

SLAVERY IN THE BYZANTINE COMMONWEALTH IN THE 13TH–15TH CENTURIES. A REGIONAL FRAMING OF THE BEGINNINGS OF GYPSY SLAVERY IN ROMANIAN COUNTRIES

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ABSTRACT

The existence of slavery in the Byzantine and Constantinopolitan-influenced states is often overlooked, with most attention focused on the slave trade in the Black Sea and Mediterranean Basin in the medieval period. As a first starting point in an attempt to establish the origin of Gypsy slavery in the Romanian countries I propose an overview of the legal regime of slavery in the Byzantine civilizational space.

Keywords: slavery, Gypsies, Byzantine Empire, Serbia, Bulgaria.

SHORT INTRODUCTION

Slavery of the Gypsies in Romanian countries is often characterized as a unique phenomenon in the Eastern European area, in the following lines I will try to specify the framing of the phenomenon of slavery in the wider area of the immediate neighborhood of Romanian countries, especially in the area of influence of the Byzantine Empire, whose social and legal structures were the origin of the Romanian countries in the Middle Ages. The uniqueness of the phenomenon of slavery in Romanian countries is usually asserted without documentary evidence or valid arguments to this effect³³.

GYPSY SLAVERY IN ROMANIA

Gypsy slavery in Romanian countries is documented from the second half of the 14th century, but the exact origin of this legal status has not been established by research to date, it is not possible to say precisely how and when the Gypsies who arrived north of the Danube in the 14th century became slaves³⁴. What we can say

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³³ Petre Petcuț, *Rromii. Sclavie și libertate [Roma. Slavery and freedom]*, Bucharest, 2015, p. 44.

³⁴ George Damian Mocanu, “A historiography of the origin of the gypsy slavery in Romanian countries. Current hypotheses and research directions”, in *Etnosfera Journal*, No. 1/2023, pp. 41–61.

with certainty is that slavery in the Romanian countries functioned within the legislative framework of the Byzantine Empire, so it can only be useful to have an overview of the legal system of slavery in the states in the area of influence of Byzantine civilization, which was the main source of inspiration for the composition of the oldest codes of law.

In a charter issued in 1385, Dan I voivode of Wallachia awards to the Tismana monastery the properties that belonged to the Vodița monastery, founded by voivode Vladislav I around 1370. Vodița monastery ceased to exist most probably in 1376 during the conflict between Hungary and Wallachia³⁵. In the charter of 1385 among other properties of Tismana monastery are listed 40 families of Gypsies (ațigani)³⁶. There is no reference to slavery in this charter, neither in the charters awarded during the following centuries, it is simply stated that 40 families of Gypsies were given to the monastery of Tismana. It doesn't mean that they were not slaves, the Romanian medieval charters rarely use this term and there is a need for an analysis of legal terms regarding slavery in Wallachia and Moldavia.

In order to understand the existence of the slavery system in Romanian countries, it is necessary to trace the status of slavery in the region of the Black Sea, the Balkans, and the Byzantine Empire during the 13th–15th centuries, in order to have an overview of the regional framework in which slavery emerged north of the Danube.

Slavery was a legal, economic, and social reality throughout the existence of the Byzantine Empire, an institution also taken over from the Roman Empire, but one that underwent constant changes during the almost 1000 years of the Byzantine Empire. From a legal point of view, there was no clear definition of Byzantine slavery, but the legal provisions relating to it were numerous and regularly updated: Theodosian Code, Justinianic Code, Eclogue, Novels of Leo, Syntagma of Mathew Blastares. Slavery in the Byzantine Empire was different from that of the Roman Empire, the above-mentioned legislation prohibited masters from killing their slaves, prohibited sexual abuse of slaves, extended the possibilities for their release (by marriage to the master, by military service, by joining the clergy, etc.)³⁷.

The regulation of slavery in the late Byzantine Empire was done through the Syntagma Canonum, a canon law collection made in 1335 by Matthew Blastares, a Greek monk from Thessalonica, together with the Hexabiblos collection made by Judge Constantine Harmenopoulos around 1344. The Hexabiblos defines a slave as a person who cannot do what he wants, but must obey the will of the master, in this sense slavery is likened to death. The master could decide how the slave was punished but could not punish him with death. Slaves could be freed by will or the master's will, if they joined the clergy with the master's consent, if they were

³⁵ Viorel Achim, *The Roma in Romanian History*, Budapest, Central European University Press, 2013, p. 14.

³⁶ ***, *Documenta Romaniae Historica*, B, Vol. I, Bucharest, 1966, pp. 19–22.

