



SOCIAL - LEGAL STATUS OF MARGINAL PEOPLE IN THE SEVENTEENTH - EIGHTEENTH CENTURIES. THE SLAVE GYPSIES

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ABSTRACT

If we were to write history in a traditional approach, the gypsies would not be remembered, because it would be a history seen as that of those who were at the center of the events. However, they were a permanence of our history, having the status of slaves. They were a marginal element, having no impact on social development, being mentioned only in terms of interest in the picturesqueness of their lives.

Slavery as an institution, as a social state, is not defined and is not the subject of a separate chapter in the legislation of the seventeenth century. Its content can be recomposed by putting together the rules regarding those who share it. These can be found throughout the codes of laws belonging to the mentioned epoch, fixing the obligations and civil rights of the slaves, but also those related to the criminal field.

The study aims to highlight the situation of gypsy slaves, in all respects, presenting types of legislative crimes that concern them both as an injured party and as injuring.

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INTRODUCTION

The term "marginal", in its current sense, is recent. It appears in the middle of the last century, being introduced by American sociologists to characterize the social phenomenon they observe: the creation by immigrants of closed communities due to the inability to immediately fit into the American way of life. A marginal group is characterized by its own special culture, which often conflicts with the predominant cultural attitudes in society.

From a historical perspective, the term refers to populations whose way of life is marked by vagrancy, begging, crime and infamous trades. In Romanian historiography, the "marginalized" are assimilated with the "poor". The interest in the history of poverty is due to the fact that it allows the analysis of past societies not only from the classical perspective of the concepts of class and social classification, but also from the perspective of social integration or exclusion. The position of the marginal has always been controversial. They are on the periphery of society, maintained in a state of precariousness and isolation, without allies, without access to power, forgotten or ignored by political elites. Its role is to confirm the position of the person in the center. Through its peripheral position in relation to the core of society, the marginal is not only inaccessible, but also impossible to understand and integrate, consequently, dangerous.

However, being on the "edge" of society does not mean completely breaking the ties of an individual, family, or group with social life. These links continue to exist depending on their interdependence with society. The reporting manifests itself both in relation to the social order in force (institutions, groups, constraints, prohibitions) and in relation to the hierarchy of dominant values (cultural structure of the social order); we can thus speak of a socio-cultural marginality and of a socio-economic marginality. [1]

In all these situations, based on socialization mechanisms, we must also consider the genetic approach, supported by Jean Piaget, according to which through language the individual assimilates and learns a whole system of rules and codifications that allow him or her to communicate with peers, to declare their membership in positively connoted groups or to reject others. [2] The historical study of marginalization accompanied the interest in the physiological aspects of the phenomenon and the interest in the aspects of its anatomy. It was thus possible to know a true morphology in the marginal world, establishing its composition: vagrants, beggars, gypsies, the physically handicapped, the incurable sick, criminals, thieves, prostitutes and many others. [3]

The present study aims to highlight as many aspects as possible regarding the legal situation of the gypsy slaves through the prism of the seventeenth century legislation and to achieve, at the same time, an overview of the Romanian society of this period.

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Social-Legal Status of Slave Gypsies In The Seventeenth - Eighteenth Centuries

Gypsies are originally a nomadic people. Dimitrie Cantemir was of the opinion that they "are scattered all over the country" but "from where and when this nation of people came to Moldova, neither they know nor our annals say it." They use a language that is common to all gypsies in these parts and is mixed with many pure Greek words and many even Persian ones. "[4]

Referring to the slavery of the gypsies, Miron Costin stated that "there was no serf in the lower country, all were called archers and horsemen, they worked only for themselves, and for the rich, the bought gypsies worked" [5]. Therefore, we can talk about a first classification of gypsy slaves according to their owners: princely, monastic or boyar slaves.

The slaves from the first category, called in documents "princely gypsies", constituted the most numerous category, being the personal property of the lord. They came from spoils of war [6], the takeover of any gypsy without a master, confiscations from the "dishonest" boyars [7], purchases.

Because any gypsy was a value, royal officials roamed the country and where they found free gypsies, they attributed it to the lord. Often they took the gypsies from the monasteries, so the monks had to recover them by complaining to the lord. We have, as an example, the document from May 1768, by which the institution of the reign informs Constantin Sturdza "biv vel postelnic (high rank rendered to the guardian of the royal sleeping chamber), for a foreign gypsy from Wallachia" that "foreign gypsies from another country, who come to Moldavia are attributed to the prince, remaining as a royal gypsy" [8].

There are many documents that present gentlemen as buyers of gypsies. In 1641, the mistress Ivana, daughter of Vlăsan, the chancellor from Vlădila, Romanați county, sold gypsies to Matei Basarab "voluntarily, without any compulsion, by anyone" [9], furthermore, on December 15, 1646, Ionașcu and his brother Dabija sold to the same gentleman "of our own free will, unforced by anyone, a gypsy, namely Ion gypsy, with his gypsy woman, namely Vasilca and his six sons, by name: Pătrașcu, and Marie, and Savatie, and Ștefan, and Moțocu and Ion, for eighty golden coins, on the spot" [10].

In the middle of the 19th century, Mihail Kogălniceanu divided princely slaves into four categories: „rudari” or goldsmiths, bear tamers, spoonmakers and nomad lads [11].

