copiosamente Amiano Marcelino, *lib. 14.* que al fin de su relacion, que haze de estos Isauros digna de leerse attentamente, dize, que *relicta ora maritima in Lycoaniam annexā Isauriæ se contulerunt, ibique densis inter obsidentium itinera prætenturis prouintialium, & viatorum opibus pascebantur*, que es puntualmente lo que oy hazen en toda Castilla estos Gitanos.

Num. 37.
Leyes que se promulgaron contra ellos.

Y obligo la insolencia de aquellos, como aora la de estos otros, para la edicion de la Real Pragmatica, a promulgar contra ellos la constitucion de la *ley Prouintiarum 9. C. de ferijs*, y de la *ley vltima C. ad l. Iul. de vi pub.* Teniendolos por gente tan aborrecible al mundo, que (como dize esta vltima ley) aun no queria tenerlos por esclauos; segun que estas, y otras cosas de su facinorosa vida, para exornacion, y exposicion de los dichos textos refieren Pancirolo, *en el lugar citado*, y Alciato, *lib. 3. dispunctionum cap. 20.* Duareno, *lib. 2. disputationum cap. 12.* Tiberio Deciano, *d. lib. 9. cap. 29. num. 5.* Forcatulo, *Dialogo 92. num 12.* Gothofredo, *in Scholijs ad dictā l. Prouintiarum*, Brisonio, *de Verb. sig. lib. 9. verbo Isaurorum.*

Num. 38.
Brutios y Numidas.

Semejantes a estos fueron aquellos Brutios, y Numidas de quiē refiere Liuio *dec. 3. lib. 9* y lo confirma Alexandro ab Alexandro, *lib. 4. dierum Genialium cap. 13.* que *spes affectandæ eius rei ex minimare affulsit, quod latrocinijs magis quam iusto bello in Brutijs res gerebantur in principio à Numidis, & Brutijs non societate magis Punica, quam suopte ingenio promptis in eum morem.*

Arabes.

Como tambiē los Arabes vezinos destos Egypcianos, o Gitanos, de quiē testifica Iuā Bottero, *de relatione vniuersi Orbis 1. parte lib. 2.* que tienen el mismo genio de latrocinios, y que *non ciuili, sed barbaro, & ferino modo per campos, & deserta vagantur*, como refiere el Señor Reategui, *d. lib. 8. c. 9. n. 4.* y aun dello consta, *lib. 2. Paralipom. c. 22. in principio*, y de Iosepho, *lib. 1. antiq. c. 20. & 21.* y de San Geronymo, *en sus quæstiones Hebraicas in Genesim.*

I Hafido

Estas historias antiguas nada an de ver con los gitanos. los gitanos son de el Oriente pero viven en estos Reynos hace mas de trezientos años y assi lo dejo escrito Frai Sevastian de Burgillos que viniendo de Castilla a Maiorca los vio en la nave que traia, y decian ser griegos cuios ante pasados huieron de la Turchia y an be de mas Oriente

2 *Second Page with the anonymous handwriting, Anonymous, f. 179*[r]*, in: Villalobos,* Discursos, *Salamanca 1644. Romani Collection, the Brotherton Library, Leeds.*

> and blows and every type of torture to make them flee, and this year some Gypsies set fire to a house and burned a Moorish family alive and only one escaped, naked apart from covering their shame.[69]

We also know that during the early modern period contingents of Gypsies – perhaps the same who took part in the siege of Granada in 1492 –[70] participated in the campaigns against the Muslim population that had been forcibly converted to Christianity in Spain. These included, for example, the Gypsies in the service of the *Conde de Tendilla* employed during the first uprising of the Moors of Las Alpujarras (1499–1501). Gypsies participated, moreover, in various expeditions against the Moors in North Africa, as Geronimo Illan, personal secretary to Francisco Jimenez de Cisneros, observed in relation to the taking of Oran in 1509. Gypsies were also part of the troops of Charles V during the conquest of "*la Goleta y Tunez*" in 1535.[71]

The inclusion of contingents of Gypsies in the army and their employment for auxiliary services seems to have been a constant feature throughout the centuries. In 1587 six Gypsies, who had given their services as soldiers in the New World, followed general Don Francisco de Luxan in his return voyage to Spain, during which one of them died.[72] Other Gypsies, who had embarked with Don Diego de Pimentel on the flagship San Mathes, participated in the ill-fated English expedition in 1588, only to eventually be taken prisoner.[73] In the first half of the eighteenth century, when the English took over Cádiz in 1702 with a coup, the Duke of Brancaccio, who was the governor of the fortified city, asked the Gypsies in his service to arrange a storage of gunpowder in the *Castillo de Sancta Cathalin*a[74]. Some Gypsies also participated in the battle of Almansa in 1707.[75] Their presence is recorded in the re-conquest and defence of Oran in 1732, and we find them again in Tuscany in 1735 under Jaime Miguel de Guzman, *Marqués de la Minas.*[76] Such testimonies act as a counterpoint to the peremptory assertions of Villalobos in the opening of the sixth chapter of his pamphlet, where he states that "*esta gente no sirven en la guerra*".[77] This inaccuracy does not escape the anonymous commentator who, after having demonstrated that a military career was perfectly normal for Iberian Gypsies, clearly states that Villalobos "*no dice verdad*".[78]

