



## Taxation and Privateering in the Medieval Mediterranean: The Conformation of Privateering Regulations and its Application on the Island of Mallorca

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### ABSTRACT

In 1229 the island of Mallorca, then in Muslim hands, was conquered by troops of the Catalan-Aragonese monarch Jaime I. From that very moment a group of investors formed which would combine commercial business with that of privateering-pirates – to the point that privateering became one of the most important resources of the Mallorcan economy. However the Mallorcan privateering phenomenon didn't acquire an international dimension until the 14th century when it became necessary to adopt a regulation – common to all the territories of the Crown of Aragon – capable of regulating and controlling the activities of the corsairs which frequently resulted in piratic operations. In this work we will analyse that process of shaping the corsair policy and its application in the particular Mediterranean space of Mallorca, and especially the emergence of a tax, the "quint" (the fifth), used by the monarchy to control and exploit the lucrative privateer enterprises.

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### 1. A concretion of the issues

On the 31<sup>st</sup> of December 1229 the troops of Jaime I entered the besieged Madina Mayurqa. After long months of siege the Muslim city was conquered by blood and fire and its population killed or enslaved. Only a few managed to escape and take refuge in the central mountains of the island where they were protagonists in a fierce resistance that lasted 2 long years. 100 years previously, in 1114-1115, Pisans and Catalans had already tried to jointly take possession of the Island. The motives given for this conquering enterprise, eloquently exposed by the Pisan author of 'Liber Maiolichinus de gestis pisanorum illustribus', never fail to be revealing: to put an end to Majorcan piracy. Armed Muslim vessels from the shipyards of the island were terrorizing the Christian coasts of the Western Mediterranean and were hindering the thriving commercial Pisan republic. However, Piracy wasn't the primary activity of the Island but rather complimentary to the flourishing agriculture and an active trade. Nevertheless, this first Christian attempt didn't come off. Almoravid pressure on the Catalan borders

forced the count Ramon Berenguer III, head of the military expedition, to retreat hastily and leave the island, after having plundered the territory.

In the 13<sup>th</sup> Century the Piratic problem had undoubtedly worsened and was threatening the already thriving commercial activities of Barcelona whose ships crossed Mallorcan waters en route towards the Maghreb or Italy. Bernat Desclot testifies to this. The chronicler tells us how the Mallorca governor, Abu Yahya al-Tinmalli, had captured two boats, one coming from Bugia and another that was headed toward Ceuta. This happened in 1227 and gave rise to a serious diplomatic conflict (Desclot, 1982, pp.72-73).

The version offered by the Muslim historiography differs in regard to those motives that provoked the Christian incursion and instead trace the origin of these events back to 1226. Ibn Amira al-Mahzumi recounts how that year Abu Yahya al-Tinamlli sent a transport *tarida*, accompanied by a warship, to the island of Ibiza in search of the necessary wood for the armament of new ships. The news reached the authorities of Tortosa who were poised to send out an expedition with the aim of capturing the coveted cargo. The chronicler's appreciation of the transmission of information is interesting. He says that various Christian merchants (perhaps Genoese, Pisan if we consider the indications of Desclot) observed the arma-

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ments from a boat off the island of Mallorca. The response from Abu Yahya was swift. He ordered a naval campaign against the Catalan coast which ended with the capture of several vessels and that of a major trader, whose name is not specified. In the midst of this climate of impending war a ship from Barcelona, associated with Tortosa, appeared off the coast of Ibiza which led to a rapid response from the Mallorcan Valí. The Mallorcan squadron sent to protect the island managed to appropriate a Genoese ship and confiscate the cargo from the ship of Tortosa. Al-Mahzumi tells us that four rich and powerful Genoese potentates were captured. However, the ship from Barcelona managed to escape but, according to Al-Mahzumi, the gravity of these events and the advice from those closest to him made Jaime I decide to invade Mallorca (Ibn Amira al-Mahzumi, 2008, pp. 73-80).

Both chroniclers argue different reasons to explain the assault of Madina Mayurqa, although, ultimately the underlying cause in both reasoning is identical: the need to end Muslim maritime activities. As an essential knot in the commercial circuits, the conquest of Mallorca became essential to satisfy the ambitions of the Catalan merchants for whom Muslim possession of the island was hampering the potential expansion of commercial influence.

With the conquest of 1229, Mallorca went from being a Muslim "piratic" society to a society of Christian "pirates". From that first moment, on the island settled a group of investors who knew how they were going to reconcile the perfection of the commercial trade with that of the privateer-pirates. They would have to wait, however, until the 14<sup>th</sup> Century for the privateer investments to acquire official recognition within the Mallorcan economy. It's in that moment - the 1300's - that the Privateering phenomenon took on an international dimension and the adoption of common rules across the whole Mediterranean area became necessary.

The objective of this work will be centred on an analysis – to the extent permitted by the documentation – of the exercised control over privateering activities by the State. To do this it will be necessary to evaluate the process of shaping the privateering regulations and their application in a Mediterranean space – the island of Mallorca – and especially the emergence of a tax, 'el quinto', used by the monarchy in order to control and profit from the increasingly lucrative privateering enterprises. Privateering would become one of the most important economic resources for Mallorca – an 'alternative commerce'. We must remember that as there existed a great permissiveness, the Mediterranean islands were the safest refuge for both privateers and pirates. Their vulnerability due to the extensive coastline, the scarcity of population and the difficulties in relying on immediate help in the case of an attack explain why the authorities adopted measures hardly orthodox and made themselves a welcome land for renowned pirates by allowing the 'illegal' unloading and sale of their captives. And one of these refuges would be Mallorca.

