

RESEARCH ARTICLE

Prisons and Incarceration in Fourteenth-Century Venetian Crete

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Abstract

Though the evolution of prisons and the prison system in medieval Europe is a well-developed field in the history of law, little attention has been paid to prisons and incarceration on the frontiers of Latin Christendom. The present study makes use of archival and literary sources in order to examine how prisons functioned in Venice's most important colony, the island of Crete. As there has been no previous study of prisons and incarceration in medieval Greece, the article's first aim is to establish some basic facts about the prisons of Crete, such as their locations, their organisation and their system of administration. More importantly however, the study investigates the role that incarceration played in the legal system of the Venetian colony and attempts to set this role within the context of the juridical developments of the Late Middle Ages. Of particular interest is the question of how closely the legal system of the Venetian colony followed the judicial practice of the metropolis and whether it was influenced by the pre-existing legal institutions of Byzantium. Finally, the study also examines how the jurisprudence of the colonial regime dealt with offenders of different ethnic background and legal status.

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The evolution of prisons and the prison system in Europe is a well-developed field in the study of the history of law. The High and Late Middle Ages marked an important turning point in this evolution. Punitive incarceration, which today is virtually synonymous with the concept of criminal justice, was all but non-existent in [Antiquity](#) and the early Middle Ages. Though all organized societies had their own version of the prison (private, public or ecclesiastical), by and large the purpose of those prisons was not to punish and correct criminals; rather, they functioned as a temporary place of confinement for the accused awaiting trial or for the condemned awaiting the execution of their sentence. Alternatively, they were a means of coercion, by which private individuals or the state might coerce debtors to pay their debts or adversaries to comply with their wishes.² The process by which the various legal systems of Europe came to employ punitive incarceration, initially alongside custodial and coercive incarceration, and eventually as the main penalty for breaking the law,

are well-researched and cannot be rehearsed here. Suffice it for now to state that three key factors that coincided, broadly speaking between the twelfth and the thirteenth century, played a major role in this process. The first of these factors was the influence of the Church: averse to the corporal punishments that were the norm in criminal cases, the Church was the one institution that employed punitive incarceration for the delinquents under its jurisdiction, namely the clergy. The developments in canon law in the twelfth century also influenced secular jurisprudence; and the institution of the Inquisition in the thirteenth century, which made wide use of punitive incarceration, led directly to the proliferation of prisons throughout western Europe.³ The second factor is the consolidation of power, either in the hands of the national monarchies, or, as was the case in Italy, those of the Communes, which was accompanied by the authorities' preoccupation with justice and keeping the peace.⁴ Closely related to that was the third factor, the rediscovery of Roman law and the subsequent developments in learned law, partly as a means of bolstering central authority. In Italy in particular, the result of this process was the codification of law in the form of the various Communes' statutes.⁵

An area where prisons and prison sentences have not been the focus of much attention is that of the fringes of Latin Christendom; the areas, that is, that came under Latin control, but did not form part of Western Europe. The Latin states of Greece are a particularly interesting area in which to examine the evolution of jurisprudence: here, the Latin Church was superimposed on a largely hostile population, secular authority, although sometimes very centralised (as was the case in Venetian Crete) was rarely unchallenged by rival claimants and the laws imported by the western conquerors came to supplant a much older and better-established legal tradition, that of Byzantium. Crete, and its capital Candia, which forms the focus of this study, presents the historian with an excellent, if unique, case study. As the centrepiece of Venice's colonial empire, Crete had extremely centralised power structures

and its metropolitan government in Venice was at the forefront of developments in jurisprudence. The Venetians' meticulous record-keeping, moreover, has preserved an abundance of sources relating to crime and punishment. What is more, references to prisons are almost ubiquitous in the surviving sources; this despite the fact that the Venetian statutes, codified in 1249 and expanded thereafter, rarely mention penalties of incarceration.⁶ Despite all this, there exists no dedicated study of the prison system of medieval Crete, though valuable information on the subject can be found in the work of Elisabeth Santschi, dealing primarily with criminal investigations on the island.⁷ More recently, Romina Tsakiri's doctoral thesis also cast an eye on the prisons of Candia, but with particular reference to the ~~e~~Early ~~m~~Modern period.⁸

Focusing mainly on the fourteenth century, the following pages will examine the role played by incarceration in the legal system of the Venetian colony and will attempt to set this role in the context of the juridical developments of the age. The study also aims to answer some basic questions about how the prisons of Candia functioned, with respect to organization and living conditions. Finally, bearing in mind that the majority of the native population was classed as unfree, the case of Crete also gives us the opportunity to examine how the jurisprudence of such a colonial regime dealt with offenders of different ethnic background and legal status.

We are fortunate enough to possess a variety of sources for this investigation, both in the form of official governmental documents and in the form of literary material. The official documentation derives both from Crete as well as from Venice. The colonial government of Crete, appointed by Venice for fixed terms of two years, was always closely supervised by the metropolis. As a result, many ordinances concerning important legal affairs of Crete emanated from the ~~d~~Doge and his councils in Venice. As far as the sources emanating from Crete are concerned, there exist three major series of documents (preserved at the *Archivio di*

Stato di Venezia) which are pertinent to this investigation: the records of civil and criminal cases examined by the courts of Candia and the records of the official proclamations (*bandi*), made by the town criers. All of these sources are fragmentary, but considerable material has survived for the fourteenth century.⁹ The information from this material is complemented by the literary works of Stephanos Sachlikes and Leonardus Dellaporta, the two Cretan poets who wrote their poems while incarcerated and painted a most vivid picture of life in the prisons of Candia.

The Venetian background

Venetian law was codified by order of Doge Jacopo Tiepolo (r. 1229–49), between 1242 and 1249.¹⁰ The product of this codification was the Venetian statutes. Thenceforth, the statutes were periodically updated. In a symbolic move, designed to excise Byzantine influence from the ‘constitution’ of the fledgling Venetian empire, the statutes made a point of not including Roman law in their sources.¹¹ Nevertheless, Roman influence is plain to see in the statutes; this is hardly surprising given Venice’s long history as a Byzantine province.

The bulk of the statutes deals predominantly with matters of civil law. Matters of criminal law are addressed mainly in the *Liber Promissionis Maleficii* (composed in 1232 and included in the statutes) and in Book 6 of the statutes, which consists of revisions made in later centuries.¹² Though imprisonment is mentioned on several occasions in the statutes, including some of the ones dealing with civil matters, it is very rarely encountered as a legal penalty in and of itself. Rather, it is envisioned predominantly as a means of coercion. Chapter 45 of Book 1, for example, stipulates that debtors who fail to pay their debts are to be held in the court ‘according to custom’, while the creditor is given access to their possessions.¹³ Likewise, those convicted of looting shipwrecks and failing to pay back what they stole, ought to have their houses demolished and be incarcerated, until they make

complete restitution to the injured party.¹⁴ Incarceration for violent crime is virtually unknown; instead, criminals are punished according to a system of tariffs ranging from simple fines to corporal punishments (including mutilation and blinding) and death. The singular exception occurs in the case of convicted rapists who are to be imprisoned for eight days, until they pay their victims a sum equal to their dowry. Failure to do this within eight days would result in the rapist's blinding.¹⁵ Again, therefore, incarceration is not the actual penalty for the crime, but a means of coercing the offender to make restitution.

Despite all this, it is evident that Venetian law allowed tacitly for incarceration to be used as a penalty. There are two indications of this, within the statutes themselves. The law considered a criminal case proven, only in the event where the accused was proven guilty by confession or by the testimony of witnesses. If these conditions obtained, then the judges were required to pronounce sentence according to the system of tariffs stipulated by the statutes. However, failure to prove the case by confession or witnesses did not necessarily mean that the accused was acquitted and released. If the judges remained convinced of his or her guilt, they were allowed to convict and pronounce a sentence according to their own conscience.¹⁶ This sentence would presumably be lighter than the full penalty stipulated by the law, and might therefore include incarceration. Similarly, the final chapter (29) of the *Liber Promissionis Maleficii* stipulates that, since only a finite number of crimes could be listed in the law code, the punishment for all other crimes was left at the discretion of the judges.¹⁷ That these 'loopholes' resulted in the imposition of penal incarceration becomes evident from a revision of the law on the discretion of judges, enacted in 1329. Here, it is stipulated that in cases of robbery and pillaging that remain unproven by witnesses or confession, the sentences imposed at the discretion of the judges should not include incarceration, but should be limited to corporal punishments.¹⁸

This cursory examination of the Venetian statutes shows that at the time of their codification in the thirteenth century, the laws of Venice did not envision incarceration as a punishment. Certain crimes resulted in the incarceration of the offender, but only as a means of enforcing the actual penalty, usually the payment of a fine. The prisons, of course, also served for the detention of those awaiting trial. By the fourteenth century, however, penal incarceration had become much more common, partly as a result of the discretion allowed to judges in sentencing criminals. This was sometimes seen as an abuse, or as undue mitigation of the correct penalties, and legislation was therefore enacted to counteract the process.

The judges certainly continued to pass sentences of incarceration, especially for lesser crimes, not covered in the statutes. A single famous example may illustrate the point here. In 1388, the son of Doge Antonio Venier (r. 1382–1400) was sentenced to two months' imprisonment and a fine, for writing scurrilous and abusive graffiti on the house of a Venetian noble.¹⁹ Out of respect for the laws, Antonio Venier did not grant his son pardon, but allowed him to go to prison. This personal experience may have resulted in a piece of legislation promulgated by the **Doge** in 1391, aiming at the reform of the prison system. The document is one of our most important sources for the organization and living conditions of medieval Venetian prisons.²⁰

Much has been written about both these topics, which cannot be discussed but in the broadest of terms here:²¹ having grown organically, rather than by design, the prisons of Venice did not come under the jurisdiction of a single governmental department, but pertained to several different councils and offices.²² As is well known, the main prisons were situated inside the **Palazzo Ducale** (namely, the Pozzi and the Piombi), but various smaller sites existed in the city's *sestieri*; these functioned mainly as jails, for the detention of minor offenders overnight or for the detention of those awaiting trial.²³ Living conditions varied widely for the inmates. This was a standard feature of many medieval prisons, because

prisoners were often required to pay for their own upkeep, though in Venice the state provided basic subsistence for all prisoners. This meant of course that wealthier inmates were allowed a higher standard of living, with better food and more respectable **living quarters**.²⁴ In Venice in particular, at least after Antonio Venier's reforms of 1391, the prison population was supposed to be segregated according to the severity and nature of its crimes, so that prisoners for debt would not share space with murderers and other hardened criminals.²⁵ Certain prisoners were also allowed to exit their cells and move about the prison corridors, while others were even permitted to leave the prison on parole and return to their cells at night.²⁶ Conditions were much harsher for others, who were held in isolation and, usually, chained. It follows, that more serious crimes entailed harsher confinement, but the social status of the prisoner continued to affect his or her living conditions. It is stipulated, for example, in the reform legislation, that lower-class debtors might be held together with the violent criminals, segregation measures notwithstanding.²⁷

The Byzantine background

Just as was the case in the West, Byzantine law did not provide for incarceration as a legal penalty. In fact, according to a glosser of Leo VI's **Basilika**, such penalties were forbidden.²⁸ In theory at least, prisons served strictly for the detention of those awaiting trial. Convicted criminals were subjected to a range of different penalties, which included fines, corporal punishment (including various types of mutilation and blinding) and death.²⁹ It is worth noting that, though incarceration was theoretically prohibited, the law did provide for the confinement of certain criminals in monasteries, either as tonsured members of the monastic community, or as simple detainees.³⁰ This penal cloistering also existed in the West (though in a less institutionalized form), but is not expressly attested in Venetian

legislation.³¹ On the contrary, the penalty of exile, a form of confinement very widely used in Roman and Byzantine law, was also extensively adopted by the Venetians.

