

**WRITS AND MEASURES. SYMBOLIC POWER AND THE GROWTH OF  
STATE INFRASTRUCTURE IN WALLACHIA, 1740-1800**

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## ABSTRACT

The subject of this dissertation is modern state formation in Wallachia between 1740 and 1800. Focusing on the dynamics of administrative extension, it argues that the process consisted of two interrelated developments: infrastructural growth and accumulation of symbolic power. On the one hand, the regulation of agrarian relations and taxation by written normative texts, the development of instruments of storing social knowledge, and the standardization of the units of measurement enhanced the capacity of the central power to act at a distance. On the other hand, the infrastructural extension was complemented by a cultural accomplishment. The regulations territorialized social relations in two ways: they gradually suppressed both the local agreements between landlords and peasants and the private relations (privileges) between principedom and various social actors. By addressing all subjects at once, the regulations fostered a link between them and the state. The new instruments of storing administrative knowledge enhanced the state's capacity of surveillance. Finally, the standardization of measures substituted the local measures with central ones. Valid at all times and in all places, the standard measures transcended social divisions and proclaimed the equality in front of measure. Through these administrative practices, the state extended its capacity to act at a distance, redefined the area of legitimate intervention and appeared as an objective and equidistant entity.

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## ABBREVIATIONS

*AARMSI* – *Analele Academiei Române. Memoriile Secțiunii Istorice* 2<sup>nd</sup> ser. Bucharest, 1920-1947.

*AJTR* - *Acte judiciare din Țara Românească 1775-1781* [Judicial Acts from Wallachia 1775-1781], edited by Gheorghe Cronț et al. Bucharest: Editura Academiei Republicii Socialiste România, 1973.

*DF* - *Documente privind fiscalitatea în Țara Românească (1700-1821)* [Documents Concerning Fiscal Matters in Wallachia (1700-1821)], edited by V. Mihordea, Ioana Constantinescu, Sergiu Columbeanu, Manuscript deposited in the library of the Institute of History “Nicolae Iorga” from Bucharest.

*DRA* - *Documente privind relațiile agrare în veacul al XVIII-lea*, [Documents Regarding the Agrarian Relations during the 18<sup>th</sup> Century] vol. I, Țara Românească [Wallachia], edited by V. Mihordea, Ș. Papacostea, Fl. Constantiniu. Bucharest: Editura Academiei Republicii Populare Romîne, 1961.

IDR (1980) - *Istoria dreptului românesc* [History of the Romanian Law] vol 1, edited by Vladimir Hanga. Bucharest: Editura Academiei R.S.R., 1980.

IDR (1984) - *Istoria dreptului românesc* [The History of the Romanian Law], vol. 1/part 1, edited by D. Firoiu, L.P. Marcu. Bucharest: Editura Academiei Republicii Socialiste România, 1984.

Iorga, *St. și doc.*, vol. – Nicolae Iorga, *Studii și documente cu privire la istoria românilor* [Studies and Documents Regarding the History of Romanians], vol. 1-2. Bucharest: Stabilimentul Grafic Socecu, 1901; vol. 5. Bucharest: Stabilimentul Grafic Socecu, 1903 ; vol. 7. Bucharest: Stabilimentul Grafic Socecu, 1904 ; vol. 10. Bucharest: Stabilimentul Grafic Socecu ; vol. 14. Bucharest: Atelierele Grafice Socec et. Comp, 1907.

IR (1964) - *Istoria României* [History of Romania], vol. 3, edited by Andrei Oțetea. Bucharest: Editura Republicii Populare Romîne, 1964.

IR (1998) - *Istoria României* [History of Romania], edited by Mihai Bărbulescu et al. Bucharest: Editura Enciclopedică, 1998.

IR (2002) - *Istoria Românilor* [History of Romanians], vol. 6, edited by Paul Cernovodeanu and Nicolae Edroiu. Bucharest: Editura Enciclopedică, 2002.

*MO* - *Mitropolia Olteniei*. Bucharest, 1950.

*Prav. cond.* - *Pravilniceasca condică*, [The Legal Book], edited by Colectivul pentru Vechiul Drept Românesc al Academiei R. P. R. Bucharest: Editura Academiei Republicii Populare România, 1957.

*RA – Revista arhivelor.* Bucharest 1924-1946; n.s., 1958.

*RdI – Revista de Istorie.* Bucharest 1974- (succeeding *Studii, revistă de istorie*).

*RESEE - Revue des études sud-est européennes.* Bucharest, 1963-

*SAI – Studii și articole de istorie.* Bucharest, 1956-

*SMIM – Studii și Materiale de Istorie Medie.* Bucharest, 1956-

*Studii – Studii, revistă de istorie.* Bucharest 1948-1973

*TDJD - G. Potra, Tezaurul documentar al județului Dâmbovița (1418-1800).* Muzeul Județean Dâmbovița, 1972.

Urechia, IR, tome - V.A. Urechia, *Istoria Românilor* [The History of Romanians], Tome I, Bucharest: Lito-Tipografia Carol Göbl, 1891; Tome II, Bucharest: Lito-Tipografia Carol Göbl, 1892; Tome III, Bucharest: Tipografia “Gutenberg” Joseph Göbl, 1892; Tome IV, Bucharest: Tipografia “Gutenberg” Joseph Göbl, 1892; Tome V, Bucharest: Tipografia si Fonderia de Litere Thoma Basilescu, 1893; Tome VI, Bucharest: Lito-Tipografia Carol Göbl, 1893; Tome VII, Bucharest: Tipografia si Fonderia de Litere Thoma Basilescu, 1894.

## 1. INTRODUCTION

In<sup>1</sup> the domain of civil litigations ... [the prince] preferring more than anything else the purest justice, as this is the brightest charcoal and the sturdiest basis of power, has proposed an undefeated and constant rule in adjudications: righteousness and impartiality. Henceforth, the common tribunal and seat of Adrastia and Nemesis was entrusted to make for the officials and judges from the country the definitions of all special judicial cases applied to any kind of business ... Because from now on, the justice should not be at sale and the serfs should not be subject to force but, like the free men, to the law. Once, when [the prince] was in the judicial court and many of the accused were looking for his mercy, the latter addressed him saying: ‘We hinge on your command, whatever it is’. The prince, considering the independence of justice replied: ‘Oh men, justice neither needs mercy, nor it is carried out by commands; because it is appropriate that justice be always and everywhere guarded unaltered ... and I think that it is not fitting to be overturned from the cornerstone of law.’<sup>2</sup>

The text quoted above is part of the encomiastic presentation of the political career of the Phanariot prince, Constantin Mavrocordat, written by one of his admirers, the “doctor-philosopher”, Constantin Depasta, from the Peloponnese sometime between 1761 and 1770.<sup>3</sup> If we overlook the flattering rhetoric and the allusions to classical mythological figures, the text reveals how Mavrocordat’s judicial reform in the principalities of Wallachia and Moldavia was viewed by one of his supporters and maybe by himself. Apparently the reform consisted of the codification of the most frequent judicial cases and the extension of the law’s applicability to both free men and serfs. Yet the paragraph can be interpreted to render *in nuce* the transformation of state power in Wallachia during the second half of the 18<sup>th</sup> century: the rise of a state pretending neutrality with regard to all its subjects and detachment from personal whims;

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<sup>1</sup> Unless otherwise noted, all translations are the author’s.

<sup>2</sup> “Cronicul lui Petre Depasta Peloponesianul asupra vieței domnitorului Constantin Necolai Mavrocordat” [The Chronicle of Petre Depasta from Peloponnese on the Life of Prince Constantin Nicolae Mavrocordat] in C. Erbiceanu, *Cronicari greci care au scris despre Români în Epoca Fanariotă* [Greek Chroniclers Who Wrote about Romanians during the Phanariot Period], ed. Andrei Pippidi, (Bucharest: Editura Cronicar, 2003), 317.

<sup>3</sup> Nicolae Iorga, *Istoria literaturii române în secolul al XVIII-lea (1688-1821)* [The History of Romanian Literature during the Eighteenth Century (1688-1821)], vol. I, 1<sup>st</sup>. ed. 1901. (Bucharest: Editura Didactică și Pedagogică, 1969), 375.

a pretention grounded – in the above case - in the universalizing effects of the written law by the suppression of juridical differences among subjects.

My dissertation explores this process in Wallachia between 1740 and 1800. In the 18<sup>th</sup> century, Wallachia was a tributary principality of the Ottoman Empire bounded in the north and west by the Southern Carpathians and in the south and east by the Lower Danube; it was situated in a borderland area between the Ottoman and the Habsburg realms. A series of changes in the modalities of state power occurred in Wallachia after 1740. The central power issued written regulations which were supposed to govern the relationships between tenants and landlords and the extraction of taxes; it stored more and more information about the subjects in fixed and mobile forms of written evidence; it standardized the units of measurement used in the rendering of tithes, measuring land plots and in small market transactions. The actual implementation of these measures was defective to a large extent but the efforts to impose them reflect the struggles over the definition of legitimate state boundaries and these were significantly enough to deserve special attention. Romanian historians have downplayed these changes or treated them within the narrow confines of specialized histories: of agrarian relations, or archives, of metrology etc. By insisting on the political dimensions of the three logistical techniques - regulations, writs and measures - I analyze them as ways in which the state was locally produced as central authority.

My argument takes up Michael Mann's concept of "infrastructural power" as power of the state to put into effect its designs and policies through its own infrastructure;<sup>4</sup> by this notion I describe the (desired) effects of the measures adopted by the Wallachian princes in the second half of the 18<sup>th</sup> century. The infrastructural growth of the state represented not only a logistic feat, but also a cultural one. Following Mara Loveman, I claim that it takes a historical struggle

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<sup>4</sup> Michael Mann, "The Autonomous Power of the State: its Origins, Mechanisms and Results" in *States, War and Capitalism* (Oxford UK & Cambridge USA: Blackwell, 1992), 1-31.

for the state to accumulate symbolic capital that is, to widen the domain of social life in which its presence, power and rights go without saying.<sup>5</sup> I go further to argue, drawing on Philip Corrigan and Derek Sayer, that the administrative practices and routines shape subjectivities in order to accommodate the categories necessary for the functioning of the state; thus they link infrastructural and symbolic power and enhances them through the cumulative effect of repetition.<sup>6</sup> Finally, I claim that the changes in the modalities of state power which I outlined above opened up a space in which the “idea of the state” in Philip Abrams’s terms, can be communicated and imposed; the “idea of the state”, is a representation which gives legitimacy and thus effectiveness to the “state-system”, the palpable institutional nexus normally called state.<sup>7</sup>

By focusing on administrative practices, I investigate the process whereby the power of the state becomes undisputable, that is naturalized, and so allows a durable extension of its administrative reach. Throughout my dissertation I understand by administrative practices the routine activities undertaken by various branches of the state to regulate social life. Invoking a written settlement in litigations between landlords and tenants, registering large amounts of data in books, issuing fiscal certificates which contained the physical traits of the recipient, delivering standard units of measurement in the territory are all practices that enhance the infrastructural reach of the state; at the same time they impart the notion of a state, of an objective structure outside and independent of human thoughts and deeds, and of a territory under the jurisdiction of this state. These measures affected or were aimed at affecting the daily life of the subjects and

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<sup>5</sup> Mara Loveman, “The Modern State and the Primitive Accumulation of Symbolic Power,” *American Journal of Sociology*, 110/6 (May 2005): 1651-1683.

<sup>6</sup> Philip Corrigan and Derek Sayer, *The Great Arch. English State Formation as Cultural Revolution* (Oxford UK & Cambridge USA: Blackwell, 1991).

<sup>7</sup> Philip Abrams, “Notes on the Difficulty of Studying the State (1977),” *Journal of Historical Sociology* I/1 (March 1988): 58-89.

shaped their identities. Contrary to the negative image of the Phanariot reigns, they were not short-lived but had a cumulative effect and must be regarded as formative experiences for the 19<sup>th</sup> century state.

In much of the scholarship on the Phanariot period, the “state” is taken for granted. Yet the word “state” did not exist in the vocabulary of the 18<sup>th</sup> century Wallachian documents<sup>8</sup> and so the problem of who and what made the state is not easy to answer. The political authority was exercised by the principedom (*domnie*), the institutional extension of the prince (*domn*). The distinction between the two emerged in the previous centuries. It included first of all the prince, his household and the household’s clientele. The prince governed through the princely council (*sfatul domnesc*) composed of the top central officials who functioned as a consultative and executive body. The decisions were carried out by central and local officials, called princely servants (*slujitori domnești*); in spite of their name, the latter could be clients of the great officials, not of the prince. The most important political decisions were adopted with a larger council (communal council, *sfatul de obște*) or even an assembly of the land (*adunarea țării*). Finally, the church had jurisdiction over a part of civil justice, a field which the modern state would add to its business. The church had representatives in all the three consultative organs and the church leaders were essential in legitimating political authority in general and various administrative measures in particular.

It is obvious that the state was not a unitary and homogenous agency but a cluster of actors with (sometimes) diverging agendas. If we consider the agrarian relations, the state appears as the instrument of the landlords, lay and ecclesiastic; it put an upper limit to the tenants’ obligations, but that limit was fairly high so that in many cases it was not reached;

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<sup>8</sup> It was first used after the Phanariot period in 1829, *Dicționarul limbii române* [The Dictionary of the Romanian Language], tome XV (Bucharest: Editura Academiei Române, 2010), s.v. “stat”, 1057.

besides, it legalized the landlords' rights and thence it offered the state's support for their enforcement. If we look at the fiscal regulations the state does not appear anymore like the instruments of the landlords; on the contrary it exposes a fiscal logic which goes against the local immunities and the inclination of the landlords to subtract taxpayers. Similarly, in the realm of weights and measures the state appears as an equidistant factor by proclaiming the equality of all in front of the centrally defined units of measurement. Besides the princes, state officials and landlords (the latter two categories overlapped to a certain degree), the peasants (free or tenants) were another determinant actor. Many measures were adopted in response to or to prevent peasants' flight. They learned to address the state courts in order to limit the demands of the landlords and to ask just units of measurement for the rendering of tithes. But they also colluded with the landlords in order to evade taxation. The political construction which we call Wallachian state in the second part of the 18<sup>th</sup> century was forged out to this complicated net of relations and frictions.

Hence, as a starting point, the Wallachian state can be said to consist of a relatively distinct and differentiated organization in which regulation and (in the last instance) coercion are anchored. The minimal definition allows us to consider the capacities to regulate and coerce as emphatically in the making, to paraphrase Julia Adams.<sup>9</sup> In this context I refer to state making as a series of processes which tend to increase the infrastructural reach of the central power and to constitute the idea of an impersonal authority, a "natural" structure detached from private interests. This does not mean that the historical actors planned or acted consciously in this sense; they responded to structural constraints and acted according to their own values.

My argument goes against two bodies of scholarship: the historiography on the Phanariot

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<sup>9</sup> Julia Adams, *The Familial State. Ruling Families and Merchant Capitalism in Early Modern Europe* (Ithaca and London: Cornell University Press, 2005), 13 and footnote 1 for the minimal definition of the state.

period and the theories of early modern state formation. Focusing on the impact of the state on the society, historians have viewed the Phanariot state as a detestable instrument of a rapacious elite.<sup>10</sup> A more favorable perspective depicted it as the site where modernizing formulas were experimented by several enlightened princes with ambiguous results; moreover, the impact of these reforms on the state was remarked but not studied systematically.<sup>11</sup> To the contrary, I argue that the reforms had long-lasting effects and, if they did not improve subjects' lives, they nevertheless stimulated important changes in the state power. On the other hand, my dissertation offers a corrective to the influential paradigm of state formation which focuses on big and successful states, exposes a materialist conception of the state and emphasizes preparation for war as the main stimulant for state formation.<sup>12</sup> I focus on a weak and peripheral entity, give more place to the cultural dimension of the state and emphasize the role of administrative extension.

On a broader plane, my dissertation prods the rethinking of the modernization process in Wallachia and in South-eastern Europe. In this sense, my dissertation goes along a few recent

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<sup>10</sup> The most recent (and radical) expression of this view Damian Hurezeanu, "Regimul fanariot. O poartă spre modernizarea Țărilor Române?" [The Phanariot Regime. A Gate to the Modernization of the Romanian Principalities?] in *Historia manet. Volum omagial Demény Lajos*, ed. Violeta Barbu, Bucharest (Cluj: Kriterion, 2001), 399-412; the anti-Phanariot stereotypes were uncritically repeated by Bogdan Bucur, *Devălmășia valahă. O istorie anarhică a spațiului românesc* [The Wallachian Melange. An Anarchic History of the Romanian Lands] (Pitești: Paralela 45, 2008) who grants absolute credibility to the allegedly objective foreign travelers.

<sup>11</sup> Florin Constantiniu, "Constantin Mavrocordato et l'abolition du servage en Valachie et Moldavie," in *Symposium. L'Époque phanariote, 21-25 Octobre 1970. A la mémoire de Cléobule Tsourkas* (Thessaloiniki: Institute of Balkan Studies, 1974), 378-79; Șerban Papacostea, "La grande charte de Constantin Mavrocordato (1741)" in *Symposium*, 365-76; Florin Constantiniu and Șerban Papacostea, "Le réformes des premiers phanariotes en Moldavie et en Valachie: essai d'interprétation" in *Balkan Studies*, 13/1 (1972); Constantiniu "Epoca fanariotă: conflictele tranziției" [The Phanariot Period: the Conflicts of Transition], *RI XVI*/1-2 (2005): 47-52. Șerban Papacostea, "Contribuție la problema relațiilor agrare în Țara Românească în prima jumătate a secolului al XVIII-lea," [Contribution to the Problem of Agrarian Relations in Wallachia during the First Half of the Eighteenth Century], *SMIM*, 3 (1959): 233-319 stops at the reforms of Constantin Mavrocordat from 1740s.

<sup>12</sup> Charles Tilly ed., *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975); Charles Tilly, *Coercion, Capital and European States, AD 990-1992* (Blackwell: Cambridge MA & Oxford UK, 1992); Brian M. Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton: Princeton University Press, 1992); Thomas Ertman, *Birth of Leviathan. Building States and Regimes in Medieval and Early Modern Europe*, Cambridge: Cambridge University Press, 1997.

approaches to the Ottoman history. Rifa'at 'Ali Abou-El-Haj refuted the thesis of Ottoman immobilism in the middle-centuries" (16<sup>th</sup>-18<sup>th</sup>) and made "the case for a transformative process prior to the nineteenth and twentieth centuries".<sup>13</sup> Ariel Salzmann and the sociologist Karen Barkey viewed in processes of devolution like life-term tax farming – with its security of tenure – a means of integrating central and local elites.<sup>14</sup> Such contributions have clear merits and are inspiring for me, yet my argument diverges from them to a certain extent. In distinction to them, I focused on a smaller area – practically a province of the Ottoman Empire – and explored modalities of direct rule, of centralization and of infrastructural expansion of the state.<sup>15</sup> That is, while they argue for modernization with other means – most notably tax-farming and privatization – I argue for modernization with "standard" means in an unlikely environment.

The empirical basis of my study consists of normative, administrative and judicial sources, published in several collections of documents. The first group contains settlements, ordinances and above all the Legal Book (*Pravilniceasca condică*)<sup>16</sup>, the first legal code published in Wallachia in 1780. But the most important sources are the documents produced by the working of the administrative and judiciary organs. The bulk of my evidence comes from

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<sup>13</sup> Rifa'at 'Ali Abou-El-Haj, *Formation of the Modern State. The Ottoman Empire Sixteenth to Eighteenth Centuries* (Syracuse: Syracuse University Press, 2005), 82. The argument was applied earlier to the analysis of the 1703 rebellion, Rifa'at 'Ali Abou-El-Haj, *The 1703 Rebellion and the Structure of Ottoman Politics* (Istanbul: Nederlands Historisch-Archeologisch Instituut, 1984); the author urged to see the shift from the *devşirme* system headed by a charismatic leader to the households politics as a normal political transformation not as a historical aberration (and hence of decay).

<sup>14</sup> Ariel Salzmann, *Tocqueville in the Ottoman Empire. Rival Paths to the Modern State* (London, Boston: Brill, 2004), Karen Barkey, *Empire of Difference. The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008).

<sup>15</sup> Karen Barkey, *Empire of Difference*, 262, conceded that decentralization at imperial level corresponded to integration and centralization to provincial level, but she didn't go into details. In her view, the notables "reproduced at the regional level the relations of the center," their governance being characterized by "a new sensibility toward rule that stemmed from becoming less segmented, more tightly integrated – both vertically and horizontally – and smaller unit".

<sup>16</sup> *Pravilniceasca condică* [The Legal Book], Editura Colectivul pentru vechiul drept românesc al Academiei R.P.R. (Bucharest: Editura Academiei Republicii Populare Romîne, 1957). (Hereafter, *Prav. cond.*).

several thousand of documents published in thematic volumes: regarding the agrarian relations<sup>17</sup> and the fiscal problems<sup>18</sup> in the 18<sup>th</sup> century Wallachia and judiciary acts from the period 1775-1781<sup>19</sup>; of enormous importance was the undervalued collection of V.A. Urechia from which I used the first seven volumes.<sup>20</sup> Nicolae Iorga's *Studii și documente* provided several important documents.<sup>21</sup> Besides these, I will rely to a lesser extent on other administrative and narrative sources.

Chronologically, my dissertation focuses on the six decades between 1740 and 1800. The former date is the beginning of Constantin Mavrocordat's reforms. The latter is an arbitrary and has to do with the need to keep down the volume of the material under study. The focus on these six decades allows us to observe the innovations introduced by two reformatory princes – Constantin Mavrocordat and Alexandru Ipsilanti – and their impact on the Wallachian society. Besides, after 1800 there were no other significant Phanariot reforms in Wallachia and so, the physiognomy of the Wallachian state during the Phanariot period was well established. However, as the reader will notice, I frequently went beyond these chronological boundaries in order to

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<sup>17</sup> *Documente privind relațiile agrare în veacul al XVIII-lea*, [Documents Regarding the Agrarian Relations during the 18<sup>th</sup> Century] vol. I, Țara Românească [Wallachia] eds. V. Mihoarea, Ș. Papacostea, Fl. Constantiniu (Bucharest: Editura Academiei Republicii Populare România, 1961), 901. (hereafter, *DRA*).

<sup>18</sup> *Documente privind fiscalitatea în Țara Românească (1700-1821)* [Documents Concerning Fiscal Matters in Wallachia (1700-1821)], eds. V. Mihoarea, Ioana Constantinescu, Sergiu Columbeanu, Manuscript deposited in the library of the Institute of History "Nicolae Iorga" from Bucharest. (hereafter, *DF*)

<sup>19</sup> *Acte Judiciare din Țara Românească 1775-1781* [Judicial Acts from Wallachia 1775-1781] eds. Gheorghe Cronț et al. (Bucharest: Editura Academiei R.S.R., 1973). (hereafter, *AJTR*).

<sup>20</sup> V.A. Urechia, *Istoria Românilor* [History of Romanians], tome I (Bucharest: Lito-Tipografia Carol Göbl, 1891); tome II (Bucharest: Lito-Tipografia Carol Göbl, 1892); tome III (Bucharest: Tipografia "Gutenberg" Joseph Göbl, 1892); tome IV (Bucharest: Tipografia "Gutenberg" Joseph Göbl, 1892); tome V (Bucharest: Tipografia si Fonderia de Litere Thoma Basilescu, 1893); tome VI (Bucharest: Lito-Tipografia Carol Göbl, 1893); tome VII (Bucharest: Tipografia si Fonderia de Litere Thoma Basilescu, 1894.)

<sup>21</sup> Iorga, *Studii și documente cu privire la istoria românilor* [Studies and Documents Regarding the History of Romanians], vol. 1-2 (Bucharest: Stabilimentul Grafic Socecu, 1901), vol. 5 (Bucharest: Stabilimentul Grafic Socecu, 1903), vol. 7 (Bucharest: Stabilimentul Grafic Socecu, 1904), vol. 10 (Bucharest: Stabilimentul Grafic Socecu), vol. 14 (Bucharest: Atelierele Grafice Socec et. Comp, 1907), (hereafter, Iorga, *St. și doc.*, vol.)

underline contrasts or differences. Most often I compare post-1740 developments with the corresponding facts from around 1700.

