

THE GYPSIES IN THE ROMANIAN PRINCIPALITIES: THE EMANCIPATION LAWS, 1831–1856

VIOREL ACHIM

Introduction

The emancipation of the Gypsies* in the Romanian Principalities is a major subject. One of its main aspects is undoubtedly the legislation of emancipation from the 1830s, 1840s, and 1850s, which led to the freeing of this population from slavery. The goal of this paper is to examine these laws. There are also other aspects belonging to the issue of Gypsy emancipation, like the abolitionist trend in the Romanian society at that time – which contributed to the introduction of the legislative measures under consideration – or the social evolution of the Gypsy population (as a whole, or of its various segments) after emancipation. Each of these subjects calls for a separate approach.

Gypsy slavery in the Romanian Principalities lasted for almost six centuries¹. The first records of a Gypsy presence north of the Danube, dating back to the second half of the fourteenth century, mention them in this very state. Slavery counted among the social institutions of Wallachia and Moldavia. Until the laws of emancipation enacted in the mid-nineteenth century, slavery continued to exist in its established forms: princely slaves or state slaves, monastery slaves, and boyars' slaves or privately-owned slaves. Depending on the way of life, there were nomadic and sedentary Gypsies respectively. From the latter category the Gypsies living at the master's estate were called *vătrași* (i.e., those of a *vatră* – a 'hearth', or household). The nomadic or sedentary way of life was independent of the fact that the respective person was a state, monastery or privately-owned Gypsy.

In the first decades of the nineteenth century slavery was not much different from what it had been centuries before. It had not been affected by the social transformations undergone in time by Wallachia and Moldavia. However, several transformations occurred in the Gypsy population². Different groups of Gypsies

* *Gypsy* (pl. *Gypsies*), the term employed here is the translation of the Romanian *țigan* (pl. *țigani*). During the period under examination, as well as in the previous times, *țigan* (Gypsy) in Wallachia and Moldavia was a notion first of all with social and juridical content, designating the slave, and only secondarily a notion with an ethnic content. As early as the Middle Ages, *țigan* ('Gypsy') and *rob* ('slave') were notions which eventually overlapped in these principalities. The emancipation laws approached here have in view only the social and juridical meaning of the term "Gypsy".

¹ On the Gypsy slavery in the Romanian Principalities, Viorel Achim, *Țigani în istoria României*, Bucharest, 1998, pp. 31–64.

² For the condition of the Gypsies in the Romanian Principalities at the time of their emancipation, M. Gaster, *Bill of Sale of Gypsy Slaves in Moldavia, 1851*, "Journal of the Gypsy Lore Society", 3rd Series, t. 2, 1923, pp. 68–81; George Potra, *Contribuțiuni la istoricul țiganilor din România*, Bucharest, 1939, pp. 31–35; Neagu Djuvara, *Les Pays roumains entre Orient et Occident: Les Principautés danubiennes au début du XIX^e siècle*, Paris, 1989, pp. 265–278; David M. Crowe, *A History of the Gypsies of Eastern Europe and Russia*, New York, 1995, pp. 112–119; Viorel Achim, *op. cit.*, pp. 76–98; Venera Achim, *Locul țiganilor (robilor) în economia Principatelor Române în perioada dezrobirii (1830–1860)*, in *Două secole de tranziție românească. Studii*, coord. Maria Mureșan, Bucharest,

experienced a social and professional evolution determined by the decline of certain professions and the appearance of others, as well as the transition to occupations that were in high demand. One may also note a process of massive sedentarization. In the 1830s, some landowners started an extensive exploitation of estates, new lands were introduced into the farming circuit, and the preoccupation with finding new laborers called for an effort to settle nomadic Gypsies in villages and interest them in agricultural activities.

In general, the first half of the nineteenth century witnessed a greater exploitation of the Gypsies than before. At this time, when the Principalities were in the process of entering into a capitalist-type economy, some boyars showed a preoccupation for the transformation of their slaves into profitable capital. They used them in farming labor proper to a greater extent than in the past. Some owners employed their slaves in workshops and manufactures built on their estates. But the revenues generated by a slave for his master (state, monastery or boyar) was usually small. Slaves were not always profitable from an economic point of view, and at this time it was one of the arguments used by the abolitionists in their attempt to convince the main boyars to give up their slaves. At the same time, monastery and privately-owned Gypsies were exempt from any obligations towards the State; their only obligations were towards the master. As to the state Gypsies, they had obligations only toward the State.

