

The Legal Status Of Slavery In The Romanian Lands During 15th-19th Centuries

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Abstract:

This study examines the legal and social status of slavery in the Romanian principalities from the fourteenth to the nineteenth century within the broader Byzantine and Balkan legal traditions. Drawing on the Syntagma of Matthew Blastares, the Moldavian and Wallachian legal codes, and later codifications such as the Ipsilanti Code (1780), Caragea Code (1818), and Calimah Code (1817), it argues that slaves were conceived simultaneously as property and as persons protected by law. While the owner held extensive rights of use and transfer, the killing or sexual assault of a slave was treated as a capital crime. Legal sources also attest to limited patrimonial capacity, marriage rights, and possibilities of manumission through service, religious vows, or marriage to a free person. Comparative evidence from Byzantine, Serbian, and Bulgarian law highlights regional continuities and variations. By tracing the gradual legal transformation culminating in the abolition of slavery between 1843 and 1856, the study reveals the influence of inherited Byzantine norms.

Keywords: *slavery; Moldavia; Wallachia; legislation; Byzantine Empire*

Slavery is attested in Romanian documents dating back to the end of the 14th century, with the process of freeing slaves beginning in 1843 and ending in 1856. Initially, medieval Romanian documents refer to slaves alongside Roma, Tatars, and Bulgarians, but from the 17th century onwards, slaves in the Romanian lands of Wallachia and Moldavia were exclusively Roma, leading to an overlap between the ethnic term and the legal and social category.

The origin of slavery in the Romanian lands can be found in 14th-century Byzantine law, with Roma arriving north of the Danube during this period. South of the Danube, there are indications that at least some of the Roma were in a state of legal dependence on monasteries or private owners, being mentioned as being owned by monasteries on Mount Athos, in Serbia, and Bulgaria (Rochow: 1991). The preserved historical sources do not allow us to establish with certainty whether, upon their arrival in the Romanian lands north of the Danube, the Gypsies were free people who were later turned into slaves, or whether they were transferred with the status of dependency attested in the Byzantine space. In the following centuries, the custom was established in the Romanian lands, later codified in legal form, that Gypsies without masters existing on the territories of Wallachia and Moldavia were to be considered slaves of the sovereign.

Currently, the discussion regarding the slavery regime in the Romanian lands tends to consider the entire period of this legal and social regime as a unified whole, despite the long period of time between its first attestation at the end of the 14th century and its abolition in the mid-19th century, a historical period naturally subject to numerous changes. The current approach to issues related to slavery in the

Romanian lands tends to focus on issues related to the dehumanization of slaves. In this regard, issues such as the master's alleged right of life and death over his slaves, the legalization of the master's right to rape female slaves, the masters' right to separate slave families, and slaves' lack of ownership rights over their own property are highlighted (Petcuț: 2015 and Negoi: 2025). In order to elucidate the legal regime of slaves, we analyzed the legal provisions relating to slavery in old Romanian legislation, starting with the codes of laws from the Middle Ages and up to the legal provisions from the beginning of the 19th century. The old Romanian legal system was inspired by Byzantine law, using Byzantine legal sources until the mid-19th century, translated into Romanian in the mid-17th century and gradually adapted to local customs and practices (Peretz: 1915). There was some controversy surrounding the application of the old Romanian law codes, as there was a belief that they were not commonly used in judicial practice. However, an analysis of the documents issued by the sovereigns of Wallachia and Moldavia shows very clearly that Byzantine-inspired law codes were used in trials and that sentences were handed down on the basis of them (Cronț: 1960). There is also confirmation of the use and observance of Byzantine law codes in cases involving slaves (Constantin: 2009).

The gradual overlap between ethnic identity and legal status illustrates how institutional frameworks can transform social categories into collective identities. Sociological studies have shown that identity formation is frequently shaped by political and legal classifications that structure group belonging and social positioning (Otovescu & Cioacă, 2023).

1. Slavery in the Byzantine commonwealth

Slavery was a legal, economic, and social institution that persisted throughout the existence of the Byzantine Empire, inherited from the Roman world but continuously transformed over the course of nearly a millennium. Numerous legal codifications addressed slavery, including the Theodosian Code, the Justinianic Code, the Ecloga, the Novels of Leo, and the Syntagma of Matthew Blastares. While Byzantine slavery retained Roman foundations, significant reforms distinguished it from its predecessor: masters were forbidden to kill or sexually abuse their slaves, and the possibilities for manumission were expanded. Freedom could be obtained through marriage to the master, military service, or entrance into the clergy (Lensky: 2021).