Far from being anomalous, the presence of Gypsies in the ranks of the Spanish army dovetails with evidence relating to many European armies of the *ancien régime.*[79] Gypsies were frequently associated with members of the "Nobility of the Sword", who often carried out the role of officers and who might guarantee Gypsies support and protection even in times of peace. The case of the *Marques de Balsera* is emblematic. In Seville in 1749, during the *Gran Redada*, de Balsera hid some Gypsies in defiance of the central government's authority:

> It it was August 1749 when news came to Seville that the Marquis de Balsera had hidden in his house some Gypsies who were fleeing the authorities who inspected the house. Cochero Gaspar and Molino were not captured.[80]

In some cases, this relationship seemed to go beyond simple protection, as a comment relating to Father Calatayud shows. He was worried, on the one hand, that possible marriages between scions of the noble Andalusian families and Gypsy girls could put the family honour at risk and lead to the breaking-up of aristocratic estates; on the other hand he worried that such marriages might happen in a clandestine way, endangering the honour of the Gypsy girls involved:

> Don Pedro de Calatayud says that there are marriages between people of considerably different ranks with compromises of family honour, risk to lives and the dissipation of inheritances, and that the young nobles solicit Gypsy girls, to whom to be precise they make clandestine promises without meaning to marry them in the future. Don Iñigo de Almendros, a noble from Caceres, seeing that only by marriage could he achieve his intention, contracted a clandestine marriage with Andrea Cortes, daughter of a Gypsy from Siguenza. The celebrations lasted four days and this took place in 1693. Passion, at an age in which desire governs more than reason, is the usual motive for which clandestine marriages are carried out.[81]

Yet, in a context in which the material conditions of life were unstable for the majority of the population, not even protection by the nobility prevented Iberian Gypsy families from living in a state of extreme

economic uncertainty. The aggravation caused by the anti-Gypsy legislation in force exacerbated the situation:

> In the city of Seville there were many abandoned children, orphaned and destitute, in a state of great poverty, who were suffering from the lack of clothing, hunger and cold caused by sleeping outside. Their parents were in the jails, prisons and hospitals, or they were dead. Many of these children were Gypsies abandoned and at the point of losing their lives and souls for lack of material and spiritual care. In 1700 or just about, three Gypsy children were picked up who would go to steal fruit at the market square, and one of them twirled and danced at the guard while two stole the fruit, doing this on different days.[82]