On the other hand the conquest of the island took place at the moment in which Christian Naval eminence was consolidated in the Western Mediterranean, whilst at the same time a gradual decrease was seen in the corsair activities carried out

by Muslims. Control of the island undoubtedly helped to tip the balance of maritime power toward the Christian side. The hitherto powerful Islamic squadrons saw their capacity for intervention limited in a process that would go on until the beginning of the 14<sup>th</sup> century (Díaz Borrás 1993). The last decades of the 13<sup>th</sup> Century and the first years of the 14<sup>th</sup> Century witnessed considerable wear to the coasts and Maghreb marine centres because of the countless captures by Corsairs coming from the major port centres of the Crown of Aragon. Catalan-Aragon hegemony in the area of the western Mediterranean was becoming apparent. The area of greatest activity seems to have been Tunisia, as a result of military activity in waters near Sicily between the Catalan-Aragonese and the Angevins with the objective of dominating the island (Ferrer, 2008, p. 838). Nevertheless, from that moment there was a turning point in the trend. Since the first decades of the 1300's armed Marinid galleys, especially in the city of Ceuta, began a gradual methodical persecution of Christian vessels – particularly Catalan-Aragonese. This slow increase in tension in the Mediterranean culminated in the second half of that century with the emergence of Hafsid piracy. The actions of armed vessels in enclaves like Bona or Bejaia, quiet in the first half of the 14<sup>th</sup> century, came alive from 1360 turning the western Mediterranean area into the stage of a confrontation between two privateer powers, Tunisia and the crown of Aragon.

## 2. Towards a slow shaping of the regulation: the definition of a general frame

The first regulations concerning the control of the Corsair activities date back to the 12<sup>th</sup> century. A few years after the fleeting Catalan-Pisan occupation of the island the Catalan counts enacted some privileges whose objective was to regulate certain aspects of privateering. The provisions made in this respect are significant and demonstrate what the primary concerns of the authorities actually were. The first thing of importance is that they established a theoretical distinction between piratic and Corsair activities, but especially to regulate the division of benefits and to establish the part corresponding to the authorities as guarantors of legality. The monarchy sensed the huge source of resources that could be drawn from the actions carried out by privateers and tried from the beginning to keep some for itself. And that is what is transparent in those initial privileges, in so much that the part of the loot for the King is the first aspect of the privateering to be regulated.

The first precept documented on these issues is an ordination of 1118 by which the count of Barcelona, Ramon Berenguer III, granted the natives of Barcelona immunity from the *quintam* that the galleys that arrived at the city were paying. The count affirms that this was a new usagium that he had planted himself, and he did it to reward the men of Barcelona for their rendered services (Ferrer, 2006, p. 310).

Some dispositions from 1129 have been attributed to the same count, but ones which must have originated earlier. These dealt with regulating the payments that the corsairs had to make to the participants in the expedition and to the local

lord of whichever place they landed with the booty. However, in the document are notable figures of Tortosa - a city that would not be conquered by the Muslims until 1148. M. T. Ferrer explains this by alleging the widespread custom of subsequently redoing the provisions by adding new personages. This clarifies the presence of notable people of Tortosa next to the count.

The right to *ribatge* is detailed between the clauses of this precept - the quantity that the corsairs would have to defray to the lord of wherever they disembarked as compensation for the public auction of the booty. To this they had to add the delivery of a Muslim slave, the distribution of the amount obtained between the crew members and the compensatory amount that the boatswain would receive for ensuring the maintenance of the ship, as well as the rights of the latter to the seamen fugitives - a real proclamation of intentions. These precepts were repeated in the thirteenth century in a privilege granted in 1243 by Jaime I to the city of Valencia. However, M.T. Ferrer points out a substantial difference: the authorization of 1243 does not refer to a payment on the Corsair loot but only to payment for the right to auction the loot, an issue which appears confirmed by making explicit that it will only affect the ships and corsair vessels that make *encantum* - that's to say an auction in whichever part of the Valencian Kingdom. Therefore this arrangement affected the tax regulation on trade as it only applied in the case of goods obtained as loot. The tax on privateering was always proportional to the booty obtained; in this case however it was a question of a few fixed payments according to the draught of the vessel, differentiating between ships, galleys, vessels, boats with 16 to 30 oars and boats with less than 16 oars. The only common point was an obligation to hand over a Muslim slave (Ferrer, 2006, pp. 310-311).

Subsequently, these precepts went on to the Valencian *Furs* in 1261, and from here to the *Costum* of Tortosa drafted in about 1272. García Sanz stresses that in this way these precepts were responding to legal customs followed by the Corsairs in the 12<sup>th</sup> and 13<sup>th</sup> centuries in Catalonia and Valencia (1991, p. 98). As this same author points out, a tendency to restrict Corsair activity started from the middle of the 13<sup>th</sup> Century. This crystallized in the establishment of patent or actual licenses which imposed the provision of a bond as a condition for allowing armaments. Various actual interventions could be cited - generated in reaction to Corsair armaments done in Valencian territory.

