

Roma slavery. Documentary evidence from the 18th - 19th centuries

FIRST DOCUMENTARY EVIDENCE OF ROMA SLAVERY

The first documentary mention of the Roma in the state of slavery appears in Wallachia. In 1385, prince Dan I transferred by a deed of donation to the Tismana monastery the possessions that had previously belonged to the Vodița monastery, including 40 slave dwellings (sălașe) (families), which had previously been given by prince Vladislav I. In Moldavia, Roma slaves were mentioned on the 8th of July 1428, when prince Alexander the Good gave 31 dwellings to the Bistrița monastery.

In Transylvania, the first mentions of Roma slavery appear later. In 1712, when the nobleman Matei Ferencz from the commune of Bürcös sold a Roma called Balucz for 30 Gulden to Michael Brechmers. The following mention is in 1718, when Stoica Badul of the commune of Cislădie sold his own person and two sons for 20 Gulden to the councillor Michael Zekelins.

CATEGORIES OF SLAVES

Depending on their owner, Roma slaves in the Romanian Countries were divided into three categories: **slaves belonging to the crown, to the monasteries, and to the boyars.**

The category of the crown' slaves was the most numerous and was constantly increasing due to the fact that "all masterless Gypsies" fell into this category. (*Documente privitoare la istoria orașului Iași*, vol. V, ed. Ioan Caproșu, Iași, Editura Dosoftei, 2001, no. 673, p. 432.)

Many of the crown' slaves were given to the monasteries and the boyars. The crown' slaves were settled around the princely courts, where they worked, but most of them went and exercised their crafts in the country, paying in return a tax to the country's treasury.

The slaves belonging to a monastery came mostly from donations made by princes and boyars for annual prayers and commemorations (pomeniri), as an act of prestige or because they lacked manpower. Moreover, monasteries could also acquire slaves through purchases. As owners of slaves, the monasteries could exchange them, buy them, sell them or put them to work. The slaves belonging to a monastery, who lived within the monasteries and in the villages they

owned, were mainly craftsmen such as blacksmiths, carpenters, woodworkers, masons, cooks, agricultural labourers, etc.

The last category, that of the slaves belonging to a boyar, was generally made up of slaves received from the princes, but also through purchases, inheritances and dowries. The slaves of these courts were generally used as coachmen, cooks, animal caretakers, fiddlers, servants, etc., but also as labourers on their estates.

LEGAL CONDITION OF THE SLAVES

The slaves lacked legal personality and were completely dependent on their masters and could not be held liable in court for damages caused to a third party. Their masters became liable and thus paid large sums of money in damages to keep or save them from death, in some cases even waiving them in favour of the injured party or someone else who wished to redeem them from death.

At the same time, masters could dispose of their slaves as they pleased, put them to work, sell or exchange them for another asset, use them to pay a debt or leave them as an inheritance. Although their masters had no right of life and death over them, they could still be physically, emotionally or sexually abused at any time - often in the case of the female slaves owned by boyars.

In Transylvania, for a long time the Roma were not enslaved, they had their own organisation, legal protection and could move from place to place. Beginning with the 16th century they were obliged to pay a tax and perform public services, and from the 17th century they were no longer allowed to settle in certain centers and to exercise certain crafts. Their enslavement occurred in the period 1700-1785-in the form of selling their person to a private individual (therefore also by birth), but they could regain their freedom by paying the amount they received when they sold it. Slaves owed respect, diligence and service to their master. They could be sold, bequeathed or given as dowry.

DUTIES OF SLAVES

The obligations of slaves were fixed by customary law, being in labour or money. The slaves of the crown had obligations to the princely court (paying, in addition to the tax, other taxes such as: *desetine de stupi* - hive taxes, *gorştine de mascuri* - tax for the pasturage, *cai de olac* - fast horses used for the postal service, *mucarer* - a tax for the reconfirmation of the prince by

the Ottoman Empire), while the private slaves were only obliged to their masters, being exempted from obligations to the princely court. However, private slaves were also sometimes required to fulfil various obligations to the court. For example, the tax for "țigănărit" (Gypsy tax), collected in Moldavia between 1711-1714 as a tax for the "need of the country" and briefly reintroduced in 1725 - meaning two *galbeni* (golden coins) per slave (Biblioteca Academiei Române, Documente istorice, CLXXXI/68; 133).

THE RIGHTS OF SLAVES

The marriage of slaves was permitted by the Church, which sought to bring it within the Orthodox Church's canons on marriage. Because of their social status as dependent people, Roma slaves always had to obtain the consent of their masters for the marriage to be legal. It often happened that some of the slaves with different masters lived in concubinage or married, willingly or by abduction, without their masters' approval. As a consequence of this practice, a custom developed in both lands which involved, if the masters knew, either the purchase by one master of the other master's slave or a compensatory exchange of equal value. Otherwise, if they did not know and found out later, the marriage was annulled and their children were to be divided equally between the two masters.

In the 18th century, the custom of the land was modified by legislative documents. By the *Establishment of the Moldavian Country (Așezământul Țării Moldovei)*, the indissolubility of marriage was decreed regardless of the conditions under which it was made, and in the case of mixed marriages, each spouse kept their social condition prior to marriage and their children were to be free people. Subsequently, other legislation were passed which focused more on prohibiting the sharing of children and mixed marriages. The first such act was the *Anaforaua marilor boieri ai Moldovei* in 1766, followed by the *Pravilniceasca Condică* (Wallachia) and the *Sobornicescul Hrisov* in 1785 (Moldavia).