With the transformation of the political regime of the Principalities of Wallachia and Moldavia beginning with 1821, Romanian society made considerable progress in all fields. The institutional renewal and the economic and social development led to the elimination of a host of elements of the Ancient Regime.

At the beginning, the Gypsies were little affected by this global trend. Among the problems of the modernization of Romanian society, as seen by the political factors of the time, the Gypsy question was a minor one. The situation of the corvee-peasants, for example, was far more important. Even for the abolitionists, the elimination of slavery was to be just one aspect of the social reforms they were claiming for the country. Only after 1831 did the State begin to interfere in regulating slavery, and especially the relationship between the slave and the private slave owner, and between the slave and the State. Special legislation concerning the Gypsies (slaves) was even adopted. Although not affected in a first stage, the institution of slavery would eventually be abolished³.

2003, pp. 68-88. The topic in publications of the time, Mihail Kogălniceanu [Michel de Kogalnitcan], *Esquisse sur l'histoire, les mœurs et la langue des Cigains*, Berlin, 1837, pp. 10-25; Alfred Poissonnier, *Notice historique sur les Tsiganes ou esclaves Zingares de Moldavie et de Valachie*, Bucarest, 1854, pp. 39-67; idem, *Les esclaves tsiganes dans les Principautés Danubiennes*, Paris, 1855, pp. 45-64; Elias Regnault, *Histoire politique et sociale des Principautés Danubiennes*, Paris, 1855, pp. 329-346.

³ Concerning the process of emancipation, I. C. Filitti, *Domniile române sub Regulamentul organic 1834-1848*, Bucharest, Leipzig, Wien, 1915, pp. 28-29, 86-87, 94, 287-288, 349-350, 536-337; G. Potra, *op. cit.*, pp. 108-117; Viorel Achim, *op. cit.*, pp. 90-98. A few accounts by the contemporaries: Georges Bibesco, *Règne de Bibesco*, vol. II, Paris, 1894, pp. 27-36, 293-298; Mihail Kogălniceanu, *Desrobirea țiganilor. Ștergerea privilegiilor boierești. Emanciparea țăranilor*, Bucharest, 1891, pp. 14-18; J.-A. Vaillant, *Les Rômes. Histoire vraie des vrais Bohémiens*, Paris, 1857, pp. 328-53, 431-458.

The Measures Regulating the Condition of the Gypsies (Slaves) (1831–1844)

The process of institutional modernization of the Romanian Principalities began in fact with the Organic Regulations, fundamental charters adopted by the Extraordinary Public Assemblies of Wallachia and Moldavia in 1831, during Russian military occupation (1828–1834). They were the creation of the leading boyars and of the Russian General Pavel Kisselev, who was the head of the occupation administration during those years. The Organic Regulations introduced numerous innovations and elements contributing to the forging of a modern society. However, they maintained the slavery as part of the social regime of the country. The condition of the slaves remained unchanged. The boyars and the monasteries preserved their position as slave masters without any restrictions imposed by the State. The regulations introduced with regard to the slaves only affected the state-owned ones. According the articles 67 and 95 of the Organic Regulation of Wallachia and Article 79 of the Organic Regulation of Moldavia, state slaves were required to fulfill the same tax obligations as free people. They had to pay capitation, which was fixed at 30 *lei* per family; in Wallachia, *aurari* ('gold-washers') Gypsies were to pay 50 *lei*. State-owned Gypsies living in towns who practiced a craft or trade were to join corporations and pay the *patenta* (tradesmen's tax), like any other craftsman. Gypsies owned by monasteries and boyars continued to be exempt from any obligations to the State. At the same time, the Regulations showed an interest in the sedentarization of this population. The authorities were entrusted with the task of finding the most appropriate ways of settling state Gypsies, eliminating nomadism and binding these Gypsies to a farming activity, a craft or a trade (Article 95 in Wallachia, Article 86 in Moldavia)⁴.

The two fields in which the Organic Regulations expressed an interest in the Gypsies – namely their tax regime and sedentarization – were brought into the focus of the lawmakers and the authorities on several occasions during the 1830s. The State was eager to transform the slaves into taxpayers and bring them to an occupational status similar to that of the majority of the population. However, the question of abolishing slavery was not taken up at the time.