Geographically, my dissertation concentrates on Wallachia but not on Moldavia. The two political entities – which would form a single state in 1859 – were traditionally treated by historians together. This is apparent also from the bibliography I use, many studies referring to both principalities. Besides the habit of national historiographies to read history backwards, the linguistic, religious, and political similarities between Wallachia and Moldavia justified the unitary treatment. Nevertheless, a more detailed study would have to take into account the dissimilarities too. For instance, there was no code of law in Moldavia similar to the Legal Register (*Pravilniceasca condică*) introduced in Wallachia in 1780 before 1800; the agrarian relations developed at a faster pace in Moldavia with the obligations of the peasants aggravating visibly during the 18<sup>th</sup> century; the registers of the counties were introduced by Constantin Mavrocordat in 1741 in Moldavia whereas I found no mention of them in Wallachia until 1775. In short, a concomitant focus on Wallachia and Moldavia would have imposed a different structure of the dissertation. However, I sometimes make inferences on the basis of Moldavia sources, especially when parallel facts are poorly documents for the Wallachian case.

In the remainder of this introduction I will present this argument in greater detail. In the first section I discuss the Romanian literature on the Phanariot period focusing on the inadequate treatment of the problem of the state. In the second section I outline and revise the society-centered and the state-centered sociological literature on early-modern state formation and point out their limitation in accounting for the transformations underwent by the Wallachian state during the 18<sup>th</sup> century. In the third section I introduce a series of concepts drawn mostly from

the culturalist revision of state theory which enable us to analyze the dynamics of state making during the Phanariot period by turning our attention from formal institutions to practices.

## §

Note on citation. First, I employed acronyms or abbreviations for the volumes of documents I used, because of their recurrence, and for the syntheses of Romanian history, which usually come with the same name (History of Romania or History of Romanians). Although I gave at the first citation the full title, I provided a list of abbreviations. Second, when I cited a document, I referred in the footnotes to the number of the document from the published volumes because sometimes, on the same page, there are two documents. Yet this method was possible only for the volumes published in the second part of the 20<sup>th</sup> century. The documents published at the end of the 19<sup>th</sup> century and in the first half of the 20<sup>th</sup> are cited with the page number.

Note on transliteration. For the names of the Phanariot princes there are several versions (Ottoman, Greek, Romanian). I used consistently the Romanian version for this is how they appeared in the documents I used. For the names of places, I used the English version, where available (e.g. Bucharest instead of the Romanian București) or the current name (Pitești, Târgoviște etc.). For places outside Wallachia but in today Romania I also used the Romanian version (Brașov instead of the 18<sup>th</sup> century Hungarian Brassó or the German Kronstadt). For places outside Romania I used the actual name (Rusciuk, Silistra).

### ***1.1. The State in the Historiography on the Phanariot Period***

In this section I indicate briefly what is usually meant by the notions of Phanariot and Phanariot period. Then I will offer a very general picture of the Phanariot period in Romanian historiography and I will insist on how the historians have viewed the state and the reforms introduced in the same period. In the same manner in which historians argued if the Phanariot period was a negative or a positive period in Romanian history, the state and the reforms were evaluated in terms of negative vs. positive effects on the living conditions of the population. I propose to move beyond such assessments and to look at how in the long term the reforms have stimulated state growth in both logistic and cultural sense.

The Phanariot period/regime/century are the labels used to synthesize the history of Wallachia from 1716 to 1821 (1711-1821 in the neighboring Principality of Moldavia with a similar status). The Phanariots were a Christian elite based in the quarter of Phanar (hence their name) which grew in the interstices of the Ottoman governance from the last decades of the 17<sup>th</sup> century. Initially they amassed merchant wealth and monopolized positions in the Patriarchy. Later, due to their Western (Italian) education and linguistic skills they soon occupied the position of Grand Dragoman (Interpreter) of the Porte and of the fleet which gave them a preeminent role in the conduct of foreign affairs of the Porte. Having the ear of the Ottoman dignitaries, they obtained the dignities of prince of Moldavia and Wallachia. Informal in the last decades of the 17<sup>th</sup> century, the appointment of Ottoman Christians to the principedom of the two principalities becomes regular in the 18<sup>th</sup> century – whence the name of Phanariot age.<sup>22</sup>

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<sup>22</sup> For the ascendancy of the Phanariots see: Ion Ionașcu, “Le degree de l’influence des grecs des principautés roumaines dans la vie politique de ces pays” in *Symposium*, 217-228; Andrei Pippidi, “Phanar, Phanariotes, Phanariotisme” in *Revue des études sud-est européennes*, XIII/2 (1975), 231-239; Christine Philliou “Communities on the Verge: Unraveling the Phanariot Ascendancy in Ottoman Governance” in *Comparative Studies in Society and History* 51/1 (2009), 151-81 and Christine Philliou, *Biography of an Empire. Governing Ottomans in an Age of*

The problem of the Phanariot period or regime in the Romanian historiography and culture was a matter of controversy which I just sketch here. A bleak image was forged by the 19<sup>th</sup> century Romanic historians who accused the Phanariots for delaying the rise of national awareness, for deterring the progress of the Romanian nation, and for corrupting the mores of the society. The opening of the chapter dedicated to the Phanariot period in the first critical synthesis of Romanian history speaks volumes about this perception:

Nous arrivons à une époque bien malheureuse pour la Valachie, au règne des Phanariotes. Sous ces princes fermiers, sous ces princes qui étaient changes tous les jours, sous ces esclaves despotes, la Valachie tomba en décadence avec autant de vitesse que les autres états de l'Europe montaient en grandeur et en civilisation ... Un mur de despotisme, plus puissant qu'un des pierres entourant la principauté et le séparait du reste de l'Europe ... Tous les écrivains, indigènes ou étrangers, représentent l'avènement au trône des Phanariotes comme l'événement les plus désastreux qui ait jamais accablé la Valachie.<sup>23</sup>

Hence, decadence and the unfavorable comparison with (Western) Europe, an obsessing theme in modern Romanian culture, were imputed to the ill-famed Phanariots. From the end of the century, a more balanced and complex picture was put forth: the notion of nationalist Phanariots was exposed as anachronistic and the modernity of their political ideas and policies inspired by European enlightenment was underscored; moreover, it was showed that the indigenous elites, far from the image of patriotic champions, monopolized top offices, collaborated with the Phanariots in the fiscal exploitation of the peasantry and even opposed their “philanthropic”

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*Revolution* (Berkely, Los Angeles, London: University of California Press, 2011), ch. 1. On the Ottoman-Christians playing an important role in the principalities before the Phanariot period Constantin Șerban, “Les preliminaries de l'époque phanariote” in *Symposium*, 29-39 and M. Stănescu, “Préphanariotes et Phanariotes dans la vision de la société roumaine des XVIIe-XVIIIe siècles” in *Symposium*, 347-358.

<sup>23</sup> Mihail Kogălniceanu, “Histoire de la Valachie, de la Moldavie et des Valaques Transdanubiens” in Mihail Kogălniceanu, *Opere* Tome I, ed. Andrei Oțetea, (Bucharest: Editura Fundațiilor Regale, 1946), 429. Nicolae Bălcescu, *Românii supt Mihai-Voevod Viteazul* [Romanians under the Rule of Mihai-Voevod Viteazul], first published in 1878, ed. Andrei Rusu (Bucharest: Editura Albatros, 1973), 15, 18 and Nicolae Bălcescu, “Românii și Fanarioții” [The Romanians and the Phanariots], *Magazin Istoric pentru Dacia*, I (1845), 115-121.; A.D. Xenopol, *Istoria Românilor din Dacia Traiană* [The History of Romanians from Trajan's Dacia], 3<sup>rd</sup> Editura, (Bucharest: Editura “Cartea Românească,” 1930), vol. IX, 5-6, 87; Pompiliu Eliade, *Influența franceză și spiritual public în România* [The French Influence and the Public Mind in Romania], original French edition in 1898, (Bucharest: Institutul Cultural Român, 2006).

measures.<sup>24</sup>

During the 20<sup>th</sup> century the two perceptions coexisted, sometimes in the same work, but there was a trend towards a dispassionate discussion of the Phanariots. The negative judgments regarding corruption, venality and fiscal exactions lingered in the Marxist approaches of the communist period, but the emphasis was on various socio-economic processes gravitating around the major transition from feudalism to capitalism.<sup>25</sup> The conclusions drawn at the end of a Symposium dedicated to the Phanariots in 1974 gave voice to this orientation to which I also subscribe: “Nous n’étions pas ici ni pour faire l’éloge des Phanariotes, ni pour les dénigrer, mais tout simplement pour les mieux connaître”.<sup>26</sup>

In addition, this effort to know the Phanariots or the Phanariot better went hand in hand with commendable deconstructions of the dark image of the Phanariots, highlighting its ideological underpinnings.<sup>27</sup> Recently, Bogdan Murgescu has argued that “‘the Phanariot century’ is a historiographic construct” fulfilling the role of a Dark Age period between the glorious past and the modern national revival. The argument insists that “a distinct and a

<sup>24</sup> Already A.D. Xenopol, *Istoria Românilor din Dacia Traiană* [The History of Romanians from Trajan’s Dacia], vol. 11 (Iași: Editura Librăriei Școalelor Frații Șaraga, 1896) and A.D. Xenopol, *Războaiele dintre Ruși și Turci și înrîurirea lor asupra Țărilor Române* [The Wars between Russians and Turks and their consequences for the Romanian Principalities], ed. Elisabeta Simion (Bucharest: Editura Albatros, 1997), 30-34 claimed that the Phanariot period witnessed the culmination of a decadent trend which had started before the coming of the “Greek” princes. For the revisionist interpretation see: Urechia, IR, tomes I-VII; Nicolae Iorga, “Cultura română sub fanarioți” in *Două conferințe* (Bucharest: Editura Librăriei Socecu & Comp., 1898), 53-108; Iorga, “Le despotisme éclairé dans les pays roumaines au XVIII<sup>e</sup> siècle” in *Bulletin of the International Committee of Historical Sciences* IX (1939), 101-115; Nicolae Iorga, “Au fost Moldova și Țara Românească provincii supuse fanarioților?” [Were Moldavia and Wallachia Provinces Subject to the Phanariots?], *Analele Academiei Române. Memoriile Secțiunii Istorice*, (1937); Nicolae Iorga, *Istoria Românilor* [History of Romanians], vol. 7, (Bucharest: S.N., 1938), 5-10.

<sup>25</sup> *Istoria României* [History of Romania], vol. 3, Editura Andrei Oțetea (Bucharest: Editura R.P.R., 1964) (hereafter, IR (1964). For a review of this strand see Cornelia Papacostea-Danielopolu, “État Actuel Des Recherché Sur L’Époque Phanariote,” *RESEE*, XXIV/3 (1986): 227-234.

<sup>26</sup> M. Berza, “Conclusions” in *Symposium*, 469.

<sup>27</sup> Traian Ionescu-Nișcov, “L’Époque Phanariote dans L’Historiographie Roumaine et Étrangère” in *Symposium*, 145-157; Ștefan Lemny, “La critique du régime Phanariote: clichés mentaux et perspectives historiographiques” in *Culture and Society. Structures, Interferences, Analogies in the Modern Romanian History* Editura Al. Zub, (Iași: Editura Academiei R.S.R., 1985), 17-30.

homogenous Phanariot regime has never existed” because the 18<sup>th</sup> century was as part of “a longer period of political and economic integration of the Romanian Principalities at the periphery of the Ottoman world” - 16<sup>th</sup> to the early 19<sup>th</sup> century – during which the Ottoman influence fluctuated sensibly<sup>28</sup>. These observations did not prevent other historians to persist in the old charges against the Phanariot regime as impediment of Romanian modernization.<sup>29</sup>

Let us now turn to the two related issues of state and reforms<sup>30</sup>. The historiography on the 18<sup>th</sup> century neither approached frontally nor problematized the notion of the state which it nevertheless employed frequently. Scattered remarks regarding the nature and the function of the state can be found mostly in syntheses of Romanian history. Besides, I will also discuss a few studies that bring forth relevant opinions on this subject. These syntheses and studies converge – with some differences of degree – on three issues. Firstly, the state is viewed exclusively in material terms, as an institution performing mainly extractive (and adjudicatory) functions and attending to sectional interests; most often the authors underline the abuses, corruption, and precariousness of the state apparatus. Secondly, although mentioning the factual changes occurred in the 18<sup>th</sup> century state organization, most studies show little inclination to discuss the effects of these changes on the state; with some exceptions, they convey the impression of a

<sup>28</sup> Bogdan Murgescu, *Istorie Românească-Istoria Universală* [Romanian History-World History] (Bucharest: Universitas, 1999), 185-186. Similar views at *Idem*, “‘Fanarioți’ și ‘pământenii’. Religie și etnicitate în definirea identităților în Țările Române și în Imperiul Otoman” [Phanariots and Indigenes. Religion and Identity in the Definition of the Identities in the Romanian Principalities and the Ottoman Empire] in *Țările Române între Imperiul otoman și Europa creștină* [The Romanian Principalities between the Ottoman Empire and Christian Europe] (Iași: Polirom, 2012), 57-59.

<sup>29</sup> Hurezeanu, “Regimul fanariot,” 399-412; Bucur, *Devălmășia valahă*. The decisive role of the foreign travelers in the constitution of the dark image of the Phanariots has already been remarked: Ionescu-Nișcov, “L’Époque Phanariote dans L’Historiographie Roumaine et Étrangère,” 147-152 and Panayotis A. Papachristou, *The Three Faces of the Phanariots: An Inquiry into the Role and Motivations of the Greek Nobility under the Ottoman Rule, 1683-1821*, MA Dissertation, Simon Fraser University, 1992, 8-10. (I am grateful to Donald Taylor who, on behalf of the Simon Fraser University, has offered me an electronic copy of this dissertation).

<sup>30</sup> By reforms historians refer to a set of measures – fiscal, agrarian, administrative and judicial – meant to sustain or increase fiscal extraction without undermining the taxable basis. In this sense it was an effort to rationalize taxation, social structure and the state apparatus so that the fiscal burden of the peasantry and the administrative workload of the official were more equally distributed.

perennial modernity of the state which was always there, undergoing only formal changes. Thirdly, the Phanariot reforms are central to any account of the period. Some authors, preferred to emphasize their failure - to attenuate the fiscal burden of the peasants and to produce an orderly administration; others underscored the modernizing sense of the reforms and emphasized the conflicts between prince and boyars which they generated. Yet, none of them were concerned with the long-term impact of reforms upon the state. I approach these positions in turn.

The fiscal function figured prominently in the account of A.D. Xenopol. As all the expenses from the treasury served the interests of “the Turks, the princes and the boyars”, Xenopol can only conclude that “the state was considered then as a huge company of exploitation; the people like a flock of sheep from which it collected the products without any effort than to let them grazing”.<sup>31</sup> Apparently, Xenopol’s views on this matter were to exert significant influence in Romanian historiography. Constantin C. Giurescu also noted on a milder tone that “a significant part of the revenues of the country served to their [officials’] payment, too little remaining for investments in public works”.<sup>32</sup> The contributors to the first Marxist treatise of Romanian history tacitly subscribed to his opinion when declared that “by its administrative, judicial and fiscal functions, the Phanariot state was the instrument destined to repress the opposition of the peasantry, to satiate the Turks, to enrich the prince and to subsidize the boyars”.<sup>33</sup>

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<sup>31</sup> Xenopol, *Istoria românilor*, vol. 10: 141. The pastoral metaphor might be a critique of the non-interventionist state which does not produce invest in its human capital to create good and productive citizens. Unfortunately Xenopol does not elaborate on the subject.

<sup>32</sup> Constantin C. Giurescu, *Istoria Românilor* [History of Romanians], vol. 3, Original work published 1942-1946, (Bucharest: Editura Bic All, 2007), 338.

<sup>33</sup> IR (1964), 692. On the mechanistic application of Marxist theory (simple inversion of the order of chapters, with economy coming first and culture last) and the persistence of old, “bourgeois” themes and interpretations, see Florin Constantiniu, *De la Răutu și Roller la Mușat și Ardeleanu* [From Răutu and Roller to Mușat and Ardeleanu] (Bucharest: Editura Enciclopedică, 2007), 235-267.

For Vlad Georgescu Wallachia witnessed during the 18<sup>th</sup> century “a Phanariot plunder unknown in history until then”. Hence, “it is no wonder that the main function of the state during the Phanariot period was fiscal, the entire state apparatus, from the prince to the lowest functionary, being concerned with the idea of squeezing as much money as possible from the population”.<sup>34</sup> Pompiliu Teodor in a recent collective work considered that in the second part of the 18<sup>th</sup> century “business men who turn real ‘ministers’ and take the fiscal extraction to the extreme” come in Wallachia although they are not Phanariots but originate “outside of Phanar”.<sup>35</sup> Constantin Șerban in his contribution to the latest Romanian History published by the Academy claimed that the abuses and the corruption of the state apparatus produced a climax of fiscal extraction during the Phanariot period and that the Phanariot state was “one of the most terrible instruments of extortion known in history”.<sup>36</sup>

The inadequate explanation of changes in the Wallachian state is harder to detect for various authors do refer to many changes which occurred in 18<sup>th</sup> century. But the factual mention of such changes does not lead to conclusions regarding the nature of the state. For instance Constantin C. Giurescu remarked very well that before 1740 the territorial officials were heads of towns; after the administrative reform of Constantin Mavrocordat they became heads of counties. He also noticed that during the 18<sup>th</sup> century subdivisions of the counties appeared.<sup>37</sup> Yet for him this is just a change of designation not a change in the nature of state power, more precisely a stage in its territorialization. It is true that he mentions “new facts” in the judicial

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<sup>34</sup> Vlad Georgescu, *Istoria Românilor. De la origini până în zilele noastre* [History of Romanians. From the Origins to Present Day], 1<sup>st</sup> edition 1984 (Bucharest: Humanitas, 1992), 89-91.

<sup>35</sup> *Istoria României [History of Romania]*, eds. Mihai Bărbulescu et. al. (Bucharest: Editura Enciclopedică, 1998), 300. (hereafter, IR (1998)).

<sup>36</sup> The chapter on fiscal matters by C. Șerban in *Istoria Românilor [History of Romanians]*, vol. 6, eds. Paul Cernovodeanu and Nicolae Edroiu (Bucharest: Editura Enciclopedică, 2002), 223.

<sup>37</sup> Giurescu, *Istoria Românilor*, vol. 3: 344.

organization: the establishment of full-time salaried judges which led to the separation of judicial from executive power. But, by saying that another mark of the period (in this volume he discusses the period 1601-1821) is “the fixation, by printing, of legal texts instead of the previous manuscript texts” he blurs completely the problem of when does this change occur.<sup>38</sup> Were the printed Byzantine (mostly canonic) laws from the mid 17<sup>th</sup> century used routinely by the judges? Was the publication of a written code in 1780 connected with the contemporary establishment of judicial department staffed with paid judges? Failing to address these questions he failed to adequately explain the changes he mentioned.

The clearest expression of the perennial modernity view is Constantin Bălan’s contribution to a treatise of Romanian history from 2002. In a classic exposé on formal institutions, Constantin Bălan treats the institutions of principedom, the princely council, the Assemblies of the Land and the “administrative territorial organization”. His narrative follows the usual center-outer and top-down perspective from the principedom to the village institutions which implement the orders received from above; it imparts the sense of an already modern state with a coherent and formal hierarchy of offices and institutions. The development of the state in this period is obscured through statements as: “the decisions [of the prince] relied on written law to assure the keeping of order and to consolidate the state authority”.<sup>39</sup> The statement is not only inaccurate, but also unhistorical: the reliance on written law is the product of a historical process and – in Wallachia - becomes visible towards the end of the 18<sup>th</sup> century, when the first code of laws – The Legal Register (*Pravilniceasca condică*) – is published.<sup>40</sup>

The problem of the Phanariot reforms gave way to slightly divergent interpretations.

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<sup>38</sup> *Ibidem*, 375.

<sup>39</sup> IR (2002), 302-06.

<sup>40</sup> IR (2002), 309.

Designed to improve the situation of the peasants – in order to be able to pay taxes – and to reduce the malfunctions of the administrative and judicial apparatus, the various reforms are considered by many historians to have failed. For Xenopol the reforms were good in intentions but, being opposed by the boyars, ended up by aggravating peasants' dependence on the landlords and their fiscal burden.<sup>41</sup> The Marxist treatise considers that the reforms were concomitantly “an attempt to modernize the state and to curtail the officials' abuses”<sup>42</sup> and “privileges for the consolidation of the boyar class”<sup>43</sup>. Then, it concludes inadvertently that they fostered boyars' interests and were opposed by them.<sup>44</sup> The problem of whether the boyars opposed all the reforms or some of them is never addressed explicitly.

For Vlad Georgescu, the abolition of serfdom (the agrarian or social reform) “neither solved the agrarian problem nor improved significantly the situation of the peasantry”. By obliging the boyar to give to peasants plots of land for cultivation, the reform has blocked “the possibility of transforming the land in alodial property of bourgeois type”. So neither the peasants nor the boyars could benefit from the reform.<sup>45</sup> The author applies to the 18<sup>th</sup> century problems specific to the 19<sup>th</sup> (the idea of absolute property either of peasants or of boyars) over land did not appear in the 18<sup>th</sup> century). Moreover, by focusing on the question of utility of the reform he missed to address the long-term impact of it.

Pompiliu Teodor avoided proclaiming the outright failure of the reforms. He considered that the reforms had a double aim: to consolidate the central power vis-à-vis the boyars and to enhance the fiscal capacity of the tax-payer. But “the application of reforms was hampered by

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<sup>41</sup> Xenopol, *Istoria Românilor*, vol. 9: 79-88, 112, 171-173.

<sup>42</sup> IR (1964), 438.

<sup>43</sup> IR (1964), 436.

<sup>44</sup> IR (1964), 436-438, 687.

<sup>45</sup> Georgescu, *Istoria românilor*, vol. 3: 97.

the fluctuations of the Ottoman domination, by the interventions of the Turks ... and not the least by the hostility of the boyars”.<sup>46</sup> The most surprising verdict comes from a specialist in the problem of reforms who formulated very different insights earlier in his career – as I will show below. Even before discussing the reforms, Florin Constantiniu announces the “final failure of the reforms”, caused by the political instability at the level of principedom (not all princes were reform-minded and their tenure was short) and especially by the incapacity of the Porte to regulate its demands.<sup>47</sup>

Keith Hitchins proposed a balanced view of the Phanariot regime and reforms. On the one hand, he considered that Wallachian institutions were still in a pre-modern phase in the last half of century of Ottoman domination because civil and church law overlapped, executive and judicial functions were not differentiated and predictable annual budgets lacked. On the other hand, there were important innovations: codification of law, the introduction of the principle of separation of powers, the expanding power of the central bureaucracy at the expense of provincial boyars and the secularizing trend among the educated men. Yet, like Romanian historians before and after him, he suggests that these innovations had little or no positive effect on the state because the Ottoman domination “disrupted the continuity of administration” and discouraged “government by firm rules and rational procedures”.<sup>48</sup> Hence, Hitchins underlines that the modernizing trends were set, although the overall effect of these trends on the state is ambiguous in his work. Yet his constitutionalist approach has no room for changes in the state infrastructure of rule. For him modernization means primarily separation of power and local

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<sup>46</sup> IR (1998), 301.

<sup>47</sup> IR (2002), 501.

<sup>48</sup> Keith Hitchins, *The Romanians, 1774-1866* (Oxford: Clarendon Press, 1996), 18-19.

participation in government.<sup>49</sup>

To be fair Xenopol and the authors of the treatises published by the Romanian academy did mention the changes in state infrastructure: the introduction of fiscal certificates, the keeping of books by the judicial instances, the various administrative reorganizations. Moreover, P.P. Panaitescu<sup>50</sup> and Ioana Constantinescu<sup>51</sup> noticed that the agrarian reform meant the intervention of the state in the relations between landlords and tenants and – at odds with the failed reform thesis - that such a reform was never abandoned (as it happened with the fiscal reorganizations). But the long term impact of such measures upon the state is never considered. Focusing on the administrative achievement – or lack thereof – historians tended to stress the precariousness of the state.

Related to the notion of failed reforms is that of precariousness of the state. Two recent studies underscored this aspect and represent one option in the study of the Phanariot state. The authors depict the Phanariot age as a dead-end street of Romanian history. As the reforms justified previously the recognition of modern traits in the Phanariot period, Damian Hurezeanu sets out to demonstrate that “they were a reaction to disorder” and “solutions of current affairs”<sup>52</sup>, as if not all reforms always and everywhere were responses to concrete problems. He states that “any economic, fiscal or juridical reform is almost ridiculous as long as the system of administration and of taxation functioned in a state of abnormality” and that “there was only arbitrariness and corruption as norm of behavior”.<sup>53</sup> Embracing a more nuanced perspective, Bogdan Murgescu holds nevertheless that “the precariousness of the functioning of the state and

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<sup>49</sup> *Ibidem*, 3.