The goldsmiths („rudarii”), whose name probably comes from the pit where the metals are extracted, were the only ones who had the right to look for gold in rivers and in the sand of the mountains, each paying, once a year, as a gift to the ruler's wife, three or four drams [12] of gold. During the reign of Dimitrie Cantemir, the lady received annually 1600 drams or 4 glasses of pure gold, while in 1764 Ștefan Racoviță received from his goldsmiths 1254 drams of fine gold [13].

In Wallachia, from an act signed by the ruler Constantin Brâncoveanu in January 1700, we find out that the gypsy *rudari* were obliged to pay annually to the treasury "gold extractions dram <as> 600". The commander "over the *rudar* gypsies", as a servant of the reign, had to take care that they "work on gold when the time is the summer and bring the gold on time, as they have brought it so far. And those who will not listen, and would be against, to be made my lordship's

servants, to be quarreled and beaten, individually, according to their fault (...) Likewise, I demand submission according to what I have written above, in case he (the commander) would find him (the gypsy) selling princely stolen gold in secret, the gypsies would have a beating with rods, and the buyer would be devoid of the gold, being also fined, thus, for a penny of gold to be taken 6 royal drams" [14].

Bear tamers or bear dancers walked around the country with small bears, trained for various dances - "tananaua". Training consists in teaching them to alternately lift their hind legs (the front ones being supported by a stick) after repeated stays on heated ovens; the heat of the oven tingling his sole, the bear raised one leg, the other, a game helped by the perseverance of the "trainer" who sang "tananaoa". After countless operations of this kind, the bear was able to perform these "figures" only at the sound of the song, which determined the bear to learn other tricks, after which he could walk with him through towns and fairs.

To prevent accidents, the bear handlers took care to blunt the bears' teeth and nails and to lightly burn their eyes so as not to see clearly. At the same time, bears were also used as healers for various diseases, such as hip pains - "stepping over the hips". These gypsies, some of whom were copers (horse dealers), paid the treasury between 20 and 30 piastres (silver coin) annually [15].

Spoon makers made wooden spoons and other household items, paying the treasury the same amount as bear handlers. Due to the raw material, the wood, on which the spoons depended, they were obliged to take shelter through wet groves and ditches, so there was a lot of juicy grass, so they had the opportunity, in addition to their job, to raise small cattle. For this reason, they were the first to start building stable homes on the outskirts of villages near forests, being considered the most civilized of the four categories of gypsy slaves.

The nomad lads, blacksmiths with rudimentary tools, but safe in execution, in addition to horseshoes, locksmiths, wheel makers and brass dish welders, there were also many melters who worked bronze and copper. They bought old bronze and copper to melt and process it, making bells of different sizes and shapes, buttons and harnesses, ax heads, chains and all sorts of small things. They paid the treasury 30 piastres a year and had the freedom to go all over the country and graze their horses in the vicinity of villages and roads. Although they were skilled in everything they did, they worked very little, most of them living on theft and plunder; the women guessed in palms and interpreted dreams. It is quite possible that this way of life would have negatively impressed some foreign travelers who passed through the Romanian countries during this period. For example, Paul of Aleppo, passing through Moldova, spoke, in the middle of the seventeenth century, about "the fear of the horrors that befell us (...) because all the inhabitants of the country are thieves and robbers and all fugitives were killed on the highways, so that even the caravans of fleeing Greek merchants were attacked, butchered and robbed. We didn't really know what to do, wondering how long this fear and horror would last day and night. During the reign of Vasile <Lupu>, as a result of the harshness of his rule, women wore <as an ornament> yellow necklaces and could go wherever they wanted without any fear, but in the time of the new lord, horror reigned right in the middle of the cities". [16]

Along with these four categories, there were princely slaves in cities and at the royal court, where they were servants and craftsmen.

Thus, the dishes and cauldrons were made and repaired by the cauldron makers; for the permanent service at the royal court, the supervisor of the cauldron makers was exempted from the payment of this sort of pottery. Cooking boilers were tinned every year, "as usual," so according to a well-known practice at the time; after finishing the work, the welders received a gift of 15 ughi [17]. The supply of wood was made by 20 gypsies led by a supervisor who received on the occasion of Easter, as a gift from the lord, "16 cubits (0,637 meters) of aba (thick fabric of wool) each". Washing laundry was done by "washing" gypsies, 16 "sewing" gypsies were engaged in sewing and patching clothes [18], two of them working only for the voivode's wife [19]. Garbage was being collected by garbage collectors. The cleanliness was provided by 8 gypsies "royal sweepers" with whom are mentioned "sweeping women gypsies" [21].

A second category of slave gypsies was formed by the monastic gypsies. They came mostly from donations made by lords and boyars, the latter's donations exceeding the princely ones. In fact, foreign travelers also noticed the Romanians' habit of "building monasteries" which they "endow with wonderful donations of estates, lands, vineyards, gardens, mills, slave gypsies and others" [22].

