

## THE HISTORICAL PRESENCE OF GYPSIES IN SPAIN

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*The agraphia of the gypsies prevented them from leaving any written proof of their travels and pilgrimages. Historical evidence only allow for the reconstruction of the history of their troublesome relations with host populations. Therefore, the next account shows the age-old rejection they had to face as a consequence, at best, of certain policies that insisted on their dissolution as a distinct group.*

The first records of the presence of gypsies in the Iberian peninsula date from the first third of the 15<sup>th</sup> century, when certain family groups led by a self-appointed count or duke of Little Egypt appeared in the Pyrenees. This geographical association referred to territories that researchers have situated in the West coast of the Hellenic peninsula, reached by these people after travelling from their original land of Punjab, in the Indian subcontinent. When they arrived in our country they claimed to be on a pilgrimage to St. James's tomb and some other Christian sanctuaries, among which they specifically cited that of the black Virgin of Guadalupe.

Despite the safe-conducts they received from the authorities of Aragon, Navarre and Castile, the political turmoil of our 15<sup>th</sup> century contributed to the settlement of those travelling groups. The Christian conquest of the Nasrid kingdom of Granada, which sheltered the Islamic descendants of those who invaded the peninsula eight centuries before, would bring about a homogenizing policy to reduce the chaos of previous decades. By means of this, the Catholic Monarchs issued a pragmatic sanction on the gypsies (according to some scholars, a royal provision) in Madrid in 1499, which is usually acknowledged as the beginning of a bloody persecution.

Nevertheless, the reading of such legal text reveals it was a peculiar *immigration act* that conditioned the stay of the gypsies to the fulfilment of two requirements that from then on ~~will~~ became the spine of all official policies: the end of transhumance by permanent settlement and the dedication to professions the legislators labelled as *known*, that is, those that allowed for a clear work and economic dependence of the new vassals. These

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requirements form a part of present-day laws that regulate the existence of current immigrants.

Obviously, the 1499 law established a progressive punitive system for the disobedient, punishments that were no legal novelty since they gathered those that had been established for vagabonds by the Court in Briviesca a century before. Travelling gypsies — and this is the most meaningful part of that old law— were typified as a special kind of vagabond. From that moment on the use of the word *gypsy* would become a general term for anyone who lacked a permanent address and a known profession, *gypsy-like people* who imitated *language, costume and habits*, as later orders would reiterate.

### PERSECUTION

The persecution began to be effective when, because of the need of oarsmen to keep galleys operative ~~in order~~ to ensure the control of the Mediterranean waters, Charles V modified the 1499 punitive system in 1539 for all gypsies who were reluctant to settle. Sentence to rowing as forced labour was, until its abolition in 1748, the real penitentiary panacea in all the Hispanic kingdoms for more than two centuries. In case it was not enough as a punishment, Philip II responded to a petition posed by the powerful Fugger bankers so that a certain amount of galley slaves could serve their time in *the royal mercury mines*, thus sending many gypsies to Almadén where they rotted.

The inherently selective character of forced labour in the galleys, which could only be carried out by men in full physical vigour, led its potential victims to social furtiveness and confrontation. It was essential to avoid detention and the subsequent punishment that would leave the weakest sector of the family group in a state of neglect: women, children and old people. Gypsy groups reinforced thus their isolation by establishing their camps in city outskirts, allowing only women to approach the towns to sell handicrafts or practice chiromancy which became a traditional begging procedure.

As a matter of fact, the judges of the Inquisition did not pay much attention to the divination practices of gypsy women, whose judicial statements insisted on the fact that their predictions were only a pretext to trick credulous customers into giving them some economic support. The most serious consequence of their solitary approach to men in order to read their palms or ask for help from them is that it could become an excuse for baseless accusations of a licentious attitude. Beyond those unfounded insults, we should consider that

gypsy women had to bear obscene insinuations, proposals and comments from the men they approached for begging.

The choice of a residence and a profession, imposed in 1499, was unavoidably limited by later specific regulations. Thus, the kingdom of Valencia prohibited settlement in *Morisco places*, and in the county of Catalonia women and children had to stay home and could not accompany the head of the family on business trips. The lack of notarized documents that certified the property of animals or belongings negotiated by the gypsies would originate a legal presumption in Castile that they were had by robbery. Finally, field work was established as the only work gypsies were allowed to do, whose residence was restricted to towns and villages of more than one thousand inhabitants.

The demographic void left after the expulsion of *moriscos* during Philip III's reign determined the rejection of another proposal, meant to complete the aforementioned measure, by virtue of which gypsies would be forced to exile. A new decree of 1633 finally abandoned any attempt of expulsion, thus increasing the legal pressure to effectively incorporate gypsies into larger society. The idea was to achieve the extinction of the gypsies, thus forbidding the use of this term which was considered offensive.

The demands of the galleys grew considerably due to certain historic episodes such as the battle of Lepanto in the 16<sup>th</sup> century and the uprisings of Portugal and Catalonia in the 17<sup>th</sup> century. In both cases, the authorities ordered indiscriminate detention of gypsies and vagabonds, so as to sentence the larger amount possible to rowing work. Interestingly, according to the documents kept in our archives, almost no gypsies were condemned in those days and there are some testimonies about towns that defended the consolidated residence of some of the families within.