The slaves could own movable and immovable property. Movable property included in particular livestock (cattle, pigs and horses), and immovable property: houses, dwellings, stalls, vineyards. Some of them could travel across the country for obtaining raw materials needed for their craft, but also to sell their wares to other inhabitants, paying their masters a certain amount of money in return.

ORGANISATION OF THE SLAVES

The slaves were organized in family work units, called "gypsy dwellings" (*Documenta Romaniae Historica*, A (Moldova), 1, București, Editura Academiei Române, 1975, no. 75, p. 109). A slave dwelling could contain one or more families. Several dwellings together were under the direction of their own chiefs, called *juzi* and *vătafi*. Their main duties were legal, administrative and fiscal.

CATEGORIES OF SLAVES

The categories of slaves were established according to the work they performed. The best-known categories were those of the *spoon-makers*, *gold-washers*, *bear-baiters*, and *lăeși*.

The spoon-makers (*lingurari*) were woodworkers (mainly willow), making household objects from wood, such as spoons, bowls, spindles, charcoal, etc.

The gold-washers (*rudari* or *aurari*) were engaged in searching for and collecting gold from mountain rivers in the warm season. They had to pay a tax to the central authorities for this work and the gold they found had to be handed over to the tax authorities at the official price.

The bear-baiters (*ursari*) were engaged in the 'bear dance' often called 'tananaoa'. They travelled from village to village, especially during fairs, for the entertainment of the locals, who gave them money in exchange for the show.

The *lăeși* were a category of slaves made up of all kinds of craftsmen, such as blacksmiths, horseshoers, fiddlers, cooks, locksmiths, wheelers, tinmen, dyers, etc., in other words very good craftsmen.

THE FIRST SLAVE LEGISLATIONS

Slavery in the Romanian Countries was mainly a matter of customary law, and for a long time there were no written laws on the rights and obligations of slaves. Much later, the Byzantine laws were used as a basis for the provisions on slaves, in an attempt to bring the situation into line with the canons of Byzantine law.

In the middle of the 17th century, through the laws printed in Romanian language (*Pravila de la Govora* -1640 in Wallachia, and the two codes of laws: *Cartea românească de învățătură* 1646 in Moldavia and the *Îndreptarea legii* 1652 in Wallachia) where a mixture of Byzantine rules and Romanian customs is recorded, there are some mentions of slaves. Even after the

appearance of the codes of law, it can be seen in the documents concerning slaves that the custom of the land is still used. The laws adopted in the 18th century only regulated the marriage of slaves.

Numerous assimilation and dwelling measures were adopted for the Roma in 18th-century Transylvania by Empress Maria Theresa (1740-1780) and her son, Emperor Joseph II (1780-1790). Although the Empress's decrees did not apply to Transylvania, Joseph II extended them to this Principality. Two decrees adopted in 1782 and 1783 regulated the status of the Roma. Thus, it was forbidden to live in tents, to be nomads, owning horses for the purpose of selling them; specific clothing; the Romany language; leaving their homes, marrying among themselves, etc. Furthermore, the number of musicians had to be limited, children from 4 years of age upwards be assigned to neighboring dwellings in order to send them to school, and that all Roma become sedentary and have an agricultural occupation, on land to be provided by the landowners.

After the death of the Emperor Joseph II, the legislation and measures adopted concerning the Roma population were abandoned and thus the policy of assimilation and sedentariness had limited application. In areas where this policy was abandoned, some Roma returned to nomadic lifestyle, some children returned to their parents and many continued to intermarry.

THE 19TH CENTURY SLAVE LEGISLATION

At the beginning of the 19th century, a change in attitude towards Roma slaves can be noticed in the law codes. For example, in the *Caragea Law* (1818) of Wallachia, there is a special chapter for slaves, which contains provisions on their marriage as well as others stating that "the master has no power over the Gypsy's life" (*Legiuirea Caragea*, ed. Dem. D. Stoenescu, Craiova, 1905, p. 33). Additionally, in the civil code of Moldavia (*Calimach Code*, 1817), a progressive attitude towards slavery is observed, as it is considered "against the natural right of man", and "the slave is not considered as a thing (...) but (...) he is considered as a person", being subject to the laws of the country.

However, slavery is justified precisely by the fact that "it has been followed since ancient times" and in a different way from Roman slavery because the master had no right over the life and property of his slave except under special conditions (*Calimach Code*, critical edition Andrei Rădulescu et al., Bucharest, Editura Academiei Române, 1958, p. 73-75). Although this

phrasing gives the impression of a change, the institution of slavery continued to function as before, even up to the middle of the century.

ROMA SLAVERY AND THE ORGANIC REGULATIONS (*REGULAMENŢELE ORGANICE*)

The Organic Regulations (*Regulamentele Organice*) adopted in the two Romanian Principalities in 1831 (Wallachia) and 1832 (Moldavia) were the legislative acts of a constitutional nature, which established the organisation and functioning of many institutions, including slavery. Although they did not bring essential changes, as the institution of slavery remaining basically the same, they were concerned in particular with the tax system, the elimination of nomadism and the designation and organisation of institutions to deal with the state slaves.

The institutions designated, by the Organic Regulations, to deal with the state slaves were the *Vornicia Temnişelor* in Wallachia and the *Năzăria ţiganilor statului* în Moldova (*Analele Parlamentare ale României*, III/2, Bucureşti, 1893, p. 279-280), which had fiscal and administrative powers over them.

During this period, the slaves were even more exploited, being used for agricultural work, as daily workers on construction sites or in the manufactories established on the estates of the boyars. Moreover, many of the slaves continued their way of life and occupations as before the adoption of the new laws.