The most important preoccupation concerning the Gypsies was naturally the elimination of nomadism and the transformation of nomadic Gypsies into farm laborers and craftsmen. In 1831, in Wallachia, the Extraordinary Public Assembly, the body which elaborated the Organic Regulation, adopted the "Regulation for Improving the Condition of State Gypsies". This regulation targeted in fact the elimination of nomadism, the sedentarization of the Gypsies, and their acclimatization to farming occupations. It had in view several methods, tailored to each Gypsy category. Certain Gypsy categories – the *lingurari* ('spoon-makers') and *aurari* ('gold-washers') – already had stable houses and lived in their own settlements, located usually on the outskirts of a village. As far as these Gypsies

⁴ *Regulamentele Organice ale Valahiei și Moldovei*, Bucharest, 1944, pp. 19, 26, 191, 194.

were concerned, the pursued objectives were to get them accustomed to the tilling of the land and bring them a regime of obligations to the master of the estate where they resided similar with that of the peasants. As to the Gypsies who caused problems to the authorities, it was proposed that they should be dispersed and resettled in groups of five to six families per village, and that their freedom of movement should be restrained; they were allowed to leave their villages only with permission from the authorities. As for the *netoți* (i.e., a category of Gypsies who had come into Wallachia from the Habsburg Empire; from Romanian. *netot*, 'simple', 'silly'), "being a public hazard and of little use to the village, they shall be driven out of the Principality and sent back where they came from". The monasteries and the boyars were also requested to take similar measures with regard to the nomadic Gypsies under their possession⁵.

After the example set by the regulation of Wallachia, the Moldavian Assembly adopted a "Regulation for the Settlement of the Gypsies", which became an appendage to the Organic Regulation⁶. The regulations contained measures meant to stimulate the settlement of state Gypsies on private estates. The owners wishing to use these Gypsies in the tilling of land, in woodworking or as industrial laborers could obtain them under contract from the Ministry of Interior, on condition that they would settle the nomads, giving them a parcel of land and a vegetable garden, and helping them to build their own houses. To encourage their settlement in this way, these Gypsies were exempt from a series of taxes, including the capitation for a year. They were not allowed to leave the estate where they were settled. They could travel outside the region only temporarily, on the basis of a permit issued by the local authorities. To prevent their movement, with the exception of Gypsies engaged in the rearing and trading of asses, mules and horses, the state Gypsies were forbidden to keep such livestock. At the same time, the boyars were required to involve themselves in the sedentarization of the *lăieși* (i.e., members of a *laie* – a 'horde') and *lingurari* in their possession, either on their own estate or, if they did not have an estate, on somebody else's estate.

These measures were taken at a time when nomadism was practiced by only a relatively small part of the Gypsy population. The sedentarization process had begun some time before this period, as a natural process and in the absence of a state policy in this direction. In the 1830s, nomads could still be found, especially among the Gypsies owned by the State. The effort to sedentarize these Gypsies yielded results. Censuses and other statistical documents of the time reflect the phenomenon of sedentarization. Another census of state Gypsies made in Wallachia in 1839 shows that these Gypsies had been settled in villages and were living in houses, having been assimilated in many respects among the peasants⁷.

⁵ *Analele parlamentare ale României* (vols. I–XVII, Bucharest, 1890–1915), vol. I/1, pp. 511–516.

⁶ *Regulamentele Organice ale Valahiei și Moldovei*, pp. 257–260.

⁷ *Analele parlamentare ale României*, vol. IX/1, pp. 1143–1144.