³⁷ Noel Lenski, "Slavery in the Byzantine Empire", in *The Cambridge World History of Slavery*, Vol. 2, Cambridge University Press, 2021, pp. 453–482.

abandoned sick by the master, if they served in the military with the master's consent or if they married a free man with the master's consent³⁸.

The Byzantine Empire's main source of slaves was warfare, with chronicles mentioning numerous instances of those captured in military campaigns being sold throughout the empire. Another source was reproduction within slave families, whose children inherited their parents' status. Towards the end of the Byzantine Empire when its military power declined, Constantinople's role in the slave trade was that of intermediary between the Black Sea (as the main source of slaves from wars fought in the region) and the Mediterranean (as the main market for slaves from the Black Sea region) – the merchants being the merchants of Venice and Genoa³⁹.

Slavery has been present in Bulgaria since the emergence of the state, being an effect of the wars fought by the Bulgarian tribes since their arrival, the prisoners of war being turned into slaves⁴⁰ – although the Slavic population settled south of the Danube practiced enslaving war captives even before the arrival of the Bulgarian nomads⁴¹. The presence of slavery in Bulgarian society in the 9th century is confirmed by Pope Nicholas I's reply to Tsar Boris in 866 in which several questions of faith are discussed.

The Pope appreciates that as a spiritual institution, the Church cannot be positive about slavery because of its cruel treatment of slaves, which is contrary to Christian values. At the same time the Pope appreciates that he does not have the authority to speak out against the institution of slavery and can only make recommendations in the characteristic spirit of charity, as for the Church, the social status of people is not important; what is important is that they share the faith of Christ. In this answer, slavery is rather seen as a social condition that represents an inheritance from the old pagan world that the Bulgarians left with the conversion to Christianity⁴².

The legislation of the Bulgarian mediaeval states existed within the framework of the Byzantine Commonwealth, sharing most of the imperial legislation in a Slavic translation. For example, the Bulgarian Law for Judging People (860–880) is almost entirely based on the Byzantine *Ecloga* (a compilation of Byzantine law issued in 726 by Emperor Leo III the Isaurian in his name and that of his son Constantine, the most important Byzantine legal work following the 6th-century Code of Justinian)⁴³. The mentioned Bulgarian Law for Judging People contains some references to

³⁸ Helga Kopstein, *Zur Sklaverei im ausgehenden Byzanz [On slavery in the late Byzantium]*, Berlin, Akademie Verlag, 1966, pp. 119–125.

³⁹ Noel Lenski, *op. cit.*, pp. 453–482.

⁴⁰ Yanko M. Hristov, "Prisoners of War in Early Medieval Bulgaria", in *Studia Ceranea*, No. 5/2015, pp. 73–105.

⁴¹ Vladimir Angelov, "Slaves in everyday life of medieval Bulgaria", in *Bulgaria Mediaevalis*, No. 1/2020, pp. 333–342.

⁴² Kremena Markova, "'Responsa Nicolai ad consulta bulgarorum' and the information on Slaves and Slavery during the First in Bulgarian Empire", in *Bulgaria, the Bulgarians and Europe – Myth, History, Modernity*, 2020, Vol. 14, Issue 1, pp. 91–109.

⁴³ Ivan Biliarsky, *Word and Power in Mediaeval Bulgaria*, Brill, Leiden-Boston, 2011, pp. 3–5.

slavery: the interdiction of sexual relations with a slave woman and the punishments for this acts; a provision for slaves captured during wars that should be freed after paying their ransom or working the value of their ransom; the obligation of the master to pay for damages made by his slave; the interdiction of enslaving a free man⁴⁴.

Written historical sources from the Bulgarian Middle Ages are quite limited (with the exception of narrative sources), but even so, at least some evidence of the slave trade in medieval Bulgaria has survived to this day. Thus, on 10 September 1350 a certain Jacob of Nessebar sold a slave named Moalba, of Tatar origin, to Giacomo Vasalo of Crete – part of the extensive slave trade practised by Venice and Genoa on the Black Sea-Mediterranean axis⁴⁵. Charter of Tsar John Shishman (1371–1395) to the monastery of St John of Rila in September 21, 1378 mentions the so called “Agupov kleti”, translated as “Egyptians huts” in the sense that there were Gypsies owned by this monastery.

The oldest code of laws in Serbia, the Nomocanon of St. Sava of 1219 contains extensive provisions on slavery, which was a social and legal reality confirmed by this legislation⁴⁶. Inspired by Byzantine legislation, this code of laws takes over most of the imperial provisions on slavery. St Sava’s Code states that slavery is in opposition to nature, which made everyone free, but the need for war created slavery since the law of war states that victors rule losers. Also, a person is either born a slave or becomes a slave (by being captured in war). Masters were not allowed to kill their slaves, only to inflict corporal punishments.