4. Conclusion

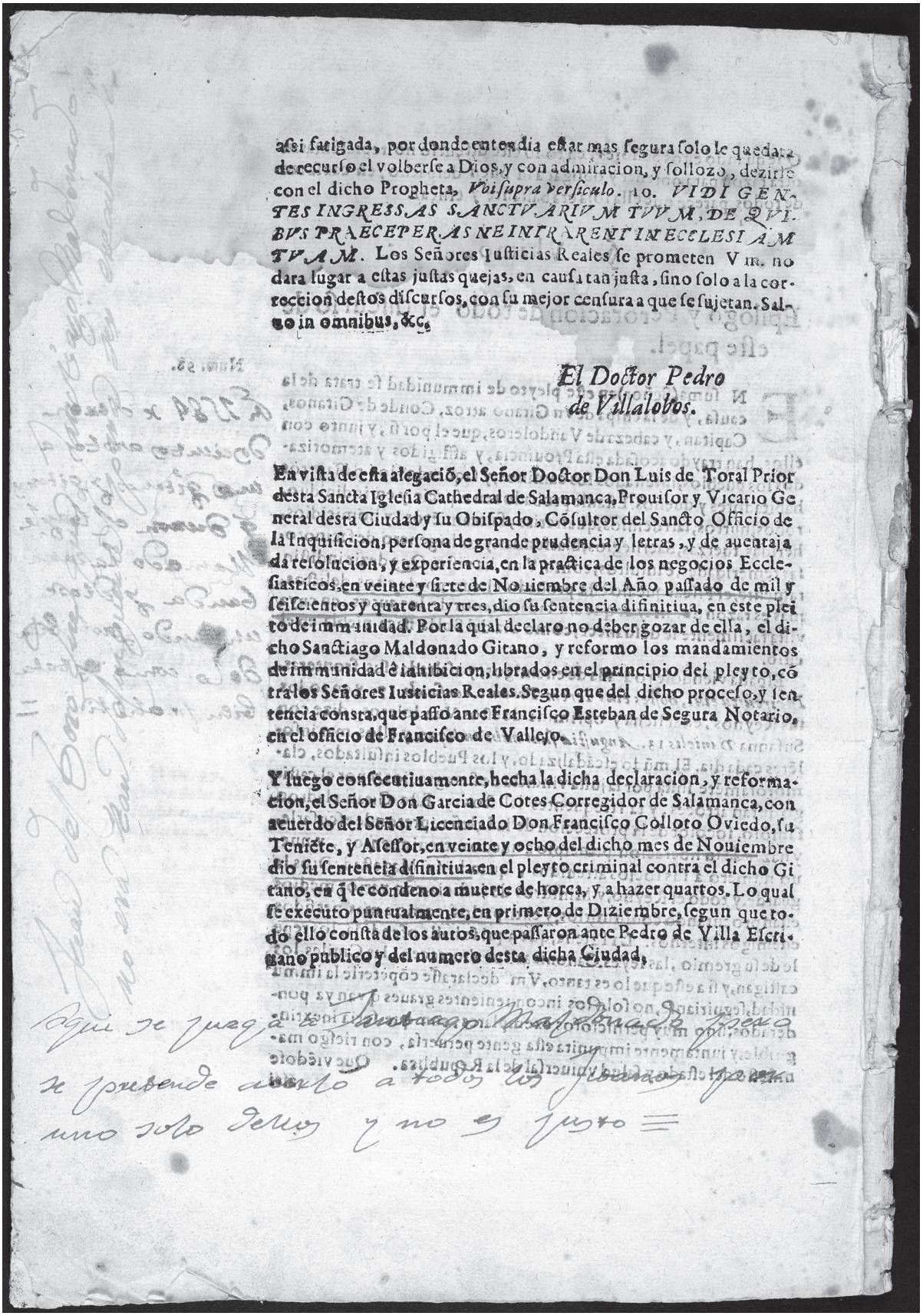
The anonymous author, whose extensive knowledge ranges from archival sources to chronicles and literature, outlines an image of Iberian Gypsies much less grim than that appearing in the most studied and quoted documents of the early modern age. In his notes, the irreducibility of the Iberian Gypsy community is shown to be more imaginary than real. Paradoxically, the declared and documented efforts of the authorities of the time to assimilate them into the social and economic fabric of the nation were often frustrated by the actions of the same lay and ecclesiastical powers.

There are two important elements in the rich apparatus of anonymous notes to the copy of Villalobos' pamphlet held at Leeds. On one side, they enable us to confirm the existence of a Gypsy community in the early modern period whose level of agency cannot be reduced to simple attempts to escape the regulations of the central powers; in this, they challenge the monochromatic vision of the history of the Gypsies as a people solely oppressed, and thus confirm the interpretative hypotheses presented in other recent studies.[83] On the other, they bring to light the point of view of a *letrado* who, during the most uncertain period for the Iberian Gypsy population, offers a picture of this community that is different from the prevailing one. The anonymous writer provides a depiction based on a deep understanding of the reality of Gypsy life, particularly as it pertains to the Andalusian area, and it helpfully overturns stereotypes and clichés. A cultivated man, the anonymous writer seems to be free from the stereotypes that since the 1400s had been deforming the image of the Gypsy community. He recognizes how they held a unique culture, language, and lifestyle, despite having resided in the Crown's territories for centuries, and how their essential traits could not be reduced to a simple "*mal vivir*".

In highlighting how the public prosecutor of Toro mentioned above, notwithstanding his carrying out the capital punishment, was not entirely convinced of the guilt of Santiago Maldonado, the commentator concludes his series of notes with a blunt remark: "Here Santiago Maldonado is being judged but with the presumption to judge all Gypsies for one only among them, which is not fair."[84]

This legal opinion, with which the author implicitly concludes his confrontation with Villalobos, is very advanced for the time: responsibility for crimes should be personal, and failure to observe this fundamental legal precept generates injustice by arbitrarily blaming an entire group regardless of real or alleged responsibilities.

Pending further research into the identity of the anonymous commentator, or the unearthing of documentary sources that could allow us to cross-check and verify the reliability of the testimonies reported, this source must be used judiciously. It is possible that this document represents an exception to the usual representations offered by the *letrados* active in the territories of the Crown. However, even if this were the case, the notes propose a useful counter-narrative that problematizes the crystallized image of the Gypsy that is still prevalent today. The concentration of timeless clichés continues to shape the outlines of an historical reality more imaginary than real, the perimeters of which it is now time to redefine.



assi fatigada, por donde entendia estar mas segura solo le quedara de recurso el volberse a Dios, y con admiracion, y sollozo, dezirle con el dicho Propheta, *Vt supra versiculo*. 10. *VIDI GENTES INGRESSAS SANCTVARIVM TVVM, DE QVIBVS PRAECEPERAS NE INTRARENT IN ECCLESIAM TVAM*. Los Señores Iusticias Reales se prometen V m. no dara lugar a estas justas quejas, en causa tan justa, sino solo a la correccion destos discursos, con su mejor censura a que se sujetan. Salvo in omnibus, &c.