Nonetheless it is certain that incarceration was also used as a penalty, though perhaps it was not a penalty that was regularly imposed by the courts. Bourdara has suggested that the penalty of incarceration was often applied to criminals found guilty of *lèse majesté*. The normal penalty for this crime was death, but on occasion this was commuted to imprisonment. She also points out that the only authority competent to judge such a crime was the **emperor** himself.³² It would appear therefore that penal imprisonment was at times imposed by the emperors as a commuted, lighter punishment for those who had in some way opposed his authority. The poet Michael Glykas, who was imprisoned during the reign of Manuel I Comnenus, wrote that he was held together with criminals condemned for treason, sedition, forgery of the royal signature, murder, blasphemy, and theft.³³ The first three of these crimes could easily fall into the category of *lèse majesté*. [However, the inclusion in the list](#) of murder, blasphemy, and theft, ~~however, into the list~~, shows that a similar process of mitigating penalties must have taken place for more mundane crimes as well.

Furthermore, it appears that at times prisons were also used for the detention of debtors. Though the laws did not expressly prescribe prison sentences for debt, [the Byzantine historian Pachymeres \(1242-c.1310\)](#) attests that the penalty was used against those burdened by public debt.³⁴ -This was obviously a coercive measure, similar to the ones employed by the Venetian Republic to force debtors to pay, but with two important differences: -these imprisonments do not seem to have been expressly sanctioned by the law as was the case in Venice; they seem rather to have been, once again, the prerogative of the emperor himself. Furthermore, **Pachymeres** states clearly that only public debtors were confined. In Venice, by contrast, the state imposed such penalties on private debtors as well as public ones.

Cecaumenus [\(c.1020/24-c.1078\)](#) also offers a similar testimony of imprisonment for public

debt in his *Strategikon*. He relates the story of a tax-collector who fell into debt and was subsequently sent to the poorhouse. It is evident though that this poorhouse was in actual fact a prison, where the tax-collector spent his days chained to the stocks inside a dark cell.³⁵

It is evident from the above, that incarceration for a variety of offences was employed in Byzantium, despite the absence of relevant legislation. Whether these penalties were imposed abusively, that is to say in contravention of the law, is unclear. It seems more likely that, by and large, these were mitigated penalties imposed for serious crimes, instead of death or mutilation and, perhaps, at the discretion of the emperor himself.

Prison sentences in Venetian Crete

As was the case in Venice herself, Roman (i.e. Byzantine) law was formally excluded from the jurisprudence of the Venetian colony of Crete. The sources of law for the colony have been preserved in the oath sworn by the island's judges, which list four such sources in ranked order.³⁶ First and foremost were the statutes of Venice. If a case was not covered by the statutes, then the judge ought to proceed judging *de simili ad simile*. Failing this, he should follow good custom, and if no custom existed he should judge the case according to his conscience.³⁷ To these sources, we should add two more that are often encountered in our material: the various ordinances emanating from Venice relating to the colonies, which were dispatched to the competent authorities in Crete; and the ordinances promulgated by the colonial authorities on the island, referred to sometimes as *ordines terre*.³⁸ These ordinances (especially those coming from Venice) could overrule any existing legislation. The jurisprudence of Venetian Crete, therefore, was based on the laws and governmental acts of Venice, the acts of the government in Candia, and established precedent. Despite, however, the heavy dependence on the laws of Venice, which very rarely prescribed prison sentences, incarceration seems to have been very regularly applied in Crete.

In the mid-fourteenth century, there existed four prisons in Crete.³⁹ Of these, our sources mention two by name, both situated in Candia: one is referred to as *carcer castelli* or *carcer forte castelli* or simply as *castellum* and the other as *carcer ponentis*. The prominence of these two prisons in our sources makes it clear that ~~these~~they were the island's main prisons. The third one must have been the women's prison founded in Candia after 1314 (discussed below). The last one remains unidentified. It may have also been in Candia, though there is some evidence to suggest it was situated in the town of Chanea.⁴⁰ That three, — or perhaps all four — of the island's prisons were located in the capital, is not surprising, for it is there that most trials were held. Evidence of this can be seen in the capitularies of captains and castellans of the island. These local officials, who had jurisdiction over territories outside of Candia, were allowed to try cases, but only those that warranted relatively modest pecuniary sentences of up to twenty-five hyperpera. Those accused of more serious crimes had to be transported under guard to Candia, where they would be tried and punished.⁴¹

The location of only one of the afore-mentioned prisons can be determined with any certainty: the *carcer castelli* was located in the fort known as *Castellum Communis*, or simply as *Castellum*, which the Venetians had built as part of the city's maritime fortifications in the thirteenth century. The fort, built for the defence of the port, was located at the tip of the western breakwater. It was destroyed in the fifteenth century and a new fortress was built on its site, called *Castello di Mare* or *Rocca a Mare*, which today is known by its Turkish name, *Koules*.⁴²

The second prison, the *carcer ponentis* may have been located within the city's western fortifications: w~~W~~e know from a proclamation of 18 September 1347 that a prison existed within the walls of the city.⁴³ This was clearly a different prison from the one called *castellum* so it is probable that it is a reference to the city's other main prison.

In order to examine how incarceration functioned in medieval Candia, one would do well to investigate who went to prison and ~~what~~ for [what reason](#). Broadly speaking, there are four categories of prisoners in our sources. The first, and most straightforward of these categories, comprised the people who were in prison awaiting trial. It is probable that they formed the most populous element of the prison population. Santschi has remarked that the criminal trials of Candia were relatively speedy affairs, never lasting longer than two years and often lasting a good deal less.⁴⁴ Nevertheless, two years is sufficient time for a significant number of detainees to accumulate in the prisons, especially considering the fact that all criminal cases of the island appear to have been tried in the capital. This segment of the prison population must have faced the harshest living conditions, given the fact that torture was routinely employed during criminal investigations.⁴⁵

The second category comprised debtors, who had been sentenced to imprisonment for failure to pay their debts. This was in perfect accordance with Venetian law, which stipulated the detention of defaulting debtors. It is worth noting that the Venetian statutes did not provide for a minimum amount under which the debtor would be exempt from incarceration. In theory, therefore, debtors could end up imprisoned even for very small debts. The same appears to have been the case in Crete. We hear, for example, of Theodorus Malaspina, who in 1348 escaped from prison, where he had been sentenced for a modest debt of seventeen hyperpera.⁴⁶ His case was surely not exceptional. This is indicated by some of the surviving wills of medieval Candia: as was the case elsewhere in Europe and especially in Venice, charity to prisoners came to be seen as a meritorious and pious deed. Accordingly, many testators bequeathed various sums to the prisoners, either towards their subsistence, or so that they may be released from prison. The sums pledged, however, towards the freeing of debtors are sometimes very modest. In 1325, for example, Petrus Mudacio left twenty-five hyperpera for the freeing of several incarcerated debtors.⁴⁷ More glaringly, in 1362, Nicolaus Ragusio

pledged the generous sum of one hundred hyperpera for the freeing of prisoners but stipulated that no more than five hyperpera should be put towards any single individual.⁴⁸ One may assume therefore, that debtors could end up in prison for debts that were, if not negligible, at least very modest.⁴⁹

This indiscriminate use of debt incarceration resulted in some serious problems for the colony of Crete: the economy of Venetian Crete (as indeed that of the metropolis) was a highly monetized one. Despite the semi-feudal terminology adopted by the Venetian authorities to describe the societal structures imposed on the colony, this was a society that depended, not just on agricultural production, but also on commerce and entrepreneurship. Consequently, it relied very heavily on credit, as is proven by the ubiquitous contracts for loans and investments that one encounters in the island's surviving notarial archive. Given the colony's inherent instability, one can imagine how easily a borrower or investor could suddenly face insolvency: frequent warfare with accompanying levies, incessant local rebellions, as well as the plague of 1348, might all have made Cretan debtors particularly vulnerable. Yet it would appear that the law was not in step with social developments resulting in the criminalization and incarceration of an increasing number of individuals who were not unwilling to pay but had simply become insolvent.

We may be sure that this became a significant issue, because it attracted the attention of the metropolitan authorities in Venice on several occasions: [In](#) 1384 and again in 1400 the government of Crete was ordered by the Venetian Senate to facilitate the payment of debts, for the benefit of impoverished debtors who were abandoning the island. In the second instance, it was said that many debtors, fearing prison, not only fled Crete but found refuge aboard Turkish ships and served as guides in raids against Venetian lands.⁵⁰ The matter had preoccupied the local authorities as early as 1347: from that time onwards, the government repeatedly proclaimed that debtors who had fled the island on account of debt convictions

could return freely and would be given the opportunity to set up payment plans with their creditors under favourable terms.⁵¹ None of these efforts appears to have solved the problem, and Venice had to intervene again, in 1411: on this occasion, once more, the Venetian Senate stated explicitly that many debtors who were unable to pay their debts were fleeing the island out of fear of imprisonment. Because this was detrimental to the colony, the duke of Candia was ordered to offer these people extensions on the payment of their debts.⁵²

All of the above presents us with clear evidence that incarceration for debt was becoming increasingly commonplace, though at times it was certainly counterproductive. The very concept of incarceration for debt might seem counterproductive, as imprisoned debtors, unable to exercise their professions, would find it even harder to raise the required money. Fortunately, two court cases from the late fourteenth century illustrate how the process could work. In 1389, Maria Rodena was imprisoned for a private debt of twenty hyperpera. Unable to pay, she petitioned the court and succeeded in making her own debtors liable to pay the debt.⁵³ In a similar, though much more expensive, case Philippus Piçamano had been imprisoned for a public debt of 3,000 hyperpera. He subsequently petitioned the court to seek part of the money from his own debtors. Despite the fact that the court acceded to his request, Philippus escaped from prison and went on the run. His wife then petitioned the court to recognize her as the creditor of her husband's debtors so that she might proceed to pay off the debt.⁵⁴ These two cases illustrate first of all how easily one could become insolvent. Both the debtors in question were unable to pay their debts, even though they themselves were clearly owed money which they had not been able to collect. Once imprisoned, however, they were able to pass on liability for their debt to their own debtors. Collection of these second debts would then presumably become the business of the courts, and the original debtors would be set free.⁵⁵ Of course in these two cases, the imprisoned debtors were fortunate, because even though they were insolvent, they were not destitute; they had assets, in the form

of debtors, which they were able to put towards the payment of the money they owed. Others would have been less fortunate and would have had to spend indefinite periods of time in prison with little hope of paying off their debts.