An early provision of Jaime I, granted in 1250, has generated a lively discussion among historians, summarized by Díaz Borrás (1993, pp. 21-22). The terms included in this provision seemed to prohibit any type of armament - as Dufourcq concluded when considering that the document facilitated the opening of a favourable period for trade characterized by non-violence (Dufourcq, 1969, pp. 60). However the consequences are much more complex, as has been shown by R.I. Burns. The intention of Jaime I was not to prohibit privateering but to centralize the powers into the hands of the Bailiff of Valencia thus preventing other authorities of lesser rank from being able to grant armaments to Corsairs (Burns, 1987, pp. 175-179). This latest interpretation, probably the closest to the reality, is con-

sistent with the attitudes displayed by the successor of Jaime I three decades later, Pedro el Grande. On December 1<sup>st</sup> 1283 the monarch was promulgating the *Privilegium Magnum* in Valencia where the granting of a license by the general bailiff was envisaged as an indispensable condition in the consideration of legal Corsair weaponry (García Sanz, 1991, p. 98).

Ultimately both Pedro el Grande and Jaime I would attempt to avoid, through the promulgation of these decrees, the undue granting of licenses by local bailiffs more easily influenced through being authorities of lower rank. So they opted for centralization by establishing the general bailiff in Valencia as the only competent authority. So by the end of the 13<sup>th</sup> century the king was clearly attempting to control some activities that could be extremely lucrative and at the same time could serve as complementary defence forces at the service of the monarchy in times of war. Its repetition would surely reflect the routine character of the infractions and the need to "remember" the regulations.

Nevertheless, in this privilege of 1283 there is still no mention of the demand of some bonds and the provision of guarantors - essential to ensure the fulfilment of the agreed arrangements. How does Díaz Borrás explain this? According to this author, the target first and foremost was to prevent the uncontrolled proliferation of pirate activity and at the same time promote it moderately without imposing obstacles too onerous (Díaz Borrás, 1987, p. 51).

It would be necessary to wait until 1288 for the appearance of the imposition of providing guarantees as an indispensable condition for the legalization of Corsair armaments. In that year Alfonso el Franco decreed the need for a license from the corresponding Royal authority in addition to the obligation to return to the place of armament before starting any other privateer expedition. And it is significant that the monarch also prohibited the royal officials from taking part in the armaments and imposed the detention of Corsairs arriving on the coasts of the crown with captives until the legitimacy of these had been declared (García Sanz, 1991, pp. 98-99).

So the 13<sup>th</sup> century appears to be a decisive period in the shaping of privateering rules. Through their decrees and enactments, Jaime I, Pedro el Grande and Alfonso el Franco drew up a framework aimed at the control of certain Corsair activities which easily drifted into piracy. At the end of the century then we already have the legislative theory. But what happened in practice? The answer is more complex, in the hope that a meticulous study of the preserved documents for these crucial decades of the 13<sup>th</sup> century throws some light on these questions. The doubt lies in the compliance or not of the complicated model with the imposed conditions and, ultimately, in the degree of ability that the authorities had in their control.

In the 1300's the doubts begin to fade as the documentation studied starts to reflect the everyday life and the inherent fraud of the controls. M. Sánchez revealed this in a study some years ago about the control of Valencian Corsair Activities in the temporary space created by the ending of hostilities between the Crown of Aragon and the Marini and Nazari Sultans in 1334. Alfonso el Benigno, in this *impasse* of the so called War of the Strait, issued an order banning any kind of



aggression towards the subjects of both sultanates in order to preserve a peace that would materialize in the following year. The demand of a guarantee was an indispensable condition to getting a license for the armament of privateer vessels. Sanchez also documents that included in the clauses of the licence was the amount of the fine that would have to be paid in the case of breaking the actual provisions and a relation of the guarantor or guarantors that ensured the effectiveness of the payment. Guarantees and penalties were already present by the 1330s. This comprehensive control was ordered not only for the Valencian port, but also for the other ports where Corsair enterprises were organized, including the Mallorcan harbour. The question that remains to be answered is whether this control is an isolated case, motivated by a certain situation in which it was of interest to guarantee a few favourable conditions for the political negotiations, or evidence of an effective and consistent pattern of regulation on the part of the Valencian authorities.

An analysis of the documentation generated by the Royal Chancellery gives a provisional answer to these questions. Through the content of these documents, it is noted that the practical application of the regulations is not widely observed in all the ports of the Crown, at least not until the second half of the 14th century. An extremely clear example constitutes some provisions decreed by Pedro el Ceremonioso in July 1343 which make reference to the armaments in the Mallorcan port. The king prohibited the arming of corsair ships in the kingdom of Mallorca without prior obtaining a licence granted by the monarch or governor. It is clear that this ban reveals that the armaments carried out outside of state control on the islands constituted a common practice (Cateura, 1982, p. 270). Moreover, in 1353 it was required that the corsairs should promise to the governor that they would not attack anybody who was at peace with the monarch. To ensure that they would comply with this the provision of guarantors was demanded for the lump sum of 3000 Libras.