Seventeenth-century documents abound with information on the endowment of monasteries by lords with estates and gypsy dwellings. Thus, on May 5, 1624, RaduMihnea, voivode, attributed to the Berzunt monastery parts of lands in the villages of Hiltiu and Ciofreti, Trotuș county, with four vineyards and gypsy dwellings [23]. On May 16, 1626, voivodeMironBarnovschigave some gypsy slaves in the Secul monastery. A year later, the same gentleman gave the Solca monastery a gypsy dwelling [25]. VasileLupu donates to the monastery of the Three Hierarchs, on March 28, 1640 the villages "Fărcășeni, on Siret, Roman land, Avrămeni and Coiceni, Iași land, former lands of Mrs. Theodosia, and Căcăceni, Sorocea land, bought from SavinPrăjescul, vineyards inCotnari, inIrimia Valley, in Iași, in Miroslava, and in Dricul Hill, in Huși, as well as four gypsy households" [26]. The Dobrovăț Monastery receives several gypsies from the lord, forbidding the commander servants and the gypsy judges to impose taxes on them [27]. MateiBasarab, in 1650, confirms to the Tismana monastery the dominion over some gypsies to the detriment of BarbuArmășelul (soldier), the nephew of the Corbeni, who had sold them, although they had been given to the monastery by his ancestors [28].

However, the monastery gypsies did not come only from royal donations and confirmations, but also from other donations, sales and private exchanges, such as: March 13, 1628, Dionysius, the bishop of Rădăuți, leaves a gypsy to the Sucevița monastery [29]; March 7, 1632, ToaderGrama, former chamberlain, gives a gypsy with his wife and children to Iane, the royal sleeping room guardian, and the monastery he built [30]; August 24, 1634, VasileLupu empowers Mitrofan, bishop of Roman, to keep Marica's gypsies, as she left when she died [31]; February 3, 1628, Calea, the young noblewoman, gives 4 gypsy houses to the Brâncoveni monastery - "I gave them to the holy monastery for my soul, Calea, so that they could be alms to me at the holy monastery"

[32]; March 7, 1631, Leon Tomșa, voivode, authorizes Pope Luchian, the abbot of the Vieroș monastery, to take two gypsies from the monastery from Pope Iane from Câmpulung, which "was given to them by the nun Elesafta, who also made a note and left her at her death, to bury her and to take care of her and to mention her" [33]; In December 1631, Apostol, son of Iane the Governor, dedicated half of his father's gypsies to the Holy Trinity Monastery <RaduVodă>, and half to St. George's Monastery, because becoming Turkish by religion, he no longer had the right to keep gypsies in the country [34].

The monastic slaves had a legal and living regime different from that of the royal slaves. Being tied to the monastic courts, the freedom of movement of the gypsy slaves was very restricted and closely controlled. They lived around or even inside the monastery. Heading towards the Argeș monastery "which is an hour and a half from the city", Paul de Alep remarks that "along the road there is a row of houses next to each other, which belong to the monastery; there are the houses of the gypsies who are the slaves of the monastery" [35]. As for their occupations, they were used in field work, cutting and carrying wood. The Italian monk PetruBogdanBaksic, who visited Wallachia in 1640, notes in his accounts that "the monasteries are numerous and rich; they keep cattle and sheep and other similar things and are subject to the monasteries of the Holy Mountain, in Greece (...) And each monastery has in its possession a number of gypsy families who are like slaves; plowing, digging, working and guarding cattle; and all that must be done, they do; even the gypsies walk through the monastery, and work, make bread, wash the dishes, sweep, milk the cows and do everything that needs to be done in a house, which is a great thing. These gypsies are the slaves of the boyars, and those who found monasteries endow them with a number of gypsy families" [36]. There were many cases in which slaves were used in the construction or consolidation of monasteries. Testimonies from the time describe the Cașin monastery as being "surrounded by a very high wall, with four towers, one at each corner, apart from the bell tower, which is above the gate. Everything that was built is said to have been done by over eight hundred slave workers." [37]

The existence of documents by which the lords of the country empowered the monasteries to look for their runaway slaves indicates that the slaves' leaving the monastery was a form of protest against their ever-increasing obligations. Thus, in April 1625, RaduMihnea empowered the Neamț monastery to bring the fugitive gypsies from the Hungarian Land, to whom he granted various exemptions and the guarantee that they would not be blamed by anyone [38]; on September 5, 1633, the voivodeMoiseMovilă ordered Andronicthe page and Gogoi, a gypsy, to search for the gypsies who had fled from the Sucevița monastery, [39] for the same purpose, VasileLupu empowers the monks at the Voroneț monastery, in April 1635, to look for their runaway gypsies [40].

To remedy the situation, the lords adopt some measures in favor of the gypsy monastic slaves. For example, on January 7, 1634, MoiseMovilă decided that the gypsies of the Metropolitan Church of Suceava should not work for anyone other than the Metropolitan Church [41]. A few years later, VasileLupu orders the pages, soldiers, the supervisors and the gypsy judges not to overwork and not to oppress the gypsy slaves of the St. Elijah monastery near Suceava: you have nothing to do with them, the monks of the holy monastery,

who do the prayers, have to do with working with them, with overworking or with oppressing them. And the one that will do them more harm, it is known that only with their head they will pay, also, they shall not confuse some gypsy princes to the gypsies of the monastery”[42].

The third category of slave gypsies were the boyar gypsies. They came from royal gifts, dowries, inheritances and purchases.

The gifts of slaves made by the lords were usually related to the villages, which shows that the slaves lived on the estates given by the lord to the boyars. The boyars used gypsy slaves as any movable or immovable property, they could sell, donate, exchange, pledge or inherit. All these intentions materialized only if those acts were strengthened by the lord. Following the frequency with which such situations appear in the documents of the time, we conclude that the importance of this category of gypsy slaves was very high, especially for the economy of the boyar families.