Another category of prisoners consisted of those who were imprisoned for failure to pay a fine. It is not clear whether any failure to pay a fine would result in imprisonment, but certain sentences did include this stipulation. In 1320, for instance, it was declared that any nobleman or person of authority who became involved in, and influenced, disputes among the clergy would be liable to pay a fine of 100 hyperpera, or go to prison for a year.⁵⁶ Similarly, any who drew arms within a church, would have to pay 200 hyperpera or spend two years in prison.⁵⁷ The more serious the offence, the higher the fine was and the longer the prison sentence that failure to pay would incur. In fact there seems to have existed a relatively common tariff: fines of 50 hyperpera incurred sentences of six months; one hundred hyperpera incurred sentences of a year; and two hundred hyperpera incurred sentences of two years.⁵⁸ This ‘tariff’, of course, was not universally applicable. In December 1338, for example, the government of Crete issued a prohibition against Christian women serving as wet nurses for Jewish infants. Among the penalties proclaimed for the Jewish employers was a 200–hyperpera fine, or a prison sentence of one year.⁵⁹ All of this was completely in step with contemporary juridical developments in Venice, where the relationship between fines and punitive incarceration had already been firmly established by the early fourteenth century. In fact, by 1303, a formal calculus had been devised in Venice, by which pecuniary sentences were converted to prison sentences. According to this calculus, failure to pay fines of twenty-five pounds incurred a sentence of six months in prison, fines between twenty-five and ~~50~~fifty pounds incurred prison sentences of nine months and fines between ~~50~~fifty and ~~100~~one hundred pounds incurred sentences of a year.⁶⁰ Although I am not aware of a similar calculus having been formally established in Crete, it is evident that this Venetian practice

was transplanted to the island almost verbatim, albeit with some modifications to the amounts and their resultant prison sentences.

There are certain similarities between this category of prisoners and the defaulting debtors mentioned above; most obviously that they were both imprisoned essentially over pecuniary matters. There is also, however, a very important difference: the prison sentences referred to here were not coercive in the same sense as those employed against defaulting debtors. They were certainly aimed at persuading offenders to pay their fines, but once the offender had defaulted, he or she were imprisoned not indefinitely, but for a set period of time. In other words, release was not necessarily dependant on payment of dues. Nonetheless, one may detect the same process at work here as in the category examined above; namely, the increased use of incarceration for offences that in the past may have not warranted a prison sentence.

More serious crimes could result in both a fine and a prison sentence. Thus, those who contravened the government's prohibition against smuggling serfs and slaves off the island in their boats, would be liable to both fines and incarceration. Moreover, in cases like this, the prison sentence would not officially start until after the offender had paid off the fine. Such was the case of Georgius Flascomagulo, who in 1341 was found guilty of transporting men to Palatia without permission. He was sentenced to a fine of one hundred hyperpera and three months in prison. By July, he had already spent four months in ~~prison~~confinement, but though his prison sentence had not officially started, because he had yet to pay his fine.⁶¹ Iohannes Argiro, in the early fifteenth century was even more unfortunate: he had been sentenced to three years in prison and a fine of 150 hyperpera. By 1403 he had already spent two years in prison but his sentence had not yet started because he was destitute and could not afford to pay the fine. Eventually, fearing that he would die in prison, the authorities

recognized the two years as time served, and allowed him to ~~get out of~~leave prison on parole and beg for money with which to pay the fine.⁶²

It is noteworthy that amongst those convicted to similar sentences, we encounter several individuals found guilty of low-level violence. The Venetian statutes stipulated that those guilty of simple assault were liable to pay two fines, one to the state and one to the victim; those attacking with a sword and causing bloodshed would pay no less than twenty-five pounds to the victim, while if they killed their victim, they would face capital punishment. Assaults that took place under any other conditions were left to the discretion of the judges.⁶³ In Candia the judges seem to have favoured prison sentences as a supplement to fines, for attacks that were not serious enough to warrant corporal punishment. Thus, for example, the Greek monk *Caçucana* was sentenced to three months in prison and a fine of 100 hyperpera in 1364, for striking G. Dimitarello and causing a fray in the piazza.⁶⁴ Likewise, Marcus Truno was sentenced to a 50-hyperpera fine and three months in prison for injuring Iohannes Sclavo.⁶⁵ A more puzzling case is that of Guilelmus Sanudo, who in 1346, was found guilty of assisting his brother in abducting a woman. His brother subsequently attempted to rape the woman, and in the struggle ended up killing her. For his role in the crime, Guilelmus was sentenced to a fine of 50 hyperpera and a year in the lower prison.⁶⁶ Though a year in the lower prison was certainly not an enviable prospect, the sentence seems relatively light in view of the ~~seriousness-gravity~~ of the crime. All three elements of this crime were treated as very serious by Venetian law: abduction on its own could warrant a prison sentence, while rapists could be blinded and murderers ought to be hanged. Guilelmus had only participated in the woman's abduction and had not been present at the murder, but Venetian law recognized joint culpability for accomplices in criminal acts, and thus one would expect a much harder penalty.⁶⁷ Be that as it may, ~~what it~~ is once again evident, ~~is~~ that,

when allowed discretion in the exercise of their duties, the judges of Candia supplemented the penalties stipulated in the Venetian statutes with sentences of incarceration.

Imprisonment was also used as a supplement to sentences of exile, which were very common, especially as punishment for some violent crimes.⁶⁸ In such cases, the offenders were either sentenced to a period in prison followed by exile, or simply threatened that if they broke the terms of their exile they would be thrown in prison, and ~~then~~ [subsequently](#) banished once more.⁶⁹

In addition to all these cases, many other crimes that are difficult to categorizse were occasionally punished by imprisonment. Those are, perhaps, the most interesting, because despite their diversity many of them are essentially offences against the state. Those range from trivial cases of perjury, to corruption of public officials and even cases of sedition.

Cases of corruption were dealt with severely, both in Venice and in Crete. In the mid-fifteenth century a number of high-ranking officials from Crete (including the duke and his councillors) were found guilty of corruption and maladministration of public money, and were punished with significant prison sentences in Venice, deprivation of all offices, exile and astronomical fines.⁷⁰ In Crete, a Greek priest who had forged a charter was sentenced to a year in prison, if he presented himself willingly, or a year in prison followed by perpetual exile if he tried to avoid his punishment.⁷¹ Even thus, he should count himself lucky, for another forger, the notary Michaletus Justiniani, who had been found guilty of falsifying documents, was paraded through the streets with the forged documents hanging from his neck, had his right hand cut off and his eyes plucked out, and then was banished from the island.⁷²

Venice was famously harsh with those who defied her authority, and few who openly rebelled could hope to escape with their lives. It is worth remembering that after the [uprising](#) [Revolt of Saint Titus \(1363–8\)](#), even the sons of the leading rebels, many of whom were

infants at the time, were punished with deprivation of political rights and property, as well as by exile.⁷³ Prison sentences were also employed against rebels, especially if they had not been amongst the leaders. Significantly, cases such as these were amongst the few which warranted perpetual imprisonment, a sentence abhorred by both Roman and communal law alike. The sons of Ioannes Kallergis, for example, who had acted under the command of their father during the [Saint Titus](#) rebellion, were sentenced to life imprisonment in Venice.⁷⁴ Similarly, the sons of Vardas Kallergis and one of the Siphopouloi, whose fathers had rebelled in 1333, were spending prison sentences in Candia but managed to escape in 1341.⁷⁵ Another Kallergis, Costas, had been sentenced to prison for ceding the castle of Kissamos to the rebels (probably during the [Saint Titus](#) revolt). In 1377 he appealed, claiming that he had had no choice but to surrender the castle, prompting a re-examination of his case in Venice.⁷⁶ Then there were those whose involvement with sedition was entirely peripheral, or perhaps simply suspected rather than proven. Thus, around the time of the [said](#) revolt ~~of St Titus~~, we encounter a spate of incarcerations for offenders who had uttered ‘verba inhonesta coram dominio’ or ‘verba contra bonum statum huius terre’.⁷⁷ These vague expressions refer to utterances made against the Republic or in support of the rebels, as is proven by a letter addressed by the *Comune* to Venice, in November 1364.⁷⁸ That these offences must have amounted to little more than off-hand remarks is shown by the case of Leonardus Dellaporta, who, prison sentence notwithstanding, went on to have a bright diplomatic career as a faithful subject of the Republic.⁷⁹ It is worth noting here, that the rebels had also resorted to incarcerating their political opponents during the brief period they held power in Candia. A number of notable loyalists thus found themselves imprisoned in 1363, including the rectors of Chanea and Rethymno, and even the bishop of Corone, who had come to the island as a mediator. One of the most fanatical of the rebels had even tried to set fire to the prisons in order to burn the loyalist prisoners inside.⁸⁰

Other crimes that threatened the colony's status quo, though less overtly, were also punishable by imprisonment. Venice had long feared, for example, the subversive influence of the Greek clergy, especially monks, and had sought to limit their influx into the island. In 1349 and again in 1350 the authorities decreed that any Greek monks that tried to enter Crete would be imprisoned for six months and subsequently deported.⁸¹ Another decree of 1349 shows one of the ways in which the Greek clergy subverted authority: it was said that many Greek monasteries harboured escaped slaves (presumably by taking them in as monks), believing that this pleases God. Any members of the Greek clergy found doing this would be incarcerated for six months.⁸² Prison was also threatened to those who endangered Venice's interests, for example, by exporting war materials to Muslim lands, or by exporting goods for which a state monopoly existed.⁸³ Finally, those liable for service in the fleet who failed to present themselves when called up were also threatened with incarceration.