In the late Byzantine period, slavery was regulated primarily through the Syntagma Canonum, a canon law compilation completed in 1335 by the monk Matthew Blastares of Thessalonica and through the Hexabiblos, compiled around 1344 by Judge Constantine Harmenopoulos. The Hexabiblos defined a slave as a person deprived of autonomy, entirely subject to the master's will; in this sense, slavery was equated with a form of civil death. Although masters retained discretion over punishment, they were explicitly prohibited from imposing capital penalties. Manumission could occur through testamentary disposition, clerical ordination with the master's consent, abandonment by the master during illness, military service, or marriage to a free person with the master's approval (Kopstein: 1966). Warfare constituted the principal source of slaves, with Byzantine chronicles documenting the frequent sale of war captives throughout the empire. Secondary sources included the hereditary transmission of slave status. In the final centuries of the empire, as its

military power waned, Constantinople assumed an intermediary role in the slave trade—linking the Black Sea, as a supplier of captives, with the Mediterranean, the primary market—through the activities of Venetian and Genoese merchants (Lensky: 2021).

Slavery existed in Bulgaria from the emergence of the state and was closely tied to warfare. Prisoners of war were enslaved, continuing practices already established among the Slavic populations south of the Danube prior to the arrival of the Bulgarian tribes (Hristov: 2015). The presence of slavery in ninth-century Bulgaria is confirmed by the "Responsa Nicolai ad consulta bulgarorum" (866), in which Pope Nicholas I addressed Tsar Boris on matters of faith. The Pope acknowledged that, although Christianity condemned the cruelty of slavery as incompatible with divine charity, the Church lacked authority to abolish it. Instead, the institution was treated as a vestige of the pre-Christian order that persisted into the new faith (Markova: 2020). The legal framework of medieval Bulgaria operated within the Byzantine Commonwealth, largely reproducing imperial legislation in Slavic translation. The "Law for Judging People" (860–880) is derived almost entirely from the "Ecloga" of Emperor Leo III (726), itself a revision of Justinianic law. This code prohibited sexual relations with enslaved women, established the manumission of -war captives after repayment or labor equivalent to ransom, required masters to compensate for damages caused by their slaves, and forbade the enslavement of free persons (Petkov: 2008). Although written sources from medieval Bulgaria are scarce, documentary evidence confirms the existence of a slave trade. A 1350 record from Nessebar notes the sale of a Tatar slave named Moalba by Jacob of Nessebar to Giacomo Vasalo of Crete, illustrating Bulgaria's integration into the Venetian and Genoese slave networks operating between the Black Sea and the Mediterranean. Similarly, a 1378 charter of Tsar John Shishman granted to the Monastery of St. John of Rila mentions "Agupov kleti" ("Egyptians' huts"), indicating monastic ownership of Roma slaves.

In Serbia, slavery was an entrenched social and legal category, codified in the Nomocanon of St. Sava (1219), the earliest Serbian law code (Bozovic: 2018). Drawing extensively upon Byzantine legal tradition, St. Sava's code acknowledged slavery as contrary to natural law, which endowed all humans with freedom, but justified it as a product of warfare—the dominion of victors over the vanquished. The code prohibited masters from killing their slaves, permitting only corporal punishment. Enslaved individuals could enter the priesthood or monastic life only with their master's consent, upon which they were emancipated. Manumission performed before two witnesses conferred permanent freedom, while children of unions between free mothers and enslaved fathers inherited free status.

In 1349, three years after his coronation, Stefan Dušan promulgated a legal code that extended across his realm. The "Code of Dušan" drew heavily from the "Syntagma" of Matthew Blastares, abridging its canonical sections while retaining the secular ones (Angelini: 2012). Its provisions affirmed that slaves could be inherited but not transferred as marriage portions, that manumission was solely the master's prerogative, and that slaves shared fiscal obligations with dependent peasants. Slaves lacked independent legal standing, with their masters representing them in all judicial matters except in cases of murder, theft, or brigandage, which were adjudicated by state judges. Scholarly debate persists regarding the precise meaning

of the Serbian term "otrok," used in fourteenth-century documents to designate slaves. While some historians argue that "otroci" were merely dependent peasants, others interpret the term as denoting true slaves, given that they could be sold or inherited and lacked legal agency. Surviving royal charters, including Dušan's grant to the Monastery of Prizren, also record monastic ownership of Roma slaves. In Dalmatia, adjacent to the Serbian lands, slavery remained a legal, social, and economic reality from the ninth to the fifteenth century. Both ecclesiastical and lay owners possessed slaves, who could be sold, inherited, or employed to settle debts. Dalmatian law diverged from Byzantine precedent by classifying the offspring of free fathers and enslaved mothers as slaves (Budak: 2000). Slaves were denied legal representation and property rights, underscoring their complete subordination within the social hierarchy.