Foreign travelers were, in turn, impressed by this situation. Referring to Preda Brâncoveanu, he relates the fact that “(...) he has one thousand five hundred families of enslaved gypsies and it is said that no one has wealth like him, except the Cozia monastery which has a thousand gypsies. We were told that he takes from each family, on the feast of St. George, 6 dinars, 1 dinar on the feast of St. Dumitru and so much more, as tribute. Most of these gypsies are craftsmen and it is said that this sum of twenty thousand dinars is poured into his treasury every year. (...) But he is very merciful to the monks and the poor and is happy to build churches and monasteries and contribute to the maintenance of the clergy. He likes to build churches, making them the richest donations in oxen, sheep, horses, bees, households, mills and slaves”[43].

The lords give to the boyars, who have manifested their faith over time or devotion in various situations, estates and gypsy dwellings. This was the case of Radu Mihnea, who on March 26, 1624 gave Nicoară, great ruler and judge of the Upper Country, the villages of Diviceni and Ceucani in Tutova county, Corjouți village, Hotin county, Cajval village, Iași county and parts of Munteni village on Siret, German; in parallel “we give and confirm ownership of our boyar written above, Nicoară, great governor on his right gypsy slaves, namely Dumitru with the woman with their children, Voica and Dragolea, whom he bought from Nechi for the page, son of Ștefan from Țara Munteneasă, for five good horses, and also a gypsy abode, namely Efrim with women and children Ion, which is a gift from Ștefan Tomavoivod”[44]. From the Register of the villages of Dumitrașco Ștefan, great chancellor and his wife, Zinica, we find out that he received from Miron Barnovschi the reward of Hliniștea and Chehnăuți “with her gypsies”, while Ciornorudinții was bought from the mistress Tofana who was “in -a great need “with a good horse and six whipped mares for a hundred red golden coins” with the gypsies here”[45]. On September 1, 1627, the same gentleman gave Ionașco Cehan, a great noble in charge of bakery, a gypsy dwelling. A few years later, Alexandru Iliăș gave Neniul, a mob leader, a gypsy home, donated by Moise Movilăvoivod [47]. In his turn, Vasile Lupu gives to Gavril, army commander and governor of Suceava, Tătărași village, Bârlad, Vaslui county and three gypsy dwellings: “I mean this true and faithful boyar, he, Gavril commander and governor of Suceavschii, serving my lordship

with justice and entrusted service, for them, seeing his service with faith and justice, I had mercy on my lordship and from our consideration and mercy I gave him and had mercy on him the village, named Tătărași ot Vasluiu, on the water of Bârlad, which also borders this village as a royal right from the border of Vaslui fair. And again I gave him and had mercy on him three gypsy dwellings from the right royal gypsies, namely Ionașco Mimeri with his family and Gavril Cățilnic with his family and Ionașco and Florea san Vicoliproci”[48].

In addition to the princely gifts, offered as rewards to the boyars for their deeds faithful to the country, the number of boyar gypsies increases through the dowry papers that the mistresses brought to their marriages.

Thus, Mrs. Marica, widow of the late Mr. Constantin Brâncoveanu, gave dowries to her niece Mariuța, daughter of Ștefan Brâncoveanu, among many others, and “the village of Mogoșoaia all over the place with stone houses; with the courtyards, with the vineyards, with the pond with the mill (...) and nineteen gypsy dwellings there”[49].

On November 15, 1633, Ivașco governor leaves dowries to his daughter Vlădaia, part of Rătești, gypsies, cattle, hives [50]; in 1700, Ilie Sandu chamberlain, writes to his sister-in-law, Marioara Prunculesei, about the immediate marriage of his daughter Maria with Toader Jorabaker noble-in-charge and about the fact that he endowed her “with two gypsy children, of Ioanathe gypsy woman” [51]; to Crupenschi, he gives dowries to his niece Catrina, whom he raised “four gypsy souls, to Pruna's sons” [52]. Mihai Racoviță, allowed, in September 1722, Gavril Lecaroyal guardian to look for the gypsies he has “from his mother Crăstăna, the daughter of Bucium chamberlain” [53].

After royal gifts and dowry sheets, wills of parents or various relatives were also ways to increase the number of slave gypsies.

Constantin Brâncoveanu leaves by will to his sons, to divide the gypsies in the following way: “How many gypsies are of the stable kind to divide them into four parts, but how many will be in Potlogi to be on Constantin's ownership, how many will be in Mogoșoaia to be Stefan's power, how many will be in Obilești to be on Radul's side; how many will be in Doicești to be on Matei's mastery. The gypsies should still divide them into four parts or have them as tax collectors, gather the taxes from the gypsies according to their custom and divide them into four parts”[54].