This brief review of prison sentences is by no means exhaustive, and many more offences punishable by incarceration may be found in the surviving sources; but nevertheless, certain patterns begin to emerge. It is obvious, for instance, that prison sentences were meted out a lot more frequently than Venetian legislation expressly dictated. This, of course was also the case in Venice and most other parts of Europe as well. Paradoxically, it seems that prison sentences were employed both as intensifiers for relatively soft penalties and as mitigant alternatives for much harsher ones. We have seen for example that cases of assault were sometimes punished with both a fine and incarceration, rather than the simple fine prescribed by the Venetian statutes. Equally, those selling watered-down wine were threatened with a month's imprisonment, despite the fact that no such penalty was stipulated in the statutes for falsifying merchandise.⁸⁴ On the other hand, however, we also encounter an accessory to abduction, rape and murder being punished by imprisonment, and even outright rebels sentenced to prison rather than death, presumably in recognition of extenuating

circumstances.⁸⁵ These sentences all reflect the ‘gap between legal theory and legislation’ which Geltner has detected in Venice and other Italian cities, and which also became a feature of the Venetian colony’s jurisprudence.⁸⁶

All of this certainly resulted in some serious discrepancies between the penalties inflicted on offenders and the severity of their respective crimes. Leaving aside some life terms imposed on certain rebels, most prison sentences, even for serious crimes, did not exceed two years. Yet at the same time, defaulting debtors might be held indefinitely, until they could repay their debt. Furthermore, wealthy offenders were often able to buy off their prison sentence, even if the sentence had not been incurred because of a debt or a fine. One of the ways to do this was by petitioning for pardon in return for providing a man to do galley service, for a period equal to the prison sentence. In other words, wealthy prisoners were allowed to buy their freedom, by simply hiring a mercenary for the government’s fleet. In 1396, the Venetian Senate intervened and prohibited this practice, stating that it prevented the course of justice and offered no satisfaction to the criminals’ victims.⁸⁷ All these things are side-effects of the process that took place at this time: the expansion of the prison system’s remit to deal with a variety of different offences, apart from ~~the ones~~ those expressly mentioned in the statutes. Violent crime was still punished predominantly by corporal or capital punishment, but other types of crime, especially those that threatened, or infringed on the rights of, the *Comune* were increasingly punished by incarceration.

The judges’ freedom to exercise their discretion in sentencing played an important part in this process. As we have seen, this freedom was guaranteed (under conditions) both in the statutes and in the oaths that judges of Crete swore. In fact an event from the late fifteenth century illustrates explicitly the way in which judges contributed to the proliferation of prison sentences: in 1471 the Venetian Senate stated that the rectors of Chanea, Rethymnon, and Seteia, were in the habit of imposing short prison sentences in purely civil cases, thus making

the cases appear criminal and making it harder for the defendants to appeal.⁸⁸ It is worth noting that even when this was revealed, the Senate did not try to put an end to this practice, but merely stipulated that the defendants should be given the right to appeal even if they had been sentenced to imprisonment.

Having examined the crimes for which one might be imprisoned, it is worth considering what kind of people ended up in prison. Our evidence here is very fragmentary and not much can be stated with confidence, but certain broad conclusions can be drawn. Firstly, it is evident that people from all walks of life, all classes, all religious groups and both sexes were represented in Candia's prisons. It is true that the upper classes had more opportunities to avoid prison, thanks to their ability to pay fines, but nevertheless we know of numerous nobles who were held in prison, not least for their part in various rebellions. On the other side of the social spectrum, we also know of members of the unfree classes being imprisoned. It is known, of course, that slaves and serfs accused of crimes were detained while awaiting trial, but there is evidence to suggest that masters had the right to imprison their slaves and serfs in state prisons without trial.⁸⁹ Thus, for example, two female slaves, named Maria and Rada, were said to be imprisoned in 1345 at the request of their masters.⁹⁰ Similarly, the serf Michael Quiriapulo, who escaped from prison in 1348, had also been detained at his master's request.⁹¹

It is also evident that in Candia members of all three major ethnic and religious groups (Greeks, Latins, and Jews) shared prison space ~~in the prisons of Candia~~. Given the preponderance of Greeks on the island, it is likely that the Greeks would have ~~also~~ outnumbered the other two groups in the prisons as well, but there is no shortage of either of the three in the sources. No segregation of ethnicities and creeds seems to have taken place, as on several occasions prisoners from all ~~these different~~three backgrounds were said to have escaped from prison together.⁹² It is worth pointing out that amongst the Greek prisoners it is

not uncommon to encounter priests and monks. This is because the Greek clergy of Crete (with the exception of 130 priests) came under the jurisdiction of the Venetian lay authorities, rather than that of the Latin archbishop. This state of affairs was blatantly uncanonical, but it was symptomatic of Venice's efforts to minimize external influence (including the Latin Church's influence) over her territories.⁹³ Furthermore, because the Latin archbishop of the island was normally a Venetian citizen and a faithful subject of the Republic, these challenges to his authority went uncontested. As a result, the Greek clergy of Crete, which should normally have been exempt of lay jurisdiction, was tried by secular courts and punished just like with the same measures as the laity. On the contrary, I have located no reference to Latin priests being imprisoned in the public prisons of Crete. That said, it is worth pointing out that even in Venice the jurisdiction of the patriarch of Grado and the bishop of Castello over their clergy was being gradually curbed, with the result that by the end of the fourteenth century, priests found guilty of serious offences were being imprisoned in the state's, rather than the episcopal, prison.⁹⁴

Finally, the Latin prison population of Candia also included non-Venetians, like such as the Genoese prisoner of war Andriolus de Travarria de Rapallo, who in 1350 escaped from the *Hospitale Novum* where he had been transferred in order to recover from illness.⁹⁵

It may be worth noting that many of the prisoners of medieval Candia would not have thought of themselves as criminals, nor would they be thought of as such by their contemporaries. The ease with which one might end up in prison, especially for debt, meant the stigma attached to such sentences was relatively insignificant. The case is amply illustrated by the example of Leonardus Dellaporta, who as we have seen achieved an admirable career in public office despite his incarceration in 1364, and to whom we shall return shortly. It is also demonstrated by the multitude of wills bequeathing money to prisoners, certain of which stipulate that the money should only benefit those who had been

imprisoned for debt. This shows awareness of the fact that the legal system was fairly indiscriminate in its application of penalties, and recognition that not all inmates were equally deserving of charity. All this is in perfect accordance with recent research concerning debt imprisonment in Italy, where it has been stated that financial activity carried with it the risk of prison and this was recognised and accepted as a fact of life.⁹⁶ Despite this, however, it has to be said that, as far as Crete is concerned, the prospect of imprisonment remained a terrifying one for debtors. -How else can one explain the fact that frequently debtors would abandon the island (presumably along with any hope for a decent and normal life) in order to avoid prison?

Organization of the prisons and living conditions

As we have seen, the prisons of Venice fell under the jurisdiction of various of the Republic's magistracies and offices, including, for example, the Council of Ten and the Council of Forty. The governmental system of Crete mimicked the structure of Venetian government, but in reality power was located in the hands of the duke and his two councillors, who were answerable directly to Venice. Below these positions there existed a multitude of public offices and magistracies, modelled on Venice's own, which were filled by the residents of Crete, either by election or by appointment. Certain offices were reserved for the noble feudatories of the island, while others were available to the *cittadini* and still others were available to the wider public.⁹⁷

Notices about the administration of the prisons, mainly appearing in the directives emanating from Venice, are extremely rare in our sources, but they illustrate some surprising departures from Venetian custom. Contrary to what was the case in Venetian prisons, where prisoners were not burdened with the cost of their own incarceration, it appears that prisoners in Crete had to shoulder at least part of this cost: in 1340 an embassy from the feudatories of

Chanea unsuccessfully petitioned the Venetian Senate to reduce the amount payable by each inmate to a single grosso.⁹⁸ The document does not state how much prisoners were currently paying, nor does it offer any explanation as to the nature of this fee. It seems likely, however, that this was a one-off payment that inmates had to make upon imprisonment in order to offset the cost of their incarceration, as was the case in many Italian prisons.⁹⁹

Another innovation was instituted in June 1363, exactly a month before the outbreak of the ~~rebellion~~ Revolt of Saint Titus. At that time, the Venetian Senate ordered the government of Crete to lease the four prisons of Crete to private individuals, following a bidding process.¹⁰⁰ The proceeds from the lease would go into the public coffers. Presumably, the successful bidder would hope to make a profit from the fees paid by prisoners upon arrest, and from whatever other sums he could extract from them.¹⁰¹ This attempted reform of prison administration was an unqualified disaster. In 1371 the Cretan government wrote to Venice informing the Senate that the private wardens were entirely unsuitable, and that because of their maladministration the prisons were in shambles, and murderers and debtors were breaking out on a daily basis. Moreover, that year's auctioning of the prisons had only earned the state the measly sum of 160 hyperpera.¹⁰² The Senate, therefore, allowed the Cretan government to appoint public officials to oversee the private wardens.

A few years later, the plan was scrapped altogether, the prisons reverted to public administration, and two posts known as *capitanei carcerum*, ~~i.e.~~ (public prison wardens) were created. A directive dating from 1392 instructs the government of Crete to advertise these two positions, one for the *carcer castelli* and one for the *carcer ponentis*. All candidates would have to register their interest with the chancery within eight days, at the end of which the committee which regulated the appointment of castellans and other officials would proceed to an election.¹⁰³ It is evident that these posts were among the lower public offices that were open to the general population of Candia.

The attempted – and ultimately unsuccessful – privatization of the prison system is of particular interest, for it represents a rare departure from customary Venetian practice, where by the prisons were run directly by the state, and prisoners were not required to pay for their upkeep. The reasons that led to this experiment are not at all hard to divine: already from 1326 there had been grumblings from on the part of the Venetians of Crete, concerning the heavy taxation they were subjected to;¹⁰⁴ exactly a month after the attempted prison reform, the Saint Titus rebellion broke out, following the imposition of a new levy on the local feudatories. The privatization of the prison system must, therefore, be seen as an attempt to cut public spending and, perhaps, alleviate financial pressure on the tax-payers of Candia. The reform was likely even more short-lived than the official documentation suggests. The upheaval of Saint Titus probably delayed the enactment of the new measures until the final years of the 1360s. By 1371 public officials were again overseeing the administration of the prisons, and by 1392 the prisons were once more operated directly by the state.

A second office relating to the prisons was the one referred to as *custos*, the prison guard. The appointment of prison guards must have followed a procedure similar to that of the wardens, but I have only located only one such appointment and that dating before the attempted reform: in 1314, a certain Iohannes de Larosa was appointed to the post, as a reward for his faithfulness to the Republic, and in recognition of a miracle operated by Saint Nicholas in favour of Iohannes's son!¹⁰⁵ This appointment must have been an atypical one, as it was decided in Venice. Normally, low-ranking public officials were appointed by the local councils. In later centuries it appears that only two such guards existed, one for each of the main prisons.¹⁰⁶ Though the number seems very low, it should not surprise us, given the fact that in the fourteenth century the prisons of Italy only employed between three and eight guards in the fourteenth century, even though prison populations sometimes rose to several

hundred inmates.¹⁰⁷ No other prison functionaries apart from the wardens and guards are mentioned in our sources. The small number of custodial staff may explain the frequency of prison break outs.