Throughout the late Byzantine world, encompassing the Byzantine Empire, Bulgaria, Serbia, and Dalmatia, legal frameworks concerning slavery exhibited remarkable continuity. This uniformity reflects their common derivation from Byzantine imperial legislation. While local adaptations existed, they did not constitute major divergences. In all regions, slavery was mitigated by moral, and legal constraints: manumission was facilitated through various avenues, masters were forbidden from inflicting lethal punishment, and the recognition of slave marriage provided limited social integration. The evolution of slavery in the Byzantine sphere thus illustrates both the endurance of ancient legal concepts and the gradual humanization of servile institutions under Christian moral influence.

2. Slavery in the Romanian lands

The oldest code of laws used in the Romanian lands was Matei Blăstăres' Syntagma, a systematization of Byzantine legislation compiled in 1335 in Thessaloniki. This legal collection was widely used in Orthodox countries in the 14th and 15th centuries in Slavonic translation, forming the basis of Serbian legislation promulgated by Tsar Stefan Dušan in 1349. The spread of Matei Blăstăres' Syntagma is attested by the large number of manuscript copies preserved to this day: 24 from south of the Danube, and 15 copies from the 15th-17th centuries have been preserved in Romania, the oldest being from 1451, made by Dragomir in Târgoviște. (Alexandrov: 2012, 187-199)

Syntagma contains a definition of slavery originating in Roman law: "The main distinction in the law of persons is that all men are either free or slaves. Freedom is one's natural power of doing what one pleases, save insofar as it is ruled out either by coercion or by law. Slavery is the institution of the law of the peoples and consequence of war contrary to natural law, because nature has created all men free. The free are either freeborn or freemade. The freeborn were born of free parents and were not grown under the slave yoke; the freemade was born of a manumitted slave." (Šarkić: 2023, 83) Other provisions relating to slavery in Matei Blăstăres' Syntagma refer to the ways in which slaves could be freed: if they participated in war, entered the clergy, or married an Iberian person with the consent of their master, if they reported the murder of their master, or reported the kidnapping of a girl. The master could free his slave of his own free will before the sovereign, in church, before five witnesses or three witnesses if they signed a written document recording the release. Freed slaves were obliged to support their former master. A slave who

participated in the abduction of a woman was to be burned. Slaves could not testify in court and could not be appointed as guardians in their master's will. (Köpstein: 1966)

Romanian law was reformed in the mid-17th century through the translation into Romanian and systematization of Byzantine legislation carried out in Moldavia by Vasile Lupu in 1646, printed under the title "Carte românească de învățătură" (Romanian Book of Learning), and in Wallachia by Matei Basarab in 1652 under the name "Îndreptarea legii" (The Correction of the Law). With regard to the provisions relating to slavery, the two legal codes are almost identical, with the text from Wallachia taking over that from Moldavia. In these two codes, there is no definition of slavery as in Matei Blăstăres' Syntagma, and the provisions relating to slavery are not included in a specific chapter (Constantin: 2009). According to these codes of law, masters could inflict corporal punishment on slaves, but were liable to punishment for manslaughter if the slave was killed.

Slaves could not marry without the approval of their masters, and there was a legal recommendation, which was not binding, however, that slave families should not be separated, even if the marriage was between slaves belonging to two different masters, without their consent. Slaves could not testify in court. Emancipation from slavery could be granted with only two witnesses, and a slave woman who was forced into prostitution by her master was freed from slavery. Slaves guilty of theft were usually forgiven, but repetition of the offense or theft of large amounts of money was punishable. It was forbidden to kill slaves, and slaves guilty of murder were punished with death. However, slaves sentenced to death were usually ransomed by their master or by someone else who wanted to take them as slaves. The rape of a slave woman was treated in the same way as the rape of a free woman, the punishment usually being the death penalty for the guilty party.

Although the law stipulated that slaves in the Romanian lands could not be witnesses, 17th-century judicial practice shows that slaves could testify in trials concerning the establishment of their legal status as slaves or free people. Another aspect that confirms their ambiguous status is the fact that slaves in the Romanian lands had property rights and could enter into loan agreements. (Constantin: 2018)

3. Legislative changes in the 18th and 19th centuries

The next changes to slavery laws in the Romanian lands came in the 18th century during the Phanariot regime. In 1743, Nicolae Mavrocordat adopted a series of measures in Wallachia aimed at regulating the marriage of slaves. The main legislative norm was the explicit prohibition of the separation of marriages between slaves belonging to different masters. Until then, this prohibition had been part of legal customs, without having the force of law. Another change concerned the prohibition of turning a free person who had married a slave into a slave. The free person was to retain their freedom, and the children born of such a marriage were also to be free. A similar rule was adopted in 1766 in Moldova, but it allowed the dissolution of a marriage between a slave and a free person, with the stipulation that any children from such a marriage would be free. However, in Moldavia, these provisions were reversed in 1785, when marriages between slaves and free persons were prohibited, and if such marriages did occur, the children resulting from them were to be slaves. In order to avoid the separation of families, slave exchanges were provided for so that the claims of different owners could be satisfied (Achim: 1998).

