

# The WAGER, Vol. 3(40) - Getting medieval, Spanish style

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Contrary to popular perception, the state regulation of gambling is not an exclusive product of Enlightenment-era classic liberalism. Some seven centuries before the first neon sign lit the Las Vegas Strip, Spanish dice throwers became subject to a set of royal mandates that severely curtailed their activities. The latter half of the thirteenth century bore witness to the sweeping reforms in laws concerning gambling, a change primarily promulgated by Alfonso el Sabio (1252-1284; (1). Redacted into a single treatise, the Ordenamiento de las tafurerias, the scope and purpose of Alfonso's legislation are not entirely dissimilar from those of contemporary gambling jurisprudence. Only royally sanctioned gaming houses were permitted; private enterprises were explicitly prohibited. The tools of the gambling trade were likewise tightly controlled, and the use of weighted or altered dice was punished severely. An arbitration procedure was instituted to adjudicate gambling table disputes, and physical violence resulted in a myriad of judicial penalties. Damaging the gaming tables was fined at the rate of one maravedi per blow dealt. This punitive paradigm was suspended, however, when the perpetrator's head was the implement of destruction. While the head-inflicted damage was still illegal, punishment was waived as it was thought that the perpetrator had probably suffered enough. Thirteenth century Spain was a multicultural land, with Muslims, Jews, and Christians living together. While non-Christian Spaniards were welcomed in the gaming houses, they enjoyed an inferior legal status and were subject to different penalties than their counterparts.

The particulars and peculiarities of medieval jurisprudence are intriguing and novel, but their study can also illuminate the present legal discourse on gambling. Alfonso's legislation was hardly aimed at eliminating gambling from his Spain. Rather, the Ordenamiento de las tafurerias has two primary concerns. The first ensures that all gaming activities be under the jurisdiction of the Crown, and that the latter receive a portion of any revenues generated. Secondly, gambling was regulated with the intent of preventing disturbances in the social order. Gambling may have been acceptable, but the sometimes-associated offenses of violence, fraud, and blasphemy were not. When the Draconian penalties (see below) are

extracted and the laws are examined through the contextual lens of history, the gaps that separate them from our own seem to narrow considerably. Below is a selection of points from the Ordenamiento.

► Punishment often varied according to the social and economic status of the offender. The fine for attending an illegal gaming house was ten *maravedis*, which was increased to 200 lashes should the party be unable to pay the fine. The fine was doubled for those convicted of managing illicit operations.

► Informants who provided information leading to the discovery of an illegal gaming house were granted immunity from prosecution and received one third of any fines collected.

► When judicial oaths were required, Christians, Jews, and Muslims were allowed to swear upon the respective holy scriptures of their faith.

► Occasional users of loaded dice were subject to double indemnity and associated court costs. Those unable to pay received thirty lashes for the first offence and fifty for the second. Recidivists were paraded through the streets and flogged while wearing their dice around their neck.

► Gamblers would occasionally crush, swallow, or chew on dice. No penalty was incurred in such cases.

► Persons engaging in physical aggression with fellow gamblers were fined two *marevedis*, split between the king and the victim. Those unable to pay were subject to *lex talionis*: the literal justice of an eye-for-an-eye and a tooth-for-a-tooth.

**Source:** Carpenter, D.E. (1988). Fickle fortune: Gambling in medieval Spain. *Studies in Philology*, 85(3), 267-278.

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190 High Street, Suite 6, Boston, MA 02110, U.S.