Escapes from prison were very common indeed, and reveal the inefficacy of the prison system. Even though incomplete, our sources attest to no fewer than seventeen breakouts in the years 1317 to 1352.¹⁰⁸ The situation deteriorated further after the unsuccessful privatization of the prison system in 1363. As we have seen, in 1371 the government asserted that prison escapes had become daily occurrences. Some of the breakouts were particularly eventful: in June 1328, for example, a perjurer convicted to six months in prison escaped after attacking and incapacitating the guard.¹⁰⁹ In July 1341 there was a prison break in which the sons of the rebels Vardas Kallergis, Costas Smerilio, and Siphopoulos all managed to escape.¹¹⁰ In October 1346 another rebel's son, Iohannes Melissinos, escaped along with seven other inmates.¹¹¹ In 1350, in the most clichéd of escapes, a Genoese prisoner of war absconded from the hospital to which he had been transferred as he was convalescing from illness.¹¹² In August 1345, less than two months after a previous prison break, fourteen inmates made ~~good~~ their escape from the *carcer castelli*.¹¹³ In June 1338, four men disappeared from prison along with their prison guard.¹¹⁴ Evidently assuming that the guard had been bribed, the authorities included him in the list of fugitives. The most peculiar of prison escapes occurred in October 1348. It was alleged that a woman who was living with the guard of the *carcer castelli* took his prison keys in the night and opened the gates letting everybody out.¹¹⁵ ~~Wanting to find out~~ Wishing to determine exactly what had happened, the government offered amnesty and a reward of ten hyperpera to Theodorus Malaspina (who had been imprisoned for debt), Michael Quiriacopulo (a serf imprisoned at the request of his master), and Dominicus (a soldier of the *Castro Bonifacii*) if they returned within five days to give testimony. This must have prompted the establishment

~~of to impose~~ new procedures for the safekeeping of the prison keys, for by 1392 the keys were no longer kept at the guards' houses overnight. Rather, the keys of the *Castellum* were taken to the residences of the councillors and those of the *carcer ponentis* were delivered to the ducal palace. At that time, however, the Venetian ~~S~~enate wrote to the Cretan government that all keys should be taken to the residence of the duke at night. The duke would then appoint a suitable person to take the keys and do the nightly rounds, before returning them in the morning.¹¹⁶

Even more problematic than the breakouts, were the escapes of prisoners during transportation to Candia. As has been mentioned, when local authorities captured wanted men in their jurisdiction, they were obliged to dispatch them to Candia to stand trial. Often, however, the detachments fell victim to raids by the prisoners' kinsfolk. Between 1321 and 1332, at least ten such raids, resulting in prisoner escapes, are attested.¹¹⁷ It is worth noting that in all but two of these cases the prisoners and the raiders were Greek, and often identified as serfs. The accounts of these raids paint a vivid picture of the lawlessness of the island's countryside, which stood in stark contrast to the well-regulated urban environment. They also complement our picture of Greek civil disobedience against the Venetian authorities, which is already well-evidenced by the enthusiastic participation of the rural population in the rebellions of the thirteenth and fourteenth centuries. Clearly, the disenfranchised lower strata of Greek society put little stock by the Republic's judicial system, and ~~thought little of not~~ averse to resorting to violence against the authorities.

~~While t~~The living conditions ~~with~~in the prisons were certainly unpleasant for all, ~~they~~ but must have varied widely. Unfortunately, several factors hinder our understanding of daily life within the prisons of Candia. Most importantly, the fact that the physical structures themselves have not survived makes it difficult to form any idea of the scale of the prisons and the size of the population they might have accommodated. Similarly, no account books or

other registers concerning the prisons have been preserved, though such books were certainly kept at the time.¹¹⁸ Despite these obvious shortcomings of our sources, we ought to assume that the prisons of Candia were considerably smaller than those of Venice and the other Italian cities. The different scale of the cities themselves is enough to convince us of this: whereas before the Black Death Venice had an urban population of between 80,000 and 120,000 (and about 160,000 if we take into account the entire lagoon area), Candia's population may not have been larger than 10,000 (though the population of the entire island of Crete was probably around 150,000).¹¹⁹ Although as we have seen criminals from the entire island were liable to be imprisoned in Candia, in practice the great majority of the prisons' population would ~~have been culled from~~ belong to the city itself rather than to the rest of the island. A number of considerations point to this conclusion: firstly, only a minority of cases from the countryside were tried in Candia, for the local officials were allowed to try the minor cases in their own domains; added to this was the fact that, as mentioned above, escaping justice was altogether easier in the rural areas, where the accused could count on the support of kinsfolk and the inaccessibility of the terrain. Finally and most importantly, a great proportion of those imprisoned had been incarcerated for 'urban' offences², such as corruption or debt. With all this in mind, we may guess that the prison population of Candia could perhaps be counted in the dozens, rather than in the hundreds, as was the case in the Italian city-states.

Those under investigation or awaiting trial suffered greatly because torture was regularly and legitimately applied (usually in the form of the *strappado*) in order to obtain confessions.¹²⁰ Women were, in theory at least, more humanely treated by Venetian law, as is evidenced by a number of statutes that stipulate slightly more compassionate sentences for female offenders.¹²¹ In practice, however, their questioning was occasionally horrific.¹²² In 1314 an order from Venice stated that the female prisoners of Crete were detained in the

castellum which was disreputable and unsuitable for women, and charged the duke with finding a new prison for them.¹²³ It is evident, therefore, that until 1314 female prisoners were detained in the same prison as the men. Their living conditions there must have been comparable to those of the men, with the added discomfort and dangers of being confined in close proximity to the male population. No information has survived concerning the new location of the women's prison, but it is assumed that this was the third of the four prisons attested in Crete by the mid-fourteenth century.

Conditions were also harsh for those prisoners who had been sentenced to incarceration in the 'lower' prison. The lower prison was a concept that existed in Italy and other parts of Europe as well, and which also had a classical antecedent.¹²⁴ The term obviously refers to a dungeon, though by this time the cells were not necessarily underground. In Venice, the more serious offenders were held in cells called *le camerete*, *la Chatolda*, and *la Grandoina*, situated on the ground floor of the Ducal Palace.¹²⁵ These cells were shared by numerous prisoners unless solitary confinement had been stipulated.¹²⁶ It is reasonable to assume that the same applied in Candia. Sentences to the lower prison are rare in the sources and are reserved for the worst of the offenders. This is surely an indication of how inhospitable this area of the prison was. Occasionally there are also sentences that stipulate that the prisoner ought to be chained while serving his sentence.¹²⁷ It is possible that these, too, were convictions to the lower prison. Only on a single occasion do we hear of a prisoner who succeeded in escaping from the lower prison.¹²⁸

For the rest of the inmates conditions were more humane. If the case of Venice is anything to go by, prisoners spent the nights in their cells but were allowed to walk around the corridors during the day. We are fortunate enough to possess an account of prison life in the form of a poem, written by the father of Cretan literature, Stephanos Sachlikes, whilst he was imprisoned around 1370. [Sachlikes belonged to a member of the noble classes.](#)¹²⁹ He

Sachlikes was of Greek extraction ~~but~~ though his family may have converted to Catholicism, and had owned fiefs and seats on the governmental councils. Sachlikes himself had served on the *Major Consilium* between 1356 and 1360. However he favoured a dissolute lifestyle and spent most of his fortune gambling and womanizing. Though the reason for his imprisonment is unknown, he blames it on a woman.

Among the scurrilous and humorous poems he wrote in prison, he composed a lament of his present condition, which has preserved much incidental information about the hardships of prison.¹³⁰ The physical space is described as a dark and filthy place which punishes the body just like purgatory punishes the soul. He complains about the stench, the absence of windows and the fleas and lice which he says are bigger than ants. His worst complaints, however, are reserved for the jailors, whose only concern, he claims, is the exaction of bribes from wealthy inmates, and whom he describes as crueller than the *cynocephali*. Upon first arriving at the prison, the inmates are treated harshly and are locked away for long periods; but this is only a ploy on the part of the jailors in order to scare the prisoners into offering bribes. The jailors follow the same tactics with regards to the inmate's family. When the family comes to visit, the jailors refuse to give them access, and pretend that the courts have ordered that the prisoner be detained in solitary confinement. Of course they soon allow visitations, once they have received their bribes. Every so often they would revert to their hostile behaviour, in order to remind the prisoner to continue the payments. It is clear from Sachlikes's account that he had his own private cell, in which he was locked at night. In the morning, the guard would arrive and unlock the door. Meals were served twice a day, seemingly inside the cell. Sachlikes's most bitter complaint is that his jailor joined him for all of his meals and, furthermore, ate most of his food. Not only that, but he also invited his friends (Germans and Lombards), who shared the meals, got drunk, and sang songs in their own language. This account of 'banquets' inside a private cell, with decent food as well

as wine, shows that, as a well-to-do inmate, Sachlikes was paying for extra privileges, thus also attracting the unwelcome attention of the prison guard and his friends.¹³¹ This would also explain the line ‘ὄσα μὲ φυλακίσασιν, ὄσα δηνάρια χάνω’, which suggests that prison was a continual drain on his resources.¹³² Despite Sachlikes’s many complaints about the physical discomforts of prison, it is clear that one of the most painful aspects of his incarceration was his loss of social status. In particular, he disdains the fact that his social inferiors (i.e., the guard and his companions) had authority over him and treated him condescendingly.

Even allowing for poetic license, Sachlikes offers valuable information about the everyday life of the convicts: we learn that prisoners (or at least some of them) were locked in private cells at night; that they received two meals per day; that they were allowed visitors (provided the jailors did not block them); and that various outsiders were admitted into the prisons and even into the cells. We also get glimpses of the privileges that upper-class prisoners could enjoy (among which we must assume were the facilities and implements for writing) and of the cost – both material and psychological – at by which those privileges were purchased.¹³³ Despite Sachlikes’ protestations about the conditions of his detention, it is hard to escape the impression that he was among the most privileged of his coeval prisoners. Nevertheless, the incidental detail in his description of the jailor’s avarice rings true; particularly so, considering that his imprisonment would have coincided with the period of the prisons’ semi-privatization.