<sup>50</sup> IR (1964), 445.

<sup>51</sup> IR (2002), 159-60, 165.

<sup>52</sup> Hurezeanu, “Regimul fanariot,” 399-412.

<sup>53</sup> *Ibidem*, 407.

the very limited degree in which this was implied in the stimulation of the economic activities” characterized the period of Levantine influence - 17<sup>th</sup>-18<sup>th</sup> centuries - in the principalities.<sup>54</sup>

The economic performance of the Phanariot state is not the object of my inquiry.<sup>55</sup> Nor do I want to contest the validity of such a perspective. It is obviously useful to ask why the Phanariot state failed to stimulate the economic growth according to the cameralist or mercantilist doctrines. It is equally legitimate to address the issue of administrative corruption and inefficiency. However, I want to highlight that such perspectives limit the range of question we can ask about the 18<sup>th</sup> century state in Wallachia. But do the more favorable accounts of the Phanariot state and reforms offer a better perspective?

The alternative to the failed reforms thesis was to see them as modernizing experiments which impacted upon the way the state power was exercised. In his passionate rebuttal of clichés associated with the Phanariots, Nicolae Iorga grasped very well the change in the nature of state power. Not without acuity, Iorga points correctly to the emphasis in the reforms of Constantin Mavrocordat on various forms of storing information in writing, on testimonials, receipts, tax-apportioning lists, and written reports by the officials. He underlines the introduction of county *ispravnici*, of paid judges, the attempt to fix the fiscal address of the peasants and their obligations towards landlords and the growing number of regulations.<sup>56</sup> *The Register of Ordinances (Condica de porunci)* on 1741-1742 kept during the reign of Constantin Mavrocordat is seen as supplementary evidence for the study of the reforms - and Iorga didn't fail to grasp the importance of the moment stating that “a precise and complicated bureaucracy is

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<sup>54</sup> Murgescu, *România și Europa*, 62-63.

<sup>55</sup> It must be stressed nevertheless that the Phanariot reforms were measures of reconstruction of countries devastated by war and severely depopulated. Any comparison with territories belonging to more advanced states and affected by war only indirectly – by taxation – is misleading.

<sup>56</sup> Iorga, *Istoria Românilor*, vol. 8: 129-133.

introduced in a country [Moldavia] until than accustomed to have just a few ledgers of the simplest accounting”.<sup>57</sup> Imagined as an important bureaucratic instrument, *The Register of Ordinances* had to accumulate and centralize information relevant to governance, thus contributing to knowledge production as a central dimension of state formation anywhere and anytime. Unfortunately Iorga’s remarks on the topic of state are cursory and he did not try to articulate them in a reflection on the nature of the state during the Phanariot period. He stops at the simple evocation of reforms without looking at their long-term effects.

The favorable perspective proposed by Iorga found an echo in the works of two historians with important analyzes of the Phanariot reforms – in particular the agrarian/social one. Șerban Papacostea and Florin Constantiniu have noticed that the regulation of the relationships between landlords and tenants was the expression of a new kind of state. Papacostea considers that the intervention of the state in the relations between landlords and tenants aimed at the “consolidation of the princely power and the suppression of privileges and particularisms”. The state arbitrated a larger area of the social life hitherto under the control of the landlords. Far from the image of failed reforms, the Phanariot princes “have exercised a permanent control of the agrarian relations” until the beginning of the 19<sup>th</sup> century.<sup>58</sup> Constantiniu goes as far as to say that “the abolition of serfdom has removed any obstacle from the way of effective and direct exercise of the princely authority”. In the struggle between the principedom and the boyars, the former has won. By the suppression of personal serfdom and hence of seigniorial authority, the prince is in a position to appear “in principle, as an equidistant sovereign in relation to other

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<sup>57</sup> Iorga, *Istoria Românilor*, vol. 8: 136. Although these appreciations refer to Moldova, they are valid for Wallachia too, the reforms in the same country being introduced by the same prince, Constantin Mavrocordat. Even if factually there might have been some differences, the sense is similar. Iorga makes himself this point.

<sup>58</sup> Papacostea, “La grande charte”.

classes and social categories”.<sup>59</sup> If the remarks of Constantiniu about the effectiveness of princely power are exaggerated, the sense of the change in the nature of the princely power is correctly perceived.

Papacostea’s studies on the agrarian relations covered only the first half of the 18<sup>th</sup> century. Constantiniu concentrated on agrarian relations (the only study which studies a reform in a long term perspective). So, none of them undertook a study on the changes in the Wallachian state after 1740. I take up their important insights and extend them from the regulation of the agrarian relations to the employment of writs and the standardization of measures. Looking at these measures in time and asking how they impacted on the state power is my main contribution with regard to the Romanian historiography which focused on the failure of the reforms to improve the economic conditions of the population and to foster administrative efficiency. To approach the long term impact of these measures I draw on a series of concepts which I discuss in the following section.

## ***1.2. State Formation: Theories, Concepts and Methods***

Given the peculiar status of Wallachia in the period which I study – tributary principality of the Ottoman Empire with a large degree of internal autonomy and ruled by a Christian prince and elite – I wondered what theoretical approach provides the best tools for understanding the process of state making took there and then. In what follows I shall give an answer to this

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<sup>59</sup> Constantiniu, *Relațiile agare*, 124. The interpretation of the reforms as the penetration of the “mur épais entre le prince et le serfs” is exposed by both authors in a common article, Constantiniu et Papacostea, “Le réformes des premiers phanariotes”. Again, the abolition of serfdom is seen as a tactical move by the principedom which consolidated his power at the expense of the boyars in Constantiniu, “Constantin Mavrocordato et l’abolition du servage”. For similar views see also Constantiniu “Epoca fanariotă”.

question. First, I will briefly assess two well-known sociological theories on early modern state formation – society-centered and state-centered – which are most often invoked by authors in the field; I will indicate why they fail to account for my case but also point out useful aspects. Secondly, I will discuss several concepts which inform my approach: infrastructural power, symbolic power and administrative routine.

**1.2.1. Sociological theories of the state.** Sociological theories usually discuss the large and militarily powerful actors and advance explanations of the variations in the political regime and in the military prowess of the states. I am not going to review this immense literature but to pinpoint the central tenets of the most representative works of the society and state centered theories.

Neo-Marxist or society-centered theories view the state as the institutionalization of the class domination in a society. One of the most cited works belonging to this trend is Perry Anderson's *Lineages of the Absolutist State*. Anderson sees in the Absolutist state “a redeployed and recharged apparatus of feudal domination”. Confronted with the declining efficiency of the local coercion and exploitation specific to the feudal mode of production, the nobility had to surrender the political power to the absolutist state in order to secure her domination over peasants. The arrangement took the form of “a displacement of political-legal coercion upwards towards the centralized, militarized summit – the Absolutist state”.<sup>60</sup> The normative expression

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<sup>60</sup> Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1974), 18-20. The idea that the absolutist state “the new political carapace of a threatened nobility” also repressed nobility looks to some historians quite problematic. Especially they accuse Anderson for not explaining satisfactorily why the nobles sometimes rebelled against the state which were presumably furthering their interests and why the rulers acted at times against nobles, Karin J. MacHardy, *War, Religion and Court Patronage in Habsburg Austria. The Social and Cultural Dimensions of Political Interaction, 1521-1622* (New York: Palgrave Macmillan, 2003), 8-9. Similarly, James B. Collins, *The State in Early Modern France* (Cambridge: Cambridge University Press, 1995), 1-2 tacitly criticizes Anderson when saying that “if we want to make the ‘bourgeoisie’ (however defined the ally of the monarchy against the nobility or if we want to claim that the absolutist monarchy represented the final stage of a feudal monarchy, we will have to

of this political arrangement was the revival of the Roman law. Its notion of private unconditional property and of sovereignty expressed the simultaneous consolidation of the proprietary claims of both the nobility and the capital-owners and of the state control.<sup>61</sup>

This characterization is valid for the Western Absolutism which Anderson defines as “a compensation for the disappearance of serfdom” granted to the nobility. Contrary, the Eastern variant was “a device for the consolidation of serfdom”.<sup>62</sup> This Eastern absolutism did not originate solely from the changes in the economic infrastructure but also from the military pressure of the more advanced Western absolutist state “which obliged the Eastern nobility to adopt an equivalently centralized state machine to survive”.<sup>63</sup> How do these brilliant insights apply to my case?

Given the geographical location one would expect similarities with the Eastern absolutism. But this connection is misleading for two reasons. On the one hand, in Wallachia the serfdom was abolished in 1746; so, the newly reorganized state could not be a device for the consolidation of serfdom. On the other hand, 18<sup>th</sup> century Wallachia had no military and was absent from international relations where it was treated like an Ottoman province; hence, no military pressure could elicit the construction of a centralized state machinery. The application of the Western absolutism model seems also out of place: there was a huge difference in the degree of sovereignty between the Absolute monarchies and Wallachia and between the political stability of the Western dynasties and the precariousness of the Phanariot princely tenure. Moreover, there were marked economic differences between the two areas.

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bend reality”.

<sup>61</sup> Anderson, *Lineages*, 24-28.

<sup>62</sup> *Ibidem*, 195.

<sup>63</sup> *Ibidem*, 197-198.

There is however a sense in which Anderson's insight is applicable: the notion of upward displacement of coercion concentrated by the state to secure nobles' domination describes the agrarian reform in Wallachia. The regulation by the state of the agrarian relations concentrated in the state the coercion necessary for the maintenance of previous relation of production. Although the agrarian regulations do not compare to the sophisticated legal texts of the Roman law, they fulfilled a similar role. In both cases, the regulations had to reassert and legalize the control of the landlords over the peasants. The only mismatch lies in the causes for the decline of nobiliary control: in the West the changes in the mode of production; in Wallachia the fiscal pressure aggravated by wars and the inherent devastations. Besides, due to the larger share of the fiscal exploitation, the state was equally interested in containing peasants' flight and getting a firm grip on them.

The proponents of the state-centered or neo-Weberian theory converge on the notion of the state as an autonomous organization or cluster of organizations and on the decisive impetus given by war to state making via taxation. As the scale and cost of warfare in the later medieval and early modern period increased dramatically, the demand of human and material resources triggered the growth of the extractive and repressive agencies which in turn reinforces the state's capacity to wage war and check internal centrifugal forces. In the oft repeated dictum of Charles Tilly, "war made the state and the state made the war".<sup>64</sup> He also defined states as "coercion-wielding organizations that are distinct from households and kinship groups and exercise clear priority in some respects over all other organizations within substantial territories".<sup>65</sup>

The fiscal-bellicists take the Marxists to task for failing to address the variety of state

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<sup>64</sup> Tilly, "Reflections on the History of European State-Making" in Charles Tilly ed., *The Formation of National States*, 42.

<sup>65</sup> Charles Tilly, *Coercion, Capital and European States*, 1.

forms in the early modern period given the same mode of production. So, their studies combine several variables to account why some states evolved differently from others and why some were stronger than their competitors. For instance, Charles Tilly combines two variables, coercion and capital. Given the common pressure of war, the outcome of the state formation is therefore to be heavily influenced by the presence/absence of cities and their capitalists. Where coercion prevails, state formation is coercive-intensive and produces tribute-taking empires (Russia, Prussia). The capital-intensive route, determined by the availability of capital, is illustrated by the trading republics like Netherlands and Venice. Yet the most powerful contender was the national state, product of the capitalized-coercion route taken by England or France and to which finally all other state converged.<sup>66</sup>

Brian Downing combines the same two variables, war and availability of resources, to explain the different forms of state in early-modern Europe. Where rulers had to extract resources domestically (France, Prussia) to support their military machineries, the representative institutions of the estates were wiped out and an absolutist regime ruling through a bulky bureaucratic apparatus resulted. Where resources were available, either in the form of capital markets (Netherlands) or war plunder (Sweden) or where the country was protected from continental warfare by geography (England) a constitutional regime was consolidated. The military-bureaucratic absolutism and the constitutionalism cleared the way for authoritarianism and respectively democracy.<sup>67</sup>

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<sup>66</sup> Tilly, *Coercion, Capital and States*. The argument is summed up in Tilly, "War Making and State Making as Organized Crime" in *Bringing the State Back In*, eds. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, (Cambridge: Cambridge University Press, 1985), 169-191. A historical study in this paradigm, linking war to the growing fiscal apparatus of England Brewer, *The Sinews of Power* (London: Unwin Hyman, 1989); on the way Brewer refutes several stereotypes associated with the 18<sup>th</sup> century English state: that it was characterized by light taxation, that it had a puny state apparatus and that the collection of taxes on flows was facile and required small personnel.

<sup>67</sup> Downing, *The Military Revolution*.

More ambitious, Thomas Ertman aims at encompassing more cases and hence he devices a more sophisticated model. By distinguishing between regime type (absolutist vs. constitutional) and state infrastructure (bureaucratic vs. patrimonial) Ertman identifies four outcomes of state formation: bureaucratic constitutionalism (Britain), Patrimonial absolutism (Latin Europe), bureaucratic absolutism (German states) and Patrimonial constitutionalism (Poland, Hungary). To explain this variation Ertman weaves three variables: the pattern of local administration (administrative vs. participatory), the type of parliaments (tricurial status-based vs. bicurial territorially-based) and the timing of geopolitical competition. For instance, although affected early by geopolitical pressure, France and England developed divergently. So, the participatory pattern of local government, unencumbered by “dark-age state formation” and the territorially based parliament determined the emergence of a constitutional and proto-bureaucratic state in England; conversely, the administrative pattern of local government – result of the dark age state formation and the subsequent fragmentation of sovereignty – and the status based representative assembly produced an absolutist regime with a patrimonial (venal, proprietary office holding) administration in France.<sup>68</sup>

What is the utility of the fiscal-bellicist model for my case? I must say that very little. As I mentioned above, Wallachia was not a military actor and so, the combination of variables – among which involvement in wars is central – in order to explain its position in the international relations makes no sense. I retain however the causal role of geo-political pressure with the important warning that this took the form of the fiscal pressure exerted by the protector power, the Ottoman Empire. The pressure consisted of payments for the Ottoman military and of costs

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<sup>68</sup> Ertman, *Birth of Leviathan*.

for acquiring/maintaining the princely tenure, a sort of large scale tax-farming.<sup>69</sup> Besides, Wallachia was often theatre of war operations and its territory was devastated several times by the belligerent troops. The major sets of reforms (after 1739 and after 1774) followed wars between Ottomans and Habsburgs allied with the Tsarists and were measures of reconstruction; their main aim was to rebuild the fiscal capacity of the country so as to make future extraction sustainable. But the result was not the powerful, centralized organization able to mobilize important military resources as in the fiscal-bellicist and even neo-Marxist accounts.<sup>70</sup>

Against the fiscal-bellicist model a different critique was also mounted. Scholars noticed that the view of the state as a coercive and extractive organization which plundered the resources of the society in order to finance its military apparatus is incomplete and one-sided. Attention should also be given to the early administrative extension which enabled sustained extraction and coercion and to the development of state infrastructure which made possible to co-optation of its subjects, not just their coercion. Besides, the almost exclusively materialist notion of the state was called into question and an investigation of the way in which states accumulate and exercise symbolic power was advocated. In the following section I discuss this critique, to which my approach is heavily indebted.<sup>71</sup>

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<sup>69</sup> The notion of Phanariot princes as tax-farmers of the two principalities at Philliou, *Biography of an Empire*, who calls the Phanariot princes “tax-farmer governors,” 11 and Mihai Maxim in his contribution to the IR (2002), 593.

<sup>70</sup> It must be said that Anderson also draws the causal connection between preparation for war and the building of state apparatuses. He derives the bellicosity from the “archaic rationality” of the feudal ruling class, who could not wait the slow growth of trade and agrarian productivity to increase their surplus extraction. As land was an immobile form of wealth, the shortest way to acquire its benefits was by conquest. In Anderson’s felicitous words “war was not the sport of the princes, it was their fate,” Anderson, *Lineages*, 31-32.

<sup>71</sup> Loveman, “The Modern State”; Philip Gorski, *The Disciplinary Revolution. Calvinism and the Rise of the State in Early Modern Europe* (Chicago & London: The University of Chicago Press, 2003), 165-167.

**1.2.2. Infrastructural power, symbolic power and administrative routines.** My main contention in this dissertation is that the Wallachian state Wallachia during the second part of the 18<sup>th</sup> century extended its infrastructural and accumulated symbolic power. The two levels of power were mutually reinforcing and linked by administrative routine practices. As these tend to expand the reach of the state in areas from which it was hitherto absent, they also carved out a larger territory of state legitimate intervention and shaped social relations and identities in ways necessary for the exercise of state power. Let me elaborate a little on these three concepts.

In order to make sense of the changes in governance in 18<sup>th</sup> century Wallachia, it is first of all useful to distinguish between two forms of power: despotic and infrastructural. By despotic power, Michael Mann<sup>72</sup> – whom I follow here – understands the capacity of the state elites (in my case the prince and his appointed officials) to undertake actions without having to bargain with the elites of the “civil society”. The Phanariot princes were commonly seen as despots (enlightened or not) enjoying discretionary power over Wallachian elites and state institutions, but I am reluctant to accept this view. Despotic power varied according to the balance of power between prince and boyars. Although the opposition to their rule was informal, it was nevertheless firm and operated through the machinations orchestrated at Istanbul which threatened not only the tenure, but also the life of princes; so the latter had to treat gently the boyars and to rule in agreement with them.<sup>73</sup>

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<sup>72</sup> Mann, “The Autonomous Power of the State,” 5.

<sup>73</sup> N. Iorga, “Au fost Moldova și Țara Românească provincii supuse fanarioților?” 360-365 made this point vigorously. There are instances of despotic measures, but they were discontinuous. When in 1799 the prince Constantin Hangerli has reintroduced the much hated tax on cattle (*văcărit*) – but with a different name –, he did not obtain the agreement of the Wallachian higher clergy and boyars who motivated that the tax was bound by a curse formulated by princely charters and Patriarchal letters. To achieve his goal, the prince bribed the Patriarch and obtained the lifting of the curse and bribed some of boyars. Yet the excessive fiscal policy, combined with the hostility of an Ottoman dignitary have soon brought not only his removal, but even his execution, vividly described by Dionisie Eclesiarhul, *Hronograf (1764-1815) [Chronicle (1764-1815)]* eds. Dumitru Bălașa, Nicolae Stoicescu (Bucharest: Editura Academiei R.S.R., 1987), 75. Other Phanariot princes did enjoy more power relative to the boyars, the most notorious case being that of Nicolae Mavrogheni, a prince inimical to the Wallachia elites, yet

If the state did not change in terms of despotic power during the 18<sup>th</sup> century, I argue that it did in terms of infrastructural power, “the capacity of the state to actually penetrate civil society and to implement logistically political decisions throughout the realm”.<sup>74</sup> Infrastructural power allows the state elites to enforce their will without delay, to adjudicate monopolistically litigations on the basis of its codes, to tax adequately, and to store and employ detailed information about citizens. This form of power is grounded in several logistical techniques, none of them peculiar to the state: division of labor between state’s main activities which it coordinates from the center and communication techniques: literacy for the stabilization of messages and codification of laws; coinage and units of measurement to facilitate exchange; improved means of communication. Literacy – materialized in legal texts and new instruments of storing knowledge and units of measurement are the relevant parts of this series for my dissertation.

Yet the infrastructural extension of state power is not solely a logistic feat but a cultural one. In this sense, infrastructural power is correlated and premised on symbolic power, the capacity to make state agencies and activities appear as natural. The naturalization of state power involves the shaping of social relations and of social identities according in ways which favors the exercise of state power. This aspect of the state power was explored by the more recent culturalist revision in state theory. Without neglecting the organizational and material reality of the state, the culturalists emphasize the cultural dimension of state and of state formation; by this

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without affecting the extant social relations. For a discussion of this aspect see Ion Ionașcu, “Concluzii greșite în istoriografia burgheză despre domnia lui Nicolae Mavrogheni” [Mistaken Conclusions about the Reign of Nicolae Mavrogheni in the Bourgeois Historiography], *Studii*, XV/1 (1962): 69-109; the author points correctly that the despotic prince did not affect in any way the relations of production, but he exaggerates in the opposite direction, portraying Mavrogheni as the ruthless agent of boyars’ interests against the peasants: there is plenty of evidence that the landlords were hostile to him all along his reign, especially because of the heavy contributions exacted from them and the tendency to lighten in some cases the tenants’ obligations.

<sup>74</sup> Mann, “The Autonomous Power of the State,” 5.

they refer such things like the ethos of discipline and rational behavior instrumental to bureaucracy, the production and internalization of cognitive categories necessary to recognize the state as an inevitable and natural fact, and specific forms of legitimizing state's activities. They stress the subjective dimension of state formation, how the state shapes social identities indispensable for its functioning.

For instance Philip Gorski takes to task both the neo-Marxists and the neo-Weberians (which he calls fiscal-bellicists), for the materialist definition of the state and the top-down perspective of state formation. By studying the impact of the Reformation and its disciplinary revolution on the Dutch and Prussian states, he claims that states are not “only administrative, policing and military organizations”, but “also pedagogical, corrective and ideological organizations”. They do not merely constrain the individuals, but shape their subjectivity, making them obedient and productive subjects.<sup>75</sup> By introducing the variable of religious discipline, Gorski participates in the debate regarding the form and the success of early modern military powers; he explains the amazing efficiency of the Dutch and Prussian states by the discipline and obedience of the population in the first case – which reduced the costs of state operations – and the discipline of state elites in the second case – which enhanced the efficiency of the bureaucratic apparatus.<sup>76</sup>

In this sense his work is of little use to me. However, it is important for it signals the need to expand the definition of the state power and to incorporate the infrastructural and subjective dimension of it. Using the metaphor of the body, Gorski has warned that “while a great deal of

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<sup>75</sup> Gorski, *The Disciplinary Revolution*, 165-68.

<sup>76</sup> Gorski formulated his point of view earlier in “The Protestant Ethic and the Spirit of Bureacracy” *American Sociological Review*, 60/5 (Oct. 1995): 783-786 when he criticized Edgar Kiser and Joachim Schneider, “Bureaucracy and Efficiency: An Analysis of Taxation in Early Modern Prussia,” *American Sociological Review* 159 (1994): 187-204. The two authors reasserted the rational choice perspective in their reply, “Rational Choice Versus Cultural Explanation of the Efficiency of the Prussian Tax System” *American Sociological Review*, 60/5 (Oct. 1995): 787-791.

attention has been devoted to the nerve centers of the state – the fiscal and the administrative apparatus – very little has been paid to its torso and limbs – the networks of practices and institutions that it uses to embrace and guide the population” and to the “soul” that is, “the ideal interests” of state rulers and the ethos of the administrative staffs.<sup>77</sup> The subjective dimension in Gorski’s study refers to the internalized political ethics of Protestantism. I also refer in the Chapter 1 to the values which might have animated the Phanariot princes’ efforts to reform Wallachian institutions, but this is not my focus. I retain therefore his emphasis on social infrastructure – the torso and the limbs.

The intertwining of objective state structures and the subjective dimension of state power was explored by Philip Abrams in a seminal article about the difficulty of studying the state. He distinguishes between “the state-system” and “the idea of the state”. By the former he means the “cluster of institutions of political and executive control and their key personnel, the ‘state elite’” (government, administration, military, police, judiciary etc).<sup>78</sup> The power of these institutions is real insofar as they are legitimate, which it occurs by their association with “the idea of the state”. The latter consists in the belief that the state is a real entity, necessary and representing the common interest. Against the reified notions of the state, Abrams advances that the state “is first and foremost an exercise in legitimation” and to apprehend it correctly it has to be seen as “historically constructed”. The study of the state presupposes then the study of the legitimating-work.<sup>79</sup> In spite of his emphasis on the historicity of the state construction, Abrams refers to the capitalist state and has little to the about the pre-history of the “state idea” that is about the accumulation of legitimacy.

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<sup>77</sup> Gorsky, *The Disciplinary Revolution*, 22.

<sup>78</sup> Abrams, “Notes on the Difficulty of Studying the State,” 71.

<sup>79</sup> *Ibidem*, 76-80.