El Doctor Pedro de Villalobos.

En vista de esta alegació, el Señor Doctor Don Luis de Toral Prior desta Sancta Iglesia Cathedral de Salamanca, Prouisor y Vicario General desta Ciudad y su Obispado, Cõsultor del Sancto Officio de la Inquisicion, persona de grande prudencia y letras, y de aventajada resolucion, y experiencia, en la practica de los negocios Ecclesiasticos, en veinte y siete de Noviembre del Año passado de mil y seiscientos y quarenta y tres, dio su sentencia difinitiua, en este pleyto de immunidad. Por la qual declaro no deber gozar de ella, el dicho Sanctiago Maldonado Gitano, y reformo los mandamientos de immunidad é inhibicion, librados en el principio del pleyto, cõtra los Señores Iusticias Reales. Segun que del dicho proceso, y sentencia consta, que passo ante Francisco Esteban de Segura Notario, en el officio de Francisco de Vallejo.

Y luego consecutiuamente, hecha la dicha declaracion, y reformacion, el Señor Don Garcia de Cotes Corregidor de Salamanca, con acuerdo del Señor Licenciado Don Francisco Colloto Oviedo, su Teniẽte, y Assessor, en veinte y ocho del dicho mes de Noviembre dio su sentencia difinitiua, en el pleyto criminal contra el dicho Gitano, en q̃ le condeno a muerte de horca, y a hazer quartos. Lo qual se executo puntualmente, en primero de Diziembre, segun que todo ello consta de los autos, que passaron ante Pedro de Villa Escriuano publico y del numero desta dicha Ciudad.

3 *Third Page with the anonymous handwriting, Anonymous, f. 192ᵛ, in: Villalobos,* Discursos, *Salamanca 1644. Romani Collection, the Brotherton Library, Leeds*

Annotations

1 Juan Ignacio Gutiérrez Nieto: Inquisición y culturas marginadas: conversos, moriscos y gitanos, El siglo del Quijote (1580–1680), Vol. 22, Historia de España de Menéndez Pidal, Madrid: Espasa Calpe 1993, pp. 837–1015, p. 778. Here and throughout the article, unless otherwise stated, all translations are mine.

2 Sánchez Ortega María Helena: Los Gitanos españoles. El período borbónico, Madrid: Castellote 1977; Ead. Documentación selecta sobre la situación de los gitanos españoles en el siglo XVIII. Madrid: Editora Nacional 1977; Leblon Bernard: Les Gitans d'Espagne, Paris: Presses Universitaires de France 1985.

3 Caro Baroja Julio: Los moriscos del Reino de Granada: ensayo de historia social, Madrid: Istmo, 1976, p. 51.

4 Paradoxically, it is precisely the expulsion of the Moors, in particular in the areas where their exodus had left demographic gaps that were difficult to fill, which put a halt to the application of a similar measure towards the Gypsies. At different times the Castillian Cortes had discussed the possibility of an eventual general expulsion, but such a measure was never voted for. Cfr. Leblon: Les Gitans (note 2), p.36.

5 Antonio Gomez Alfaro: El expediente general de gitanos, Madrid: Editorial de la Universidad Complutense: 1992; Manuel Martinez Martinez: La minoría gitana de la provincia de Almería durante la crisis del antiguo régimen (1750–1811), Almería: Instituto de Estudios Almerienses 1998.

6 The only major monograph with a specific focus on the 16th and 17th centuries is Richard Pym: The Gypsies of Early Modern Spain, New York: Palgrave Macmillan 2007.

7 This measure was part of a plan devised by the Marqués de la Ensenada under the orders of Ferdinand VI of Spain. Martinez Martinez: Los gitanos y las gitanas de España a mediados del siglo XVIII: el fracaso de un proyecto de exterminio (1748–1756), Almería: Universidad de Almería 2014.

8 Sanchez Ortega: La oleada anti-gitana del siglo XVII in: Espacio, Tempo y Forma, serie IV, Historia Moderna, 4 (1991) pp. 71–124, p. 77.