The problem, however, is much more complex and makes it impossible to draw general conclusions about all of the territories of the Crown due to a lack of contemporary information on other ports like Barcelona or Valencia. The kingdom of Mallorca had just reinstated the crown of Aragon after a long period of *independence* known as the *privateer kingdom*<sup>1</sup>. Was the Mallorcan King allowing the *free* exercise of privateering without exercising any type of control? Or was it that following reinstatement the change of powers favoured an illicit activity? It is assumed that the temporary parenthesis marked by the reintegration of the Balearic Islands to the domain of the Catalan-Aragonese monarch defined a favourable period for this type of action. Judging by certain concessions of the monarch to the subjects of the islands, it seems likely that the norms that regulated privateering during the independent Kingdom were either extremely flexible or were simply no longer effective.

To learn about the organization of privateering on the island during the years immediately following the reinstatement reveals extremely interesting information provided by some claims raised in 1349 by the Majorcan Governor, Gilabert de

Centelles, in the presence of Pedro el Ceremonioso. The monarch had previously enacted a decree compelling the Mallorcan merchants to remove their goods from the Maghrebi markets. The reason for this was to avoid possible reprisals caused by the Monarch granting a corsair license to the inhabitants of Ibiza. The arguments of Centelles<sup>2</sup> have a twofold perspective: on the one hand, he tries to convince the monarch of the harm caused by the free authorization of privateering to the natives of Ibiza – the most palpable being the Royal order of the abandonment of the Maghreb markets – and on the other hand he alludes to the benefits that an identical concession would bring to the inhabitants of Mallorca.

Centelles presents economic justification to defend his petitions. He says the monarch could only obtain minimal economic benefit from the concessions made to the Corsairs of Ibiza since it only possessed a quarter part of the jurisdictional rights over the island; the rest belonged to the archbishop of Tarragona, consequently the highest percentage of the tax on the captures would not be deposited in the royal treasury. Centelles also objects to the repeated failure on the part of Ibizan Corsairs of the clauses prohibiting the arrest of Muslims with whom there existed a signed truce and even Catalan-Aragonese subjects.

Why were the natives of Ibiza acting like this against the *laws* of diplomacy? Centelles also provides a logical explanation for these attitudes. Ibiza did not maintain commercial contacts with the North African markets and consequently its inhabitants would not suffer material damages arising from reprisals taken by the Maghreb rulers in the face of uncontrolled pirate actions.

These factors were used by Gilabert de Centelles to wield his own petitions aimed at achieving the free grant of Corsair arms to Mallorca. He claimed the island brought together the best conditions to proceed with a legal and productive application of regulations that govern the Corsair attitudes. The previous year in 1348 the plague had caused, as in the rest of the territories of the Crown, major havoc among the population of the Island – both free and enslaved – in a way that affected the royal finances through a drastic decrease in the

<sup>1</sup> The privateer kingdom of Mallorca had its origins in 1276 as the result of the testamentary dispositions of Jaume I. As a consequence of the monarchs' will, the Crown of Aragon split into two independent states – the Crown of Aragon, integrated by kingdoms of Aragon and Valencia and the principality of Catalonia, and the Balearic Islands which formed part of the Kingdom of Mallorca, the counties of Rosellon and Cerdanya, the manor of Montpellier and the viscounty of Carladès – whose government was inherited by Pedro el Grande, the primogenitor and Jaime II. This judicial situation was modified some time later, in 1279, when the Mallorcan monarch was forced to become a recognized "feudatario" of the crown of Aragon: of an independent kingdom, this way Mallorca became a vassal kingdom. The Franc-angevine invasion of Catalonia, in 1285, justified with the exclusion of Pedro el Grande, put to the test the faithfulness of the Mallorcan vassal. Jaime II, instead of helping his master entered into a coalition with the invaders – an alliance that justified, once the angevine offensive was rejected, the intervention of the Catalan-Aragon monarch and the reinstatement of the Balearic archipelago to the Crown in 1286. In 1298, in the face of great pressure both from the Holy See and France, the successor of Pedro el Grande, Jaime II, was forced to return the archipelago to Jaime II of Mallorca. From that moment, the successive Mallorcan monarchs ruled until 1343, when the islands were reinstated to the Crown of Aragon forever.

<sup>2</sup> Gathered in a memorial that had to be submitted to the monarch by a Valencian, Guillem de Majencosa [Archivo del Reino de Mallorca (Archive of the Kingdom of Mallorca), ARM, Governació, 4380, ff.24 r.-25 r. (Mallorca. 10, abril, 1349)].

revenue. Centelles claimed that this decrease could be remedied via privateering: "*per la mortaldat la terra és fort des poblada e per lo cors se poblarà, e.s millorarà*". That would result positively in an increase in the income from crops and most importantly it would constitute a way of waging war free of expenditure against Muslims with whom an agreement did not exist.

The conditions considered by the governor as indispensable for assuring an optimal operation of the privateering enterprises consisted of the adequate provision of guarantees. This would ensure, under a fine of 900 Mallorcan *sueldos*, the safety of subjects not considered as just targets and the payment of a tax of 10% on seizures. Therefore the key to ensuring the perfect operation of privateering enterprise, according to Centelles, rests on the guarantees and the payment of taxes. We will analyse this issue in more detail later. Undoubtedly the inclusion of tax was actually an economic tactic directed at obtaining the concession of the monarch.