Mara Loveman has forcefully made the point that we need to grasp the processes of primitive accumulation of symbolic power which she defines as “the power to make appear as natural, inevitable and thus apolitical, that which is a product of historical struggle and human invention”.<sup>80</sup> Symbolic power is not just another kind of power – like ideological, economic, political or military. It is “a sort of metapower” which carriers of specific power possess in so far as their authority is recognized as legitimate. To acquire symbolic power then, it means to acquire legitimacy; it means to make certain categories, practices and cognitive schemes appearing as unproblematic and undisputable.<sup>81</sup> Various administrative practices – censuses, maps, codifications, classifications – not only represent social reality but they actively constitute it in forms which are relevant to the state and facilitate its rule. However, Loveman states correctly that the symbolic power of the state does not result directly from exercising its military or economic power, but is the product of struggles. Therefore, she distinguishes between the primitive accumulation of symbolic power and the routine exercise thereof. In the first phase, the state carves out a new domain of social life to administer. Yet to impose its terms it has to engage in struggles with various social actors which contest the new boundaries state action. When the right to carry out certain administrative operations – taking a census, issuing birth certificates or establishing standard units of measurement – is no longer contested, the state exerts routine symbolic power in that particular area; “the institutional reality of the state becomes naturalized”.<sup>82</sup>

Loveman carefully warns that the two phases are nothing more than heuristic tools. They might occur simultaneously in different state practices; in other words the accumulation of

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<sup>80</sup> Loveman, “The Modern State,” 1655.

<sup>81</sup> *Ibidem*, 1655-1656.

<sup>82</sup> *Ibidem*, 1657-1658.

symbolic power can occur at different paces in different administrative domains. Moreover, within in a single domain, once a state possesses a modicum of symbolic power, it uses it to accumulate more.<sup>83</sup> This last observation is important for historical states which we study already have such a modicum of symbolic power, at least in a few domains, which they extend later to other domains.<sup>84</sup> The 18<sup>th</sup> century Wallachian state already possessed a certain preeminence due to the prestige associated with the principedom; this did not made the administrative extension an automatic and smooth process.

Two observations made by Loveman are of particular importance for my study. Firstly, she argues that the emphasis on the symbolic accomplishment is even more relevant to the state formation processes ‘outside the Western European “core”’. In the ex-colonial cases - but the observation is valid for the Eastern European periphery too – coercion and capital played ambiguous roles in bureaucratic development.<sup>85</sup> Secondly, Loveman makes clear, that accumulation of symbolic power is a historical process. “Administrative development (or the lack thereof) – she argues – is better conceived as the cumulative product of concrete historical struggles, of varying types and intensities, over the boundaries of legitimate state practice – and thus, over the practical definition of the state itself”.<sup>86</sup> Yet unfortunately Loveman does not discuss properly this duration aspect. This is more surprising given the fact that the empirical case she discusses, the War of the Wasps, refers to the failure of the Brazilian state to carry out a census and to impose a system of civil registration in 1851.

She stops at the explanation of the failure and hypothesizes a scenario which could have

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<sup>83</sup> *Ibidem*, 1659.

<sup>84</sup> *Ibidem*, 1676.

<sup>85</sup> *Ibidem*, 1652 and footnote 3.

<sup>86</sup> *Ibidem*, 1661.

been successful – the involvement of the church agents which enjoyed more legitimacy at local level. The next attempt to conduct a census occurred in 1872 and to implement civil registration in 1874. Yet only in 1889 “obligatory civil registration would meet with any degree of success”. It is apparent that the historical struggles to naturalize state power did not consist in a raw of cumulative victories. We have to pay attention also to the (probably instructive and formative) failures and setbacks, for at least two reasons. On the one hand, failures could warn state elites with regard to popular discontent and advise them over a better method. On the other hand, and paradoxically, even the failure of the state to impose a policy, can nevertheless help to set the terms and conditions, by the simple assertion of the state prerogative. Thus, the failure of some measures or ordinances introduced by the Phanariot princes is less important than the state’s effort to impose its own terms and conditions, an effort constitutive of the modern state.

Yet how are the symbolic and infrastructural power accumulated and how are they intertwined. A few answers are available. Gorski credited for the internalization of the Protestant values – which in his opinion made the Dutch and Prussian state distinctively efficient – a variety of institutions: consistories, schools, poorhouses, armies etc.<sup>87</sup> A case in point of how the states go about to accumulate symbolic power and extend their reach is the invention of the passport analyzed by John Torpey. By passports, the states reached the individuals as never before, “used the person’s body against him or her” as evidence of identity. But passports also shape these identities and enhance the state-ness of the states, hardening their boundaries.<sup>88</sup>

I take up these insights and argue that the link between symbolic and infrastructural power and their development can be explained as the result of administrative routine practices.

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<sup>87</sup> Gorski, *The Disciplinary Revolution*, 55-75 passim and 95-112 passim.

<sup>88</sup> John Torpey, *The Invention of the Passport. Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000).

Michael Mann captured very well this link:

The state may promote great social change by consolidating territoriality which would not have occurred without it. The importance of this role is in proportion to its infrastructural powers: the greater they are or become, the greater the territorializing of social life... Every dispute between the state elite and elements of civil society, and every dispute among the latter which is routinely regulated through the state's institutions, tends to focus the relations and the struggles of civil society on to the territorial plane of the state, consolidating social interaction over that terrain, creating territorialized mechanisms for repressing or compromising the struggle, and breaking smaller local and also wider transnational social relationships.<sup>89</sup>

Thus, the routines of the state – especially the adjudicatory practices – alter social relations in ways which lead to the “hardening” of the states as territorially bounded entities. The regulation of the social relations by state institutions shapes people's identities by tying them to a territory and hence to a state.

This point is cogently made by the Marxist sociologists Philip Corrigan and Derek Sayer. Criticizing the Marxist scholarship on the state for the one-sided materialist view of the state (“bodies of armed men, prisons”), they “insist that state formation itself is cultural revolution”.<sup>90</sup> Cultural revolution is the process by which the categories and modes of perception necessary for the functioning of the state are instilled in individuals, becoming legitimate and unquestioned. This is achieved according to the two authors by the routines and the rituals of the state:

States, if the pun be forgiven, *state* [authors' emphasis]; the arcane rituals of a court of law, the formulae of royal assent to an Act of Parliament, visits of school inspectors, are all statements. They define, in great detail, acceptable forms and images of social activity and individual and collective identity; they regulate in empirically specifiable ways, much – very much, by the twentieth century – of social life. Indeed, in this sense ‘the State’ [authors' quotation marks] never stops talking.<sup>91</sup>

More precisely:

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<sup>89</sup> Mann, “The Autonomous Power of the State,” 26.

<sup>90</sup> Corrigan and Sayer, *The Great Arch*, 3.

<sup>91</sup> *Ibidem*.

Fundamental social classifications, like age and gender, are enshrined in law, embedded in institutions, routinized in administrative procedures and symbolized in rituals of the state. Certain forms of activity are given the official seal of approval, others are situated beyond the pale. This has cumulative, and enormous, cultural consequences; consequences for how people identify (in many cases, have to identify) themselves and their ‘place’ [authors’ quotation marks] in the word.<sup>92</sup>

I am not concerned in this dissertation with the age and gender classifications but with how people identified in relation to the state. However, what I find particularly important in the above statement is the emphasis on the cumulative effects of the administrative procedures and rituals.

Mara Loveman makes the same point when she claims that “through the establishment and routinization of myriad administrative practices, the modern state may actively constitute the subjects in whose names it claims to exist legitimately”.<sup>93</sup> The methodological consequences of this view on the way state power operates are that the study of state formation implies the investigation of the state activities which regulate and constitute social identities and which create the cultural preconditions for recognizing the “state” as state and its measures and agents as legitimate.

This is the perspective in which I study several measures adopted by the Wallachian elites to enhance their grasp of the society. The agrarian and fiscal regulations, the standardization of units of measurement, the devising of new instruments for the centralization of administrative knowledge brought the state in areas in which it did not interfere hitherto or it did so only sporadically. Such measures redefined the boundaries of the state and enhanced the capacity of the central elites to act at a distance. By the same token, the interaction between subjects and state institutions, agents and state-certified objects (certificates, identity papers, units of measurement) would encourage in the long term their identification with the state. The

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<sup>92</sup> *Ibidem*, 4.

<sup>93</sup> Loveman, “The Modern State,” 1653.

regulations and adjudications based on such regulations extended the infrastructural reach of the state and asserted its monopolistic claims over other contenders.

I must warn the reader that my argument would be more categorical in some parts and more cautious in others. The subjection of agrarian relations to the centrally enacted agrarian regulation seems to have been more successful than other measures. For instance, in 1800 - at the end of the period under discussion - some landlords were still reluctant to use the state-certified measures for exacting the tithes. But I insist - and this is another important claim of my dissertation - that the failure of the state in such situations is important for two reasons. On the one hand they indicate the change in the nature of the state, more precisely a widening of its area of intervention - in spite of local opposition. On the other hand, they were impositional claims which, by repeated assertion, became legitimate and hence enforceable.

The argument which I sketched in this introduction will be substantiated and developed in more detail in the chapters which follow. Chapter 1 provides the historical background of my demonstration: I sketch the history of the Wallachian state from the 14<sup>th</sup> to the 18<sup>th</sup> century with an emphasis on the evolution of logistical techniques; I present the factors which by the middle of the 18<sup>th</sup> century led to the changes in the state organization of Wallachia; and I outline the institutional building which they triggered. Chapters 2 and 3 analyze the agrarian and fiscal regulations and their impact on the redefinition of the state boundaries; in the former I show how the state carved out a new territory of legitimate intervention and - by its country-wide valid agrarian settlements - it suppressed the local arrangements between landlords and tenants; in the latter discuss the attempts of the central administration to regulate the details of the fiscal process and to reach to the empirical individual in order to tax him adequately.

Chapters 4 and 5 deal with the production of fixed and respectively mobile instruments of

storing information whereby the state centralized a large body of social knowledge and gained more control over people and their transactions. The fixed instruments for storing information were the registers, kept by the central and county state institutions. Administrative information of various sorts was recorded in them providing the state agents with knowledge necessary to exert surveillance over local matters. The mobile instruments comprised various sorts of certificates accompanying the individuals and the merchandise; they certified the juridical status of the former and the legality of the latter. Fixed and mobile instruments depersonalized rule, by detaching the relevant administrative information from the person of the princes and officials. Chapter 6 discusses the incipient standardization of units of measurement used in rendering of tithe, assessment of taxes and market exchanges; besides marking another advance of the infrastructural reach of the state, the standardization proclaimed the equality of all in front of the state certified measure and cleared the path for the constitution of the modern citizen. Finally, in the conclusion I will discuss the contribution provided by my analysis from historiographical and theoretical perspectives and indicate further implications for the study of modernization in south-eastern Europe.

## 2. THE WALLACHIAN STATE IN THE EARLY MODERN PERIOD AND ITS TRANSFORMATION IN THE EIGHTEENTH CENTURY

Wallachia appeared as a separate political entity in the first decades of the 14<sup>th</sup> century by the unification and/or conquest of smaller entities between Carpathians and Lower Danube. This process was led by a stronger ruler, either the chief of one of those lesser entities or a lord from Făgăraș, a region in southern Transylvania, where his authority was challenged by another lord, acting alone or on behalf of the Hungarian monarchy. This first ruler was Basarab and he gave the name of the family which ruled Wallachia until the second part of the 16<sup>th</sup> century. Besides the inner unification, the process comprised the struggles to overthrow the Hungarian and Tatar dominations and the conquest of the entire territory of Wallachia.<sup>1</sup> Surrounded by stronger monarchies, Wallachia (like Moldavia) was usually under the domination of one of them. From the 16<sup>th</sup> century the most important power in the region was the Ottoman Empire whose domination lasted until the 19<sup>th</sup> century.

This chapter is organized in three sections and a section of concluding remarks. In the first, I discuss the organization of the Wallachian state from the 14<sup>th</sup> to the 18<sup>th</sup> century. I

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<sup>1</sup> The theory of internal unification is formulated among others by, P.P. Panaitescu, *Intrepretări românești. Studii de istorie economică și socială* [Romanian Interpretations. Studies in Social and Economic History] (Bucharest: Editura Enciclopedică, 1994), 37-38, 79-80. The scenario that a chief from Făgăraș settled south of Carpathians and established the principality of Wallachia by uniting or subduing the other local chiefs is a legend registered by a Chronicle from the 17<sup>th</sup> century and formulated as a thesis by Gheorghe I. Brătianu, *Tradiția istorică despre întemeierea statelor românești* [The Historical Tradition on the Establishment of the Romanian Principalities] (Bucharest: Editura Eminescu, 1980). See also Nicolae Stoicescu Editura *Constituirea statelor medievale românești* [The Constitution of the Medieval Romanian States] (Bucharest: Editura Academiei R.S.R., 1980) and especially Șerban Papacostea, *Geneza statului în evul mediu românesc* [The Birth of the State in the Romanian Middle Ages] (Bucharest: Editura Corint, 1999) who tackles various aspects and controversial problems from the establishment of Wallachia and Moldavia. Recently the image of a “modern,” territorialized Wallachia from its outset in the 14<sup>th</sup> century has been convincingly refuted by Marian Coman, *Putere și teritoriu. Țara Românească medievală (secolele XIV-XVI)* [Power and Territory. Medieval Wallachia (Fourteenth-Sixteenth Centuries)] (Iași: Polirom, 2013).

understand by state the institution of the principedom and the agents employed to carry out a few function: fiscal, judicial, police and military. I focus first on the problem of the political regime, namely the relationship between the prince and various groups of the boyars and its evolution in the time. Secondly, I introduce the problem of the infrastructural reach of the state in the mentioned time span. Historians on whom I rely did never formulate the problem of the infrastructural reach; nevertheless, I will try to show which were the institutional and technical means whereby the Wallachian rulers controlled the territory and the population and also what was the area of social life in which they intervened routinely. In the second section, I will present the factors which, around the middle of the 18<sup>th</sup> century, triggered changes in the modalities of rule. In the third section I will outline the institutions changes introduced by the administrative and judicial reforms of the Phanariot princes (mainly Constantin Mavrocordat and Alexandru Ipsilanti). Finally, in the last section I sum up this information provided. This chapter is meant to offer a historical introduction for the subsequent chapters.

## ***2.1. The Organization of the Wallachian State Fourteenth-Mid Eighteenth Centuries***

**2.1.1. The political regime.** As form of government Wallachia was a monarchy ruled by a prince (*domn*) assisted by a group of councilors recruited from the prince's relatives, favorites and from the prominent landlords of the country (boyars). Important matters were dealt with by the Assembly of the Land (*Adunarea țării*) composed by the representatives of the higher and lesser nobility, of higher clergy and of various military categories. The question of the political regime is the question of who, between the prince and the boyars, held preeminence in the government of the country.

One view holds that the prince of Wallachia was an absolutist ruler; according to this view he exerted discretionary power over all his subjects, regardless of their status. “Legally speaking, - says A.D. Xenopol – the prince was restricted by nothing. [...] The Romanian prince had in the earlier times of our history, an absolute power in the fullest possible sense. The Asiatic despotism, here it is the character of Romanian principedom”<sup>2</sup>. Yet this image of despotic prince was contested or nuanced by other historians. C.C. Giurescu, admitting the position of the prince as supreme judge who could sentence to death and confiscate the entire wealth, argued that he cannot be described as an “Asiatic despot”. His power was limited by customary law, church law and the fact that he was elected. Similar opinions held P.P. Panaitescu, Ștefan Ștefănescu, and Eugen Stănescu.<sup>3</sup>

One solution was to divide Romanian medieval history in two great periods: the 14<sup>th</sup> to the middle of the 16<sup>th</sup> century was the period of the princely state (*statul voievodal*); the second half of the 16<sup>th</sup> century to the first decades of the 18<sup>th</sup> century was the period of the aristocratic regime, in which the power of the prince was severely restricted by the boyars<sup>4</sup>. The problem with this division is that it does not theorize the meaning of princely/state power. In the terms of Michael Mann, the historians have usually referred to despotic power, the power of the prince/state elites over society. Yet, as a function of a variety of factors, this kind of power oscillated, with longer or shorter periods of princely despotism or boyars’ control. A longer period of boyars’ important role in government occurred during the 17<sup>th</sup> century.

<sup>2</sup> A.D. Xenopol quoted in Gheorge I. Brătianu, *Sfatul domnesc și adunarea stărilor în principatele române* [The Princely Council and the Assembly of Estates in the Romanian Principalities] (Bucharest: Editura Enciclopedică, 1995), 13; a similar view was put forth by Ioan Bogdan quoted in Valentin Al. Georgescu and Ovid Sachelarie, *Judecata domnească în Țara Românească și Moldova (1611-1831), Partea I. Organizarea judecătorească, vol. I (1740-1831)*. [The Princely Justice in Wallachia and Moldavia (1611-1831), Part I. The Judicial Organization, vol. I (1740-1831)] (Bucharest: Editura Academiei Republicii Socialiste România, 1982), 37. “the prince or the voyvoda had an unlimited power ... master on the life and wealth of people, he could issue and change any judicial decision”.

<sup>3</sup> Georgescu and Sachelarie, *Judecata domnească*, VI, 38-39.

<sup>4</sup> Panaitescu, *Interpretări românești*, 105-106.

Like before, during the Phanariot period the central figure of the political system was the prince. Like their predecessors, the Phanariot princes bear a title which claims the divine origin of their rule (*Milostiiu bojiu*, by grace of god), grants them supreme military command (*voivod*) and proclaims them sole masters of the country (*gospodin/gospodar*).<sup>5</sup> The last title was sometimes translated in official documents as *domn* (from lat. *dominus*), the current designation in internal chronicles.<sup>6</sup> The claims at divine character of the rule and at sole and complete power over the country might seem ridiculous – especially in the 18<sup>th</sup> century – but they are markers of the distinct status of the princes in the Ottoman system.<sup>7</sup>

The prince exerted his power through his council composed of relatives and favorites of the prince and the most important landlords in Wallachia. They assisted the prince in the exercise of rule in two ways: they functioned as a collective consultative body and, as officials, undertook various tasks (drawing the princely charters and other official documents, collection the taxes and keeping records of entries and expenses, care of the princely stables and horses, the care of the princely chamber etc.). At war they commanded various contingents, forming the high officer corps. Besides the lay members of the council, the documents mention – though not as frequently as in Moldavia – the participation of the high clergymen. The metropolitan and sometimes the bishops of the Wallachian church sat in the council especially when it discussed church matters.<sup>8</sup>

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<sup>5</sup> Emil Vîrtosu, *Titulatura și asocierea la domnie în Țara Românească și Moldova până în secolul al XVI-lea* [The Title of the Prince and the Co-principality in Wallachia and Moldavia until the Sixteenth Century] (Bucharest: Editura Academiei Republicii Populare Romîne, 1960), 11-88, 146-181, 183-193.

<sup>6</sup> The first use of the term *domn* instead of *gospodar* in an official document dates from the late 16<sup>th</sup> century while a few decades before it was used to designate God in a religious print, *Dicționarul limbii române*, s.v. “domn”, 1325 and 1327.

<sup>7</sup> Georgescu and Sachelarie, *Judecata domnească*, I/I, p. 52 consider that the divine claim distinguish the princes of Wallachia and Moldavia from an Ottoman pasha, whose power could emanate only from the sultan.

<sup>8</sup> Nicolae Stoicescu, *Sfatul domnesc și marii dregători din Țara Românească și Moldova (sec. XIV-XVII)* [The Princely Council and the Great Officials in Wallachia and Moldavia (Fourteenth-Seventeenth Centuries)], (Bucharest: Editura Academiei R.S.R., 1968).

The most important feature of the princely council is the limited formalization of its composition, meeting and attributions. Most often the official documents contain the signatures 8 or 9 officials but sometimes even 18 participants are recorded.<sup>9</sup> The attributions of the officials were undifferentiated and cumulative. They cumulated powers which today are regarded as necessarily separated (administrative, judicial, fiscal, military). In the words of the historian Ion Bogdan “each experienced boyar could as well to make a boundary settlement, as to supervise the consolidation of a fortress, the collection of taxes, the issuing of a judicial decision, [and] the carrying out of an embassy or the leading of a military unit in battle”<sup>10</sup>. This situation was buttressed by the faculty of the prince to delegate any official he considered fit to solve a certain problem.<sup>11</sup>

In time, the council acquires a certain complexity and differentiation through the emergence of lower ranks for each office and the establishing of small chancelleries of great officials. The first lower rank-officials appear in the 15<sup>th</sup> century for those offices with a more developed activity: the chancellery (*logofăt*), the treasury (*vistiernic*) and the justiciar (*vornic*). So, besides the main *logofăt* – which now becomes *vel logofăt* (great chancellor), appears the second or small chancellor (*vtori logofăt*) and latter the third chancellor (*treți logofăt*). In the next century almost all officials get such subordinate men in their office. Moreover, by the 17<sup>th</sup> century around each great office appears one or more clerks (*logofeți*) forming a small chancellery (different from the main chancellery of the state). Their role was to write various kinds of documents (correspondence, registers, judicial decisions etc). The existence of these

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<sup>9</sup> Stoicescu, *Sfatul domnesc*, 56-58.

<sup>10</sup> Ion Bogdan, *Cultura veche românească* apud Nicolae Stoicescu, *Sfatul domnesc*, 118.

<sup>11</sup> Nicolae Stoicescu, *Sfatul domnesc*, 121-130, the delegation was an institution in itself, the documents mentioning numerous cases of boyars delegated by the prince to carry out tasks in the province. They could be recruited from the court or from the place where the task was needed. In the latter case, their name was not written in the princely order most probably because at its issuing it was not known to the scribe.

small chancellors is a sign of the growth of the state, both in the sense of the undertaken activities and the consequent expansion of the state apparatus.<sup>12</sup>

The incomes of the Wallachian officials show their categorical difference from modern officials. Instead of regular wages, their revenues resulted from a variety of sources: land donations from the prince; partial tax-exemptions; the incomes drawn from offices (a percentage of the collected taxes, the fines for the judges, various sums and advantages resulted from performing a task and usually taken from the population etc.); concession of tax collection in a certain areas; gifts for various services the officials could perform due to their position (between these kind of gifts and bribery was a blurry demarcation line). Needless to say, the officials were inclined to commit abuses while in function and these constituted significant sources of income too.<sup>13</sup>

The third fundamental institution was the Assembly of the Land (*Adunarea țării*). The terminology, composition, attributions, procedures and frequency of meetings are even less precise than in the case of the council.<sup>14</sup> The assembly was composed of members or representatives of the privileged groups. Although there is no stable formula, the documents generally record the high clergymen, great and lesser boyars, the *curteni* (territorial gentry in the service of the prince) and the *slujitori* (princely servants with military obligations); the townsmen and the peasants are excluded. The numbers of the participants vary enormously, from 200 to 30, but generally around 100. The general assembly is generally convened by the prince to discuss a single issue and usually it tackles very important matters, external (an alliance or a vassalage treaty, a commercial convention, the payment of tribute, the decision to start a war or

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<sup>12</sup> *Ibidem*, 77-81.

<sup>13</sup> *Ibidem*, 131-152 *passim*.

<sup>14</sup> *Istoria dreptului românesc* [History of the Romanian Law] vol 1. Vladimir Hanga ed. (Bucharest: Editura Academiei R.S.R., 1980), 264. (hereafter IDR (1980)).

to conclude peace) or internal (election of the prince and church, judiciary, military and fiscal matters).<sup>15</sup>

The most numerous documentary mentioning of such gatherings are from the 17<sup>th</sup> century. A combination of factors gave the boyars a more important role in the running of the country affairs. The expression of this increased role was the frequent meetings during the 17<sup>th</sup> century of the assembly and the relative success of the boyars in imposing through it their own governing agenda. This led some historians to talk of an “estates regime” in the principalities of Wallachia and Moldavia.<sup>16</sup> Yet there are some difficulties with accepting this view. The assembly never achieves a precise terminology, procedure, membership or competence and regular summoning; in consequence it never manages to curtail the power of the prince and to exert an effective control over his policies. The rather authoritarian reigns of several princes are also strong arguments against the thesis of the “nobiary/estates regime”.<sup>17</sup> Perhaps it is more correct to speak of a longer preeminence of the boyars in the government matters.

The role of the assembly is very similar to that of the princely council; actually, the two institutions could deal with the same matters and one can substitute the other (although the tendency is, as I showed, to call the assembly for graver issues). As the council, the assembly formulates an opinion, an advice, but the final decision belongs to the prince. The opinion of the assembly becomes an obligatory document by being incorporated in a princely order issued by the chancellery. Without the princely confirmation it has no legal power. As such, it is another

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<sup>15</sup> IDR (1980), 264-272.

<sup>16</sup> Gheorge I. Brătianu, *Sfatul domnesc și adunarea stărilor în principatele române* [The Princely Council and the Assembly of Estates in the Romanian Principalities] (Bucharest: Editura Enciclopedică, 1995), 23-25, 61-107.