9 Piasere Leonardo: Buoni da ridere. Gli zingari, CISU: Roma 2006, pp. 1–53.

10 Herrera identifies work-houses as the ideal solution to usefully convert the energies of those social groups which he saw as representing a bad behavioural model for the other subjects of the Crown. Cfr. Guasti Nicola: The debate on the expulsion of the Gypsies in the Castilian Arbitrismo of the early seventeenth century in: Sina Rauschenbach y Christian Windler (eds.), Reforming Early Modern Monarchies. The Castilian Arbitristas in Comparative European Perspectives, Wiesbaden: Harrassowitz Verlag, 2016 pp. 157–177, p. 160.

11 Pym: The Gypsies (note 6), p. 68.

12 "[…] Más inútiles y desaprovechados […] Porque, señor, los Moriscos cultivaban la tierra, entretenían el comercio, las artes y oficios mecánicos. Los Gitanos no salen al campo, sino es para robar y matar. Los oficios que deprendieron, y exercitan, son hurtos y engaños. Aquellos por miedo de la pena acudían a las iglesias, oyan Misa, confessavan y trahían algunas dispensaciones para casamientos. Estos no saben que cosa es la yglesia, ni entran en ella, sino a cometer sacrilegios" Salazar de Mendoza: Memorial del hecho de los gitanos para informar el ánimo del rey nuestro Señor en lo mucho que conviene al servicio de Dios y bien de estos reinos desterrarlos de España, Toledo: s.n. 1618, pp. A2v–A3v

13 In his dissertation, Salazar de Mendoza, an influential university lecturer in Toledo, supported his argument by availing himself of the opinion of a large group of authors of proven authority: Albert Krantz, Abramo Ortelio, Enea Silvio Piccolomini, Lorenzo Palmireno, Raffaele Volterrano, Polidoro Virgilio, Giovanni Aventino, Sebastián Covarrubias, Francisco Hernández de Córdova, Giovanni Leone, Andrea Alciato, Aldo Manuzio and Piero Valeriano. Guasti: The debate (note 9) pp. 163–164.

14 "[…] y la cierta opinión es que los que andan en España no son Gitanos, sino enjambres de zánganos y hombres ateos y sin ley ni religión alguna. Españoles que han introducido esta vida o secta del Gitanismo, y que admiten a ella cada día la gente ociosa y rematada de España." Sancho de Moncada: Restauración política de España, 1619, (ed. Jean Vilar), Madrid: Instituto de Estudios Fiscales 1974, p. 214.

15 Quiñones de Benavente Juan de: Discurso contra los gitanos, Madrid: Iuan Gonçalez 1631.

16 "No hazian mas los Caribes en las Indias, que comían carne humana." Ibid: ff. 10v–11r; Cfr. Ortega Araceli Cañadas: On the Origins of Images of Gypsies in César Domínguez, in: Anxo Abuín González and Ellen Sapega (eds.): Comparative History of Literatures in European Languages, Amsterdam/Philadelphia: John Benjiamins 2016, pp. 32–42, p. 41.

17 "Estos que se dicen gitanos ni lo son por origen ni por naturaleza, sino porque han tomado esta forma de vivir." Sanchez Ortega: Documentación selecta (note 2), p. 33.

18 Pym: The Gypsies (note 12), p. 25.

19 Leblon: Le Gitans (note 2), p. 12.

20 Ibid, pp. 68–70.

21 Gomez Alfaro: El Expediente general, vol. 1 (note 2) p. 601. Gregory XIV's papal bull *Cum Alias Nonnulli* is from 1591, p. 601.