In the same period, in Wallachia the State began to buy Gypsies from private owners, who thus entered the category of state Gypsies. This process took place on the basis of the 1832 “law for the correction of the organization of state Gypsies”. The law regulated the tax obligation of state-owned Gypsies. The gold-washers were to pay 50 *lei* per year plus a tithe, i.e. 55 *lei*, while all the other state Gypsies were to pay 30 *lei* per family plus a tithe, i.e. 33 *lei*. Like any other taxpayer, these Gypsies could practice any trade, except gold-washing. In order to practice their trade, the gold-washers needed an official authorization. They were exempt from all other obligations to the State. Gypsy craftsmen settled in towns, members of various guilds, were required to observe the specific rules of their respective guild. The tithe collected from the Gypsies (5 *lei* from the gold-washers, 3 *lei* from the rest) was kept by the Prison Authority (*Vornicia temnițelor*). From the tithe of each tax-paying Gypsy, one *leu* per year was used to pay the Gypsies’ overseer (in fact, the collector of the capitation). The remaining money after the overseer had been paid, i.e. 4 *lei* per year per a gold-washer, and 2 *lei* per year from the other Gypsies, was to be used “solely for the purchase of Gypsies, in order to increase the number [of Gypsies] of the State” (Article 12). The head of the Prison Authority was commissioned to purchase Gypsies from private owners and the courts were instructed to notify him of all cases in which Gypsies were put on sale (Article 13). Gypsies who were purchased in this way would then enter the category of taxpayers⁸.

This purchasing removed those Gypsies from the possession of private owners, where they had been exempt from all tax obligations. As already seen, the Organic Regulation had brought no change to the tax status of privately owned Gypsies, which in fact was a privilege for slave owners. The transfer of a slave from private to state property was in fact equivalent to the acquisition of a new taxpayer. This is how the State’s preoccupation with increasing the number of state slaves by purchasing them from private owners should be seen. In addition, the law satisfied the desire of some boyars to get rid of their Gypsy slaves, especially as these Gypsies were not always profitable and their sale to other private owners was not always possible. The price offered by the State to private owners was sizeable. Consequently, the law of 1832 did not show any humanitarian feelings or concern for the fate of the privately-owned Gypsies. Such a preoccupation appeared later on, when the abolitionist trend emerged in Romanian society. At that time, the purchase of privately owned Gypsies by the State was presented as an improvement of their condition. The law of 1832 is important in the process of emancipation because it laid down the conditions by which slaves could be taken from their private owners. The compensation was paid at market price (in practice, above the market price), so that property rights should not be violated in any way. This was a principle to be further applied by the subsequent emancipation laws, in spite of the voices calling for the freeing of slaves without any compensation. On

⁸ *Ibidem*, vol. III/1, pp. 126–132.

the basis of the 1832 law, the Prison Authority purchased privately owned Gypsies with the money from the tithe collected from the state-owned Gypsies. In this way, from 1833 until 1 July 1839, one hundred and eighty-five Gypsies were purchased, at a cost of 86,328 *lei*. They became all state Gypsies⁹.

In 1838, the head of the Prison Authority in Wallachia, Colonel Herăscu, proceeded with the settlement of a number of state Gypsies in villages and stable homes. In this way, these Gypsies *de facto* entered the category of peasants. At the same time, measures were taken that led to their complete assimilation into the Romanian population via mixed marriages¹⁰. These measures can be seen as a first step towards the emancipation of state-owned Gypsies. However, this was in fact nothing but an arrangement. As noted by Félix Colson, an observer of the Romanian politics of the time, the emancipated Gypsies were not settled on estates, but instead rather given by the Prince either to political supporters or to those he was interested in winning over. These Gypsies paid to the owners of the estates on which they had been settled the same tax obligations as a peasant, which was far above the 35 to 50 *lei* that they had previously paid to the Treasury. Thus, the Prince's gesture was in fact dictated by political interest rather than humanitarian feelings. In this way, the boyars close to the Prince gained a new workforce¹¹.

With time, the regulation of the obligations of state Gypsies was extended over the rest of the Gypsies. The Public Assembly of 1840 in Wallachia defined the statute of the monastery Gypsies, who were subject to abuses from their leaseholders or from monasteries. During this period, the monasteries used to lease out the slaves under their possession. As the obligations of these slaves were not regulated by law, their obligations were left up to the discretion of the owners and leaseholders. The State intervened to end abuses and improve the condition of the Gypsies. By law, their obligations to the monastery were limited to the capitation paid by the Romanian inhabitants, that is 30 *lei* per year plus the tithe (i.e. a further 3 *lei*), employed to pay the gendarmes and the overseers who collected the monies. The sum thus fixed remained in use for six years, until 1846. After this time, they each paid 40 *lei*, including the tithe. Any leasing contract for these estates was to observe this law. The Gypsies were also required to fulfill their duties to the landowner of the estate where they were living¹².