<sup>17</sup> IDR (1980), 270.

auxiliary institution for the prince and it apparently serves the purpose of a forum whereby the decisions of the prince with his restrained council are legitimized and publicized<sup>18</sup>.

The growing control of the Porte and the limitation of the internal autonomy during the 18<sup>th</sup> century were also visible in the decline of the Assembly of the Land as the high forum of important decisions. Instead, the Phanariot princes govern with a “Communal Council” (*sfatul de obște*), “docile and oligarchic expression of the great boyars and high clergy”. The communal character was conveying the idea that the institution represents the entire community of the country and of the boyars and that it deals with communal or public matters. By this organ, the Phanariot princes could claim to rule by frequently consulting the “country”.<sup>19</sup>

**2.1.2. The infrastructure of rule.** In spite of boundless powers of the prince and his council, the business of the state (the area of routine state action) was, by modern standards, quite restrained. Leaving aside the external function (the relationships with other states), the internal one comprised the gathering of taxes and customs, the maintenance of the order (which implied primarily the maintenance of the extant relations of production) and the administration of justice. Yet even in these fields the reach of the state was shallow. A large part of the tasks was being carried out by non-state instances: village communities (free or serf), urban communities and guilds, church, ethnic communities (Hungarian, Polish, Armenian, Greek, Gypsy etc.).<sup>20</sup>

But how were these functions carried out? The exercise of rule over a territory and a human group is dependent on the means whereby those running the state implement their policies and to transmit their messages. By infrastructures of rule I understand both the

<sup>18</sup> Georgescu and Sachelarie, *Judecata domnească* I/1, 95-103.

<sup>19</sup> Georgescu and Sachelarie, *Judecata domnească*, I/2, 91-100.

<sup>20</sup> For the local administration of justice see Georgescu and Sachelarie, *Judecata domnească* I/I, 39-68 passim.

institutional mechanisms and the communication devices put to use by the rulers of Wallachia. By institutional mechanism I refer to the incipient state apparatus formed by lesser officials and other territorial (residing outside the court) officials and princely servants and the joint actions of this apparatus and non-state actors to carry out various tasks required by the central power.

A first level of this apparatus was the lesser officials from the court. The first layer of this state apparatus consisted in the adjuncts of the great officials, that is, the second and the third chancellor (*vtori logofăt, treti logofăt*), treasurer (*vtori vistiernic, treti vistiernic*) etc. and the small chancellors (*logofeți*) of each of great official. Their role is to write the official documents of each office, to keep registers, to centralize the evidence of state revenues, to issue the legal decisions.<sup>21</sup> This expansion of the council meant that while the “great” officials retained mainly their political roles, the lesser officials were entrusted the technical issues of the office and evolved towards a state apparatus.

The second layer of princely agents was made of the so-called courtiers (*curteni*). Their name suggests that they were dependent on different princely courts scattered throughout the country. From social point of view, they were lesser territorial nobility and their belonging to the category of *curteni* was conditioned by holding landed property. In times of war the *curteni* form units of cavalry while in times of peace they are the territorial princely apparatus entrusted with various tasks. The documents show them mostly as repressive force against recalcitrant peasants and tax and fine-collectors.<sup>22</sup>

It seems that the age of courtiers’ maximum importance was from the middle of the 15<sup>th</sup> century to the middle of the next and their success was due to the process of centralization

<sup>21</sup> Stoicescu, *Sfatul domnesc*, 77-81.

<sup>22</sup> Nicolae Stoicescu, *Curteni și slujitori. Contribuții la istoria armatei române* [Courtiers and Soldiers. Contributions to the History of the Romanian Army] (Bucharest: Editura Militară, 1968), 15-18, 46.

attempted by several princes. At this time they were completely exempted from taxes and at the beginning of the 16<sup>th</sup> century they were organized territorially, the courtiers of each county being put under the commander of a *vătaf*. However, by the second half of the 16<sup>th</sup> century two factors lead to their decline: their imposition to the *bir* (in the context of growing Ottoman domination and the afferent material obligations of Wallachia); the changes in military technique (the spreading of fire weapons and the employment of mercenaries). In the 17<sup>th</sup>, when data suggest that a *curtean* paid approximately five times higher a *bir* than a peasant, their decline continues to the point when they become simply a fiscal category and almost disappear.<sup>23</sup>

Already by the 16<sup>th</sup> century, some of this lesser nobility acquire titles of lesser territorial officials in a process of territorial extension of the central offices. The name of these lesser offices from provinces is obtained by endearing the title of the great official; so, the territorial adjunct of the great *ban* became *bănișor*, that of the great *spătar* became *spătărel* and that of the great *paharnic*, *păhărnice* etc. Most often these lesser adjuncts appear in documents in plural as they become separate categories of the *curteni*: *bănișori*, *spătărei*, *păhărnice* etc. They are under the command of the respective greater official both at war and in administrative matters. From social and fiscal point of view they are *curteni* and they bequeath this status together with the afferent *bir*. But they can't inherit the titles of lesser territorial officials which I just exemplified above; these were obtained during lifetime through service. Hence, in documents they are always distinguished from the *curteni* without such titles, which remained the majority of the *curteni* category.<sup>24</sup>

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<sup>23</sup> *Ibidem*, 26-35.

<sup>24</sup> *Ibidem*, 49-59. The *curteni* without title were also called *roșii* due to their red clothing.

The third layer of princely agents comprised the *slujitori* (servants).<sup>25</sup> They appear at the end of the 16<sup>th</sup> century in the context of the anti-Ottoman uprising led by the prince Mihai Viteazul and were meant to supplant the military forces of the country affected by the pauperization of the *curteni*. There were two categories of *slujitori* whose names reflect their initial military function: *călărași* (horsemen) and *dorobanți* (infantry soldiers). In distinction to the *curteni*, whose name suggests a personal connection with the prince, the *slujitori* fulfill their duties to the state; hence they are called in the 17<sup>th</sup> century narrative sources *slujitorii țării* (servants of the country). Their social origin is diverse, from impoverished peasants colonized on princely - and rarely boyar and monastery - lands to pauperized courtiers.<sup>26</sup>

Besides the strictly military difference (cavalry vs. infantry) there are some other distinctions: the *călărași* had to pay their *dajdea călărășească* (the main tax of the *călărași*) while the fiscal obligations of the *dorobanți* are uncertain (some of them appear as completely tax-exempted while others pay the main tax); the latter resembled partially the status of mercenary soldiers because they received occasionally cash stipends and regularly cloth and food allowances. These differences aside, both the *călărași* and the *dorobanți* had the status of free peasants. For partial tax exemption (those who hold their own land or used the land of boyars and monasteries), for the right to use princely lands (those colonized on princely lands) and occasional payment, they had to serve as military units at war and as administrative-coercive apparatus in times of peace. Most of them were garrisoned in or around towns, not surprisingly

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<sup>25</sup> The literal translation of the word *slujitor* is servant but I use the word minister to convey their official function in contrast to private, household servants belonging both to the prince, the boyars, the monasteries and even wealthy peasant. However, the fact that a category with military, fiscal and administrative tasks was called with a name signifying servant is telling about the patrimonial character of the state in early-modern Wallachia.

<sup>26</sup> Stoicescu, *Curteni și slujitori*, 60-62. Hence, some of them hold properties (lands, orchards, vineyards) other are colonists on princely lands, while others live on monastic and boyar lands and had certain seigniorial obligations.

since these were princely property. Like the *curteni*, the *slujitori* could bequeath their office (with the afferent advantages and obligations) to their descendants.<sup>27</sup>

The attributions of the *curteni* and *slujitori* were – like in the case of all the great officials – undifferentiated and can be divided in three categories. Their primary obligation was military. They had to participate in the military campaigns of the prince and to maintain in good condition the appropriate equipment (the failure to have the proper equipment led to expelling from the category); to fulfill the military obligations of Wallachia towards the Sublime Porte; to guard the borders and the mountain passes and to collect the customs at this points. They also had coercive attributes: this meant mostly to assist the landlords in the extractions of rents from the recalcitrant peasants, to assist the fiscal apparatus, to prevent the peasants' flight and the retrieve the fugitive ones. The *călărași* specialized in currier services: they had to convey the correspondence with Constantinople (*călărași de Țarigrad*) or to transmit various news and orders throughout the country. Together with the mercenary troops, the *slujitori* had to guard the princely court and to participate in the ceremonies from the court. Finally, both the *curteni* and their commanders had judicial attributions in minor litigations.<sup>28</sup>

The fourth level of agents who contributed to the execution and implementation of princely orders or policies are not enrolled in any of the groups described above and can be called non-state-agents; they were neither central officials or lesser territorial officials nor territorial *curteni* or *slujitori*. They could be anything, from ex-officials to boyars living on their estates without office, priests, merchants and villagers. They could collaborate with other officials or *slujitori* or carry out tasks like collection of taxes, settlement of boundaries,

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<sup>27</sup> *Ibidem*, 103-131.

<sup>28</sup> *Ibidem*, 290-372.

participate in the judgment of various litigations, tracking and capturing of bandits or give expertise in more technical matters.

The reliance on non-state agents is obvious in the administration of justice at local level. The Wallachian state stretched its authority – sometimes during the 14<sup>th</sup> century – over many village-communities and the prince became their supreme judge. Nonetheless, the communities retained a considerable degree of autonomy and their members had an important, though declining in time, role in the judiciary problems of their villages. Besides the autonomy, the archaic character of judicial organization in these communities was another cause for the villagers' involvement in the justice administration. The communal justice did not differentiate strictly between proof and legal decision, between witness and judge; hence, the members of the community – or some of them – were summoned to attest the facts and give the decision. They were more than witnesses whose testimony is to be considered objectively by a judge; they were offering a moral guarantee that the defendant is not guilty and actively contributed to the adjudication.<sup>29</sup> This conception of witnessing and justice originates in the solidarity of communities based on kinship and neighborhood relationships.<sup>30</sup>

There are several general modifications in this institution until the 18<sup>th</sup> century. Among the villagers, due to the social and economic differentiation, a group of “good and old men” sets apart and form a sort of more permanent judiciary instance using the same procedure. These

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<sup>29</sup> Valentin Al. Georgescu, Ovid Sachelarie, *Judecata domnească în Țara Românească și Moldova (1611-1831) . Partea a-II-a. Procedura de judecată* [The Princely Justice in Wallachia and Moldavia (1611-1831). The Second Part. The Judicial Procedure] (Bucharest: Editura Academiei Republicii Socialiste România, 1982), 27-29. Valeria Costăchel in V. Costăchel, P.P. Panaitescu, A. Cazacu, *Viața feudală în Țara Românească și Moldova (sec.XIV-XVII)* [Feudal Life in Wallachia and Moldavia, 14<sup>th</sup>-17<sup>th</sup> Centuries] (Bucharest: Editura Științifică, 1957), 103-105 argues that the “good and old men” of a village have the right to judge the members of their communities, especially in disputes regarding the land; from their jurisdiction were excluded only the crimes liable to death punishment, which were the prerogative of the prince. Yet the documents she cites or quotes use a quite inconsistent terminology according to which the elders of the village “judged,” “settled” and “calmed”. Hence, although Costăchel understood the important role of the village communities in administering princely justice at local level, she pays little attention to terminology and her approach proves less subtle than that of Georgescu and Sachelarie.

<sup>30</sup> Georgescu and Sachelarie, *Princely Justice*, II, 30, 34-35.

“good and old men” are gradually replaced by delegated boyars (17<sup>th</sup> century) and the judgment of judicial instances (during the second half of the 18<sup>th</sup> century) reflecting the growing control of the state (princedom) over the administration of justice at a local level. The members of the community are not excluded, the delegated boyars can summon them to assist in the solution of various cases; yet their role becomes more and more that of simple witnesses, whose only function is to prove or attest the facts while the boyars tend to become judges who judge authoritatively.<sup>31</sup>

The juridical responsibility of the village communities does not end with justice administration; they also have policing tasks on the territory of their villages. The members of the community are responsible for the murders, thefts, burnings etc. which occur on their territory and have the obligation to track, capture and hand over the murderers and other wrongdoers to the princely prison. Failure to achieve this resulted in a considerable ransom, *dușegubina* (lit. the loss of the soul). The responsibility was incumbent upon the community, in case it was a free village, or on the landlord, in case of a serf community; especially the villages of the monasteries were often exempted from such a responsibility, as part of the immunity privilege.<sup>32</sup> The *dușegubina* was not a fine in the modern sense but the ransom of the death by those responsible for the murder. Initially, the ransom was destined to the relatives of the dead, usually the village-community; after the establishment of the state, the prince usurped this right

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<sup>31</sup> Georgescu and Sachelarie, *Princely Justice*, II, 73-77, 84-90. P.P. Panaitescu, *Obștea țărănească în Țara Românească și Moldova. Orînduirea feudală* [The Village Community in Wallachia and Moldavia. The Feudal Society] (Bucharest: Editura Academiei R.P.R., 1964), 228-234 has a confusing position; on the one hand he admits that “the old and good men” judge as witnesses, investigators and participants in the judicial decision; on the other hand he considers the collective sworn only judges. He argues that when the documents refers to their action as testimony (*au mărturisit*) or ascertaining (*au adevărit*), this is so to give the impression that the definitive decision belongs to the prince; actually the prince was only confirming the judgment of the *jurători*. Whatever the correct interpretation of this institution, from my perspective, what matters is the importance of the collective sworn in the justice administration at local level in medieval and early-modern Wallachia.

<sup>32</sup> Georgescu and Sachelarie, *Princely Justice*, II, 22-24, Valeria Costăchel in *Viața feudală*, 100-103.

of the relatives and demanded a part of the ransom to renounce the physical punishment of the guilty party. This practice revealed the fusing of civil and criminal law, as it exists in modern law.<sup>33</sup>

The village communities also fulfilled functions of tax-agents. Once the lump-sum to be paid by the village was decided at county level, the head (*pîrcălab*) and the elders of the village apportioned it, in the presence of the other villagers. The *pîrcălab* and the other leaders of the community were also responsible with giving the right information about the number of households, the fiscal categories and the paying capacity of each household. This role gave frequent opportunities to commit abuses by registering wealthy peasants in the category of poor ones (to pay less taxes) and vice-versa.<sup>34</sup> An even higher fiscal autonomy was enjoyed by the villages which paid - upon a separate agreement with the treasury - a fixed sum (*ruptoare*). Their leaders split the total sum on households, collected the taxes and delivered them directly to the treasury.<sup>35</sup>

Other non-state actors in the fiscal process were of higher status. Such were some of the county level tax-collectors (*birarii de județ*). Once the amount of taxes for a county is decided by the treasury, the gathering is conceded to one or more officials, to lesser officials from the county or to one or more boyars with no office. They could derive great profits from this occupation because a part of the collected sums was due to them; they could also incur great losses since they

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<sup>33</sup> Panaitescu, *Obștea țărănească*, 211-214.

<sup>34</sup> Damaschin Mioc, "Despre modul de impunere și percepere a birului în Țara Românească până la 1632" [On the Mode of Assessment and Collection of the Main-tax in Wallachia until 1632], *SMIM*, II (1957): 105-107; Costăchel, *Viața feudală*, 98-100, Panaitescu, *Obștea țărănească*, 225-228.

<sup>35</sup> Mioc, "Impunerea și perceperea birului," 87. Not only the village communities, but also the urban ones had the responsibility to apportion the lump-sum tax on their members and to collect the contributions; the *sudeț* and later the *pîrcălab* (the head of the town) and the *pîrgari* (the town councilors), do the necessary operations. By the 17<sup>th</sup> century the sources mention the princely fiscal agents undertaking partially their task – maybe a sign of declining autonomy, *Ibidem*, 88.

were responsible for the taxes assigned to them. Needless to say that, the fear of losses and the desire of profit caused numerous abuses and cases of extortion.<sup>36</sup>

The administrative division of the territory is also a means whereby the state elites manage and control the territory. Initially – from the 14<sup>th</sup> to the 16<sup>th</sup> century - the principedom exerted some degree of control through the courts run by court-judges (*vornici*) and towns. The political map of Wallachia consisted in nodes of power, not territorial units. However, historians projected in the past of territorial organization of the modern state and were convinced that the Wallachian territory was always divided in counties (*județe*). Yet recently it was showed that these were ad-hoc and variable fiscal circumscriptions which were territorialized only towards the end of the 16<sup>th</sup> century, when the state elites managed to get a firmer grip on the territory and population.<sup>37</sup>

Since documents mentioned many local level official (*bani*, *vătafi*, *sudeți*), it was believed that these were county officials<sup>38</sup>. However, the first officials which seem to have jurisdiction over an entire county were the *căpitani* and they emerge together with the territorialization of the counties. Yet their attributions are not quite clear. Apparently the county still fulfilled a fiscal function: it also facilitated the apportionment taxes (and tribute after the installation of the Ottoman domination), the farming out of taxes, the mobilization peasants for public works and the organization of the lesser officials.

Besides the institutional infrastructure, I distinguish the technical infrastructure of the state which mainly comprises the means of communications: transportation and the instruments of transmitting and storing information. About the roads, there is very little in the Romanian

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<sup>36</sup> Mioc, "Impunerea și perceperea birului," 90-93.

<sup>37</sup> Coman, *Putere și teritoriu*, 78-109.

<sup>38</sup> IDR (1980), 305-307.

literature and usually in sections dealing with trade. The sources mention various roads related to the transited products ('the millet road', 'the timber road', 'the salt road'), to various towns ('the road of Bucharest', 'the road of Dîrstor'), to a region ('the road of Bărăgan') or to a county ('the road of Mehedinți'). These roads were interrupted by custom points belonging to the prince, boyars and monasteries<sup>39</sup> and their maintenance was the duty of villages close to them.<sup>40</sup>

In both his main businesses, fiscal and judicial, the principedom has used scriptural evidence. The oldest form of storing information at local level was the *răboj* (notched stick)<sup>41</sup> which predated the establishment of the Wallachia state. This was necessary because of the massive illiteracy of the peasants and even some of the lesser officials. Besides the *răboj* of each household, there was a *răboj* for the villages; this was a piece of wood having marks with the number of taxable units (households) and their wealth on one side and the amount of money due by each household. The signs were erased once the taxes were paid. This method prevented the abuses of the *pârcălabi* when collecting taxes – though not when apportioning them – and, in some parts of Wallachia, it remained in use until the 19<sup>th</sup> century.<sup>42</sup>

The state introduced a more advanced tool of keeping and storing information, the *catastif* (ledger, register). The capacity to extract taxes efficiently depended on the ability to

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<sup>39</sup> Costăchel, Panaitescu and Cazacu, *Viața feudală*, 58-59. Șerban Papacostea, *Oltenia sub stăpânirea austriacă (1718-1739)* [Oltenia under Austrian Rule (1718-1739)] (Bucharest: Editura Enciclopedică, 1998), 124-126 dedicated a separate section to the problem of roads. The first authority to consider the roads as a country-wide network and to have an integrated policy with regard to roads was the Habsburg administration during the Habsburg rule of Oltenia (1718-1739). The roads of the region were included in a map, a list of roads was drawn, special orders related to roads were issued, traffic indicators were introduced on the roads connecting important towns; finally, a road to connect Transylvania and Oltenia was opened.

<sup>40</sup> IDR (1980), 334.

<sup>41</sup> The *răboj* was a piece of wood of square shape which was split in two. Then, when the two halves were attached together, signs corresponding to the taxes due by a household were carved on them. One half went to the head of the village (*pârcălab*) while the other remained to the peasants. When the peasant paid the taxes, or a part of them, the two halves were again put together and the signs of the paid taxes were erased, P.N. Panaitescu, *Răbojul. Studiu de istorie economică și socială la români* [The Notched Stick. Studies of Romanian Social and Economic History] (Bucharest: Monitorul Oficial și Imprimeriile Statului. Imprimeria Națională, 1946).

<sup>42</sup> Mioc, "Impunerea și perceperea birului," 74-76.

conduct precise population and wealth count and to make and keep accurate fiscal registers. Unfortunately, such evidence was not preserved only scantily. However, the sources do mention such records by the end of the 15<sup>th</sup> century and so prove indirectly the knowledge to keep fiscal registers and their employment. During the 16<sup>th</sup> century, the use of *catastife* by the scribes of the treasury becomes the rule, facilitated by the substitution of parchment for paper. They show that the censuses were made each third year and bore the name of the official or boyar entrusted with conducting the count.

From these sources it results that once the census was completed, the amount of taxes for a fiscal unit (a village community for instance) could not be changed until the next census, three years later. The method – although unjust since the decrease of population in a village or town did not lead to the decrease of the afferent taxes – had two advantages: it simplified the tax-collection and made the amount to be collected quite predictable.<sup>43</sup> By the end of the 16<sup>th</sup> century and during the 17<sup>th</sup> several changes occur due to the intensification of fiscal extraction. The censuses are made annually; the registers become more detailed specifying the number of serf villagers; the taxation registers become more numerous because they specialize on various taxes, destination (treasury or *cămară*<sup>44</sup>) and fiscal categories.<sup>45</sup>

Scriptural evidence was widely used in the judicial matters and was introduced by the principedom too, the justice of the village communities being conducted orally on a customary basis. The letters of complaint, the letters whereby the prince delegates his officials (or non-officials) to judge various matters, the letters of testimony and the final decisions of the judge (be it the “good and old men” of the village communities, the delegated official, the official who

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<sup>43</sup> *Ibidem*, 58-69.

<sup>44</sup> The personal treasury of the prince, in theory distinct from the treasury of the state (*vistieria*).

<sup>45</sup> Mioc, “Impunerea și perceperea birului,” 65, 70-74.

judged in his area of “competence” or of the prince himself) were written documents. They facilitated the transmission of messages from center to territory and vice-versa, the implementation of princely orders and the legitimacy of the latter, as the princely letter (*carte domnească*) was invested with high authority. The authority of the delegated official carrying an order resided in the charter bearing the signature and the seal of the prince as a fragment and substitute of the princely charismatic presence.<sup>46</sup>

However, the effectiveness of these documents was undermined by two factors. The first was the principle that any decision (even a princely one) did not have automatically the power of the legal precedent – although in some cases previous decisions were maintained; the written judicial decision had only a short validity since it could be resorted against and altered by the following prince. Consequently, the scriptural information had only a relative power in early modern Wallachia. Besides, the state’s actions were faulted by lack of a complete centralization of scriptural evidence. Property documents and charters were in the hands of beneficiaries; when the grants and fiscal and juridical devolution in favor of Cîmpulung monastery are contested by peasants of two villages, the prince gives satisfaction to their complaint because he doesn’t judge the case according to written evidence; only the resort of the monks, endowed with the original charters, restore the grants to the monastery.<sup>47</sup> It is also a clear example of decentralization of scriptural evidence.

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<sup>46</sup> M. Clanchy cited in Corrigan and Sawyer, *The Great Arch*, 35, speaks of the routinization of charisma through the dissemination of royal sealed charters throughout the English realm.

<sup>47</sup> *DF*, 20.

## 2.2. The Factors of Change in the Eighteenth Century

**2.2.1. Geopolitical factors: Ottoman pressure and the Habsburg administrative model.** The scale of analysis I employ in my study is that of the principality of Wallachia. But the processes at work there cannot be comprehended properly without reference to a larger scale: the Ottoman Empire, to which it was subjected and to a large degree integrated and the Habsburg Monarchy which occupied a part of Wallachia for two decades (1718-1739) exerting considerable influence on the reforms adopted after 1740. Let me discuss them in turn.

The Ottoman domination tended to aggravate from the 15<sup>th</sup> to the early 19<sup>th</sup> century, with several fluctuations.<sup>48</sup> From juridical point of view, Wallachia was a tributary state or protectorate (*harâcgüzar*), a status which was established in its basic lines at the end of the 15<sup>th</sup> century and was based on accepting to deliver the tribute (*harâc*). This covers actually a large array of obligations, politico-military and fiscal-economic among which the most important were: to pay the tribute at time; to coordinate its foreign policy with that of the Porte, to participate in military campaigns when asked; to inform of all important political happenings that would concern the Porte (informing function).<sup>49</sup> In exchange, Wallachia would enjoy the right to self-government and administration on the basis of its own customs and laws; the unhindered exercise of religious faith; favorable (to both parties) customs tariffs.<sup>50</sup>

<sup>48</sup> Kemal H. Karpat, Robert W. Zens, "Introduction" in *Ottoman Borderlands: Issues, Personalities and Political Changes*, Kemal H. Karpat, Robert W. Zens, eds., (Madison: The University of Wisconsin Press, 2003), 1.