22 Sanchez-Ortega: La Inquisición y los gitanos, Madrid: Taurus 1988, pp. 26–32.
23 Ibid.
24 Ibid: cfr also Leblon: Les Gitans (note 2).
25 Gomez Alfaro: El Expediente General, vol.1 (note 2) p. 601.
26 Sanchez Ortega, La oleada anti-gitana del siglo XVII, Espacio, tiempo y forma. Serie IV, Historia moderna 4 (1991), p. 102.
27 Pedro de Villalobos: Discursos. Jurídicos Politicos en razón. De que los gitanos vandoleros de estos tiempos no les vale la Iglesia para su Inmunidad: Salamanca: Diego de Cossio 1644. All the citations from the pamphlet come from the text present in the Fraser Collection (Romani Collection, Brotherton Library) at the University of Leeds (BC MS Rom/ Fraser/ B1/B: B2). References to the printed text are presented in abbreviated form as 'Villalobos', followed by the page number, while 'Anonymous' is used to refer to the hand-written notes of the commentator.
28 "[...] tal Conde de Gitanos y capitán de vandoleros se trataba y era tenido y respectado dellos, en todas las actiones que entre estegénero de gente podian denotar respecto y sugeción de parte de los unos y superioridad y maioria de parte del otro. Y assí le servían a la messa, con gran reverencia y puntualidad, como si fuera un Conde. Quando caminava y va delante de todos en forma de Capitán, haziendoles guia y para representarlo mejor traia vanda de tal capitán, y Clarín o Trompeta, en la dicha su compañía, con que caminaba en son de guerra, y con que los llamaba cuando estaban esparcidos. Dava pasaportes o salvoconductos a los que tenía por amigos, para que los demás Gitanos no les hiziessen agravio." Villalobos: f. 172^{r}.
29 Martinez Martinez: La minoria gitana (note 5), p. 62.
30 Villalobos: f. 177^{r}.
31 On the historical rivalry between the Malla and Maldonado families, cfr. Maria Gloria Tumminelli, Gli zingari nel sistema imperiale spagnolo. Soldati, banditi e vagabondi tra Milano, Napoli e la Spagna (secc. XVI–XVII), Phd Thesis (dir. Davide Maffi), University of Pavia, in progress.
32 We do not have sufficient data to know whether this is the same Francisco Maldonado mentioned in a document from 1640 preserved in the National Archive in Madrid, *El fiscal contra Francisco Maldonado gitano*, para enviarle a galeras. Archivo Histórico Nacional (AHN), Consejos, 27694, Exp.1). Due to poor storage conditions, the document cannot be consulted.
33 "Que los gitanos por el modo de vita que tienen no deben gozar de la immunidad." Villalobos: f. 176^{r}; cfr. Gomez Alfaro: El expediente general (nota 5) p. 607.
34 Pym: The Gypsies (note 11) p. 123.
35 Villalobos, ff. 182^{v}–184^{r}.
36 "Y si conforme á lo que se debe entender, supieron lo que dispone haverla quebrantado, en menosprecio de la inmunidad, y reverencia que se debe á la Iglesia, y de la obligacion que tuvieron de volverlos ilesos, contraviniendo á su devocion con escandalo que se causa, es culpa muy grave." Solarzano D. Juan, Discurso sobra haber mandado los Alcaldes de la Chancilleria de Valladolid herrar en la cara a unos gitanos que estaban mandados restituir a la iglesia con letra que decía ladrones. Madrid, Biblioteca Nacional de España, (BNE), MS. n. 20/18665, f. 28.
37 Diego Bernardo gitano contra los del Real Consejo de Castilla sobre inmunidad. AHN, Consejos, 25547, Exp. 2 1638 (Toledo).
38 Leblon: Les Gitans (note 2) p. 51.
39 Gomez Alfaro: El Expediente general vol.1, (note 5) pp. 755–756.
40 Gómez Alfaro: Escritos sobre gitanos, Sabadell: Asociación de Enseñantes con Gitanos 2010, p. 525.
41 Less well known is the work of father Ignacio Barradas, who died in Girona in 1730; his brothers referred that during the course of his life he was "un continuo doctrinero de gitanos". Ibid.
42 The *terminus post quem* could be 1785, the date when most documents pertaining to American Spanish possessions were moved from Simancas to the Archivo General de las Indias in Seville (see *infra*, note 71).
43 "Don Pedro de Villalobos si aze Juizio de los gitanos sin conozer que muchos que dizen tener la nazion no son de sangre abiendo tomado la costumbre. En Almendralejo las justicias prendieron quarenta hombres mujeres y niños que dezian ser gitanos y luego se vio que no eran gitanos todos ya solo cinco hombres, syete mujeres y onze menores [...]." Anonymous, f. 167^{r}. This page can be seen in image n. 1.
44 "Lo mismo y aora en Archidona los que robaron el corero del Rey despues tormento dizen no ser gitanos aunque vestian lo mismo y hablaban como ellos hablan. Estos son peor que los gitanos y sus delitos de mas infamia ydemor no haziendo con ellos justicia en el Reyno en ninguna parte y por ello roban mueren y matan y se haian los hombres asesinados en los Caminos sin esconimiento de sus autores que no solo son gitanos, por haber vagamundos y gente perdida y extrangeros y no estan por ellos los caminos seguros. El robo del meson de Mathias en Huelva no fueron gitanos y los que se prendieron se les puso en livertad por que andando el tiempo se murieron presos dos de los vandoleros y lo confesaron." Anonymous, ff. 168^{r}–169^{r}.
45 "En syete dias de marzo de 1640 se ordeno a muerte de horca a Andres Venega, Pasqual Venega y Benito Rodriguez que eran quatreros y azian violencias y

robos y la muerte se probo no eran merecedores della por un testigo que uvo en la Casa de Arrieta que vio a los autores y quando lo dizo ya avian muerto los tres gitanos.” Anonymous: f. 189r.

46 “En el año milseiszientos veynte y dos el corregidor de Soria fue al burgo de Osma a ayustiziar a tres ladrones gitanos y vio en ellos [illeg] de inocencia que no Lo llevo [illeg.] lluego quando los dichos gitanos estavan presos en la Carcel de Soria se provo [illeg.] encontrandose el ganado en una tierra lejos de la villa.” Ibid: f. 170r.