Slaves could be named as priests only with their master’s consent and if given they would be set free; also, the master’s consent was necessary for a slave to become a monk. Another provision states that when a master frees his slave before two witnesses, the slave cannot be enslaved by anyone else. A child conceived between a free mother and a slave father is free.

In 1349, three years after his coronation, the Serbian ruler Stefan Dusan enacted a code with legal force on the territory of his state. The so-called Code of Dusan was based on a translated and abridged version of the Syntagma of Matthew Blastares, eliminating the majority of the canonical dispositions, and preserving the secular ones; the corpus of the text was reduced to 1/3 in comparison to the integral version of Blastares⁴⁷. The provisions regarding the slaves in Code of Dusan concern the right of the master to give his slaves as inheritance, but not as a marriage portion; only the master can free his slaves; slaves living in the same village with dependent

⁴⁴ Kiril Petkov, *The Voices of Medieval Bulgaria, seventh – fifteenth Century*, Brill, Leiden-Boston, 2008, pp. 48–54.

⁴⁵ *Ibidem*, p. 509.

⁴⁶ Bojan Bozovic, “The very beginning of the Serbian social security law in the Saint Sava’s Nomocanon”, in *Proceedings of the Faculty of Law in Novi Sad*, No. 4/2018, pp. 1765–1773.

⁴⁷ Paolo Angelini, “The Code of Dusan 1349–1354”, in *The Legal History Review*, No. 80/2012, pp. 77–93.

villagers have the same fiscal obligations; slaves cannot appeal by themselves to be judged by the sovereign as the dependent villagers; the owner of the slaves deals with any judicial matters involving them, only in cases of murder, theft and brigandage the slaves shall be tried by a judge.

There is a debate regarding the status of slaves in medieval Serbia for the 14th century: the documents use the word “otrok” to designate them, which also had the meaning of “child” (while in Czech language “otrok” kept its ancient meaning of slave). Some Serbian historians maintain that the “otroks” were dependent villagers with a lower social status, while others equate them with slaves, since their owners could sell or inherit them and since they lacked the right to legal representation in court⁴⁸. Also, among the few Serbian medieval royal charters preserved, there is the charter given by Stefan Dusan to the monastery of Prizren where are mentioned a few Gypsies as property of the monastery⁴⁹.

In the immediate vicinity of Serbia, on the Dalmatian coast slavery was a legal, social, and economic reality attested by written documents beginning with the 9th century up to the 15th. Slaves were owned by monasteries, churches, noblemen and private individuals. They could be sold, inherited, or used for paying debts. Slaves in Dalmatia had no right to representation in court and no property. Diverging from the Byzantine law, the children resulted from the marriage between a free man and a slave woman were also slaves⁵⁰.

The legal provisions concerning slavery in the area of Byzantine civilization were very similar during the last centuries of the Byzantine Empire, which is natural as long as the source of inspiration was imperial legislation. Local adaptations do not constitute major differences, as they are given by the Byzantine code adopted as the main source of inspiration. In Serbia, Bulgaria, and the Byzantine Empire proper, slavery was a different legal status from that of antiquity: several ways of freeing slaves were provided for, slaves could not be punished by death by their masters, the abuse of slaves by their masters was forbidden (although the possibility of corporal punishment was retained), the marriage of slaves was recognised and, in principle, a child born of a relationship between a free man and a slave was also free.

CONCLUSION

The main sources for drawing this picture are the codes of law, especially for Serbia and Bulgaria, where the small quantity of preserved medieval documents does not allow a more detailed image of the slavery regime until the 14th century. The few preserved documents indicate that monarchs south of the Danube in this period used

⁴⁸ Srdan Sarkic, “The legal status of Vlachs and Otroks in medieval Serbia”, in *Proceedings of the Faculty of Law in Novi Sad*, No. 3/2010, pp. 37–51.

⁴⁹ Viorel Achim, *op. cit.*, p. 9.

⁵⁰ Neven Budak, “Slavery in late medieval Dalmatia: labour, legal status, integration”, in *Mélanges de l'École française de Rome. Moyen-Age*, tome 112, No. 2/2000, pp. 745–760.

to donate slaves to monasteries as labor force, but also that private individuals owned slaves and were engaged in the slave trade. All these main features of the slavery regime up to the 14th century can also be found in the Romanian countries north of the Danube. Here the main legislative code was the Syntagma of Matei Blastares, the Romanian version of this legislation deserving a separate analysis of the slavery regime.

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