We know nothing about the final granting of this prerogative but nothing could justify a refusal on the part of the king if it is considered that previously it had been granted to the natives of Ibiza. From subsequent information one can deduce that there was transgression of those rules (Capmany, 1963, p. 244).

What conclusions can be drawn from the reasoning of Centelles? Hypotheses might be established on the importance granted to the privateer activities as an alternative economic system in periods of difficulties, as a method of attracting and, if we consider the capture of slaves, bringing settlers to the island. What is undeniable is that privateering, throughout the 14<sup>th</sup> century, would go on to form an indisputable economic element as a parallel activity to legal commercial operations.

### 3. The war with genoa and the ordinations of 1356

The determining factor in the regulation of all aspects related to the privateering war would be the war against Genoa that exploded in the decade of 1350. The roots of this conflict, however, are found in the Catalan conquest of Sardinia initiated in 1323. The conflict of interest between Genoese and Catalans in Sardinian territory led to the outbreak of periodic hostilities throughout the 14<sup>th</sup> century; from 1325 to 1327, between 1331 to 1336 and a longer period between 1351 to 1360 – the year in which the hostilities stopped, although peace was not established until 1378 (Ferrer, 2006). During the last of these period, in the 1350s, some ordinations were drawn up that would have a general application in all of the territories of the confederation and that would serve to regulate 'the market of the war'. These were the *Ordinacions sobre certas reglas que.s deuen tenir en los armaments de corsaris particulars* (*Ordinations on certain rules that must be taken into the arms of individual corsairs*) (Capmany, 1963, pp. 254-257), published in 1356 and they justified the urgent need of being able to rely on an important reinforcement of the royal fleet in the face of the continuing Genoese push. There is no doubt that the Corsair war was a mechanism used by both powers, giving rise to illegalities and associated claims after peace had been signed (Ferrer, 1993; 2006).

Some conditions inherent to the armament itself were imposed by these ordinations, among them the obligation to pay the royal authorities a certain percentage of the profits; disarming the galleys in the port of departure or the provision of due guarantees, although the quantity is not clear. But a series of privileges were also granted, such as making prepared and equipped galleys available to interested ship-owners in order to set sail for Sardinia, along with sufficient provisions for four months and enough wages to pay for 1 month or for the provision of guides and special moratoriums to the crew members of the privateer vessels with the aim of facilitating the always difficult enrolment. Likewise, they attempted to suppress possible violations through the appointment of inspectors for each one of the territories of the crown. These inspectors had a wide authority which included the power to review records of income made from royal tax (Díaz Borrás, 1987, pp. 53-56; Ferrer, 2006, p. 280).

The main feature that emerges from these ordinations is the high degree of State participation in privateer activities in regards to level of salaries and food supply. The loaning of boats and the partial funding to which the monarch committed himself seems to be based on prior experiences of negotiations with individual privateers which must have obtained satisfactory results for the two parties involved. What was the monarch receiving? By delegating an important part of the maritime defence in particular, a greater defensive and offensive range was achieved. And the ship-owners? The economic benefits would have been undoubtedly considerable by not having to get capital up front to cover expense items associated with the Corsair armaments, and at the same time, obtain identical prerogatives at jurisdictional level as those of the captains of the royal galleys.

Nevertheless, it is supposed that the concession of these generous privileges to individuals should have been reduced to a temporary restricted space – of extreme maritime danger – given their high cost and the financial difficulties that the crown would have to confront due to armed clashes, not just against Genoa but also against Castille while subject to certain requirements of reliability on part of the beneficiaries. As shown in the subsequent negotiations with corsairs that were made due to the conflicts with Castille, it seems likely that the most usual practice consisted of a mixed system in which the monarch simply granted himself full jurisdiction over crew members and, on occasions, a certain amount of supplies, while the individual or individuals provided the prepared vessel.

There exist, however, notable differences between the terms included in the general ordinations of 1356 and the particular examples that have been preserved and which denote a practical adaptation of the rules. The theoretical terms established in the ordinations presupposed important disbursements difficult to meet by the crown in exchange for the uncertainty of effective results. On the contrary, in the chapters negotiated with individuals the adoption of intermediate solutions can be observed: the corsairs provided the boat, dealt with the equipment, and went to the service of the king if it was requested. The contract of agreements allowed, therefore, the availability of an additional fleet – free from expenses and

available when needed. In exchange, the Corsairs obtained a series of privileges at jurisdictional level and partial exemption from taxes and a facility in the always difficult process of enrolling the crews.

Although nothing more than hypothesis, it's probable that from the ordinations of 1356 onwards there was a widening in the obtaining of certain royal permits which didn't exclude the beneficiary from the obligation to obtain a license and provide bonds to the bailiff or governor, but did allow the easier armament of a galley. This can be deduced by the fact that a guide was made extensible to crew members, about the crimes and excesses committed up until the very day of the enrolment with the exception of heresy, sodomy, and the counterfeiting of currency,... as well as debts, except for those contracted by the dead, violators and commanders. At the same time the same prerogatives were granted to the skipper as to the captains of the royal armadas in terms of high and low and civil and criminal jurisdiction over the crew members. These guides were not new, but they seem to constitute an already common practice by the 2<sup>nd</sup> half of the 14<sup>th</sup> century.