In Moldavia, no attempt was made by the State to acquire privately owned slaves during the 1830s. However, measures were taken to limit abuses by the slave owners. In 1839, these Gypsies were granted the right to pre-emption over their person, in cases where their owner wished to sell them. Instead of selling them to someone else, the owner was obliged to emancipate the slaves for the sale

⁹ *Ibidem*, vol. IX/1, pp. 645–647.

¹⁰ “Buletin. Gazetă oficială”, No. 33, 11 May 1838, pp. 130–131; No. 62, 16 September 1838, pp. 250–251.

¹¹ Félix Colson, *De l'état présent et de l'avenir des principautés de Moldavie et de la Valachie*, Paris, 1839, pp. 147–148.

¹² *Analele parlamentare ale României*, vol. IX/1, pp. 654–656.

price, if offered to him. In the same year, a resolution by the Prince established that the Gypsies who made the object of a transaction should be consulted, and that the transaction could only be closed after the Gypsies involved had made a written statement that they did not wish to buy their freedom¹³. At the same time, several modifications were made to the articles concerning the Gypsies from the *Sobornicescul hrisov* (i.e., a charter adopted by the Church Synod) issued in 1785 by Prince Alexandru Mavrocordat. The law was still in force and was republished in 1835. In the spirit of the Organic Regulation and the evolutions in society, certain stipulations with a segregationist character of the law were abolished, although marriages between freemen and slaves remained forbidden in principle. In 1839, the ban on marriages of Romanian men and women to Gypsies freed by their masters was abolished¹⁴. In 1844, it became forbidden to sunder a marriage between a Gypsy and a Romanian. In such cases, the slave became a free person, under obligation to redeem his (her) freedom by payment to his (her) master; if the slave did not have sufficient funds, the money would be lent from the funds of the Church. Children resulting from marriages between free people and slaves were to be declared free¹⁵.

The Laws Abolishing the Slavery (1843–1856)

The first law to abolish the slavery for one of the categories of Gypsies was adopted in Wallachia, in 1843. This was the law “for the removal of the taxpayers from the Prison Authority and their transfer under the control of the district authorities”, which was voted by the Public Assembly on 16 March and promulgated by the Prince on 22 March 1843. The abolition of the slave status was carried out by the removal of these Gypsies from the tax records of the Prison Authority, and their transfer to the civil authorities. The capitation that they had previously paid to the Prison Authority was now to be collected by the local authorities. For a period of time, in the hope to obtain a complete sedentarization of these Gypsies, the level of the capitation remained unchanged, including the tithe. The tithes continued to be used for redeeming Gypsies from private owners. According to this law, 23,800 *lei* was added to the fund dedicated to the purchase of Gypsies, representing half of the sum of 47,600 *lei* saved from the dissolving of the financial chancellery of the Prison Authority. The other half went to the state budget. After the complete fiscal assimilation of these people to the villagers, the tithe would be paid into the village budget, while the Treasury was to provide only 47,600 *lei* for the redemption fund¹⁶. Obviously, the State was not losing anything by application of this measure. The capitation remained the same, while the sums allotted for the redemption of the Gypsies required additional effort on the part of the Treasury.

¹³ *Manualul administrativ al Principatului Moldovei*, vol. II, Iași, 1856, pp. 56–57, Nos. 547 and 548.

¹⁴ *Analele parlamentare ale României*, vol. IX/2, pp. 475–479.

¹⁵ *Ibidem*, vol. XII/2, pp. 419–424.

¹⁶ *Ibidem*, vol. XII/1, pp. 301–304.

On 28 August 1843, the Ministry of Internal Affairs of Wallachia issued a resolution by which all owners of Gypsies were required, within a period of eighteen months, to make provision for the settlement of their nomadic Gypsies in fixed settlements and houses, either on their own estates or on some other estates. The Gypsies found wandering the country after the end of this delay would be settled by the State on its estates¹⁷.

In Moldavia, on 31 January 1844, at the proposal of Prince Mihail Sturdza, the law “for regulating the status of the Gypsies of the Metropolitanate, the bishoprics and the monasteries” was adopted. On the basis of this law, the Gypsies belonging to monasteries and monastic establishments became free. The *vătrași*, namely those who were living on the estates became taxpayers, thus having the same rights and obligations towards the landowners and the State as the peasants, while the Gypsies who were members of a guild, and who were practicing a trade in towns, entered the category of the licensed craftsmen. At the same time, they were given the right to marry Romanians. Out of the taxes collected from these Gypsies a special fund was created, for the redemption of Gypsy slaves put up for sale by private owners¹⁸.