Sachlikes’s younger contemporary, Leonardus Dellaporta, also a notable poet, was imprisoned not once, but twice. As we have seen, his first stint in prison was the result of some incautious words during the rebellion Revolt of Saint Titus. Both his career and his reputation recovered from this setback, and he was later appointed *advocatus per omnes curias* in Candia as well as an ambassador in important diplomatic missions. In his old age he was imprisoned for a second time, and spent his sentence writing the poems for which he is

famous.¹³⁴ Unlike Sachlikes, he gives no information about life in prison, but what he says of his conviction exemplifies some of the points made above about prison sentences and their liberal application in conjunction with other penalties. His offence is not known, but it was the result of an amorous relationship with a woman. He states that he was falsely accused by her, and was dragged to court and unjustly condemned. He was sentenced to deprivation of public office, a fine to the state, child support for a child he did not believe to be his, and three months in prison.¹³⁵ Despite his bemoaning of the fact that the conviction humiliated and stigmatized him, after his release he achieved another position of relative prominence, as the lay prior of the hospital of [Saint Lazarus](#).¹³⁶

Conclusion

The evidence concerning incarceration and prison sentences in fourteenth-century Candia, shows a legal system in a state of transition. Incarceration is still employed widely in its traditional form, as a coercive penalty for defaulting debtors. At the same time, however, it is used extensively as a supplementary punishment for a variety of other offences for which the Venetian statutes do not prescribe imprisonment. This shift is amply illustrated by the ordinances of the Venetian government of Crete, which very often prescribed incarceration as the punishment for very specific offences. These ordinances are essentially *ad hoc* revisions of the Venetian laws, which would not always have been in tune with the realities of life in the colony. One tendency that is readily observable is the use of incarceration in particular for non-violent offences against the state or the public interest. Thus, imprisonment is used extensively in cases of corruption, perjury, forgery, infringement of trading laws, and all manner of other offences that threatened the colony's status quo and prosperity, ~~like~~ [such as](#) the harbouring of escaped slaves, or the introduction of Greek monks into the island.

In western jurisprudence generally, the expansion of the prison-sentence's remit coincides with the mitigation and eventually the extinction of some of the harsher penalties. It therefore marks a move towards the more humane treatment of convicts. This process is particularly evident in Italy, and especially Venice and Florence, where it was facilitated by the wide-ranging powers afforded to the judges.¹³⁷ The situation in Crete accords perfectly with the increased use of penal incarceration, often in conjunction with fines, in fourteenth-century Italy. The fact, however, that the system was still in transition resulted in some paradoxical and arguably unfair arrangements. Most obviously, it often predicated a longer sentence for defaulting debtors than actual wrongdoers. This, as we have seen, created serious disturbances in the life of the colony, forcing both the local and the metropolitan authorities to legislate in favour of insolvent debtors.

Moreover, the simultaneous use of fines and prison sentences was disproportionately burdensome to the lower classes. As we have seen, such sentences stipulated that the prison term would not officially begin until the offender had first paid the concomitant fine. This meant that those who could not afford the fine served much longer prison sentences than the wealthier convicts. Of course, the preferential treatment of the upper classes was by no means a novelty, ~~and indeed it was in fact~~ sanctioned by law. We have seen for example that certain offences incurred sentences that were graded according to the offender's social class and legal status. Though in theory all these punishments reflected the severity of the crime, in practice they were far lighter for the nobility than they were for the lower classes.¹³⁸ In addition to these 'legitimate' discrepancies in sentencing, various abuses also favoured the upper classes at the expense of the lower ones. The clearest example of this is the practice of allowing wealthy convicts to buy their freedom by hiring mercenaries to serve in the fleet for the duration of their sentence. Even by the standards of the day this was seen as unjust, and the practice was terminated by order of the Venetian Senate.

All ethnic groups were represented in the prisons of Candia, so it is clear that ethnicity in itself was not a factor in the imposition of prison sentences. However, the unequal treatment of the different social classes would have meant that the Greek population, much of which was servile or semi-free, was more vulnerable not just to incarceration, but to harsher penalties in general. There is evidence, for example, to suggest that slaves and serfs could be imprisoned in state prisons merely at the request of their owners, without a trial. Whether this resulted in a higher percentage of Greeks among the prison population cannot be ascertained. Even if that was-were indeed the case, it would have been only natural, given that the Greeks vastly outnumbered the Latins on the island. The one instance in which the Greeks are much more conspicuous than the Latins with regards to imprisonment, is in the raids carried out against government officials transporting prisoners to Candia. It is worth noting that most of the prisoners in question were both lower class (usually serfs) and accused of serious crimes (i.e., murder or robbery). Moreover, they would have been tried in an area far from their own homes, where they would essentially be strangers. Consequently, they would have been facing penalties much harsher than imprisonment, and would have had very little hope of acquittal. Under these-such conditions it is not difficult to see why their families would have opted for such extreme measures. These events must be seen as acts of civil disobedience by the most disenfranchised segment of the population, and moreover the one-segment treated most harshly by the legal system.

This legal system emerges as entirely consistent with Western developments in jurisprudence. Though it cannot be denied that Byzantine traditions survived on the island of Crete, especially with regards to laws on land and agriculture, as far as the penal code was concerned, the one major influence was the judicial practice of Venice.¹³⁹ Of course, similarities with Byzantium's penal codes are not at all hard to find (notably in the incarceration of debtors), but these have to be ascribed to the common origins of Byzantine

and Venetian law, rather than to any survival of Byzantine juridical practice on the island of Crete. In fact, the evidence concerning incarceration in Crete demonstrates not only the primacy of the Venetian statutes in the legal affairs of Crete, but also the continuity of current practice from the courts of Venice to those of Crete. For although the statutes reflect the Venetian legal theory of the early thirteenth century, with its still-limited use of penal incarceration, the evidence from fourteenth-century Crete reflects perfectly the legal practice of Venice in the fourteenth century. [Going back](#)[To return](#) to the issue of the sources of law for the colony, and the thorny matter of ‘custom’ and ‘precedent’, we may be certain that, as far as penal affairs were concerned, the only custom and precedent that mattered was that of Venice and not that of the Byzantine past. Moreover, the biennial appointment of high officials from Venice ensured that the latest Venetian precedents were taken into account in the court cases of Crete, with little or no lag between the juridical developments of the colony and [those](#) of the metropolis.

It was remarked at the beginning of this essay that a different set of circumstances obtained in medieval Greece than those that had led to the evolution of the prison system in [w](#)Western Europe, with regards to legal tradition and political and religious authority. Given this fact, one may perhaps be surprised to find such close correspondence between the juridical developments of Venice and her colony, despite the local peculiarities of Crete. Yet, ironically, it may have been just these peculiarities that led to the strict adherence to the Venetian model: the insecurity of the Venetian regime in Crete, the high proportion of Greeks among the population, the lawlessness of the countryside and the frequent rebellions (on one occasion even by the Venetian colonists) all led to an almost paranoid preoccupation with the maintenance of the rule of law and the upholding of the status quo. Under these conditions the Venetians were ill-inclined to experiment with matters pertaining to law and order,

though they were much more flexible in other areas (notably the administration of land, where they adopted and adapted both [Western](#), non-Venetian, and Greek models).¹

All of this resulted in an unusual occurrence: the Latin states of medieval Greece, affected by instability, warfare and competing influences, tended to preserve fossilized institutions or, at best, to give rise to *sui generis* hybrid ones. Here, by contrast, we have a rare example of a Latin state of Greece joining its colonial metropolis at the forefront of the advances made in [Western](#) jurisprudence and penal law.

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² There exists an extensive bibliography on the prisons of medieval Europe. The best monograph on the subject is Geltner, *The Medieval Prison*. See also, Dunbabin, *Captivity and Imprisonment*; Peters, 'Prison before the Prison', 3–47; Castane, *Histoire des galères*, 13–45; Claustre, 'La dette, la haine et la force', 797–821; Geltner, 'Coping in Medieval Prisons', 151–72.

³ The aforementioned general studies make reference to the inquisitorial prisons and their role in the evolution of incarceration. See also Hamilton, *The Medieval Inquisition*, 52–54; and Lea, *A History of the Inquisition of the Middle Ages*, 1:484–95.

⁴ Dunbabin, *Captivity and Imprisonment*, 171–72.

⁵ Peters, 'Prison before the Prison', 32–45.

⁶ *Volumen statutorum*.

⁷ Santschi, *Régestes des arrêts civils*; Santschi, 'Procès criminels'; Santschi, 'Affaires pénales'; Santschi, 'Médecine et justice'.

⁸ Tsakiri, [“Ποινές και κοινωνία”](#).

⁹ Some of this material has been published. See in particular Santschi, *Régestes des arrêts civils*; Santschi, 'Procès criminels'; Santschi, 'Affaires pénales'; Santschi, 'Médecine et justice'; Ratti Vidulich, *Duca di Candia, Bandi*. Much of the research for the present article is based on the unpublished section of the *Bandi*, for the years 1330–1352 which are preserved at the Archivio di Stato di Venezia, Duca di Candia, Bandi e Proclami 14.

¹⁰ Cozzi, *Stato, società e giustizia*, 21.

¹¹ Cozzi, *Stato, società e giustizia*, 22–23. See also, Maltezo, 'Byzantine “Consuetudines”', 271.

¹² *Volumen statutorum*, 125–38.

¹³ *Volumen statutorum*, 21–22.

¹⁴ *Volumen statutorum*, 129–30.

¹ See for example Maltezo, 'Byzantine “Consuetudines”'.

¹⁵ *Volumen statutorum*, 137. It is worth noting that the stipulation about the amount payable to the victim means that the punishment was not directly related to the severity of the attack, but to the status of the victim. The dowry of a noble woman would be much higher than that of a low-born one.

¹⁶ *Volumen statutorum*, 133.

¹⁷ *Volumen statutorum*, 138.

¹⁸ *Volumen statutorum*, 127.

¹⁹ Bacchetti, ‘La gestione del sistema carcerario’, 306.

²⁰ The document is published as an appendix in Bacchetti, ‘La gestione del sistema carcerario’, 322–25.

²¹ For more in-depth discussions on these topics, see Geltner, *The Medieval Prison*, 12–17 and 57–81; Franzoi, *The Prisons*; Cozzi, *Stato, società e giustizia*, esp. 21–30; Bacchetti, ‘La Gestione del sistema carcerario’, 301–325; Cecchetti, ‘Delle leggi della Repubblica’, 95–131; Beltrani-Scalia, *Sul governo*, 211–348. Important information is also contained in the more general studies cited above.

²² Bacchetti, ‘La gestione del sistema carcerario’, 303–04.

²³ For the physical space of the Venetian prisons, see Beltrani-Scalia, *Sul governo*, 255–64, and Franzoi, *The Prisons*. For the smaller prisons of the city’s quarters, see Bacchetti, ‘La gestione del sistema carcerario’, 303, and Geltner, *The Medieval Prison*, 32.

²⁴ Dunbabin, *Captivity and Imprisonment*, 124 and Geltner, ‘No-Woman’s Land?’, (p. 8 of 16).

²⁵ Bacchetti, ‘La gestione del sistema carcerario’, 311 and Cecchetti, ‘Delle leggi’, 108.

²⁶ Bacchetti, ‘La gestione del sistema carcerario’, 312–13.

²⁷ Bacchetti, ‘La gestione del sistema carcerario’, 312. See also Geltner, ‘The Best Place in the World’, 274.

²⁸ Troianos, ‘Οι ποινές στο βυζαντινό δίκαιο’, 41.