The war against Genoa led to new regulations against the indiscriminate practice of Corsairs. After the peace treaties of 1386 and 1390 a limitation was imposed on the ports where Corsair boats had been able to arm. That was due to the numerous abuses carried out by many privateers who were attacking people with whom a peace treaty existed. The objective of this limitation was twofold, on the one hand it was an attempt to carefully check the Corsairs who had licences, and on the other it imposed a reduction in the number of ports authorized to maximize control. Mallorca and Ibiza were two of those ports. Barcelona, Valencia, Caller and l'Alguer completed the set of legalized ports. Genoa, however, could arm in its own city, as well as in Savona, Albenga, Ventimiglia, Portovenere, Vera, Caffa, Famagusta and Quios (Ferrer, 2006, p. 266).

#### 4. The indispensable requirements: privateering licenses and the taxes on seizures

Together with guides and permissions, the armament of a boat required a license that would legalize the privateer activity. The legality of the companies was already being sanctioned with the reimbursement to the royal authorities of a proportionate part of the loot on returning to port. From a theoretical perspective, therefore, licenses and taxes would constitute the elemental differentiators between pirates and corsairs. The last element that gave an institutional character to privateering navigation was the obligation to return to the port of departure in order to sell the prey – a condition not always fulfilled since the corsairs preferred to sell apprehension in enclaves characterized by a lack of control (López Nadal, 1993).

With regard to the licenses, their sale suggested a direct implication of the state. According to D. Valérian, on the Muslim side there had to exist some kind of control of Corsair activity comparable to that which we are analysing developed by the Christian Corsairs. The problem lies in the lack of documented evidence (2013, p. 41). In Barcelona and Valencia, the

concession was a prerogative of the general bailiff and from 1386 also of the jurors, as long as there was a prior provision of bonds in front of the bailiff, while in Majorca this power rested with the Governor of the island.

Let's look at the Majorcan case. In Mallorca these licences - once granted by the governor - were registered in the books of *Guiatges* and in the corresponding *Lletres Comunes*, both types of records preserved in the Archive of the Kingdom of Mallorca. So far the oldest localized corsair licenses correspond to 1375. However that is not proof of its prior inexistence. But what does turn out to be significant is the typology of these. First of all the names were specified of the beneficiary, the corsair and the type of vessel that would be used in the enterprise. Next, a clause was pointed out by which the subjects of the crown of Aragon were excluded as possible targets of prey along with those with whom a truce existed depending on the political situation – good for the non-declaration of war, good for the signing of a treaty of peace, as is the case of the Maghreb states. Also excluded were Jews and Muslims who were moved to the Catalan-Aragonese economic centres with the object of doing trade. Compliance with this arrangement sought to be guaranteed through the fixing of bail and the appointment of guarantors.

In regards as to the finances, there were some fixed amounts published by the royal authorities. However it seems that in practice the rate depended not so much on the existence of some previously established fixed rules but probably on the specific negotiating that went on between the corsair and the public authorities. This negotiation was undoubtedly influenced by the degree of credit that the endorsed subject offered. Perhaps the regular settlement of corsair contracts and the fulfilment of the various different provisions offered a certain security and contributed to the establishment of guarantees for amounts below the generally agreed scale. Likewise the existence of guarantors of recognized solvency would have slightly altered the required amounts. There was rarely just one grantor; the responsibility was often distributed between various. Almost all of them participated in the armament of the vessel or, to a lesser extent, of the family of the boss. Each one of them was responsible for a certain amount and some also had a shared responsibility for which the group of guarantors were committed by the total of the deposit.

The physiognomy of the endorser group was made up of shipmasters, sailors, fishermen, notaries, *mestres d'aixa* – in short trades related to the ocean – but also notaries, money changers, silversmiths, clogg vendors, shoemakers, plasterers, butchers, weavers, apothecaries, tailors, wool-carders, and above all Merchants. Alongside them were the wives of the shipmasters that were acting as guarantors for their husbands, and even women with no apparent relation to the corsairs - something which indicates a certain active participation and feminine integration into the world of trade.

In respect to the taxes on privateering, at least in Mallorca starting from the last quarter of the 1300s, from the information we have we know it had to be paid to the same authorities that had issued the licenses, given that in these the obligation to sell the loot at public auction and in the same place of de-



parture was pointed out. On one hand the sale in the Mallorcan market itself resulted in revenues that, in favourable circumstances and depending on the stipulated rate, could become extremely high. On the other hand, through the inspection of the composition of the seizures, it allowed an enforcement of the clauses relating to the exclusion of detainees not considered just targets – especially Muslims whose states or sovereign were observing a truce. Sometimes it could be that a vessel involved in commercial purposes and not Corsair would seize an enemy ship without being in possession of a license. This didn't mean it was except for the royal tax that had to be paid on arrival at port and after the sale of the booty.

In the case of Mallorca, which is the focus of our attention, the profit under this concept was registered in the books of *Rebudes*. Those corresponding to the period 1330 – 1410 have been cleared and that allows us to confirm that entries under the concept of corsair taxes didn't exist until 1375 – the same year from which the first licences were available. Despite having conserved virtually all of the records, it is risky to presume the absolute inexistence of entries. Although it is likely that during the private realm, and in the first years after the return of the crown, there didn't exist such an exhaustive control of licensing and enforcement of clauses as that which was seen starting in the last quarter of the 14<sup>th</sup> century.