On 14 February 1844, a law was voted in Moldavia by which the Gypsies owned by the State, either settled or nomadic, were being set free and granted the same rights as all the other inhabitants of the country. In order to encourage the sedentarization of nomadic Gypsies, the law stipulated certain exemptions: they were exempt from tax for a year, as well as from all other state obligations of the taxpayers for a period of three years from the time of sedentarization. The same exemptions were also valid for Gypsies who were already settled, being applicable from the moment of their sedentarization¹⁹.

A few months later, the Administrative Council (government) of Moldavia stipulated that the tax paid by the Gypsies emancipated by the State and settled in villages whose tax exemption had expired should be paid to the Treasury. It also stipulated that the Gypsies in question should be registered in the same tax records as the other inhabitants, while the former monastery Gypsies were recorded in separate tax record, their tax being allocated for the redemption of Gypsies²⁰.

The Wallachian emancipation law of 1843 applied to state Gypsies only. On 11 February 1847, at the proposal of Prince Gheorghe Bibescu, the Assembly voted in a law freeing all Gypsies owned by the Metropolitanate, bishoprics, monasteries, churches and any other public institutions. No compensation was to be paid. In the explanatory text accompanying the bill, the Prince showed that this measure was necessary because, on the one hand the sums fixed by the laws of 1832 and 1843 for the redemption of the Gypsies were too small, and on the other hand the incomes of the Metropolitanate, the bishoprics and the monasteries exceeded by far

¹⁷ “Buletin. Gazetă oficială”, No. 80, 3 September 1843, p. 317.

¹⁸ *Analele parlamentare ale României*, vol. XII/2, pp. 424–426.

¹⁹ *Ibidem*, pp. 521–523.

²⁰ *Manualul administrativ al Principatului Moldovei*, vol. II, pp. 53–54, Nos. 542 and 543.

their needs. The capitation which the Treasury was to obtain from these emancipated Gypsies, once they had become taxpayers, would be used for the redemption of Gypsies put on sale by private owners. The same destination was to be given to the capitation from the privately owned Gypsies freed in this way²¹. The law ensured, without any additional expenditure on the part of the State, the necessary monies for the Reserve Fund – the fund established in 1832, in which the sums paid were to be used in the purchase of Gypsies from private owners – and therefore the continuation of the process of emancipation of privately owned Gypsies without the rights of private owners being affected.

In the revolution of 1848, with many abolitionists among the Wallachian and Moldavian leaders, the abolition of slavery was included among social priorities, together with the emancipation of peasants. Article 14 of the “Proclamation” and program of the revolution in Wallachia, issued on 9/21 June 1848, stipulated “the emancipation of the Gypsies by means of compensation”²². On 26 June, the Provisional Government issued a decree declaring that privately owned Gypsies were becoming free people, and a Commission for the liberation of slaves was founded²³. The Commission was composed of three members (Ioasaf Znogoveanu, Cezar Bolliac and Petrache Poenaru) and proceeded to implement the decree. The emancipated Gypsies received liberation certificate and their former owners were to be compensated by the State. In this context, some owners freed their slaves without requesting any compensation. However, there was also some opposition from others, who delayed the application of the law. The stifling of the revolution in September 1848 put an end to these changes, and the Gypsies returned to their previous status²⁴. The abolition of slavery was also included among the “Wishes of the National Party in Moldavia”, the program of the Moldavian revolutionaries published by Mihail Kogălniceanu in August 1848 in Czernowitz (Cernăuți)²⁵.

The process of emancipation of Romanian society had reached a point where slavery was almost unanimously regarded as a relic of the past that had to disappear. From the Organic Regulation until the 1848 revolution, in other words in less than a generation, Romanians had gone a long path, from accepting Gypsy slavery as a natural thing to perceiving it as a form of barbarism.

Barbu Știrbei, the Prince of Wallachia after the revolution (1849–1856), was a promoter of modernization. He was deeply preoccupied with the issue of the Gypsy slavery. On 22 November 1850, a decree was issued by which it was forbidden that Gypsy families should be separated by means of donation or sale. The sale of Gypsies among private persons was forbidden in cases one to three

²¹ *Analele parlamentare ale României*, vol. XIV/1, pp. 116–118.