On July 8, 1646, Captain Macri and his wife, Grăpina, give all their estates and gypsies to their grandchildren, Costandin, the son of Necoară, who was governor, and Todosca, the daughter of Ionașco Jora; In April 1631, Grăjdana, Leca's mistress (the first royal sword bearer), left her nephew, “Preda - the second backer (bearer of princely sword), her estates from Leurdeni, Ciurnernic, Stâlpenii de Sus and Cățun, with vineyards, mills, Romanians and gypsies” [56]. In March 1766, the fortune of the late Toader Palade the treasurer was divided between his four children: Zoița, Smaranda, Maria and Constantin. Maria has “300 lei, the gypsies (...) 7 houses for Constanton and 7 houses for the dowry of Commander Razu and 3 houses for Gheorghii Sturzea (...) As for some Hungarian gypsies, to share them again as brothers” [57]. Having no children, Maria Palade leaves behind “two gypsies to the granddaughter Mariuta, the daughter of my sister Zoiții, a gypsy house to

Smaranda's sister (...) and the rest of the gypsies to my son CostacheSturza, that God willing not to give me children, from my sins, I took Costachi as a boy”[58]. From January 1717 we have the diary of the governor BejanHudici by which he leaves to his wife Paraschiva "four oxen, two cows, twenty hives and two children of gypsies, the daughters of Strătulu, Nedelia and Safta", all other gypsies belonging to his son Antohie [59].

The number of boyar gypsies also increased through shopping, the sale-purchase documents being very numerous during this period. For example, on February 19, 1630, Danciul sold a gypsy to Hrizea the great ruler; on July 26, 1631, Leon Tomșavoivode strengthens to the Grand Pope two children of gypsies "because he bought, the honest ruler of my reign, above-written these above-mentioned gypsy boys, Pascu and UrsuCevica, from Staico cupbearer in Rada , for 5000 piasterson the spot”[61].

Analyzing these documents we can find out the price of the gypsy slaves from this period, they being also an exchange unit. Their price varies depending on age, health, qualification, skill, whether they were fugitives or not. In June 1628, Alexandrulliaș, voivode, confirms some gypsies to Calota, a former great artillery commander: from Luorga from Lăteni, for 3000 aspri. And after that, the gypsy Anca took a gypsy man from the holy monastery called Strâmbul. Thus, after that, the abbot Mardarie from the holy monastery gave to the master Calotă the commander a gypsy boy, namely Ivan, from the gypsies of the monastery for Anca the gypsy, to be a gypsy for the gypsy. And again to be the honest ruler of my lordship Calota was a great commander and his mistress, Milotina, a gypsy (...) because he bought it from the boyar of my lordship Matei, great city defending chief army, from Brâncoveni for a good horse, the price to 4,000 aspri”[62].

If in the situation presented the gypsy slaves were bought both with money and in exchange for a horse whose value had been estimated at 4000 aspri, Ion FoceaNotary sells, in January 1641, to Savingovernor a gypsy, “Ionașcu sin UrsuPiscoae, in exchange for a barrel of honey, that is 10 golden coins”[63].

But perhaps the most interesting transaction took place at the end of the seventeenth century when ApostolCatargiu received from MironStărce "two gypsy dwellings, whichever I would like, of these gypsies of Corăstan" in exchange for "all the property acts and estates, how many will the Corăstan have on my name”[64].

Another classification of gypsy slaves refers to private slaves, monasteries and boyars. They are divided by MihailKogălniceanu into two categories: the nomad lads and the stable gypsies [65]. The former roamed the country and had financial obligations to their master; when a construction site opened, they were used as slaves, receiving a payment or 33 cents for their daily food. [66] The gypsies lived in stable settlements; depending on the services rendered, they were divided into domestic or court gypsies and field or field gypsies - the most numerous. Most of the gypsies themselves were made up of craftsmen: blacksmiths, horsemen, locksmiths, carpenters, masons, shoemakers, tailors, furriers, bakers and fiddlers, a trade in which they were unsurpassed at that time. These slaves specialized in a certain trade enjoyed the esteem of others and a better life. The married gypsies of the same court did not live together, but were separated by a fence forming a separate category led by a chief who, in turn,

was directly responsible to the master for the work and deviations of the slaves.

At the level of their community, the gypsy slaves were led by judges. Their choice was made in the presence of all, the chosen one being thrown three times up. The authority of the judges had to be confirmed by the representative of the king, the great supervisor, in Wallachia, respectively the army commander, in Moldova, who collected the taxes, communicated the decisions adopted at central level and judged their reasons.

To stand out from the crowd, the judges wore beards and rode with a purple cloak, Phrygian-style cap, and red or yellow shoes; they had a whip braided in three belts with which they punished the gypsies caught stealing or with other deviations.

In Wallachia and Moldova, several groups of gypsies from a certain region and with the same profession were put under the obedience of a chief of gypsies, in turn gypsy. Starting with the 18th century, it began to be known as bulibașă, being the head of the courts in a certain region and belonging to the same people. From a document from 1753, given to "Iancul, for whom I made by my lordship chief (bulibașă) over the gypsies named spoon makers who are settled in Low land", we find out that he is named by the lord and has well-established attributions: to look for the fled gypsies, regardless of the category they belong to (princely, monastic, boyar), to judge the causes between them, to collect taxes with great responsibility, without forcing them to additional ones. The supervisors and heads were exempt from tribute and other obligations to the state. [67]

The Institution of Slavery in the Medieval Legislation of the Seventeenth Century

The analysis of the legal content of slavery and its consequences on the personal status of the individual in the social-legal hierarchy of the time have as starting point the two main sources of the old Romanian rights, custom and law.

Slavery, as an institution, is not defined and is not the subject of a separate chapter in the legislation of the seventeenth century. In practice, the status of the slave is exclusively customary. Documents regarding slaves, issued by the royal chancellery or other state institutions, including documents with judicial content, permanently refer to the "custom of the land" and not to the written right of Byzantine inspiration.