In spite of gaps resulting from the loss of some records, an analysis of the entries corresponding to the period between 1375 and 1408 allows you to document that the royal treasury doesn't have income proceeding from privateer activities every tax year. Furthermore, the amount of entries is extremely irregular – something which agrees with the variable nature of the tax. Therefore what is really interesting from our perspective is the royal part which was almost always stipulated on the licenses. According to negotiations carried out between the ship master and the governor himself, the amount that was going to end up in the royal coffers ranged between 1/10 and 1/40, although the most common was that which reserved 1/20 or 1/30 of the profit from the sale of loot. Figures show that the speculatively fixed rate set at 1/5 was negotiable – both on the Muslim side as well as Christian – and was closely related to the varying situation of greater or lesser endangerment in the Mediterranean. It's interesting to see how legislation developed throughout the 12<sup>th</sup> and 13<sup>th</sup> centuries and clearly demanding the surrender of one-fifth of the booty to the monarchy, was losing force while adapting itself to the Mediterranean situation. As the monarch required private naval cooperation to deal with the many open fronts in the western Mediterranean, the expectations of income from privateering were lowered. On occasion the corsair was even exempt from paying any tax.

The documents show that such percentage was applied on net benefits, after deducting the expenses incurred by the supply of provisions for the boat and the salaries of the crew, as well as any other disbursement derived from the company. However, exemptions of general character were possible for all of these. These exemptions were determined by privileges granted by various monarchs to concrete populations. An example of this would be Tortosa, whose pirates enjoyed exemp-

tion from the *quinto* in 1378, and for the natives of Ibiza who in 1406 obtained an exemption from the *quinto* of the booty for a period of 2 years – thus matching the corsairs of Mallorca and Menorca (Ferrer, 2006, pp. 312-313).

A correlation between dates and percentages reveals a progressive decrease in the percentage reserved for the royal treasury. In fact through specific news, extracted from documents from the chancellery, it is clear that by the middle of the century the tax that the monarchy was trying to charge was still the Royal *quinto* – 1/5 of the profits. The Mallorcan data doesn't reflect at any moment the already extremely high percentage, furthermore at the beginning of the 15<sup>th</sup> century the recorded amounts were 1/30 or 1/40 of the total, figures which are indicative of the clear intentions of the authorities – at least the Mallorcan authorities – to encourage privateer activity.

## 5. Privateering as a defensive element against muslim piracy

The attitudes of the Mallorcan authorities, aimed explicitly at promoting the privateer armaments through a decrease in taxation, are related to the progressive increase of Muslim piracy evident from the last decades of the 14<sup>th</sup> century and which took the Balearics as the preferred area of the action (Díaz Borrás, 1993, p. 58-59). A known fragment of Ibn Jaldun indicates the beginning of that boom, led by the Hafsid navy in the decade of the 1360s (1969, p. 117) – a phenomenon which, on the other hand, has been documented by several historians such as Bress (1980, pp. 751-757).

Ibn Jaldún goes further and specifies the geographical privateering area on the Ifriqiya coast and considers Bugia as the main conciliatory focus of this boom. Catalan-Aragonese documentation confirms these appreciations and shows that from around 1370 the Hafsid pirate actions cannot be regarded as sporadic, without discrediting the Nasrid or Marinid raids. The difference is that the latter show a consistency throughout the 14<sup>th</sup> century, whereas Hafsid activity increased dramatically in the last decades of the century. Initially in a timid way, the Tunisian Corsairs were progressively increasing their areas of intervention and, from Mallorcan waters, would go into action on the coasts of Cataluña and Valencia.

The question that emerges from these findings is whether the Hafsid actions in that period were individual initiatives aimed only at achieving immediate benefits or, on the contrary, a policy of the State with some economic objectives but with destabilizing implications. We could find the answer in the same internal politics of the Hafsid Sultanate. The political conjuncture is diametrically opposite to the one that was developing at that time in the rest of Maghreb. While the Marinid sultanate was being subjected to a genuine policy of external interference – Nasrid and Castilian – and the kingdom of Tremecén was torn between the alternative Marinid and Hafsid protection, the latter witnessed, in the last quarter of the 14<sup>th</sup> century, a remarkable recovery and a restoration of the unity of the territory, up till then divided and controlled under Marinid protection.

1360 was the starting date of this recuperation. In that year Abu-l-Abbas, former Sultan of Constantine, peacefully regained his city and Marinid intervention in the Tunisian area ended. From Constantine, Abu-Abbas would initiate the task of reuniting the territory. This task materialized in the progressive occupation of Bona, Bugia, Tedelis and the capital Tunis and continued with the reconquest of Sahel, Susa, Mahdia, Djerba and Tripoli - a work consolidated by his son and successor, Abu Faris, by removing the local dynasties of Tripoli, Gafsa, Tozeur and Biskra (Brunschwig, 1982, pp. 210-216).