<sup>49</sup> Viorel Panaite, *Pace, război și comerț în islam. Țările Române și dreptul otoman al popoarelor (secolele XV-XVIII)* [Peace, War and Trade in Islam. The Romanian Principalities and the Ottoman Law of the Peoples (the Fifteenth to Eighteenth Centuries)] (Bucharest: Editura All, 1997), 328-433.

<sup>50</sup> Mihai Maxim, *Țările Române și Înalta Poartă. Cadrul juridic al relațiilor româno-osmane în Evul Mediu* [The Romanian Principalities and the High Porte. The Juridical Framework of the Romanian-Ottoman Relationships in the Middle Ages] (Bucharest: Editura Enciclopedică, 1993), 240-43.

These were the principles which regulated the relationship between the principality and the empire. In practice however, they were altered by the actual power relations between the two parties. With fluctuations, the tendency was for the rights of Wallachia to be reduced and the obligations to increase. The princes came to be appointed directly by the sultan instead of being just confirmed, after their accession to the throne through inheritance or election; the material obligations have increased with the rise of the tribute and the unofficial payment for the purchase of the throne or the maintenance of it.<sup>51</sup> For instance, initially the tribute paid by Wallachia entered the category of “collective tribute” (*kharâdj maktû*) perceived from non-Muslims in a global amount, through a representative of the respective community (in our case, the prince). By the 18<sup>th</sup> century, this sum was seen as the sum of individual capitation taxes, a collective *gizie* paid by the inhabitants of the principalities similarly to other inhabitants of the empire (*re'âyâ*); now, in some documents, the princes are assimilated terminologically to the Ottoman collectors of capitation (*cizyedâr*).<sup>52</sup> This terminological change reflected to a certain degree the transformation in the status of the Wallachia princes.

The so-called Phanariot century brought no change of principle in the status of Wallachia which preserved its status of tributary protectorate. An imperial order from 1761 reiterates, from Ottoman point of view, its status:

Wallachia, from the previous times and until now is registered separately at the chancellery; it is forbidden to step on its land with the feet; it enjoys freedom in all regards, and the subjects and inhabitants shall possess and own their properties and lands undisturbed; nobody shall cross the borders of Wallachia and Oltenia.<sup>53</sup>

<sup>51</sup> Mihai Maxim, *Țările Române și Înalta Poartă*, 243-45.

<sup>52</sup> Panaite, *Pace, război și comerț*, 334-335.

<sup>53</sup> IR (2002), 592.

So, three main principles were the ground of Wallachia autonomy. It was “distinct at the Chancellery” in the sense that it was excluded from the practice of census, the registers of which were kept at the imperial cadastre. The fact that Wallachia was not presented scripturally in the papers kept at the imperial chancellery is the clearest indication of its autonomy. The interdiction to step on its land translated as immunity, the land being subject to a global tax, perceived not by the Ottoman officials but by local authorities. Freedom in all regards referred to several things: intangibility of territory (entering was theoretically conditioned by the obtaining of a *ferman* and was limited by the length of the mission of business of the traveler); self-administration, legislative and judicial autonomy, religious freedom. Such statements of Wallachia’s distinct status - in an almost identical wording - were issued frequently in the period of maximum Ottoman domination (1740-1768); their proliferation indicates precisely the frequent violation of that status.<sup>54</sup>

From the 1774 the Ottoman unilateral protectorate is replaced with the dual protectorate by Russia’s right of intercession for its new “protégées”.<sup>55</sup> With regard to the status of the prince Mihai Maxim holds somewhat contradictorily that it continued to be the same as in the previous centuries - the rank of a pasha with two banners (*tui*) – but it underwent a sensible degradation; for the contradiction to be complete he cites Western observers who state that the pump for the appointment of the princes equaled that of the Crimean khans and the Ottoman viziers and surpassed that of other Ottoman officials.<sup>56</sup>

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<sup>54</sup> Valeriu Veliman, *Documente româno-otomane 1711-1821*[Romanian-Ottoman Documents 1711-1821] (Bucharest: Direcția Generală a Arhivelor Statului, 1984), 104 (year 1742), 112 (year 1745) and 127 (year 1757).

<sup>55</sup> IR (2002), 594-96.

<sup>56</sup> IR (2002), 598-99. The arguments for the so-called deterioration of the status of the princes are not quite convincing: the brutal treatment of the removed princes is not an 18<sup>th</sup> century innovation and has to do more with the Ottoman political culture; the kissing of the feet of the pashas with three banners was most probably an element of the Ottoman protocol which looked humiliating in the eyes of the Western observers, the main source of amaze; the only possible signs of deterioration were the lower quality of the cap (*kuka*) and of the coat (*kabanița*).

If something changed substantially in the 18<sup>th</sup> century, it was the growth of the Ottoman economic pressure. This consisted of cash payments (tribute, official gifts, bribes, purchase of the throne), delivery of provisions for the Ottoman military or capital, supply of labor force (usually for the military constructions) and some trade restrictions. The various forms of payments of Wallachia to the Porte followed an ascending trend but have fluctuated considerably. Recently, Bogdan Murgescu has brought a great contribution to this problematique and has debunked the myth that the fiscal burden registered an aberrant maximum during the Phanariot period. He has showed that the Ottoman domination – the generator of internal fiscal pressure - reached peaks at the end of the 16<sup>th</sup> century and in the period 1739-1768. After 1774 the limitation of the nominal sums – due to the Russian intervention – and the debasement of Ottoman currency actually lowered the real payments to the Porte. Besides, the demographic growth occurred in the same period actually reduced the fiscal burden compared to previous periods.<sup>57</sup>

These are important observations and temper the obsession with the ruinous Phanariot rule. However, even such revision shows that the first half of the period I study here witnessed a

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<sup>57</sup> Bogdan Murgescu, *România și Europa. Acumularea decalajelor economice (1500-2010)* [Romania and Europe. The Accumulation of Economic Discrepancies (1500-2010)], (Iași: Polirom, 2010), 27-56; Mihai Berza, “Haraciul Moldovei și al Țării Românești în sec. XV-XIX” [The Tribute of Moldavia and Wallachia during the 15<sup>th</sup>-19<sup>th</sup> Centuries], *S.M.I.M.*, II (1957), 7-45; Mihai Berza, “Variațiile exploatații Țării Românești de către Poarta otomană în secolele XVI-XVIII” [The Variations in the Exploitation of Wallachia by the Ottoman Porte during the Sixteenth to the Eighteenth Centuries], *Studii*, 11 (1958), 59-71. Although admitting the role of the Ottoman privileges (*hatis̃erif*) in reducing the obligations towards the Porte, some authors conclude contradictorily that the late 18<sup>th</sup> century was a period of maximum Ottoman exploitation: Maria-Matilda Alexandrescu Dersca-Bulgaru, “Rolul hatis̃erifurilor de privilegii în limitarea obligațiilor către Poartă” [The Role of the Charters of Privileges in the Limitation of the Obligations towards the Porte], *Studii* 11/6 (1958), 101-121, see p. 115; Alexandru Vianu, “Aplicarea tratatului de la Küciük-Kainargi cu privire la Moldova și Țara Românească (1775-1783)” [The Application of the Küciük-Kaynarca Treaty with regard to Moldavia and Wallachia], *Studii*, 13/5 (1960): 71-103. For the catastrophic thesis regarding the Ottoman impact upon Romania see Nichita Adinăloaie, “Implicațiile economice ale dominației otomane asupra principatelor române (1750-1859)” [The Economic Implications of the Ottoman Domination over the Romanian Principalities], *RdI*, 34/3 (march 1981): 441-463; after repeating the old ideas about the inhibiting role of the Ottoman domination on the development of the capitalist forces of production and the progress of various kinds, the author makes the haphazard claim that “the Ottoman-Phanariot regime [was] one of the most terrible instruments of plunder known in history,” 446.

rise in the Ottoman economic pressure to a historical record, on a par with the late 16<sup>th</sup> century.<sup>58</sup> The period is edged by two wars which ravaged Wallachia and which posed the Phanariot princes the formidable task of repopulating the country and reconstruct its economic potential. The fiscal pressure, although stagnating or slowly decreasing remained considerably high even after 1774; the second part of the 18<sup>th</sup> century is also a period in which the Ottoman demands of provisions registers a rise and this adds to the economic pressure.<sup>59</sup>

Although not the only, this pressure represents the principal restructuring factor of the Wallachian state in the second part of the 18<sup>th</sup> century. The clearest proof is the dominant fiscal sense of the so-called Phanariot reforms. All of them were part of an effort to stabilize the rural mass – prone to resist exploitation by massive flight - by reducing and rationalizing the fiscal burden and by protecting the fiscal capacity of the peasants. The fiscal reform attempted to impose a fixed main tax (*bir*) payable in equal rates (the principle survived, but the number of rates was increased after any such regulation). The regulation of the tenants-landlords relations had the same logic: the peasants had to be protected from the demands of the landlords so that they can pay taxes easily. The administrative and the judicial reforms were meant to bring the state closer to the subject in order to spare his expenses and to speed up the procedures.<sup>60</sup>

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<sup>58</sup> IR (1964), 346-352.

<sup>59</sup> As Bogdan Murgescu, “Avatarurile unui concept: monopolul comercial otoman asupra Țărilor Române” [The Avatars of a Concept: The Ottoman Commercial Monopoly over the Romanian Principalities] in *Țările Române*, 151-172 has showed, the Porte’s demands have never amounted to an Ottoman economic monopoly, a notion with a long career in the Romanian historiography; the notion of the monopoly emerges only very late – late 1820s – and the available research supports only the existence of a series of discontinuous and unsystematic practices whereby the Porte has distorted the market; however, second part of the 16<sup>th</sup> and 18<sup>th</sup> centuries and the beginning of the 19<sup>th</sup> are periods in which practices were rather frequent.

<sup>60</sup> Constantiniu, “Constantin Mavrocordat et l’abolition du servage,” 378-79; Papacostea, “Contribuție la problema relațiilor agrare,” 233-319; Constantiniu and Șerban Papacostea, “Le réformes des premiers phanariotes”; Florin Constantiniu, *Constantin Mavrocordat* (Bucharest: Editura Militară, 1985); Papacostea, “La grande charte,” 365-76; see also Ilie Minea, “‘Reforma’ lui Constantin Vodă Mavrocordat” [The Reform of Constantin Vodă Mavrocordat], *Cercetări istorice* II-III (1927): 97-248.

The reforms also operated a simplification of the social structure. At the bottom of the social spectrum, the social reform homogenized the mass of the dependant peasants, by abolishing the serfdom (1745-1746) and mixing all peasants living on estates in a single category (*clăcași*) whose obligations were subject to state regulation. At the upper level, the reform of Constantin Mavrocordat has sharply divided the boyars in two ranks – *veliți* and *mazili* with the afferent privileges. The reform has also tied the condition of great boyar to the state office, bringing the class under stricter princely control.<sup>61</sup>

Another factor which contributed to the implementation of reforms is both cultural – for it implied adaptation of a set of policies – and geopolitical because it derived from the geographical proximity of another state. Historians have recognized that the influence of the administrative measures adopted by the Habsburgs in Oltenia<sup>62</sup> between 1718 and 1739 had a great impact on the reforms of Constantin Mavrocordat. After two decades of Austrian rule, the province was joined back to Wallachia by the Peace of Belgrade (1739). The prince was presented with a dilemma: either to cancel all changes adopted by the Austrian administration Oltenia or to up-date the institutions of Wallachia in the same sense. He chose the second path, especially because the Austrian reforms responded to structural pressures similar to those which confronted the Wallachian elites.

The logic of reforms was also similar: “like the Austrians, but with weaker means, the Phanariots strived to consolidate the power of the state, to expand its prerogatives and to increase its revenues”<sup>63</sup>. In almost any field reformed by the Phanariot prince, there was an Austrian

<sup>61</sup> For the changes in the structure of the boyar class see, Dan Cernovodeanu, “Mobility and Traditionalism: the Evolution of the Boyar Class in the Romanian Principalities in the 18<sup>th</sup> Century,” *RESEE*, XXIV/3 (1986): 249-257.

<sup>62</sup> Western part of Wallachia, bordered at east by the river Olt, at south by Danube and at West and North by the Carpathian Mountains. It was occupied by Austria from 1718 to 1739, time in which the new rulers experiment with absolutist policies.

<sup>63</sup> Papacostea, *Oltenia sub stăpânire austriacă*, 310.

precedent. In the fiscal domain, both the Austrians and the Phanariots tried to stabilize the taxpayers, by fixing their tax-quotas; also, both of them tied to the fiscal reform an unprecedented effort to know their subject and to register this knowledge. The regulation of the peasants' obligations towards landlords is part of both reformatory programs, with the difference that the Austrians have obliged the peasants from Oltenia to 52 days of labor rent, instead of 6 or 12 decreed by Mavrocordat. In the two decades of Austrian administration, an administrative and judicial network, staffed with salaried officials, extended in the five counties of the province. Finally, both regimes emphasized the written procedures and the necessity of bookkeeping.<sup>64</sup> It is important to keep in mind that the influence of the Habsburg administrative measures was rather fortuitous, determined by the outcome of the war (1735-1739) and not a conscious adoption of a foreign model.

**2.2.2. The political ideas of the Phanariots.** The intellectual origins of the Phanariot reforms were forcefully advocated by Nicolae Iorga. By this move he stressed that the Phanariots were Westerners and modernizers, inspired especially by the French political thought. In his 7<sup>th</sup> volume of the *History of Romanians* Iorga asserted that the late 17<sup>th</sup> century witnessed a transition from a rulership based on tradition to one based on rational ideas, an explicit theory of government (he calls the later “regime of ideas”). The source of these new ideas is Constantinople, “this immense capital where races fight and mingle and currents [of ideas] clash” and they are carried by the Phanariots who, far from the image of Greek nationalists,

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<sup>64</sup> *Ibidem*, 310-320 for the parallels between the two reformatory programs at. The obligation of the abbots to keep accurate evidence of their monasteries' wealth was also introduced by the Austrians in Oltenia in 1731, pp. 292-295 (Papacostea believes is a systematization of a tradition). From the same years dates an identical measure in Wallachia, as testified by the Register of Incomes and Expenses of Monasteries covering the period 1730-1741, apparently started by Constantin Mavrocordat who tiled three times during those years in Wallachia, see Sergiu Columbeanu, *Grandes exploitations domaniales en Valachie au XVIIIe siècle* (Bucarest: Editura Academiei Republicii Socialiste România, 1974), 13-14.

represent a form of cultural synthesis specific to the European South-East. This movement is not without connection with the notion of “a new state of justice, with rationalist character and philanthropic aims” enunciated in France by Fenelon or the duke of Orleans.<sup>65</sup>

The Phanariots were exposed to these influences due to their social and “professional” profile. The wealthy Greek merchant families tended to educate their sons in Italy, at Padova and Rome mostly. This cultural capital consisting of linguistic abilities, knowledge of foreign customs and administrative skills, propelled some of them in the important functions of governors and diplomats for the Ottoman state<sup>66</sup>; they become “suppliers of necessary, strategic intelligence”.<sup>67</sup> The same linguistic abilities – consisting of mastering of Italian, French and in some cases Latin, besides Greek and Ottoman official language – gave them access to works of political thought produces in the West, cultivated their literary tastes and even fed their literary vocation.

The most notable Phanariot prince in this respect was Nicolae Mavrocordat. An analyst of his writings, Jacques Bouchard, claims that the prince was a representative of early Enlightenment and a forerunner of enlightened despotism. His notion of political power reveals an anti-Machaivellism akin to that of Fénelon, Fleury and latter Frederic II.<sup>68</sup> As an advocate of absolutism, Mavrocordat claims that the authority cannot be limited by laws and institutions and that its holder is justified only by his knowledge to rule – the capacity to distinguish Good from

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<sup>65</sup> Iorga, *Istoria Românilor*, vol. 7, 5-10.

<sup>66</sup> Papachristou, *The Three Faces of the Phanariots*, 6-7.

<sup>67</sup> Philliou, *Biography of an Empire*, 20.

<sup>68</sup> Jacques Bouchard, “Cuvânt înainte” [Foreword], to Jacques Bouchard, *Nicolae Mavrocordat. Domn și cărturar al Iluminismului timpuriu (1680-1730)* [Nicolas Mavrocordat. Prince of Intellectual of the Early Enlightenment] (Bucharest: Editura Omonia, 2006), 9.

Evil, the science of government and the deep knowledge of laws.<sup>69</sup> In conformity with the ideas of his time, Nicolae Mavrocordat advanced in his book “On Duties” the idea that the despotism is the salvation of the state to the benefit of the commonwealth and does not contradict liberty, as the tyranny does.<sup>70</sup> The influences of the European ideas were not limited to one prince.

The court of the Mavrocordats, including that of the son of Nicolae, Constantin, was places where French, Italian and Spanish literature was read<sup>71</sup>. The later was found in 1742 by the geographer Marcos A. Katsaisis, staying in a room full of books and listening to their reading for six to eight hours continuously.<sup>72</sup> Matei D. Vlad also argued that the attempt of some Phanariots to populate Wallachia and Moldavia by fiscal and agrarian reforms and to encourage crafts and trade were inspired by Physiocratism and mercantilism.<sup>73</sup> But can we conclude that the administrative measures of the Phanariots were influenced or even triggered by their readings?

The scanty evidence on the on the cultural tastes of these princes casts doubts upon such a conclusion. For instance, the chronicle of Ghica family noted about Constantin Mavrocordat’s “working program”:

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<sup>69</sup> Bouchard, “Scrisorile fictive ale lui Nicolae Mavrocordat în maniera lui Phalaris: o apologie a absolutismului” [The Fictive Letters of Nicolae Mavrocordat in the Manner of Phalaris: and Apology of Absolutism] in Jacques Bouchard, *Nicolae Mavrocordat*, 39-54.

<sup>70</sup> Idem, “Nicolae Mavrocordat și Iluminismul timpuri” [“Nicolae Mavrocordat and the Early Enlightenment”] in Jacques Bouchard, *Nicolae Mavrocordat*, 67-81.

<sup>71</sup> Idem, “Mavrocordații și România” [The Mavrocordats and Romania], in Jacques Bouchard, *Nicolae Mavrocordat*, 129-132.

<sup>72</sup> Constantiniu, *Constantin Mavrocordat*, 167.

<sup>73</sup> Matei D. Vlad, “Iluminism și modernism în politica social-economică a unor domnitori fanarioți din veacul al XVIII-lea” [Enlightenment and Modernism in the Social-Economic Policy of Some Phanariot Princes during the Eighteenth Century], *SAI* 53-54 (1986): 157-168. He considers the entire reformatory program under the influence of Enlightenment but he fails to draw direct connections between particular ideas or texts and Phanariot policies. The assertion that Constantin Mavrocordat was inspired by Voltaire’s ideas (p. 162), or that Alexandru Ipsilanti was a passionate reader of Voltaire and Montesquieu (p. 160) is not supported by references.

If there were no petitions to be read [and adjudicated], [the prince] was reading from the books of John Chrysostom or of Basil the Great or of Macarius the Egyptian or of other holy father, highlighting the words about princes.<sup>74</sup>

Let us notice that the prince was indeed interest in political thought but that of the Patristic period, not of 18<sup>th</sup> century Western Europe. As Daniel Barbu noticed, it is surprising that the prince, the possessor of one of the greatest and most diverse libraries in southeastern Europe, resorted to a few titles that would be found in any important monastery.<sup>75</sup> A similar conclusion is suggested by the reading preferences of Grigore Ghica, relative and rival of Constantin Mavrocordat; while in exile at Tenedos he “was content to spend the greatest part of his time with the reading of some holy books and walks”.<sup>76</sup>

Besides, similar inclinations are apparent in the public documents of the Phanariot princes, not only in their private readings. I give only one example. In a document from 1775 Ipsilanti presents his recently adopted reforms. Besides the measures for the spiritual wellbeing (tax-exemptions for clergy, establishment and development of schools) he refers to the measures for “external utility” (*cele de afară folosiri*). The cultivation of the land and the trade were encouraged for “the enrichment of all inhabitants”. Moreover, the prince encouraged the development of “liberal crafts” (*meștegurile cele slobode*) which, “as a sage also claims, apart from the adornment of the country and the gain which brings to the inhabitants, the learning of the liberal crafts tames the deeds and does not let them staying savage”.<sup>77</sup> Who is the sage who

<sup>74</sup> *Cronica Ghiculeștilor. Istoria Moldovei între anii 1695-1754 [The Chronicle of Ghica Family. The History of Moldavia from 1695 to 1754]*, eds. Nestor Camariano and Ariadna Camariano-Cioran (Bucharest: Editura Academiei R.S.R., 1965), 621.

<sup>75</sup> Daniel Barbu, *Bizanț contra Bizanț [Byzance against Byzance]* (Bucharest: Nemira, 2001), 158. Barbu also noticed that the program of Constantin Mavrocordat, divided between prayer, work and study (of religious works) resembled a monastic program, *Ibidem*, 157-159.

<sup>76</sup> *Cronica Ghiculeștilor*, 591, 611.

<sup>77</sup> *DF*, 195: *deosebi de podoaba ce pricinuieste țării și folosul ce aduce locuitorilor, zice și un înțelept că a să învăța bine meșteșugurile cele slobode să îmblânzesc faptele și nu să lasă a să afla cu sălbăticiere.*

advocated the civilizing effect of the crafts? The document makes no reference; however, in other parts of the document, when the prince presents his reforms for the good of the spirit, two holy fathers - Vasile (Basil the Great), Grigorie (Gregory of Nazianzus) - and a “Roman sage” - Seneca – are invoked and not some French “philosophes”.<sup>78</sup> This makes the scenario of French, and more generally Enlightenment, influence quite problematic.

I do not intend to solve this issue here. Nor do I reject wholesale the influence of contemporary ideas, gleaned from studies in Italy or from French books, on the Phanariot reforms in the principalities. But such claims should be more cautious until direct links can be well documented. I would rather say that the intellectual influences on the Phanariots were more complex and varied than is usually asserted; moreover, the effect of these influences should be seen in the ethos of some of the rulers, in their own moral justification. Some of these rulers, especially Nicolae and Constantin Mavrocordat and Alexandru Ipsilanti saw themselves as (nearly) absolute rulers who, by virtue of their knowledge of government, are entitled to alter the social relations and the institutions of the state. Otherwise, as Charles Tilly has remarked, state formation was not a conscious design and institutions emerged in the process “as more or less inadvertent by-products of efforts to carry out more immediate tasks”.<sup>79</sup> Suffice it to say here, that the fiscal reform attempted by several Phanariots (Nicolae and Constantin Mavrocordat most notably) was first decreed in Wallachia by Constantin Brâncoveanu, who wrote no political treatise or philosophical novel and manifested no particular inclination for reading as the two Mavrocordats.

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<sup>78</sup> *Ibidem*; the text of the document does not mention explicitly the three thinkers but the editors have identified them on the basis of the quotations inserted in the document.

<sup>79</sup> Tilly, *Coercion, Capital, and European States*, 25-27.

### ***2.3. Changes in State Organization during the Eighteenth Century***

During the 18<sup>th</sup> century this state organization undergoes significant changes. The most notorious alteration concerns the status of the prince with regard to the protector power, the Porte. The Ottomans appointed irregularly princes from the Christian elites of the empire from the second part of the 17<sup>th</sup> century, yet in the 18<sup>th</sup> century this becomes the rule. Moreover, after 1730 the princes are removed and nominated very frequently and moved from Wallachia to Moldavia and vice-versa. For instance Constantin Mavrocordat held the record with 6 reigns in Wallachia and 4 in Moldavia. The removal, nomination and confirmation on the throne become regular means for exacting money from the two principalities.<sup>80</sup>

The princely council continued to be the main political, administrative and judicial body assisting the prince. When headed by the prince it formed the highest judicial instance of the country when presided by the prince and was called with an Ottoman term, *divan*. The Assembly of the Land ceases after 1730 to elect the prince and, although Constantin Mavrocordat calls such representative bodies to validate his reforms, their importance decreases after 1750. This doesn't mean that the boyars' ability to oppose the princes vanished. Actually, many Phanariot princes were victims of the machinations of the boyars, with participation with Ottoman dignitaries and foreign ambassadors.<sup>81</sup>

However, the Phanariot measures of reorganization, conventionally designated as reforms, altered irreversibly several aspects of the state and social structure. They set up new institutions, both at central and local level, resulting a more complex and differentiated state apparatus. Already in 1741, by his famous settlement, Constantin Mavrocordat, established that

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<sup>80</sup> IR (2002), 34.