²⁹ It is sometimes asserted that Roman law exerted greater influence on the civil laws of the Italian Communes than on their criminal codes. Accordingly, the harsh corporal sentences stipulated in the statutes were treated in the past as survivals of the Germanic legislation of the early Middle Ages. It is worth pointing out that some of the harshest such penalties are in fact entirely Roman in character, and appear in more or less identical form in Byzantine law.

³⁰ Troianos, ‘Οι ποινές στο βυζαντινό δίκαιο’, 42–45.

³¹ For an investigation of these penalties in the West, see Geltner, ‘*Detrusio*, Penal Cloistering’, 89–108 and Cassidy-Welch, ‘Incarceration and Liberation’, 23–42. In Venice, penal cloistering was used for the detention of female offenders, before the creation of women’s wards in the state prisons. See Geltner, *The Medieval Prison*, 23.

³² Bourdara, ‘Οι Βυζαντινές Φυλακές’, 324.

³³ Bourdara, ‘Οι Βυζαντινές Φυλακές’, 323.

³⁴ Troianos, ‘Οι ποινές στο βυζαντινό δίκαιο’, 41–42. Pachymeres states that, upon coming to the throne, Michael VIII opened up the prisons and released those imprisoned for public debt, in an effort to gain popularity. See Pachymeres, *Relations historiques*, 1:138–39: ‘... τοὺς δ’ ἐθεράπευεν, ἀνοιγνὺς φυλακὰς καὶ χρεῶν δημοσίων ἀπολύων τοὺς ὀφληκότας...’

³⁵ Cecaumenus, *Strategikon*, 140–45.

³⁶ Gerland, *Das Archiv*, 93 and 98.

³⁷ An added stipulation instructed the *judices prosopii* to judge the cases concerning dowries according to the customs (i.e., laws) of the Greeks. See Gerland, *Das Archiv*, 98.

³⁸ I am assuming here that the term *ordines terre*, which appears in our sources, refers to the ordinances of the colonial government. The term is vague, and has also been interpreted as a reference to the customary law of the island, i.e., Byzantine customs. Whatever the precise meaning of the term, it is certain that the ordinances of the Veneto-Cretan government had the power of law. On the matter of the *ordines terre*, see Maltezou, ‘Byzantine Consuetudines’, 272, Santschi, *Régestes des arrêts civils*, xxxii, and Cozzi, *Stato, società e giustizia*, 34.

³⁹ Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:109.

⁴⁰ An embassy to Venice from the town of Chanea in 1340 requested that certain changes be made regarding the financing of prisons. Though the document does not specify which prisons were concerned, it is reasonable to assume that the document in question refers to a prison in Chanea. This document is further discussed below. See Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:191.

⁴¹ Gerland, *Das Archiv*, 101 and 103. There is abundant evidence that these rules were observed. In fact, the transportation of prisoners to Candia was a very dangerous business: the sources are replete with instances in which the prisoners’ kinsfolk ambushed and often killed the armed escort, in order to free the prisoners. This topic shall be further discussed below.

⁴² For a description of this fortress and its history, see Tzompanaki, *Χάνδακας*, 135–41, and Georgopoulou, *Venice’s Mediterranean Colonies*, 51–52 and 92. The fact that the original structure was destroyed and a new one built over it means that much information about the organization of the prisons has been irretrievably lost. Most importantly, it is impossible to tell how extensive the prisons were and, consequently, how large a population they could accommodate.

⁴³ Archivio di Stato di Venezia, Duca di Candia, Bandi e Proclami, 14, fol. 210v.

⁴⁴ Santschi, ‘Procès criminels’, 83.

⁴⁵ Santschi, ‘Procès criminels’, 82–96, and ‘Affaires pénales’, 80. Torture was also used extensively in interrogations in Venice, provided that all six of the *Signori di Notte* gave their permission and at least two of them were present at the interrogation. See Dunbabin, *Captivity and Imprisonment*, 127.

⁴⁶ ASV, Duca di Candia, Bandi e Proclami, 14, fol. 215v.

⁴⁷ McKee, *Wills*, 1:30. Note that the document refers to *prisoners* in the plural, indicating that the twenty-five hyperpera were intended to secure the release of more than a single debtor.

⁴⁸ McKee, *Wills*, 1:345.

⁴⁹ Estimating the actual value of medieval currencies is notoriously hard, and it is even harder in the case of medieval Greece, where a variety of different moneys with fluctuating relative values were used. Roughly speaking, in the fourteenth century a Cretan hyperperon was worth half a Venetian ducat, though this value fluctuated significantly. The hyperperon’s value however was fixed at 12 Venetian grossi. The best introduction to the complex issue of Veneto-Cretan currency is Vincent, ‘Money and coinage in Venetian Crete’; see in particular pages 285–85; see also Spufford, *Handbook of Medieval Exchange*, 287, and Charalambos Gasparis, ‘Οι επαγγελματίες του Χάνδακα’, 87. In order to form an idea of what a debt of five hyperpera (≈sixty grossi) actually amounted to, we can compare it to the wages of various of Crete’s workers and the prices of various goods. In 1351, the daily wages of carpenters were four and a half grossi, of bricklayers three and a half grossi and of caulkers five grossi. A debt of sixty grossi, therefore would amount to around half a month’s wages of a skilled manual labourer. More sought-after manual workers could earn much higher wages. For example, blacksmiths who could shoe horses were offered annual wages of 150 hyperpera (≈1800 grossi) by the government. Non-manual workers earned even higher wages. The notary Dominicus Grimani, for example, was paid 10 hyperpera (≈120 grossi), for composing a single will in 1356. [See Tsougarakis, ‘The Documents of Dominicus Grimani’, 253.](#) Around the same time, a large gardening hoe was worth seven grossi and a pair of shears four grossi. For the workers’ wages and the prices of tools see Gasparis, ‘Οι επαγγελματίες του Χάνδακα’, 107 and 110. [See also ASV, Notai di Candia, b. 103, fol. 7v.](#)

⁵⁰ Theotokes, *Αποφάσεις*, 161–62 and Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:253–54.

⁵¹ ASV, Duca di Candia, Bandi e Proclami 14, fols. 203r and 210r. See also, Gasparis, *Η γη και οι αγρότες στη μεσαιωνική Κρήτη, 13ος-14ος αι.* 78–80.

⁵² Noiret, *Documents inédits*, 207–08. It is worth noting that this arrangement had an adverse effect on certain members of the island's Jewish community, who were involved in money-lending: in 1415, they sent an embassy to Venice, complaining that some of their debtors had been taking advantage of this arrangement to withhold their payments, under the pretence of paying in instalments, even though they could actually afford to pay off their debts. The Senate upheld the Jewish embassy's demand and instructed the Cretan authorities to compel those debtors to pay their debts. The order stipulated, however, that though the debtors' goods might be seized for the payment of the debts, the debtors themselves should not be detained, unless they tried to hide their movable property. See Noiret, *Documents inédits*, 239–42. For the Cretan Jewry's activities as moneylenders see Starr, 'Jewish life in Crete under the rule of Venice', 81–87.

⁵³ Santschi, *Régestes des arrêts civils*, 277–78.

⁵⁴ Santschi, *Régestes des arrêts civils*, 274.

⁵⁵ The process outlined here is consistent with Geltner's view that medieval prisons were established 'as a way to address cities' burgeoning commercial traffic and its increasing reliance on access to credit.' Be that as it may, it was clearly not recognised as such by Philippus Pizmano, who became a fugitive, despite the fact that his family's assets would eventually pay off his debt and secure his release. See Geltner, 'No-Woman's Land?', (p. 7 of 16).

⁵⁶ Vidulich, *Bandi*, 103.

⁵⁷ Vidulich, *Bandi*, 103.

⁵⁸ See for example, Vidulich, *Bandi*, 103; ASV, Duca di Candia, Bandi e Proclami 14, fols. 107v and 122r, where those littering the port were threatened with a 50-hyperpera fine or six months in prison.

⁵⁹ ASV, Duca di Candia, Bandi e Proclami 14, fol. 125v.

⁶⁰ Geltner, *The Medieval Prison*, 49–50.

⁶¹ ASV, Duca di Candia, Bandi e Proclami 14, fol. 167r. The town of Palatia (in Asia Minor, on the site of ancient Miletus) was a major trading post and one that was often used for slave trafficking. It is possible that, far from smuggling escaped slaves off the island, Georgius Flacomagulo was taking people to be sold as slaves in Palatia. For the town of Palatia, see Manoussakas, 'Η πρώτη εμπορική παρούκία', 231–240.

⁶² Thiriet, *Duca di Candia*, 111.

⁶³ *Volumen statutorum*, 132

⁶⁴ Santschi, *Régestes des arrêts civils*, 107.

⁶⁵ Santschi, *Régestes des arrêts civils*, 143.

⁶⁶ ASV, Duca di Candia, Bandi e Proclami 14, fol. 195r. For a discussion of the lower prison see below.

⁶⁷ *Volumen statutorum*, 132. The statute relating to joint culpability for accessories relates to violence committed during theft or banditry, but the principle must have stood in other violent crimes as well.

⁶⁸ There is evidence to suggest that violent offenders and even murderers from the upper classes were often condemned to exile rather than the corporal and capital punishments stipulated by the statutes. See for example, Vidulich, *Bandi*, 195–96, where the brothers Peratius and Michaletus Gradonico are sentenced to exile, rather than death, for a premeditated attack on the house of one of the city's councillors, leading to a double homicide. The different treatment of people from different classes was well-established since classical antiquity. In the documents of Venetian Crete, this gradation of penalties according to social class is sometimes explicitly stated. For example, in 1327 it was declared that those who harboured two wanted murderers would be sentenced to a fine of 500 hyperpera if they were noble, loss of free status and a year in prison if they were freemen and loss of a foot if they were serfs. Vidulich, *Bandi*, 172.

⁶⁹ See for example, ASV, Duca di Candia, Bandi e Proclami 14, fol. 184v₂ and Santschi, *Régestes des arrêts civils*, 385.

⁷⁰ Noiret, *Documents inédits*, 146, 356–57, 363, 420–21₁ and 452.

⁷¹ Vidulich, *Bandi*, 155–56. See also the case of Agnes Exotrohi, who was sentenced to six months in prison for forging her dowry contract. Vidulich, *Bandi*, 46–47.

⁷² ASV, Duca di Candia, Bandi e Proclami 14, fol. 174v. For other instances of imprisonment for perjury and forgery, see, Vidulich, *Bandi*, 69 and 180; and ASV, Duca di Candia, Bandi e Proclami 14, fol. 166v.

⁷³ For a detailed and insightful account of the [uprising-Revolt](#) of [Saint](#) Titus, see McKee, ‘The Revolt of St Tito’, 173–204.