In fact, Romanian law and the right of slaves are different. The slaves have a particular legal status, different from that of the Romanian population. The right of slaves consisted of a number of rules that referred primarily to the obligations of slaves to their masters and the state, to the punishments for which they were liable when they did not fulfill them or when they were guilty of any crime, rules governing relations between slaves and free persons as well as their courts. The documents of the time remind about the "custom of the gypsies" together with the "custom of the monk", the "custom of the estates" or other such "customs" which, in reality, are particular systems of law. The "gypsy custom" is a system of customary practices regarding the forms and transfer of ownership of slaves, exchange, family dynamics, their status and liability to the law.

It should be noted that the legislation we are referring to uses the terms "slave" or "maid" and not the term "he-gypsy" or

“she-gypsy”, except in cases that refer to the entire ethnic community, not just gypsies with slave status. : “The gypsy or his wife, or the child, will steal once or twice, or even three times, chicken, goose, or other small thing, to be forgiven; and if there be another greater thing stolen, let them be quarreled as if it were any theft”[68].

The inheritance of slavery presupposes the acceptance of a bond of obedience to a master, giving the latter the right to command, coerce, or punish him.

Disobedience to the master is considered a crime that must be punished, most often with a beating. By virtue of this custom, in October 1642, Prince. MateiBasarab ordered the gypsies donated to the monastery of the Holy Shrine in Bucharest by the high judge at the royal court, Hrizea, to obey to him and the wife “because if they show signs of freedom, of pride, to take his or her servant, without their will, and to beat them a lot”[69]. The beating was legislated and allowed in the case of slaves, as in the case of family members. Just as a man's right to beat his wife was limited, so the beatings of slaves were limited by law:(...)”but if we find out that the greater ones go too far and get out of their habit by always beat the slaves very badly and the thing of being on the verge of death comes to kill them completely (...) then the lesser ones will be able to stand against the greater ones, and if something like that happens, then they (the slaves) can kill their oppressors completely and have no quarrel”[70]. Going beyond this punishment, ConstantinȘerban wrote, in April 1657, “to the chamberlains of Ocna Mare (...) who are now and who will be”, informing them that, “before him, the abbot of Cozia (Cozianul) he said that the cutting worker gypsies of the monastery who did not want to give their tribute for a few years, taking him in vain, boasting that they wanted to beat the monks; the lord being very angry, intended to send the armies to bind them and beat them and take their taxes against their will, but left it to the chamberlains to take all the money and give it to the abbot, and if he comes again with grief, the Lord will send the army there to cut off their ears”[71].

The authority of the master also includes the area of the slave's family, the marriage without the master's consent being considered a crime: “The son and the slave, if he marries without the knowledge of his master, it is not to be without guilt” [72]. In the case of marriage between gypsies who have different owners, the approval of both owners is required. Usually, a settlement of payments is made in advance between them: either one buys from the other the gypsy who is to come to his estate by marriage, or a compensatory exchange was made, the master giving for the gypsy he had obtained another slave, of equal value.

Marriage is advantageous for their masters, as they increase the number of gypsy settlements. Knowingly, CatrinaDonici, the wife of the royal Chef, in January 1700, is preoccupied with her gypsy slaves, whom she wants to marry at all costs, so as not to lose them. For this purpose, she asks for the help of her daughter, to whom she writes: “I bow to you with love, my dearest Maria (...) if you have a she-gypsy, either you or lordachi's nephew, to marry the chef's son; And for Luca a she-gypsy came here; it is said that it belongs to a Buzni; maybe you can take her from him, talk to Buzne: you can get her from him as a kind of bargain, and I will marry him and after death and I will leave it to you. Yes. And I wish, Mario, to notify me about the chef (...). And, whatever you do

to them, you go to them and marry them, because I, if they have some children, after my death, I will give them to you, too”[73].

On June 18, 1704, “Gavrilașcopostelnic (member of the crown council)” received news that “(...) the story of this letter to you is no different without your news for one of your gypsies, Temușu; you will know that he is married to us, after a gypsy of ours, and, understanding that you will see him, what a poor lady, it is better to be with us than with others, that it is a sin to separate him from the woman gypsy. Only for the young lady write to me at what price it will be, and I will send you the money”[74].

The predominant tendency is not to dismantle the dwelling once established; when no equivalent exchange can be found, the masters are constrained by customary law. Thus, from a document from April 1657 we find out that Radulogofăt (lord chancellor) from Argeș, the son of Badeapărcălab (ruler of a county), sells to Tudoran the cupbearer from Aninoasa a woman gypsy, Costanda, with 26 ughi. This was the dowry of her daughter, Văsăea, with the book of 6 boyars “who shared us among brothers”. Then, when this girl died, she left her to another sister of hers, for alms, but the gypsy took a man gypsy from Tudoran. Unable to break the house, she sold it to the latter and bought another gypsy in her place, so as not to break the alms. From the record of the monk Ioanichie for the exchange of a gypsy of the Snagov monastery with another foreign gypsy we find out that no agreement could be reached even then “according to the custom of the country”, because “we could not separate the house (family) and then we agreed on ready money thalers 15 and hives 10, if they matched the price of the she-gypsy”[76].