<sup>81</sup> Iorga, "Au fost Moldova si Țara Românească provincii supuse fanarioților?" 360-365.

the great boyars (*veliții mazili*) without offices should perform judicial tasks at the court and be remunerated for their effort. The reason for this measure is double. On the one hand, such boyars should also share in the princely patronage (*stăpâneasca milă*) not to be alienated; so the measure seems designed to integrate the nobility and co-interest it in the business of the state. The second reason pertains to the administrative division of labor: the new judges are supposed to relieve the administrative burden of the princely divan.<sup>82</sup> The settlement does not stipulate the details regarding the working of these additional courts: their number, composition, amount of salaries, duration of functioning etc. Nor do subsequent sources indicate clearly if such judicial instances functioned on a regular basis.

But the trend was set in motion and the next wave of state reorganization after 1775 formalizes these changes. In 1775 new central judicial instances are added, called with a French name: departments (*departamenturi*).<sup>83</sup> Two departments, one of eight and seven judges (*departamentul de opt* and *departamentul de șapte*) were entrusted the civil cases; a separate department was established to judge criminal offences (*departamentul de criminalion*). These formed the first central instances. Above them there was a department of the great boyars (*departamentul veliților boieri*), with general competence. The ultimate judicial instance continued to be the divan. All these judicial instances had to be assisted by a number of clerks whose task was to keep the necessary evidence of their activity.<sup>84</sup> For the first time in Wallachian history, there is an explicit division between criminal and civil justice and a hierarchy of courts is

<sup>82</sup> Daniel Barbu ed., *O arheologie constituțională românească. Studii și documente* [An Archeology of the Romanian Constitutionalism. Studies and Documents], (Bucharest: Editura Universității Bucharest, 2000), 110-111; Georgescu and Sachelarie, *Judecata domnească*, I/2, 65.

<sup>83</sup> During the Russian military occupation (1769-1774), the documents mention for the first time a “justice department” (*departamentul judecătoresc*) within the Divan, which remains the highest justice court and preserves political and administrative attributions. The reform of Alexandru Ipsilanti adds the separation of civil and criminal justice and the establishment of judicial departments separated from the Divan, Georgescu and Sachelarie, *The Princely Justice*, I/2, 70-72.

<sup>84</sup> Georgescu and Sachelarie, *The Princely Justice*, I/2, 89.

established with the aims of rationalizing the working of the judicial apparatus. These departments were specialized divisions of the central divan.

Another central institution which multiplies now is the chancellery: in the same year, 1775, Alexandru Ipsilanti divides the function of chancellor (*logofăt*) in two: the Chancellors of the Upper (Western Wallachia and the County Ilfov with Bucharest) and Lower Country (Eastern Wallachia).<sup>85</sup> The same innovation minded prince, in his second reign, establishes in 1797 a Chancellery of Customs (*Logofeția de Obiceiuri*) whose aim was to collect historical and geographical data and juridical customs of Wallachia in order to censor and legalize them.<sup>86</sup>

Reflecting the growing business of the state, new central institutions are gradually established. *Epitropia obștirii*, set up in 1775, functioned mainly as an administration of Bucharest, as the town expanded both demographically and territorially towards the end of the 18<sup>th</sup> century and the state aimed at monitoring and controlling more and more aspects of people's lives. It was headed by the Metropolitan and several great boyars. In 1797 Ipsilanti reorganizes it: it appoints at its head a high judiciar (*vel vornicul obștirilor/de cutie*). The epitropia dealt with civil constructions (bridges, roads, drinking fountains), social care (hospitals, orphanages), schools, pharmacies, licensing of doctors, market supervision and establishment of prices (*nart*), anti-fire measures, regulation of couches' circulation etc. The jurisdiction of the epitropie was not limited to Bucharest as it undertook similar tasks in other parts of the country.<sup>87</sup>

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<sup>85</sup> Georgescu and Sachelarie, *The Princely Justice*, I/2, 131-132. Beyond the upper chronological limit I set for my study, a Chancellor of Foreign Cases was established in 1812. It had jurisdiction over the litigation occurred between Wallachian indigenous population and the subjects of foreign power which – through capitulations with the Porte – enjoyed a separate and in many regards privileged situation in the Romanian principalities, see Marcel Dumitru Ciucă, “Logofeția pricinilor străine din Țara Românească” [The Chancellery of the Foreign Affairs], *RA* 68/3 (1991): 367-380.

<sup>86</sup> Urechia, IR, V, 55; Georgescu and Sachelarie, *The Princely Justice*, I/2, 27.

<sup>87</sup> Georgescu and Sachelarie, *The Princely Justice*, I/2, 129-130.

Besides growing complexity at the center, the state apparatus extends in the territory. The settlement from 1741 institutes officials with county jurisdiction in each of the 17 counties called *ispravnici* (sg. *ispravnic*)<sup>88</sup>; they are the first territorial officials in Wallachian history to receive salaries for their service. The *ispravnici* become the transmission belt of the central ordinances, regulations and decisions in the counties. They have to supervise the assessment and the collection of taxes and to adjudicate minor judicial cases. By solving a part of the litigations at local level the state tried to protect the fiscal capacity of the peasants as travelling to Bucharest for justice would incur high expenses and would retain them from agricultural labors. Secondly, the devolving of judicial authority to *ispravnici* was meant to alleviate the administrative burden of central institutions.<sup>89</sup>

The county administration expands with the second reformatory wave. In 1775, to facilitate the administration of justice at local level, a judge (*judecător*) is appointed in each county in addition to the two *ispravnici*.<sup>90</sup> The separation of administration (*ispravnici*) and justice (judges) remained dead letter. The former interfered in the administration of justice first and foremost because it was a lucrative activity. The county state apparatus increases in 1795 with a fiscal accountant, the *sameș*, whose main task is to keep the books related to fiscal matters<sup>91</sup>. As a sign of growing volume of administrative work, bookkeepers (*condicari*) are appointed in each county to assist the county *ispravnici* and judges from 1775 on<sup>92</sup>. The same

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<sup>88</sup> Previously *ispravnic* denoted a princely servant entrusted with carrying out a task. So a commissioned official sent in the territory ad-hoc, to solve a problem was called *ispravnic*; the same name was given to a clerk who wrote an official document. The fact that a permanent official received this name testifies to the routinization of an administrative function. The name of *ispravnic* could also designate the administrator of a monastic estate: in this case he was always called the *ispravnic* of the monastery or of the respective estate.

<sup>89</sup> Georgescu and Sachelarie, *The Princely Justice*, I/2, 6-12.

<sup>90</sup> Urechia, IR, I, 46.

<sup>91</sup> Urechia, IR, V, 168-70.

<sup>92</sup> Urechia, IR, II, 143.

trend of institutional building is apparent in the organization of Oltenia. A Divan, a department of civil causes and one of criminal justice are established with the afferent bookkeeping employees<sup>93</sup>.

## 2.4. Conclusion

From the 14<sup>th</sup> to the 18<sup>th</sup> century Wallachia's political regime was defined by the relationship between a theoretically absolute prince and the landlords. Apparently, after a period of the princely preeminence, from the 16<sup>th</sup> century on the boyars tend to alter their relationship with the prince and to limit his power. In the 17<sup>th</sup> century they come close to installing a nobiliary regime in which the prince is an expression of the boyars' will, expressed through frequent assemblies of boyars, clergy and military elements. During the 18<sup>th</sup> century the boyars can no longer elect the prince, who is appointed directly from Istanbul. The Assembly of Estates loses its former role. Yet the boyars are still able to oppose the princes, mostly through plotting against them.

The control of the state upon the people it claims to rule is by all indices crude. A puny state apparatus develops from the 16<sup>th</sup> century from the princely council. Although the documents do mention territorial officials, their jurisdiction and attributions are not easy to determine. However, with the territorialization of the counties, most probably a territorial official did emerge. The infrastructural reach of the state usually stops at the boundaries of village, urban and ethnic communities. The individual does not exist yet for the Wallachian state. A great deal of functions which we associate with the state was performed by members of these communities. The scriptural evidence is used from the 15<sup>th</sup> century, but mentions about it become frequent

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<sup>93</sup> Georgescu and Sachelarie, *The Princely Justice*, I/2, 112-118.

only from the 17<sup>th</sup>. The villagers still use the notched stick for the evidence of tax-portions. The intervention of the state takes the form of commissioned officials, either from the court or chosen (how?) from the area where there is a task to carry out. This is the institution whereby the princedom slowly supplants the governing functions of the communities.

The 18<sup>th</sup> century witnessed an acceleration of the trends visible from the 16<sup>th</sup>. The state apparatus grew sensibly both at the center and especially at the county level. As a sign of the expansion of state business, the division of labor within this apparatus deepened significantly and the number of bookkeepers increases (at the county level they are actually instituted only now). This organizational transformation was studied as administrative and judicial history, but never as state formation. The field of state activity which received little attention – if at all – was that of the infrastructural reach. The codification of agrarian relations, the superior forms of storing information, the employment of various writs a means of control of peoples' movement, identity and fiscal status and the standardization of units of measurement are all instances whereby the state reaches deeper in the society and established its legitimate sphere of action. In the subsequent five chapters I will analyze precisely these instances of state infrastructural growth from 1740 to 1800.

### 3. FROM LOCAL CUSTOM TO WRITTEN LAW. AGRARIAN REGULATIONS AND STATE INFRASTRUCTURAL GROWTH

The agrarian regulations enacted by the Phanariot prince Constantin Mavrocordat in 1740s made the object of valuable contributions in the Romanian historiography, but the historians' interest fell mostly on the first part of the locution (agrarian). At the beginning of the 20<sup>th</sup> century they focused on the agrarian history in order to illuminate contemporary problems, especially the peasants' question which bursted in a massive and violent uprising in 1907. Hence, the emphasis was on how the measures adopted in the 18<sup>th</sup> century contributed to the gradual worsening of the peasants' situation.<sup>1</sup>

During the communist period, the transformations from the 18<sup>th</sup> century have been studied in the paradigm of transition from feudalism to capitalism. An impressive multidisciplinary work of Romanian rural history shows that the reforms of Constantin Mavrocordat from 1740s started *grosso modo* the dissolution of the archaic village community, with communal property of the land and itinerant agriculture, and the process of its supplanting by the autonomous exploitation of the boyars producing cash crops. The process entailed a progressive limitation of the peasants' right to the land, pastures and forests.<sup>2</sup> Other historians saw in the 18<sup>th</sup> century the beginning of a transition from tithe to labor rent as main form of

<sup>1</sup> A. V. Gîdei, *Contribuțiuni pentru istoria socială a țărănimii noastre și pentru istoria raporturilor economice dintre țărani și proprietari până la 1864* [Contributions to the Social History of Our Peasantry and to the History of the Economic Relations between the Peasants and the Landowners until 1864] (Bucharest: Lito-Tipografia L. Motzatzeanu, 1904), 4, 32-34; Gheorghe Panu, *Cercetări asupra stărei țăranilor în veacurile trecute* [Research on the Situation of the Peasants during the Past Centuries], vol. 1 (Bucharest: Institutul de arte grafice "Eminescu," 1910), 292-312.

<sup>2</sup> H.H. Stahl, *Contribuții la studiul satelor devălmașe Românești* [Contributions to the Study of the Communal Romanian Villages], vol. 3, 1<sup>st</sup> edition 1965 (Bucharest: Cartea Românească, 1998). Similar views are exposed by Daniel Chirot, *Social Change in a Peripheral Society. The Creation of a Balkan Colony* (New York: Academic Press, 1976).

peasants' exploitation and from serfs to tenants<sup>3</sup>; the incipient phase of the aggravation of the peasant' obligations and the market-oriented transition, two phenomena characteristic of the "second serfdom"<sup>4</sup>; the "slow and sinuous transition from natural to commercial agriculture"<sup>5</sup>; a prelude to the orientation of estate production to the market, accompanied by changes in a bourgeois sense of the notions of landowning.<sup>6</sup> This interpretation lingers in the post-communist period: now the accent is on the link between laws and the transformation of landlords in bourgeois owners, without the attention given to class struggle.<sup>7</sup>

In this chapter I emphasize the second term of the locution (regulations)<sup>8</sup> and I turn my attention to how they altered the exercise of state power. I claim that the regulation of tenants-landlords relations was a logistic technique whereby the state extended its reach, breaking the "screen" of seigniorial authority. Concomitantly, the stabilized message of the regulations conveys – by repeated invocation and reference in the judicial decisions – the image of an objective entity, beyond and above sectional interests. In other words, such judicial practices pave the way for the modern state idea. My argument builds on the insightful remarks of two

<sup>3</sup> Andrei Oțetea, "Considerații asupra trecerii de la feudalism la capitalism în Moldova și Țara Românească" [Reflections on the Transition from Feudalism to Capitalism in Moldavia and Wallachia], *SMIM*, VI (1960), 307-386. See also his contribution in *IR* (1964), 624-640.

<sup>4</sup> Constantiniu, *Relațiile agrare*, 202-205.

<sup>5</sup> Sergiu Columbeanu, *Grandes exploitations domaniales en Valachie au XVIIIe siècle* (Bucarest: Editura Academiei Republicii Socialiste România, 1974), 193.

<sup>6</sup> Ioana Constantinescu, *Arendășia în agricultura Țării Românești și a Moldovei până la Regulamentul Organic* [The Lease-holding in the Agriculture of Wallachia and Moldavia until the Organic Regulations] (Bucharest: Editura Academiei R.S.R., 1985), 186.

<sup>7</sup> *IR* (2002), 159.

<sup>8</sup> One would expect the Romanian legal histories to treat this aspect but it is not the case. Some of the most important works in the field, both before and after the Second World War are completely oblivious of the agrarian regulations: S.G. Longinescu, *Istoria dreptului românesc* [The History of the Romanian Law] (Bucharest: Socec, 1908); Șt. Gr. Berechet, *Schiță de istorie a legilor românești, 1632-1868* [A Brief History of the Romanian Laws, 1623-1868] (Chișinău: "Cartea Românească," 1928); Dionisie Ionescu, Gh. Țuțui, Gh. Matei, *Dezvoltarea constituțională a statului roman* [The Constitutional Development of the Romanian State] (Bucharest: Editura Științifică, 1957); Georgescu and Sachelarie, *Judecata domnească*, I/2, 26-35; *Istoria dreptului românesc* [The History of the Romanian Law], vol. II/part I, eds. D. Firoiu, L.P. Marcu, (Bucharest: Editura Academiei Republicii Socialiste România, 1984). (hereafter, *IDR* (1984)).

historians who reflected on the problem of the agrarian regulations.

Șerban Papacostea, investigating the regulation of the agrarian relations in Oltenia by the Habsburgs in the third decade of the 18<sup>th</sup> century was the first to notice their impact on the nature of the state. They reveal a state which does not neglect the relationships between the two fundamental classes of the old regime but arbitrates them to secure its fiscal interests.<sup>9</sup> Florin Constantiniu, though interested in the transformations in the mode of production, scatters incidental but brilliant remarks on the effects of agrarian regulations on the state. With the interference of the state, the relationships between landlords and the inhabitants of his/her estate ceased to be the result of the landlord's will (in case of serfs) or of a private contract (in case of landless tenants) and became a problem of the state. Therefore, the peasants' refusal to carry out their obligations was not anymore only infringement towards the landlord, but a crime against the "law". In these cases, the state agents intervened not as auxiliaries of the landlords to constrain the peasants to fulfill their obligations – as before 1740, but as state agents who had to penalize the infringement of the "law".<sup>10</sup>

Constantiniu goes as far as to say that "the abolition of serfdom had removed any obstacle from the way of effective and direct exercise of the princely authority". In the struggle between the principedom and the boyars, the former has won. By the suppression of personal serfdom and hence of seigniorial authority, the prince found himself in a position to appear "in principle, as an equidistant sovereign in relation to other classes and social categories".<sup>11</sup> Due to

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<sup>9</sup> Șerban Papacostea, *Oltenia sub stăpânirea austriacă*, 201-202.

<sup>10</sup> Constantiniu, *Relațiile agare*, 96-97.

<sup>11</sup> Constantiniu, *Relațiile agare*, 124. The interpretation of the reforms as the penetration of the "mur épais entre le prince et le serfs" is exposed by both authors in a jointly authored study, Constantiniu and Papacostea, "Le réformes des premiers phanariotes". Again, the abolition of serfdom is seen as a tactical move by the principedom which consolidated his power at the expense of the boyars in Constantiniu, "Constantin Mavrocordato et l'abolition du servage".

his focus on economic matters, Constantiniu fails to follow through his own insights into the changing nature of rulership – the idea of an equidistant sovereign based on law. He clearly exaggerates the power of the state, as the direct rule at village level is just making its first steps by measures like agrarian regulations. The idea of princely victory over landlords should also be qualified: there were frictions between the two parties, but the latter saw its domination over peasants consecrated by law, while conceding the coercive power to the state.<sup>12</sup> In the following pages I will develop the insights of Papacostea and Constantiniu and provide more empirical support.

The chapter is divided in four sections. In the first I sketch the agrarian relations in the first four decades of the 18<sup>th</sup> century and the context and factors which triggered the enactment of regulations. The second and the third offer a narrative of the agrarian regulations prior to and after 1774 focusing on the progressive and irreversible imposition of a unique agrarian regime by princely written regulations. In the concluding section I discuss the regulations from the point of view of the general concern of my chapter, state making.

### ***3.1. The Agrarian Relations before 1740***

The obligations of the peasants living on the estates of Wallachia boyars and monasteries varied significantly from one estate to another. The variety derived from the juridical status of the peasants, divided in two main categories. One was constituted by the serfs (*rumâni*); as subjects of the landlords, outside the purview of the state, their obligations were theoretically unlimited –

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<sup>12</sup> I take this argument from Perry Anderson, *Lineages*, 24-28 who claims that the Western nobility had to surrender its political power to the absolute state which in turn secured its domination over peasants; the normative expression of this arrangement was the revived Roman law with its concepts of absolute private property and sovereign (absolute) power of the state.

although in practice the landlords had to limit their pretensions. The intervention of the state in this situation meant only to the confirmation of the status of serfs, but not to their obligations which depended on the demands of the landlord.<sup>13</sup> For instance on April 19, 1700 the prince of Wallachia Constantin Brâncoveanu reiterates the right of the abbot of Găiseni monastery to master the serfs from the village Florești with the specification “and they [the serfs] have to work what the monastery needs, as the serfs of other monasteries work”.<sup>14</sup>

The peasants of the second category were designated in documents as inhabitants (*lăcuitori*) - of estates; they were landless but free from juridical point of view. In exchange for the plot of land given by a landlord, they owed tithes and various amounts of labor rent. These obligations were established by an agreement between the peasants and the landlord on whose estate they made their living. The variety of labor obligations due by the *lăcuitori* – ranging from 2 to 9 days per year – was due to such private (and often oral) agreements which, naturally, differed from one place to another. The state intervention in this case took the form of endorsements of private agreements or orders to conclude them.<sup>15</sup>

This situation changed radically after 1740. The labor obligations are progressively standardized on all estates and the serfdom is abolished, the serfs becoming from juridical point of view free landless peasants. The cause of this evolution lies in the fiscal interests of the

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<sup>13</sup> Florin Constantiniu, *Relațiile agrare*, 61-71; Florin Constantiniu, “Constantin Mavrocordato et l’abolition du servage en Valachie et Moldavie,” 378-79. Constantiniu, *Relațiile agrare* shows that the murder of a serf was considered a simple material damage, incurring no penalties on the landlord, except the payment of compensation, p. 63. In a chronicle written by a great boyar towards the end of the 18<sup>th</sup> century, the serfs were actually called slaves; the chronicler claimed that the boyars exerted absolute right over their serfs, could sell them with or without land and separate children from parents, Mihail Cantacuzino, *Istoria politică și geografică a Țării Românești de la cea mai veche a sa întemeiere până la anul 1774* [The Political and Geographical History of Wallachia from Its Foundation to the Year 1774], transl. George Sion (Bucharest: Typografia Națională alui Ștefan Rassidescu, 1863), 65.

<sup>14</sup> *DRA*, 4.

<sup>15</sup> Constantiniu, *Relațiile agrare*, 83-88. For several such agreements endorsed by the principedom see *DRA*, 11, 15, 23, 78, 141, 173, 174, 199.

princedom which were frustrated by the instability of the peasant mass that is, of the majority of taxpayers. Two factors contributed to the peasants' instability. One was the above mentioned variability of agrarian regimes. The peasants were looking to move on estates with lighter conditions which the landlords were quick to offer in order to increase the number of their agricultural laborers. The second and even more critical factor was the growing fiscal burden. The peasants reacted to it by flight, outside the country or on estates where the landlords – especially the office-holders – could “hide” them from the tax agents.<sup>16</sup>

As the fiscal and seigniorial pressure increased, the population tended to flee creating a vicious circle in which the scarcity of population determined harsher exploitation and the latter causing more desertion<sup>17</sup>. In case of war with its cortege of plunder, enslavement (by the Tatar troops especially) and forced contributions, the flight took mass proportions endangering the entire system of production and taxation.<sup>18</sup> Such a moment of deep demographic crisis occurred in 1739, at the end of the Habsburg-Ottoman war (1735-1739).<sup>19</sup> This is the context in which Constantin Mavrocordat set out to reconstruct and repopulate the country. The central problem he confronted was the peasants' mobility caused by the harsh and unpredictable fiscal exaction and the varying conditions on estates. Hence, Constantin Mavrocordat sought to regularize the extraction of taxes and to level up the tenants' obligations. If the former measure was a repetition

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<sup>16</sup> Șerban Papacostea, “Contribuție la problema relațiilor agrare în Țara Românească”; Constantiniu et Papacostea, “Le réformes des premiers phanariotes en Moldavie et en Valachie”.

<sup>17</sup> G. Iscru, “Fuga, forma principal de luptă împotriva exploatării în veacul al XVIII-lea în Țara Românească” [The Flight, the Main Form of Struggle against Exploitation during the Eighteenth Century in Wallachia], *Studii XVIII/1* (1965): 125-146.

<sup>18</sup> Papacostea, “Contribuție la problema relațiilor agrare în Țara Românească,” 247-255. V. Mihordea, “La crise du régime fiscal des principautés roumaines au XVIIIe siècle,” *Nouvelles Études d'Histoire* 3 (1970), 121-155.

<sup>19</sup> This military event also contributed to the enactment of regulations. Oltenia (Western part of Wallachia) was reattached to Wallachia after two decades of Habsburg rule. The Habsburgs have experimented various policies, among them the regulation of the labor obligations of the tenants, for fiscal reasons. The principle was adopted by Constantin Mavrocordat – though not the quantity of labor, 1 day of labor rent per year, see Papacostea, *Oltenia sub stăpânirea austriacă*, 201-210.

of previous fiscal policies<sup>20</sup>, the second was an innovation.

### **3.2. The Regulation of Agrarian Relations, 1740-1774**

The regulation of agrarian relations after 1740 is characterized by the progressive establishment of a single agrarian regime. By “agrarian regime”, I understand the set of obligations and rights mutually assumed by the landlords and the dependant peasants residing on their estates. Its best indicator is the quantity of labor rent due by the latter. By double agrarian regime I designate the situation in which peasants on some estates due 6 days of labor rent while peasants on other estates 12, all other obligations being more or less similar. Therefore, in discussing the evolution of the agrarian regime I will focus on the variation of the labor rent due by dependant peasants.

Four main phases can be distinguished in the subsection of the agrarian regulations to a written normative text. The first three bore the mark of the first major Phanariot reformer, Constantin Mavrocordat; the fourth phase occurred during the reign of the second main reformer, Alexandru Ipsilanti. In the first phase, the obligations of the tenants were regulated by the imposition of a double agrarian regime in 1740, i.e. either 6 or 12 days per year of labor rent. In 1746, the next step was the abolition of the serfdom and the assimilation of the former serfs with the tenants. By this reform, the the greatest part of the peasants were transformed into a homogenous class of landless peasants who were juridically free. The same double agrarian

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<sup>20</sup> Constantiniu et Papacostea, “Le réformes des premiers phanariotes,” 99-111. Constantin Mavrocordat is not the first who tried to substitute the multiplicity of repartition taxes with a single and fixed tax, collected at regular intervals in predictable amounts. The reform actually generalized the fiscal regime of colonized villages or villages with a privileged situation whereby the peasants had to pay a fixed amount of money and to transport it to the treasury (*rupta*). The measure was adopted – in similar conditions – by Constantin Brâncoveanu (1701) and Nicolae Mavrocordat (1723); Constantin Mavrocordat also had the example of the fiscal reform introduced in Oltenia by the Habsburg administration, Papacostea, “Contribuție la problema relațiilor agrare în Țara Românească,” 255-266; Constantiniu, *Relațiile agrare*, 98-101.

regime was applied to all peasants living on landlords' estates. In 1756, a single agrarian regime was generalized throughout the country. Finally, in 1780, the agrarian regulations were included in the first legal code enacted in Wallachia, the Legal Register (*Pravilniceasca condică*) and became a law, under one title and divided in numbered paragraphs.