47 “El impresor Andres Grande en el año 1631 hizo en Sevilla la relazion de los corredores de bestias que tenian Carta de los Alcaldes majores desta Ciudad y en la dicha relazion avia seis Gitanos a los q(uales) se les tomo juramiento y dado la carta para usar de el dicho ofizio.” Anonymous: f. 168v. See also Gómez Alfaro: Legislación histórica española dedicada a los gitanos, Seville: Consejería de Igualdad y Bienestar Social 2009.

48 “A el Vizconde de Corzana que era el Asistente de Sevilla se pidio vezindad por los Cabellos que avian ganado Cartas de el Rey siendo descendencia de Antonio de Egipto que fue vezino en 1494 años por la bula dada en Valladolid a treinta de enero del dicho año.” Anonymous, f. 170r.

49 “Con este Pleyto se quiere purgar a los gitanos en la persona de uno dellos que resulta ser un vandolero famoso que parece no ai justo motivo para su Asylo pero los gitanos no se llaman assi por delitos cometidos y son gitanos por castigo de Dios, lo son por aver nazido de padres que lo eran y non nazieron reos de delinquenzia y los que son lo icieron los hombres y tambien las justicias de los hombres. Muchos fueron a galeras sin saver su delicto y muchos van al carcel para purgar unas culpas de otros.” Ibid: f. 170v.

50 “En Sevilla venio un clerigo de menores que fulseava Cedulas del Rey que vendia a los gitanos y fue preso en 1580 y se conocio que abia extendido mas de doscientos y se supo por la delazion de otro clerigo. Unas de las provisiones falseadas dezia que se diera asiento y vezindad aquella Ciudad a [c]hicas de Utrera al qual la justizia buscava por haver robado en la huerta del Conde de Landin de la qual se havo dos bestias menores.” Anonymous, f. 171r.

51 Ibid: f. 173r.

52 Ibid: f. 184r.

53 Ibid: f. 175r.

54 Ibid: f. 184v.

55 Ibid: f. 191v.

56 Ibid: f. 189v.

57 Ibid.

58 “En el año 1751 Thomas Maldonado castellano nuevo por provision del Consejo de Castilla se hizo hermitaño quando vino de Argel redimido de captivo en el Eremitorio de San Pablo de la Breña que esta en extramuros de la villa de Moron y se dize que esta viviendo en una cueba y no se alimenta de otra cosa que pan duro y de exercios de soledad, vida solitaria y penitencia.” Anonymous: f. 179v.

59 Ibid: f. 182v. Cfr. Archivo General de Simancas, Registro General del Sello, Legajo 148009, 152, 1480–9–22. On the roaming of Conde Jacobo, and more generally on the Egyptian companies between the first and second half of the fifteenth century, see Szaszdi Borja István: Consideraciones sobre las cartas de seguro húngaras e hispanas a favor de los egipcianos, in: En la España Medieval, 28 (2005), pp. 213–227.

60 “En la Comunion que se los dio a los presos de la Carcel Real de Malaga el año de 1606 todo el costo de la dicha comunion lo hizieron los Gitanos y las danzas que iban en la Procesion.” Anonymous: f. 168r.

61 Ibid: f. 183v.

62 “Estas historias antiguas nada an de ver con los gitanos. Los gitanos son del Orient pero viven en estos Reynos haze mas de treszientos años y assi lo dejo escrito Fray Sebastian de Burgillos que vinendo de Cefalonia a Maiorca los vis en la nave que los traia. Y dezian ser griegos cuios antepasados huieron de la Turchia y antes de mas Oriente.” Anonymous: f. 179r. See image n. 2.

63 “In 1684 the Holy Office of the Inquisition summoned various witnesses to know what was said of some Gypsies residing at Segovia who, according to the witnesses: “had made a pact with the Devil, and who kept him locked in a chest and let him out at night, when neighbours saw a red light and smelled sulphur.” Anonymous, f. 174v.

64 “Francisco da Cordoba says that, when plague struck Logroño, a band of Gypsies attacked the city. The inhabitants of Logroño united and put them to flee, killing more than thirty and injuring many others, as Thomas de Alvarado recounts”, Anonymous, f. 182r.

65 Ibid: f. 175r.

66 Ibid: f. 176r.

67 “Estando mal proveidos los Castillos de Cádiz avia un mas gran numero de esclavos Moros que vivian como libre(s) y otra parte de sus vecinos eran gitanos y en la muralla se albergaban cabalgaduras y se decia que el lugar era para escusar frauds de ropa en las plazas de Africa y Tanger como se vio el año 1707 con la introducion de mercaderias para revender a los sastres y mercaderes de tiendas.” Ibid: f. 185r.