Marriages without the will of the owners are common, especially if gypsies from different categories are involved - a princely gypsy and a monastic or boyar gypsy. In these situations, if no agreement is reached, the owners forcibly separate the two gypsies, the resulting children being divided among themselves, without taking into account the consent of the parents. Thus, in May 1725, the voivode Mihail Racoviță forced CostacheIordachevelclucer (administrator of the royal court) to give “Gypsy Bălăceanu and a child of his, Ion, who, in the division that you had previously, came in part to Bașotăthe Treasurer”[77].

The solution of these situations was given by the “Settlement” of Constantin Mavrocordat in Moldavia, in 1743, which forbade the masters to separate the gypsy spouses who belong to different owners; they can divide their children as a result of this marriage or make a compensatory exchange of gypsies and children [78].

The inferior status of slaves entails a limited number of civil rights, among which is not the right to testify: “neither the slave, nor the free gypsy, or the former convict, or the joker, or the heretic, or the Greek, or even the Jew do not deliver testimonies at the council”[79]. The slaves therefore do not represent a moral and social guarantee, their status of dependence diminishing the value of the given word.

The legislation of the seventeenth century proposes sanctions for crimes committed by various social categories, including slaves. The typology of these crimes is quite varied and includes theft, murder, crimes against religion and morals and insults. The main crimes of the time, thefts and murders, prove

to be, in terms of documents, the most common crimes in which gypsy slaves are involved.

Thefts are classified by law into large and small. In the case of large thefts "the work of the theft is of great value, or when the man repeats the act of stealing, or when he will steal from some boyar, or from another great man of honor, or when he steals from some shopkeepers, or when stairs will be made to go up to some royal or aristocratic court, or when he will dig under a house, or scatter a wall, or when he will crush padlocks and many others like this, or when he steals and the whole village pays, regardless of the theft value. The little theft is called when neither of these will be done, namely, what I wrote above "[80]. As a general rule, the double investigation of the theft is provided "in his stolen goods, what is demanded is to return everything that has been stolen" and "on his body, for mistake and wickedness that has been done" [81]. We have, therefore, several criteria for defining the size of the "small" theft that take into account the stolen object, the social status of the damaged person, recidivism, the means by which the theft is committed and its consequences. The punishment for a "big thief" was hanging.

From the analysis of the documents, we can see that the thefts entailed the conversion of the punishment into money, a situation that is valid, in fact, also in the cases of murder. Thus, in August 1629, during the famine, the gypsy Hiera stole a "wheat pit" from the Rada mistress from Bălcești and her son. Being sentenced to be hanged, his mistress, the mistress Neacșa, refused to pay the damage and "she renounced this gypsy, because he was evil and a thief". The aunt of the mistress "took pity on him, but bought him" with "80 sheaves of wheat and an ox" [83]. In May 1632, the voivode Alexandru Iliș strengthens Bejanjitnicer several gypsy slaves, including a "certain Vasilie, because he stole two horses and they caught him in front of those horses and they wanted to hang him by the countables of Totruș, but he paid his head and took him out of perdition, so that he could be his gypsy slave of inheritance, with his wife and their children "[84].

We notice that due to the social-legal status, in the case of the gypsy slaves, the responsibility for the facts - the thefts - is shared between them and the masters. The death penalty recommended by the written law makes the slaves responsible for the act committed, but the possibility of redemption belongs only to free people.

In the case of murders, the text of the laws says that "The punishment of the murderer is no other than death. If the boyar is unknown or if he is famous, man or woman, nothing will be of use to them to escape the punishment of murder, they will still be punished, be them the boyar or the soak, they will take consequences, like any of the worst people." [85]. Criminal liability is accompanied by compensation towards the family of the killed person, for the expenses incurred in committing the crime, but also for the deed itself: "The killer, except for the one being punished with death, still has a duty to pay all the relatives of the killed the expenses they incurred, how much they gave to the healers, and others that were triggered by his wounds. And there is still a duty to pay the death, to the relatives, meaning to pay daily, a few days before, as the will of the judge will be. Justice shows how long that dead man would have lived in the world. And it is still his duty to feed the cocoons of the dead and even of the other people he would

have fed, as long as he had been alive "[86]. We can see that the legislation requires a double investigation, corporal and pecuniary, the latter being equivalent to the fulfillment of the damage caused.

In the documents of the reference period we find the slaves both as criminals, but also as victims, among their victims or criminals being their masters or other persons from various social categories. If the victim is a free man, the gypsy must pay with his life for his deed, being "sentenced to death". In most cases, however, the execution of the sentence is not achieved because the written mention of the crimes is a consequence of the agreement between the parties, opting for the redemption of the guilt instead of killing the culprit.

The capital punishment was also converted into the case of May 25, 1632 when "came, before us all, the gypsy Dumitrașco, the son of the Turk, and the gypsy Huruian, the son of Cameniță. And they fell before us and before his highness, Caracas, temple guardian lord, and praying, before us, with all the slave supervisors and judgments of gypsies, namely: Mafteiu supervisor and Ivan jude and Simion and Nistor and Gligorie and Goia and Gogoiu and another Gligorie and all others, because of their own guilt, that they were robbers and killed and robbed some people and were caught redhanded and they themselves could not deny, but confessed their guilt and lost some gypsies for their own fault, and they prayed that their heads would pay for the loss. And during his reign in Caracas, he gave for them a good horse, valued at thirty ughi, good money and for twenty ughi, money ready and he saved their heads out of that weight so that they would be righteous gypsy slaves, with women and their children "[87]. In November 1636. Vasile Lupu strengthens Mierla Stețcoae several gypsy slaves, with their dwellings, as well as a gypsy woman - received from the Pobrota monastery, for a gypsy of hers, killed by the gypsies of the monastery [88].