Permanent residence would lead to an active participation in the local militia that fought for Philip of Anjou and Charles of Habsburg in a war that aimed to ensure the succession to the throne after the death of Charles II, the Hexed, who had no children. After the conflict resolution in favour of Philip, a prolix decree was enacted in 1717 that again attempted to find a final solution for the situation of the gypsies. They were forced to establish their residence in one of the 41 towns authorized to receive them, all of them large enough as to guarantee more work opportunities and a sufficient judicial and police infrastructure dedicated to pursue and judge the disobedient.

The execution of such *reallocating operations* demanded the appointment of ~~some~~ police commissioners whose mission was to arrest gypsies, who were taken to the *corregidor* for their trial and sentence. The facts soon proved that the list of authorized towns for settlement was insufficient, thus causing another 34 to be added to the list in 1746 and which permitted residence in any other town to all gypsies that had lived there for at least ten years as long as the authorities could endorse their good behaviour. In order to avoid population concentration, a quota of one gypsy family per one hundred inhabitants was established, according to the official definition of a nuclear family: *husband and wife and their single children and unmarried orphan grandchildren*.

Parallel to this *reallocating operation*, negotiations with the Holy See were started in order to restrict *local ecclesiastical immunity* and unify its rules in all Monarchy's territories. A concordatory agreement deprived open-field hermitages of the *right of asylum*, and a papal order delegated to the bishops the decision of authorizing the withdrawal of refugees from holy places in order to lead them to prison churches. Here they could enjoy immunity while the legality of the withdrawals was being litigated and resolved.

## THE "GREAT GYPSY ROUND-UP"

Once the *reallocating operation* was over and after receiving the papal order the bishop of Oviedo, governor of the Council of Castile since 1747, proposed some *extraordinary remedies* to put an end to the gypsies. The idea was to start a *general round-up* that would allow for the application of a pre-criminal security measure. All males would be taken to the arsenals of the Spanish Navy to replace all salaried employees involved in the modernizing projects of the Marquis of the Ensenada. Women and children would be kept in shelters to be financed by their own labour work.

Once the prison was stealthily prepared and aid from the army had been granted for this purpose, the whole process was set forth on July 30<sup>th</sup> 1749, a real *black Wednesday* in Spain's history of the gypsies, which would culminate in August. This was in obedience to a letter from Ensenada himself where, after the resignation of the bishop from his office at the Council, the marquis is presented as the true soul of the project. All gypsies should be incarcerated with no exception, and their belongings confiscated and sold at public auction in order to finance the costs of the operation: salaries of the judges, notaries and bailiffs, office paper used for files, detainees' food and journey to their destination, including the shackles that prevented an escape.

The protests, not only from the involved gypsies ~~proper~~, but also from the authorities of the arsenals and the *corregidores* of the towns where women's shelters were planned to be built, led to *rethink* such an operation. A royal order of that same year of 1749 stipulated the opening of *secret proceedings*, that is to say, without the participation of the convicts, in order to decide if some, *for exhaustion, fear or because they had repented*, deserved to be set free. Having thus reduced the number of the initially arrested, the gypsies who did not pass this selection process were kept imprisoned at the arsenals of Cartagena and El Ferrol, where the prisoners of La Carraca would be taken by sea. On the other hand, arrested women were also led, by sea or river —up the Ebro— to the Real Casa de Misericordia of Zaragoza, whose managers had agreed with the Council on housing them in an external pavilion.

The loss of liberty of many men and women did not have a final date, as neither did the stay in the minas de Almadén of a small group coming from an independent raid that took place in El Puerto de Santa María in 1738. Nonetheless, the passing of time would reveal the inconvenience of withholding those prisoners, for an amnesty was recommended in 1763 by virtue of their advancing age, scarce feeding and bad medical attention. Until then, amnesty petitions were forbidden, which could not be sent by the authorities to the Council for a resolution. The intercession of the Council's attorneys caused a bureaucratic delay in the effective liberation of the reprieved prisoners, scarcely one hundred and fifty, who could not return to their homes until 1756.

The file opened by the attorneys' reports, especially the one by Campomanes, allowed for a law draft containing a chapter on *destinations* that was not approved by the Navy and Indies Secretaries of State, who considered its proposals inappropriate, both the enrolment of gypsies in the Navy or their deportation to the American colonies. After Charles III's acceptance of the Ministry of the Navy's opposition, the king's doubts about deportation led him to ask the count of Floridablanca to agree on acceptable measures with the Minister of the Indies. The result of these meetings was the draft law finally passed by the monarch on September 19<sup>th</sup> 1783.

After recovering freedom to choose a residence and a profession, except in some cases, the history of the gypsies stepped into a stage that some scholars have called *legal equality*, despite the continuity of *factual inequality*. The country's political activity was made tense by the execution of the prolix measures established in the pragmatic sanction until the king's death in 1788, when new and more urgent problems facilitated the agony of such a

legal document. However, since it was contained in the *Novísima Recopilación* (1805), the law was still effective until the new Criminal Code of 1848 was passed, which specifically repealed all measures that opposed the new code.

Gypsies do not receive attention in ~~by~~ any of the constitutional documents that mark the political evolution of our country since 1812; only the 1931 republican constitution will make manifest that *all Spaniards are equal before the law*. This statement was completed in the current constitution of 1978 by the following words: *and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance*. In those same days, the 1943 articles that ordered a close surveillance on the gypsies by the Guardia Civil was repealed; these articles literally reproduced those included in the so-called Cartilla de la Guardia Civil of 1852.