The question facing us is why, at a particular time and a specific juncture, this recently restored power started a policy of encouraging privateer activities. M. Fontenay, referring to Berber piracy in the 17<sup>th</sup> century, points out that this had earlier roots that revealed an early peripheralization of the Western Muslim area. This peripheralization would be reflected later in the modern era by an increased intensity of the Berber Corsair phenomenon in relation to piracy exercised by other Mediterranean areas such as Malta, Sicily, Tuscany and Monaco - clear evidence of the inequality of development that existed between the north and the south. On the other hand, in a general way privateering would be a response to specific difficulties, since that ensured the inflow of cash and animated the economic life thanks to the market of arms and seizures. Moreover, Fontenay has the impression that privateering, far from being harmful to the European economy, was an element of enrichment, a sort of accelerator of the movement of goods and, for the same reason, a means of responding to the depressive tendencies of the market in the 17<sup>th</sup> century (1986, pp. 116-121).

From this perspective, if we go back to the 14<sup>th</sup> century we can see that the Muslim corsair boom took place at the time of the reunification of the Hafsid state under the direction of Abu-l-Abbas - reunification that could not be carried out without an important source of cash that would help to defray all the expenses inherent to such an action of this nature. The economic structure of the North African sultanates conditioned that the greater part of government revenue came from direct and indirect taxes on trade with European powers, not so much from the activities of the country itself whether agricultural, pastoral or handicraft. The benefits from the pirate activities promoted by the sovereign implied a substantial injection of cash garnered from the direct sale of the booty or from taxes on the sale of the seizures. These earnings helped to defray the expenses incurred by the recruitment of mercenaries and equipment etc. in the successive military campaigns promoted by Abu-l-Abbas aimed at the reunification the country. Therefore the first goal of this piratic boom, rather than a destabilizing one, would be as a provider of monetary funds at a time when some extraordinarily high expenses were exceeded the flow of income.

In this sense Brunschwig (1982) points out the apparent constant attempts of the Hafsid sovereign to prohibit piracy and only promote privateering against potent vessels not protected by a peace treaty. This signified a clear attempt for control of power. Ultimately piracy always involved a considerable dose of autonomy; corsairs, on the other hand, were controllable and could be manipulated. Taxation therefore, whether

Christian or Muslim, was inherent in the pirate activity and its degree of permissiveness would be in close relationship to some provisional needs of the State.

Regardless of the causes, what is clear is the relationship between the progressive increase of the Muslim presence in the waters of the Crown of Aragon, especially on the islands, and the progressive decrease in rates of tax on apprehensions required by the Mallorcan corsairs.

The difficulties in proceeding with an effective defence subsidized by royal representatives would encourage the provision of services for Corsair enterprises as a substitute defensive system. That would also explain the absence of fiscal revenues in Mallorca in specific years, as has been revealed earlier. It also seems to confirm that the lowering of costs of maritime defence was the main purpose of the legalization and promotion of Corsair activities by the public authorities - a goal that was already being observed due to the serious armed conflicts in the middle of the 1300s with Genoa and Castile.

Did this decline continue through the 15<sup>th</sup> century? It's not possible to answer this question yet. It will be necessary to wait for the possible responses that Mallorcan archives might provide in the future.

## 6. Some provisional conclusions

The 13<sup>th</sup> century was an essential period in the shaping of the regulations that governed privateer activities in the crown of Aragon. Once the legislative body was established it would take somewhat longer for the practice to be implemented. In Mallorca, the case chosen as example, privateering was established as a complimentary industry of the commerce probably just shortly after the Christian conquest of the island. The creation of an 'independent' Kingdom from 1276 no doubt offered a framework for particular development to the corsair enterprises. That year followed the death of Jaime I when the archipelago was left to his second son, Jaime II of Mallorca in accordance with the will. The fiscal reforms undertaken by the monarch at the beginning of the 14<sup>th</sup> century that intended to increase the royal income don't seem to have been reflected in the Corsair tax. It is true that it is a period that we still do not know much about, but instead asks us to wait for the second half of the century when the islands were reincorporated under the Crown of Aragon before a true and effective control of the corsairs was imposed.

That is a control of the legality of the activities and not so much a fiscal control. Obtaining a licence and the provision of guarantees would be essential in order to be able to practise as a Corsair, but there were never any definitive reasons to exclude the existence of transgressions. Undoubtedly they existed. The barrier between privateering and piracy is, in far too many cases, very fragile and the lust for profit made corsairs frequently forget the provisions laid down in the permits and they would find themselves acting as real pirates. The authorities tried to control these infringements, always with the goal of defending diplomacy and the interests of the merchants - the main 'receivers' of the repressive measures of the sultans (Ferrer, 2005, pp. 119-126). It was an attempt to eradicate un-



controlled piracy, not the legal corsair. The interest of the monarchy changes according to the conjunctures: strictly economic, through taxes, in times of 'peace' and as a defensive substitute or complementary method in times of open military conflicts or increased Muslim raids. In the latter case, the defensive function of privateering starts to play an important role from the outbreak of one of the numerous wars of the 14<sup>th</sup> century – that between the crown of Aragon and Genoa in the 1350s – and was consolidated during the War of the Two Pedros. But it would be the increase in Hafsid piracy, in the last thirty years of the century, that would explain the enormous importance played by the Mallorcan corsairs to the essential defence of the island, and that would explain the waiving of part of the revenue from taxes by the monarchy.

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