It is observed, as in the case of theft, that the slave is criminally liable for his deed, but he cannot also answer materially, the eventual payment of the head remaining at the expense of the master. Regardless of the sanction of homicide, the latter is affected by the deed committed by his slave: by executing the death penalty he loses a man from the estate's inventory, and by composition, either saves his gypsy from death but pays the ransom, or refuses to pay, but he gives up the gypsy in favor of another person willing to assume the monetary responsibilities of the crime. Redemption was possible only with the consent of the voivode, the sole holder of the right to pronounce / cancel death sentences.

Killing a slave gypsy was treated the same as killing a free man. An interesting case is that of the boyar Marica from Albești, the daughter of the great ban Mihalcea Caragea who killed two enslaved gypsy children, and the voivode Radu Mihnea sentenced her to death and insisted on her execution, even if she had paid the compensation. "Miss Marica killed two gypsy children, because they died at her hands. At that time, Radulvoivod, his lordship sent for Marica to be brought to the royal court and waited to perish for the death of those gypsy children. And he paid Marica and the full disenfranchisement and Radulvoivod was still there to make Maricadie "[89]. Although Marica was not eventually executed for the murder of two enslaved gypsies, the case indicates that the slave-owning boyars were liable to the law in murder cases and risked the death penalty, but in the end the

current practice of acquittal was resorted to compensation. The payment of compensation itself is a punishment.

Among the crimes against religion and the norms of social coexistence we mention kidnapping, adultery, incest, cursing.

Social coexistence has a broad meaning, according to which most are, in fact, relationships of social coexistence, relationships of living people with other people. Social coexistence is that social environment that involves closer direct contacts, frequent between people, whose disruption involves moral suffering, such as contacts that involve goodwill and mutual respect, public morality.

In this sense, the abduction of a girl or a woman was a crime that threatened the family and was a rather serious crime for medieval society, because founding a family and the wedding of two young people requires blessing and parental consent, but also the consent of the church regarding kinship after which they pronounced for or against the marriage. In order for a crime to be classified as kidnapping, it had to meet two conditions: forcibly taking the girl or woman out of her home and rape: a place to take her to another place; to force her to dishonor her. And if one of these two things is missing, then there is no complete abduction "[90]. Referring strictly to the abduction, the legislation of the seventeenth century, produces a social differentiation, exemplifying very clearly the fact that " they will still burn it in the fire "[91].

Seduction was a crime that was treated as seduction in order to have sex. Sexual relations up to marriage were harshly criticized by medieval society, the meaning of sexual intercourse was to give life to children who had inheritance rights only if the family had the consent of the church and after the marriage of the parents.

Marital fidelity was a moral and civil obligation, its non-compliance being a reason for divorce and at the same time a crime. In the legislation of the seventeenth century, the adultery of the man was not considered as serious as that of the woman, due to the fact that the adulterous woman could bring children, out of wedlock, with the right to inherit from her husband. Also, being considered "worse and easier to fall than the man", the woman is investigated less severely when she finds herself in an adulterous situation with a relative [92].

Incest, the mixing of blood, was a crime that consisted of maintaining relationships sexual intercourse between parents and children, siblings. These sexual connections were stopped by moral, churches, legal laws by society, church and state. For a marriage to be considered legal by the law of the time it was not to take place between relatives. By kinship relations is meant the connection that exists between two persons through the descent of one from the other or from the third person with whom there are kinship ties. The reason for preventing marriage between relatives has both biological and physiological considerations, but also moral reasons. Kinship is divided into blood kinship, which goes up to the seventh descendant, alliances and spiritual - baptism, adoption [93].

Those who married as relatives among themselves committed the crime of "mixing blood" and everything was annulled. The rules punished, in this case, according to the degree of kinship, as follows: up to second-degree relatives - the death penalty, while the case for more distant relatives remained at the discretion of the judge. If we consider the social status, then we see that the boyar was expelled from the diocese of the

judge, while the common man was first beaten and then expelled.

The last type of crime, against honor, mentioned by the medieval legislation of the seventeenth century is sudalma (cursing), an insult by deeds or words. It was considered a minor crime and classified by the legal norms of the time in small and large terms. The place where the cursing was committed qualifies the crime; for example in the church sudalma was big, in the fair sudalma was bigger than sudalma in the village. Also, the rank of the person to whom the sudalma was addressed classifies the crime in big or small: "Sudalma of the slave is sudalma of his master. Consequently, the victim of cursing can sue the master for the sudalma of his slave, no matter how small the sudalma "[95].

CONCLUSION

Comparing the "custom of the gypsies" with the medieval legislation of the seventeenth century, we notice a similarity between the normative framework and the established legal practice.

Absence of freedom, dependence on the master, the extended relationship of subordination in the family environment, limited legal capacity, more severe treatment in criminal cases are features that make up the specific legal status of slaves that oscillates between the condition of a good in possession and that of a person. On the other hand, the institution of slavery is not approached as a separate social reality, being integrated in the sphere of other types of social, family, professional subordination.

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