In 1780, the Ipsișanti Code was adopted in Wallachia, explicitly granting slaves a dual status: that of property, as they could be given as dowries (as well as sold or bequeathed), but at the same time they were also considered persons (Constantin: 2018). The rest of the provisions relating to slaves in the Ipsișanti Code largely concern issues related to marriages between slaves with different owners and those between slaves and free people. For marriages between slaves with different owners, the exchange of slaves was preferred, while marriages between slaves and free people were prohibited; if they did occur, they were to be dissolved and the children remained free (Rădulescu: 1957).

In 1818, a new code of laws, the Caragea Code, was adopted in Wallachia. It defined slavery briefly as "Slaves are those who are the property of another." The Caragea Code established that the master did not have the right to kill his slave, but he could sell or give him away. Those born to a slave father and mother or to a slave mother alone remained slaves, and marriages between slaves and free people were prohibited. If a slave's master allowed him to marry a free person, this would result in the slave becoming a free person. (Stoenescu: 1905)

In Moldova, legislation on slavery was updated in 1817 through the Calimach Code, which provides the following definition of slavery: "Slavery and everything that has to do with ownership, although they are against the natural right of human beings, have been common of old in this Principality, not as the Romans did for a while, but in a special way. For here the power of the master can never be extended upon the slave's life, under any circumstances; and upon his slave property only when he is not legally justified or the slave has no heirs, or when, fleeing without returning, he will not necessarily have heirs (as are the sons and parents), or when he will harm or damage his master by theft or other wicked deeds. Also, it is clearly known that the slave is not considered as an object, and his deeds, connections, rights, and duties in relation to others but not to his master are taken into account, so he is considered to be a person; therefore, the slave is subject to and is protected by secular laws". (Furtună: 2021) It is worth noting that this definition of slavery expressly excludes the killing of the slave by the master and emphasizes that the slave was considered a human being, who had property rights and was protected by the laws in force. The other provisions of the Calimach Code refer to the prohibition of marriage between slaves and free persons, the release from slavery of children resulting from such mixed marriages, and the principle of replacement in cases of marriages between slaves with different masters.

4. Conclusion: the slavery system in the old Romanian legal system

Looking at the evolution of old Romanian legislation on slavery, we see that as early as the 15th century, slaves were considered persons, according to the definition in Matei Blăstăres' Syntagma, which states that slavery is a consequence of war and against the natural law that made all men free. Romanian legislation in the 18th and 19th centuries returns to similar definitions of slavery, in which slaves are explicitly considered persons. Thus, slaves were defined in ancient Romanian legislation as human beings deprived of freedom. The master's right of life and death over his slaves is not confirmed by any of the old Romanian legislative codes; from the 17th century to the beginning of the 19th century, the prohibition of killing slaves is explicit. For the 17th century, we have documentary evidence of at least one

conviction against a master who killed his slaves (Constantin: 200). From a legal point of view, the killing of a slave was treated identically to the killing of a free man, and there is also evidence of convictions for the killing of slaves by other slaves or free men who were not the victims' masters.

Regarding the existence of a possible "jus primae noctis" exercised by slave owners in the Romanian countries, it must first be said that this myth has been repeatedly debunked in international historiography (Boureau: 1998). "Jus primae noctis" is not documented in any form in the Romanian countries for the medieval period, and rape, along with murder, was considered a capital crime punishable by death, regardless of whether the victim of rape was a free woman or a slave. Sexual abuse was certainly possible in a master-slave power relationship, but from a legal point of view, women in slavery were treated on an equal footing with free women.

Mixed marriages between slaves owned by different masters or between a slave and a free person were the focus of legal codes in the 18th century. Lawmakers always tried to find a way to prevent the separation of already formed families, but the prohibition of marriage between slaves belonging to different masters or between slaves and free people was obviously not respected. The principle pursued by legislators was to preserve family unity, usually proposing a form of compensation or exchange between masters, but there are cases where the dissolution of marriages and the separation of families is attested.

Last but not least, it should be mentioned that slaves in the Romanian countries had ownership rights over their own property. Thus, there are records of sales contracts or loan agreements concluded by slaves, lists of goods owned by slaves, and even at least one case of a slave who owned another slave (Constantin: 2009).

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