²² *Anul 1848 în Principatele Române. Acte și documente* (vols. I–VI, Bucharest, 1902–1910), vol. I, pp. 495–496; Cornelia Bodea, *1848 la români. O istorie în date și mărturii*, vol. I, Bucharest, 1982, pp. 536–537.

²³ *Anul 1848 în Principatele Române*, vol. II, pp. 105–106.

²⁴ *Ibidem*, vol. IV, p. 572: decree of 28 September/10 October 1848.

²⁵ Cornelia Bodea, *op. cit.*, p. 661.

such families made the object of the sale; the owners wishing to sell their Gypsies were required to make a request to the Treasury, which would purchase them and immediately set them free²⁶. In 1851 it was ordered that the State should purchase the slaves who suffered battering and other injury from their masters²⁷. Barbu Știrbei eventually planned the emancipation of the last category of Gypsies, namely those owned by private persons. In a memorandum drawn up in June 1855 he included among the measures recommended for the reorganization of the country the abolition of slavery, which he considered a monstrosity²⁸.

The “law for the emancipation of all Gypsies in the Principality of Wallachia” was promulgated on 8/20 February 1856. The law abolished the slavery for privately owned Gypsies. Slave owners were to receive compensation amounting to 10 ducats for each slave. The monies were to be paid in installments over several years, from the Compensation Fund. The tax that was to be collected by the State from these emancipated Gypsies was to be paid into the Compensation Fund. All the tax-paying Gypsies were to contribute to the fund, including the former monastery and state Gypsies. At the same time, the law established the obligation for the Gypsies to settle down. Gypsies already settled in villages were to remain there, and be included into the tax records for the respective locality. Those Gypsies who did not have a stable home, in other words the nomads wandering about the country, were required to settle down in villages of their choice, on condition that they should build themselves houses. Gypsies living at boyars’ manors were to be settled down by the administration in villages or towns, of their choosing. After all Gypsies had been settled down, they were to be forbidden from leaving their new places of residence for a period of two censuses of seven years, according to the law of 1851²⁹.

In Moldavia, where by application of the law of 1844, as in Wallachia, only privately owned Gypsies had remained in slavery, Prince Grigore Alexandru Ghica (1849–1856) undertook a similar measure. On 28 November 1855, he addressed the Administration Council on the issue of the necessity of abolishing the Gypsy slavery and proposed the elaboration of a bill in this respect³⁰. The draft was made by Petre Mavrogheni and Mihail Kogălniceanu. On 10/22 December 1855, the Public Divan voted in the “law for the abolition of slavery, the regulation of the compensation and the turning of the emancipated Gypsies into taxpayers”³¹. By this measure, the privately-owned Gypsies were declared free. The owners would receive compensation of 8 ducats for *lingurari* and *vătrași* and 4 ducats for *lăieși*; no compensation was offered for invalids and babies. The funds for compensation payment were to be covered partly by the tax paid by emancipated state and

²⁶ “Buletin oficial al Prințatului Țării Românești”, No. 102, 27 November 1850, p. 405.

²⁷ Ibidem, No. 24, 19 March 1851, pp. 93–94.

²⁸ *Corespondența lui Știrbei-Vodă*, published by N. Iorga, Bucharest, 1904, p. 295.

²⁹ “Buletinul oficial”, No. 13, 13 February 1856, p. 49.

³⁰ “Buletin”, No. 95, 1 December 1855, p. 377.

³¹ Ibidem, No. 100, 18 December 1855, pp. 397–398.

monastery Gypsies, as well as privately owned Gypsies emancipated previously, and partly by additional funds from the Treasury, as well as certain sums taken from the treasury of the clergy. Because of the shortage of funds experienced by the Treasury, slave owners were given state bonds with an annual income of 10 percent. The owners waiving the legal compensation were offered in exchange an exemption from the payment of tax and other public obligations for their former slaves for a period of ten years. The advantages were shared both by the slave owners and the State, since it made easier to settle nomadic Gypsies on the estates.