⁷⁴ Thomas, *Diplomatarium Veneto-Levantinum*, 423₁ and Xanthoudides, *Η Ενετοκρατία εν Κρήτη*, 107.

⁷⁵ ASV, Duca di Candia, Bandi e Proclami 14, fol. 156v. The sons of the rebels of 1333 had been arrested and imprisoned indefinitely following the rebels’ defeat, even though most of them were under age and had not participated in the rebellion. Two of their mothers had petitioned the authorities to release them in 1336, but their request was turned down. Eventually some (but not all) of the rebels’ sons were released from prison, in 1343, under the stipulation that they would emigrate from Crete, and some of them are [found-reported](#) residing in Venice in 1347. See Gasparis, ‘Η κρητική επανάσταση του 1333’, 91–93. -That not all of the rebels’ sons benefited from this measure can be seen in the fact that the son of Theodoros Melissinos escaped from the prison where he was still being held in 1346. It is unlikely that this show of leniency was extended also to those who had escaped in 1341. -ASV, Duca di Candia, Bandi e Proclami 14, fol. 200v.

⁷⁶ Thiriet, *Régestes des délibérations*, 1:146.

⁷⁷ Santschi, *Régestes des arrêts civils*, 101–93, 205 and 107, and Thomas, *Diplomatarium*, 417–49.

⁷⁸ Thomas, *Diplomatarium*, 419.

⁷⁹ See Manoussakas, *Λεονάρδου Ντελλαπόρτα ποιήματα*, 12–35.

⁸⁰ Laurentius de Monacis, *Chronicon*, 174, 180–81. See also, McKee, ‘The Revolt of St Tito’, 175 and 182.

⁸¹ ASV, Duca di Candia, Bandi e Proclami 14, fols. 97r and 221v. For Venice’s attempts to control the Greek clergy and to limit its numbers on the island see Tomadakis, ‘La politica religiosa’, 783–800, and Thiriet, ‘La situation religieuse’, 205–96.

⁸² ASV, Duca di Candia, Bandi e Proclami 14, fols. 223v–224r.

⁸³ See for example Vidulich, *Bandi*, 62–63₂ and ASV, Duca di Candia, Bandi e Proclami 14, fol. 75r.

⁸⁴ See ASV, Duca di Candia, Bandi e Proclami 14, fol. 231r₂ and *Volumen statutorum*, 135–36. It is worth pointing out, however, that fraudulent merchants were also being imprisoned in Venice, despite the absence of relevant legislation in the statutes. See Geltner, *The Medieval Prison*, 49.

⁸⁵ See for example, ASV, Duca di Candia, Bandi e Proclami 14, fol. 195r₂ and Thomas, *Diplomatarium*, 423.

⁸⁶ Geltner, *The Medieval Prison*, 50.

⁸⁷ Noiret, *Documents inédits*, 75–76.

⁸⁸ Noiret, *Documents inédits*, 519.

⁸⁹ For examples of unfree persons facing trial, see Santschi, ‘Affaires pénales’, 50–53 and 58–63.

⁹⁰ ASV, Duca di Candia, Bandi e Proclami 14, fol. 186v.

⁹¹ ASV, Duca di Candia, Bandi e Proclami 14, fol. 215v. It is worth noting that incarcerated serfs and slaves were fed and maintained at the expense of their masters, who apparently found this obligation too onerous: in

1325 the feudatories petitioned the authorities asking to be relieved of the obligation, but the authorities declined, except in cases where the serfs or slaves had property of their own that could be used for their upkeep.

⁹² See for example ASV, Duca di Candia, Bandi e Proclami 14, fols. 119r and 200v.

⁹³ For the status of the Greek clergy of Crete under the Venetians, see Thiriet, 'La situation religieuse', 201–12 and Tomadakis, 'La politica religiosa', 783–800.

⁹⁴ See Bacchetti, 'Clero e detenzione', 35–53.

⁹⁵ ASV, Duca di Candia, Bandi e Proclami 14, fol. 239r. Prisoners of war, especially Turks, were numerous in Crete. Turkish prisoners of war were usually enslaved, so they were not detained in the prisons. Christian prisoners of war on the other hand, and especially Latin ones, could not be enslaved and thus must have been kept in the prisons, but they are seldom mentioned in the sources.

⁹⁶ Geltner, 'No-Woman's Land?', (pp. 7–8 of 16).

⁹⁷ See Papadake, 'Αξιώματα', 99–136.

⁹⁸ Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:191: 'Capta super undecimo capitulo per quod petunt quod de qualibet persona carcerata non accipiatur nisi grossus unus. Capta fuit pars quod in hoc nulla nouitas fiat set obseruetur in hoc casu secundum quod extitit hactenus consuetum.'

⁹⁹ See Geltner, *The Medieval Prison*, 38–44.

¹⁰⁰ Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:109.

¹⁰¹ It seems that the one-off fee was the only formal payment that the inmates had to make, though as we shall see below, wealthy prisoners could end up paying a lot more.

¹⁰² Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:140–41.

¹⁰³ Noiret, *Documents inédits*, 50. See also Papadake, 'Αξιώματα', 114. For the composition of the committee regulating the appointment of such officials, see Theotokes, *Θεσπίσματα της Βενετικής Γερουσίας*, 2:244.

¹⁰⁴ Xanthoudides, *Η Ενετοκρατία εν Κρήτη*, 82–85.

¹⁰⁵ Theotokes, *Αποφάσεις*, 69.

¹⁰⁶ Papadake, 'Αξιώματα', 114.

¹⁰⁷ See Geltner, *The Medieval Prison*, 15, 17, 24, and 75.

¹⁰⁸ There were almost certainly more break-outs than the ones I have located in the sources. Even thus, the number is much higher than the prison breaks attested in Venice: between 1316 and 1393, only thirteen escapes are attested there. See Geltner, *The Medieval Prison*, 77.

¹⁰⁹ Vidulich, *Bandi*, 180.

¹¹⁰ ASV, Duca di Candia, Bandi e Proclami 14, fol. 156v.

¹¹¹ ASV, Duca di Candia, Bandi e Proclami 14, fol. 200v. Iohannes (or Çanachi) Melissinos was the son of Theodoros Melissinos, one of the leaders of the 1333 rebellion. Though, as we have seen, some of the rebels' sons were released from prison in 1343, Iohannes had remained in prison.

¹¹² ASV, Duca di Candia, Bandi e Proclami 14, fol. 239r.

¹¹³ ASV, Duca di Candia, Bandi e Proclami 14, fol. 187v.

¹¹⁴ ASV, Duca di Candia, Bandi e Proclami 14, fol. 119r.

¹¹⁵ ASV, Duca di Candia, Bandi e Proclami 14, fol. 215v.

¹¹⁶ Noiret, *Documents inédits*, 50.

¹¹⁷ See Vidulich, *Bandi*, 111 and 186 and ASV, Duca di Candia, Bandi e Proclami 14, fols. 59v, 61v, 66r, 78r, 176v, 202v, 214v, and 217r. A typical example is referred to in Gasparis, ‘Ανάμεσα στην προσέγγιση και την αφομοίωση. Μικρές ιστορίες Ελλήνων και Βενετών στη μεσαιωνική Κρήτη’, 43–45.

¹¹⁸ A document from 1403 confirms the existence of such records. See Thiriet, *Duca di Candia*, 45.

¹¹⁹ The estimations of Venice’s fourteenth-century population vary considerably. See Chapin Lane, *Venice, a Maritime Republic*, 18; Bellavitis and Romanelli, *Venezia*, 60, and Cox Russell, *Medieval Regions*, 62–65. For the population of Candia, see Thiriet, *La Romanie vénitienne*, 131 and 268.

¹²⁰ See for example Santschi, ‘Procès criminels’, 83.

¹²¹ *Volumen Statutorum*, 126, for example, stipulates that women convicted of theft would have noses, lips and ears cut off, rather than hands and eyes, which was the punishment for men. Though these penalties are gruesome, they represent a slight mitigation, as they are aimed at the disfigurement rather than the incapacitation of the convict. Some aspects of the different treatment of men and women by Venetian law are discussed in Hardgrave, ‘The Formation of Women’s Legal Identity’, 41–52.

¹²² See for example Santschi, ‘Procès criminels’, 91–96.

¹²³ Theotokes, *Αποφάσεις*, 67. On the living conditions of female medieval prisoners in Italy, see Geltner, ‘No-Woman’s Land?’, (pp. 9–13 of 16).

¹²⁴ See Peters, ‘Prison before the Prison’, 19, and Dunbabin, *Captivity and Imprisonment*, 20.

¹²⁵ Bacchetti, ‘La gestione del sistema carcerario’, 311–12.

¹²⁶ For an example of solitary confinement in the lower prison of Venice, which seems to have been the exception and not the rule, see Bacchetti, ‘La gestione del sistema carcerario’, 314.

¹²⁷ See for example Santschi, ‘Affaires pénales’, 101–02.

¹²⁸ ASV, Duca di Candia, Bandi e Proclami 14, fol. 210v.

¹²⁹ For a more detailed account of Sachlikes’s life, see Van Gemert, ‘Ο Στέφανος Σαχλίκης και η εποχή του’, 36–130, and Kaplanes, ‘Νέα λογοτεχνία, νέα ταυτότητα’, 491–512.

¹³⁰ The poem is published in Wagner, *Carmina Graeca Medii Aevi*, 79–93.

¹³¹ For details on this practice of *agevolatura*, see Geltner, *The Medieval Prison*, 20 and 38–44.

¹³² Wagner, *Carmina Graeca*, 92.

¹³³ Note in particular the lines: ‘λέγει «διὰ πέντε πέρπυρα, διὰ ἕξ, διὰ δέκα, / ἄς τοῦ τὰ δώσω κι ἄς τὰ φᾶ ταῖς ἡμερες ἐτούταις, / κι ἄς ἔχω τὸ ‘πεδέξιον μου’ ἔς τὴν φυλακὴν ὅπου ‘μαι, / παρὰ νὰ χάσω ὁ ταπεινὸς τὸ πρᾶγμα καὶ τὸν κόσμον»’. Wagner, *Carmina Graeca*, 89.

¹³⁴ For a biography of Dellaporta, see Manoussakas, *Λεονάρδου Ντελλαπόρτα ποιήματα*, 12–35.

¹³⁵ Based on this information, Manoussakas has concluded that Dellaporta may have broken some of the strict rules concerning the private life of public-office holders, *Λεονάρδου Ντελλαπόρτα ποιήματα*, 32–34.

¹³⁶ See Manoussakas and Van Gemert, ‘Ανέκδοτα έγγραφα’, 154–55.

¹³⁷ Peters, ‘Prison before the Prison’, 43.

¹³⁸ On the practice of mitigating penalties for the nobility, see Calisse, *A History of Italian Law*, 372.

¹³⁹ For the survivals of Byzantine legal traditions in Crete, see Maltezou, ‘Byzantine Consuetudines’.

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