68 See: Mercedes García-Arenal: Morisques et gitans, Mélanges De La Casa De Velázquez, 14 (1978) pp. 503–510; Gomez Alfaro: Algo mas sobre gitanos y moriscos. Cuadernos Hispanoamericanos, 512 (1995), pp. 71–89; Martínez Martínez: Gitanos y moriscos:

una relación a considerar, Instituto de Estudios Almerienses, 2000, pp. 89–99.

69 "Sandoval dice que los Moriscos se quejaban de las violencias que sufrian de los gitanos en el Reyno de Granada cuyas insolencias llegavan al robo de ganado sin que recebieron el castigo de sus maldades y quando alguna vez dio muerte los moriscos algun gitano hicieron ley entre ellos que por un gitano muerto habian los gitanos de matar diez moriscos y esto no se hizo por quanto el Rey mando que los gitanos fueran expellidos del Reyno lo que se ejecuto al termino del año 1532 y unos que no lo hicieron recebieron palos y puñadas y otros mil generos de tormento espantarlos de las tierras, y este año unos gitanos pusieron fuego a una casa y quemaron viva a una familia de Moriscos y uno puedo escapar desnudo solamente cubiertas sus verguenzas." Anonymous, f. 181^{r}.

70 In 1733 the Montes Heredia, Heredia Montes and Navarro Montes families declare and show privileges in the name of Francesco Heredia Montes the elder and Sebastian, brothers who had both been in the service of the Catholic kings on the occasion of the war and expulsion of the Moors from the Kingdom of Granada and on the occasion of the defence of Cádiz when the English sacked the city, and that these privileges were extended to all their relatives and descendents, who, for these services, would not be included in the sanctions against the Gypsies. Fraser Collection (BC MS Rom/Fraser/B1/E : E18).

71 Anonymous: f. 182^{v}.

72 The anonymous author also gives indication of the document from which this information is taken: "En la Contadoria de Registros de la Real Casa de Contratacion de la Ciudad de Sevilla en el libro 31." Ibid: f. 181^{v}.

73 Ibid: f. 182^{r}.

74 Ibid: f. 181^{v}.

75 Ibid.

76 Ibid.

77 Villalobos: f. 180^{r}.

78 Anonymous: f. 181^{v}.

79 Vaux de Foletier François de: Mille ans d'histoire des Tsiganes, Paris: Fayard 1971, pp. 116–127.

80 "En Agoste del año de 1749 currio la noticia en Sevilla que el marques de Balsera abia escondido en su Casa a unos gitanos que huyeron de la Justicia y se registro la Casa. Cochera Gaspar y Molino y no fueron habidos." Anonymous: f. 177^{r}.

81 "Don Pedro Calatayud dize que ay matrimonios entre personas de notable disegualdad con menos cabo del honor de las familias riesgo de vidas y disipación de Patrimonios y que los Jovenes nobles solicitan donzellas gitanas a los que es preciso dan promesa clandestina sin pensar en exponsales de future. Don Iñigo de Almendros noble de Caceres viendo que solo por medio de el matrimonio podia lograr su intento contrajo matrimonio clandestino con Andrea Cortes hija de un gitano segueñino. Las fiestas duraron quatros dias y esto currio en el año 1693. La pasion en edad en que aun no suele governar la razon sino el impeto de la concupiciencia es la qual por lo regular inclina a los esponsales clandestinos." Anonymous: f. 183^{v}.

82 "En la ciudad de Sevilla eran muchos los niños desamparados, huerfanos y miserables con tan gran miseria que padecian desnudar hanbre y frio de dormir en los suelos. Los padres estaban en las Galeras, Carcel, Hospital o eran muertos. Muchos destos niños eran gitanos dejamparados y a punto de perder la vida y el alma por falta de remedio en lo temporal y espiritual. El año 1700 o poco mas fueron recogidos tres niños gitanos que iban a robar la fruta a el Asiento y uno hacia piruetas y bayles a el Guarda y dos se llevaban la fruta haciendolo distintos dias." Anonymous: f. 187^{r}.

83 It is particularly in the Mediterranean kingdoms of the Crown (Sardinia, Naples, Sicily) that this picture emerges most clearly. Cfr. Massimo Aresu: Zingari e gitani tra città e campagna. Forme e mutamenti di una presenza inammissibile. Il caso sardo (XVI–XVII secolo) and Elisa Novi Chavarria: Vassalli, forestieri, cittadini. Diaspora e integrazione zingara nel Regno di Napoli in: Giampaolo Salice (ed.): La Terra ai Forestieri, Pisa: Pacini 2019.

84 "Aqui se juzga a Santiago Maldonado pero se pretende azerlo a todos los Gitanos por uno solo demas y no es justo." Anonymous: f. 192^{v}. See image n. 3.

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