Once the two laws were voted, some boyars freed their slaves without claiming any compensation from the State. The newspapers of the time printed almost on a daily basis declarations by owners announcing the waiving of the legal compensation; lists of these persons were published. Wallachian boyars proved to be less generous than the Moldavian ones. In Moldavia there were numerous such cases when compensation rights were waived. A report by the Department of Finance of Moldavia of June 1856 shows that 334 slave owners claimed compensation for their former slaves, while 264 waived it. The number of Gypsies for whom the State had to pay the legal compensation was of 16,023 *vătrași* and 4,566 *lăieși*; the sum to be paid out was of 4,613,112 *lei*. Compensation was waived for 10,424 persons. The data in the report are nonetheless partial, as they do not include the situation in several small districts which had not sent in the results of the registration of the emancipated slaves³².

Conclusion

The abolition of slavery in the Romanian Principalities was therefore carried out via a series of laws. The emancipation was made gradually, category by category, through a process that lasted for two and a half decades. It actually began with the Organic Regulation and ended with the laws of 1855–1856. The legislative measures were also linked to the economic and social evolutions in Romanian society and the change of mentality. As a result of the emancipation laws, a population of approximately 250,000 people was freed from slavery and made legally equal to the citizens of the country³³.

As already seen, the law makers' main goal was to settle down (sedentarize) the Gypsies and get them involved in farming occupations. Subsequently, the aim was to transform the slaves into peasants.

The social evolution of the Gypsies in Wallachia and Moldavia (since 1859, Romania) after the emancipation was very different³⁴. A part of them received together with their freedom the status of the peasants living on the estate of a landowner. They received a plot of land, to be cultivated under the same regime of obligations to the landowner as the peasants. These Gypsies profited from the land reform of 1864 and became owners of small plots of land. Their transformation

³² *Ibidem*, Supplement, No. 49, 14 June 1856, p. 97.

³³ For the number of Gypsies in the Romanian Principalities at the time of the emancipation, Viorel Achim, *op. cit.*, pp. 81–83.

³⁴ For the social evolution of the Gypsies after their emancipation, *ibidem*, pp. 98–104.

into peasants was followed by linguistic (for those who still spoke Romani), and eventually ethnic assimilation.

There was however a large number of emancipated Gypsies who failed to adapt to farming activities, being unwilling to embrace the agricultural work. They obstinately refused to accept or to till the portion of land offered to them by the laws and measures of 1840s and 1850s. The fundamental reason for their reluctance was the economic and tax burden that came with their new social status. In comparison with the previous period, when the Gypsies were *de facto* a privileged portion of the population, as the obligations they owed to their master and the State were limited, they were now expected to pay tax and carry out corvee together with the peasants. Many emancipated Gypsies fled the villages and estates where they had been settled. For many years, these Gypsies constituted a serious problem for the authorities and the population, due to their vagrancy, as well as the thefts and the crimes they committed. Police measures were taken against them. In certain parts of the country Gypsy communities were dispersed among the Romanian rural population³⁵.

Most of the Gypsies who eventually settled down in villages lived by their traditional crafts. At that time, the Romanian village valued the services offered by these craftsmen. In the light of their social position, these Gypsies became peripheral elements in a Romanian society embarked upon capitalist modernization. Gypsies who had no profession earned their living by taking up marginal occupations. Some categories of nomadic Gypsies continued to lead an itinerant way of life.

A phenomenon of greater geographic impact should also be placed in relation with the emancipation of the Gypsies in the Romanian Principalities and the transformations undergone by this population at that time. The phenomenon in question is the departure from the Romanian Principalities of a part of the Gypsy population, which occurred exactly at the time of their emancipation³⁶.

³⁵ One example in Venera Achim, *Sedentarizarea țiganilor în documente de arhivă din anul 1863*, in "Revista istorică", t. IX, 1998, 5–6, pp. 419–423.

³⁶ On the place of the Romanian Principalities within the Gypsy migrations of the nineteenth century, Angus Fraser, *The Rom Migration*, "Journal of the Gypsy Lore Society", 5th Series, t. 2, 1992, pp. 131–145; idem, *The Gypsies*, Oxford, UK; Cambridge, USA, pp. 226–238; T. A. Acton, *Rom Migrations and the End of Slavery: A Rejoinder to Fraser*, "Journal of the Gypsy Lore Society", 5th Series, t. 3, 1993, pp. 77–89; Viorel Achim, *op. cit.*, pp. 105–111.