In 1741, Constantin Mavrocordat issued a large charter of reorganization in several domains (fiscal, judicial-administrative, social). The charter contains a small paragraph on the agrarian relations – which reveals the preoccupation of the prince with the instability of the peasants due to the competition between landlords - but gives no details and invokes the “custom” as normative basis of their organization.<sup>21</sup> The reason for this surprising absence might be the fact that a regulation already existed. Princely letters of authorization and resolutions of litigations between tenants and landlords suggest that since 1740 onwards, a settlement established the labor obligations of the tenants (but not of the serfs whose obligations still hinged on the whims of the landlords) to 6 days per year on some estates and 12 on others.<sup>22</sup> This double agrarian is amply documented until 1756; the only modification occurred in 1746 when – with the abolition of serfdom and of the theoretically unlimited obligations tied to it – all dependant peasants were subject to it. What is the explanation of this discrimination between estates?

One interpretation holds that the regulation from 1740 discriminates between the estates of important boyars on one hand and those of the lesser boyars and monasteries on the other. Some evidence seems to support this view. On July 18, 1740, the Metropolitanate and other ecclesiastic lords are entitled – by princely decisions to oblige the peasants to 6-day labor rent.<sup>23</sup>

<sup>21</sup> I used the version transcribed by Barbu, *O arheologie constituțională românească*, 107-115; the paragraph XI, referring to the agrarian relations, in *DRA*, 215. For propagandistic reasons, this charter, was published in 1742 in *Mercure de France* under the name of “Constitution,” Anne-Marie Cassoly, “Autour de l’insertion dans le *Mercure de France* de la ‘Constitution’ de Constantin Mavrocordato,” *RESEE* 4/19 (1981), 751-762.

<sup>22</sup> I take this inference from Constantiniu, *Relațiile agrare*, 108.

<sup>23</sup> *DRA*, for the Metropolitanate doc. 205; for other monasteries and hermitages 206, 209, 210, 211, 212, 221, 223,

Apostol, a lesser former court official – *pârcălab de curte* - is authorized to also exact only 6-day labor rent from his three estates: Poenari, Văleni and Tărăceni.<sup>24</sup> Yet a great boyar like the former grand master of princely tents (*biv vel șătrar*) Tanasie will benefit from a labor rent of 12 days per year fulfilled by the peasants from his estate Dărăști.<sup>25</sup> Similarly, on May 6, 1746, the court fodder master (*vel clucer*) Constantin Brâncoveanu petitions that the inhabitants of one of his estates refuse to fulfill their obligations claiming that they are princely ministers (*slojiitori*); in the resolution, the prince Constantin Mavrocordat orders the *ispravnic* “to force them to work the 12 days that were decided [through the settlement]”.<sup>26</sup>

The contemporary documents advance a different explanation of the 6 versus 12 yearly days labor-rent. Due to severe depopulation, Constantin Mavrocordat was forced to alter his settlement – stipulating 12 days labor rent - and offer a 6-day labor rent to lure fugitive peasants.<sup>27</sup> So, the lesser amount of labor was due by the colonist-peasants or the returnees and was the result of negotiation between the peasants on the one hand and the landlords and central power on the other. Still, a third explanation is provided on April 24, 1754: Constantin Racoviță decides that the peasants living on the estates of Tismana monastery are obliged to fulfill 12 month of labor rent, although on other monastic estates the peasants fulfill only 6-day labor rent; the peasants of Tismana monastery have to carry out a 12-day labor rent, like those living on the boyar estates, because the monastery is situated in mountainous area with scarce resources.<sup>28</sup>

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224.

<sup>24</sup> DRA, 214.

<sup>25</sup> DRA, 207.

<sup>26</sup> DRA, 295 and other examples: 277, 278, 279, 280, 282, 283, 285, 298.

<sup>27</sup> DRA, 288 and Constantiniu, *Relațiile agrare*, 121-122.

<sup>28</sup> DRA, 369: *să aibă a clăcui fieștecarele om cite 12 zile pe an, măcar că la alte mănăstiri le clăcuiesc numai câte 6 zile într-un an, dar fiindcă această mănăstire iaste în loc de munte și cu anevoie de hrană, i-am făcut domnia mea să-i clăcuiască ca și boierilor satele lor, cite 12 zile.*

Apparently, the discrimination is between secular (12 days) and ecclesiastical estates (6 day), though in this case an exception was made due to unfavorable climatic conditions on Tismana's lands. But the same favorable conditions were given to the Metropolitanate on the Fotoaia estate and this time without any justification.<sup>29</sup>

Thus, none of the advanced explanations are consistently supported by the evidence. The discrimination in favor of the great boyars is contradicted by a case from 1755: a great boyar – the cup-bearer Chiriță Doicescu - was empowered to exact only 6 days of labor<sup>30</sup>. This document also contradicts the discrimination between secular and ecclesiastical estates. Besides, the idea that the ecclesiastical landlords are entitled to only 6 days of labor-rent is refuted by the two exceptions presented above with regard to the Tismana monastery and the metropolitanate. A third explanation remains: the 6 days are for the colonized peasants, a means to lure them to settle on estates. Yet no document mentioning this version of the labor rent specifies the origin of the peasants on various estates. Hence, the most probable explanation is that, in the context of labor shortage and competition for labor power, the agrarian regime could be altered by the ability of landlords to attract the favors of the prince or of the important officials.

The discrimination between estates with regard to the amount of labor rent disappeared with the new reign of Constantin Mavrocordat (1756-1758) who revived or established for the first time<sup>31</sup> the unique agrarian regime. The evidence until 1774 shows that the obligations of the tenants were updated to 12 days of labor per year on all estates. In distinction to the settlement from 1744/1745, this one ruled that the labor obligations were to be carried out in three seasons (spring, summer and autumn) not in four. For example, the resolution of the prince to a judicial

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<sup>29</sup> *DRA*, 371.

<sup>30</sup> *DRA*, 376.

<sup>31</sup> As I showed above, it might be that he tried to introduce such a regime in 1744 or 1745, but he had to make concessions to the returnee peasants, among them a 6-day labor rent.

report on the litigation between the abbot of Arnota and the villagers from Dobriceni states:

According to the settlement that was made in the previous years and was confirmed recently by my Princedom in the Divan, all villagers which live in the villages on the estates of the monastery have to carry out the 12-day labor rent per year, but only the married ones not the unmarried. And the labor rent has to be carried out in slot from the beginning of the spring to the end of the autumn, in 9 months, and not all at once. And when the monastery will need no labor from them, then, according to the provision that was added now to the settlement, each married man has to pay 1 zlot instead of labor rent, but not more. And the tithe has to be rendered completely from all their crops on the estates according to the custom; yet from the vegetables cultivated in the gardens around their houses, for their own consumption, they cannot be asked to render.<sup>32</sup>

So the resolution simply reiterates the agrarian settlement confirmed and amended by Constantin Mavrocordat. At that time the peasants were already aware that their obligations were a matter of state regulation, not of the landlords' arbitrary demand. In 1746, the peasants from Hurez, led by the priest and the headman, claimed that they were requested by the abbot of Hurez monastery "to do more labor than stipulated by the order of your Highness". It is an important case which shows that already in 1746 the peasants were aware that their obligations had been fixed by a princely act and that they were not subject anymore to the whims of the landlords, but to the "law".<sup>33</sup> Such adjudications are amply documented in the subsequent years and, being all based in the written settlement, have a quasi-standard format, repeating the provisions.<sup>34</sup> They testify that the principle of a unique agrarian regime has triumphed. Or, to be more precise, the principle of an upper limit of the labor rent, because lower amounts persisted due to the local conditions on estates.

The sense of the change is well illustrated by a litigation from 1757 between Hurez monastery and the tenants from Baia de Fier. Initially, the tenants had claimed their free status

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<sup>32</sup> *DRA*, 378.

<sup>33</sup> *DRA*, 296.

<sup>34</sup> *DRA*, 380, 382, 383, 385, 388, 390, 391, 392, 402.

and the right to the land of the estate.<sup>35</sup> The cause was adjudicated by the princely council in favor of the monastery: the peasants received a letter of adjudication which granted them liberation from serfdom but denied them any right to the land of the estate, so they had to carry out their lawful duties. Normally, the monastery should have received another letter stipulating its right to the land and to the afferent tithes and corvée. Yet interestingly enough, the superior was informed that he had not received from the prince a charter to specify his seigniorial rights, because “his Highness now has the habit of not making charters”<sup>36</sup>. The prince who refused to issue a charter for specifying some private rights was Constantin Mavrocordat, now in his fifth Wallachian reign (1756-1758). What could be the explanation of this refusal to issue a charter specifying the rights of a lord, as was the custom?

I have showed in the previous section that Constantin Mavrocordat put the most energy in fixing an upper limit for the tenants’ obligations by a written settlement valid throughout the country – which he managed at the time of the adjudication. Accordingly, charters of authorization or possession with a private character, establishing a relationship between the prince and the beneficiary, became superfluous. Their issuing was contradictory to the sense of change indicated by regulations for they produced heterogeneity, localism and personalization of power instead of homogeneity, territorialization and objectification of power. Why to issue a charter, if the ownership of the land and the entitlement to rents was stipulated in the settlement? I infer that the refusal of the prince to make special charters for landlords – as in the case of Hurez – springs from his desire to assert the validity of his agrarian regulation. Instead of the multitude of private charters establishing vertical relations between princes and subjects, the

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<sup>35</sup> The document is quoted by Constantiniu, *Relațiile agrare*, 131.

<sup>36</sup> *DRA*, 385: *iar carte măriia sa vodă n-au făcut mănăstirii de judecată după cum are măriia sa acum obiceiu dă nu face cărți.*

“law” establishes a unique horizontal relationship between the latter and the state. The document is an exception for subsequent princes continued to issue charters. But I surmise that it illustrates the transition to a unified political space.

Although social actors were aware and most often acknowledged the agrarian regulations, these were not referred to in the texts consistently. The judicial decisions or petitions could refer precisely to the document regulating the agrarian relations. The most often used locutions are that of *testament* and of *așezămînt*, which can be translated as settlement. For instance, in 1750, Grigore Ghica ordered two *ispravnici* to enforce the seigniorial rights “according to the settlement that my Greatness made, a copy of which settlement was sent to you previously”<sup>37</sup>. Yet, the regulations could also be referred to inexplicitly, as authoritative decisions of the prince: “the labor which was decided by my Princeship”, “the days of labor that were decided by my Princeship”, “the decision that my Princeship issued”<sup>38</sup> “the order and the decision issued by my Princeship”, the “order and the decision that was issued by my Greatness”<sup>39</sup>, “the enlightened order of his Greatness the prince”<sup>40</sup>, “the 12 days that were decided”<sup>41</sup> etc. Yet in spite of this terminological incoherence, the authority of the regulations is well set even among the lower categories.

A case from July 1, 1768 illustrates this with clarity. The Metropolitan – as president of a judicial instance - presented to the prince his report regarding the investigation of the conflict between the peasants from Jiblea and the abbot of Cozia monastery. When it came to the labor

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<sup>37</sup> DRA, 337 *după testamentul care s-au făcut dă domnia mea, precum și dumatăle ți s-au trimis izvod după testament*. Similar acts from the same prince 333, 351 and from Scarlat Ghica, 388, 390, 391, 392, 402, 412, 415 and from Alexandru Ghica 423 and 425.

<sup>38</sup> DRA, 209, 214, 216, 219.

<sup>39</sup> DRA, 275, 277.

<sup>40</sup> DRA, 396, 397.

<sup>41</sup> DRA, 295.

obligations of the peasants, the metropolitan stated:

As for the labor rent that they do to the monastery and for the tithe that it takes from their sowings, the representative [of the village] answered that before the war it was not decided how much labor rent the villagers were obliged to do, but they worked how much the monastery and the boyars needed and tithe was not taken from their crops; yet from the war on, since prince Constantin Mavrocordat has adopted a decision regarding how much each inhabitant of monastic and boyar estates had to work and has lessened the labor days, since then on, because they carry out the labor rent, the tithe from their crops is also taken, being the monastery's estate.<sup>42</sup>

The paragraph confirms the scenario of the agrarian reform: undefined and unlimited labor obligations<sup>43</sup> were replaced after the Austrian-Ottoman (1739) by fixed obligations consisting in 12 days of labor rent and the rest of seigniorial rights. Moreover, the peasants were aware that their situation depended not on the arbitrary demands of the landlords, but on the state regulation. When they asked a discount of their obligations, they had in mind this country wide regulation. Significantly, the metropolitan refused and recommended the application of the settlement ("custom"<sup>44</sup>) which stipulated 12-day labor rent. The only compromise he suggested was to reduce the number of the peasants obliged to do the labor rent to 2 thirds of the total, the other third functioning as helpmates. Hence, although the real labor obligations of the tenants were reduced, the state accepted this compromise for the sake of the principle of standard labor rent.<sup>45</sup>

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<sup>42</sup> *DRA*, 421.

<sup>43</sup> This is no surprise since they were serfs, as a document from 1715 attests *DRA*, 85.

<sup>44</sup> As I will show below, documents still use "custom" even when they refer to a written settlement. The meaning is not that of long-standing practice, but of an established rule. As the former had for a long time the value of normative principle, the conflation with the second is not surprising.

<sup>45</sup> *DRA*, 422.

### 3.3. The Regulation of Agrarian Relations, 1775-1800

The standardization of the labor rent received an even stronger impulse after the peace of Küçük-Kaynarca (1774) which put an end to the Ottoman-Russian war (1768-1774)<sup>46</sup> when the regulation of agrarian relations became part of a larger effort at reconstruction under the leadership of Prince Alexandru Ipsilanti (1775-1782)<sup>47</sup>. The situation resembled very much that which triggered the reorganizations of Constantin Mavrocordat in the 1740s: a country devastated by war and deserted by its inhabitants. In this situation, of severe labor shortage, Prince Alexandru Ipsilanti was presented by the boyars with a memorandum demanding to increase the labor rent from 12 to 24 days per year – which they claimed to be an old custom<sup>48</sup>. To accept the demand would have meant to undermine the efforts of reconstruction and of repopulating the country, a mission entrusted to Ipsilanti by the sultan. Instead, he issued one or more settlements for the regulation of the relations between tenants and landlords, reproducing to a large extent the stipulations of Constantin Mavrocordat's settlement. Sure evidence of such a settlement dates from 1775.<sup>49</sup>

In distinction to the period prior to 1774, there is an unmistakable tendency to bind the administration of Wallachia to a normative text; this peaks in 1780 when Alexandru Ipsilanti

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<sup>46</sup> The treaty consecrated a shift in power relationships in south-eastern Europe in favor of Russia and at the expense of the Ottoman Empire. For a discussion of the treaty see Roderic H. Davidson, "Russian Skill and Turkish Imbecility": The Treaty of Kuchuk Kainardji Reconsidered," *Slavic Review* 35/3 (1976): 463-683.

<sup>47</sup> He was the second great reformer Phanariot, after Constantin Mavrocordat. For a discussion of his reforms see Const. C. Giurescu, "Un remarquable prince phanariote: Alexandre Ypsilanti, voévode de Valachie et de Moldavie" in *Symposium*, 61-69.

<sup>48</sup> Some historians believed that this pretention referred to the first agrarian settlement of Constantin Mavrocordat from 1740. Actually there is no other source to confirm this claim which was obviously very interested.

<sup>49</sup> *DF*, 194.

promulgates the “Legal Register” (*Pravilniceasca condică*), the most important legal text of the 18<sup>th</sup> century regulating civil, criminal and agrarian matters.<sup>50</sup> To Chesarie, the bishop of Râmnic, the event amounted to nothing less than the beginning of a new historical époque of the Romanian history:

Without any hesitation I can designate the fourth époque, that is, significant age, as being the present age of Wallachia, which the reign of our most enlightened prince Alexandru Ypsilantu Voevod has made significant and famous for the future times; for only in his Highness’s days has the country been so fortunate to obtain from the mighty empire written codes for its government. Which [codes] his Highness has strived to apply and his wisdom has taken care to be attended for the general utility.<sup>51</sup>

The bishop’s observation is correct in the realm of agrarian relation too, as I will show below.

The title 17, entitled “The Rights of the Landlords over the Tenants” (*Cele drepturi ale stăpînitorilor moşiiilor ce au asupra lăcuitorilor*), lays down the seigniorial obligations of the peasants to their lords, secular or ecclesiastic. I translated the title of the section quite approximately, a literal one being “the just entitlements of the landlords over tenants”. The title itself is indicative of the attempt to veil in the language of justice an asymmetric relationship based on exploitation.

The first paragraph of the title 17 states:

<sup>50</sup> This tendency was manifest before 1774. Two projects were drafted by a Greek jurist – Mihail Fotino – in the service of the Phanariot princes in 1765 and 1766 but failed due to political instability. In 1777, when he was president of the newly created Department of Eight, he conceived another and more extended project of legal code in 7 books, corresponding to various branches of law (constitutional and administrative, fiscal, agrarian, customary and Byzantine civil law, urban, criminal and military). Although it was not sanctioned by the prince Alexandru Ipsilanti – for unknown reasons – large parts of it are to be found in the Legal Register from 1780. For this preliminary see the technical discussion at A technical discussion of these projects and their modern editions Val. Al. Georgescu and Emanuela Popescu, *Legislaţia agrară a Ţării Româneşti (1775-1782)* [The Agrarian Legislation of Wallachia (1775-1782)] (Bucharest: Editura Academiei R.S.R., 1970), Val. Al. Georgescu and Emanuela Popescu, *Legislaţia urbană a Ţării Româneşti (1765-1782)* [The Urban Legislation of Wallachia (1765-1782)] (Bucharest: Editura Academiei R.S.R., 1975), Val. Al. Georgescu and Emanuela Popescu, *Organizarea de stat a Ţării Româneşti (1765-1782)* [The State Organization of Wallachia (1765-1782)] (Bucharest: Editura Academiei R.S.R., 1989).

<sup>51</sup> Chesarie of Râmnic, “Mineiul pentru Noiembrie” [The Liturgy Book on November] in *Bibliografia românească veche* [The Old Romanian Bibliography] vol. 2, eds. I. Bianu, N. Hodoş & D. Simonescu, (Bucharest: Stabilimentul Grafic I.V. Socecu, 1910) 227-228. The “mighty empire” is the Ottoman Empire and the obtaining of written codes from it refers to the permission to enact them, not to a normative transfer.

The tenant has to carry out the labor rent due to the landlord 12 days in a year; but if the landlord would make an agreement with them for fewer days, and this [agreement] can be proved, he cannot force them to do 12-day labor rent, because not only that he himself settled with them, but also it is evident that this [agreement] is a fraud done for his interest.<sup>52</sup>

The rest of the paragraphs list the other just entitlements of the landlord: he has the right to convert the labor rent in cash, 1 *zlot* per year; the fulfillment of the labor rent could not be demanded on an estate farther than three hours<sup>53</sup> from the houses of the tenants; the peasants are obliged to render the tithes from their crops, fees for animals they raise and the beehives they keep, to respects the monopolies (tavern, mill, grocery shop). Cultivating land without the permission of the landlord attracted the confiscation of the harvest in the benefit of the landlord; this stipulation assured that the landlord could always choose the best piece of land for himself. Besides, the settlement reasserted the peasants' right of use of the lands cleared by them and limits their right to the forest.<sup>54</sup>

The code marked an important step in the transition to a commercialized agriculture which presupposed the limitation of the peasants' rights to the land they occupied in favor of the landlords or lease-holders;<sup>55</sup> the transformation was facilitated by the peace of Küçük-Kaynarca (1774) which, together with subsequent Ottoman acts, limited the obligations toward the Porte and offered a modest stimulus to increasing production on the estate.<sup>56</sup> An even greater stimulus for the increase of the agricultural production was the lease-holding, which expanded in this period. The lease-holders administered more rigorously the estate they farmed to increase the

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<sup>52</sup> *Prav. cond.*, 80-86. The title was also published in *DRA*, 521.

<sup>53</sup> There was no indication on how the hour was measured.

<sup>54</sup> *Ibidem*.

<sup>55</sup> The list of these limitations at the end of the 18<sup>th</sup> century and the beginning of the 19<sup>th</sup> at Stahl, *Contribuții la studiul satelor devălmașe*, vol. 3, 333-354.

<sup>56</sup> Oțetea, "Considerații asupra trecerii de la feudalism la capitalism". Maria-Matilda Alexandrescu Dersca-Bulgaru, "Rolul hătișerifurilor de privilegii," Vianu, "Aplicarea tratatului de la Küciük-Kainargi".

margin of their profit and hence were naturally interested to obtain more labor from the peasants. Although the private agreements within the limits of the law do not disappear, there is a tendency to impose on peasants all the legal obligations and sometimes to surpass them. The Legal Register offers the legal ground for demanding more labor from peasants.<sup>57</sup>

The title 19 of the Legal Register is the only preserved text specifying the dues of the tenants and represented a clear advance of the state infrastructural power – even more than the previous agrarian regulations. An immense share of the social reality and of the material production was regulated by the state through a normative text that was not anymore tied to the person of the prince who imposed it. It was considered valid and employed by the subsequent princes, adding to the institutionalization of rule in Wallachia.<sup>58</sup> All adjudications made by the prince, divan or local officials, as well as investigations, were based on the stipulations of this document and referred to it explicitly or inexplicitly. If they did not refer clearly to “The Legal Register”, they still invoked a written text – most often as the text transcribed in the register of the divan (*condica*) - and much less frequently the custom, by which actually the same text is designated.

Let's take an example from the year subsequent to the publication of the Legal Register. In June 1781 the prince ordered the *ispravnici* of Mehedinți county to oblige the tenants from Iablanița to fulfill their obligations toward the Former Grand Stewart (*biv vel clucer*)<sup>59</sup> Iordache Păianu if the latter was the true landlord of the estate, as he claimed in his petition:

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<sup>57</sup> Constantinescu, *Arendășia în agricultura Țării Românești și a Moldovei*, 177-178, 185-188.

<sup>58</sup> Normally, the Legal Register would have been valid only during the tenure of the prince who enacted it, Alexandru Ipsilanti. But after his successor, Nicolae Caragea, confirmed it in 1782, the code was sanctioned tacitly by the subsequent princes by frequent employment and became the written law of the country, Georgescu and Popescu, *Organizarea de stat a Țării Românești*, 22.

<sup>59</sup> The Stewart is an approximate translation of *clucer*, an official entrusted with provisioning of the princely court with food and fodder.

We order you to investigate first of all if it is his lawful estate; if he owns it lawfully, you have to subdue those tenants and against their will, according to the Legal Register, to fulfill all those [dues] to which they are obliged, namely: the tenant has to carry out the labor rent of the landlords 12 days in one year, in slots, but only those who are married and apt of work, while the unmarried shall not be disturbed [with such a request].<sup>60</sup>

The remaining of the princely order lists the other legal obligations of the peasants in conformity with the Legal Register. From now on all orders related to or adjudications of similar cases have this standard format for they are based in the clear provisions of the legal text; differences appeared only when local agreements derogated explicitly from the legal text.

The *Pravilniceasca condică* was not just a piece of legal text for the use of the central administration; it was disseminated in the country so that it can be used by territorial officials. For instance, in August 1 1798, a central judicial instance – *judecatorii departamentului* – adjudicated the litigation between the tenants of Străoști and the *clucereasa*<sup>61</sup> Ruxandra Catargi; as the former refused to carry out the labor rent, the judges decided that “justice obliges them to work 12 days per year, as the Legal Register establishes”. Yet the decision of the central judges was based on the reports of the county *ispravnici* on this litigation: they refer to the Legal Register as “the register of the divan” (*condica divanului*) or simply “the register” (*condica*).<sup>62</sup> On November 12 1785, the *ispravnici* of Argeș investigate and give a solution to the litigation between the villagers of Costești and the Argeș monastery based on the Legal Register (*după pravilniceasca condică*) – in fact they just reiterate the provisions of the settlement. The Caimacam of Craiova orders in March 26, 1786 the *ispravnici* of Gorj county to judge the

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<sup>60</sup> DRA, 525.

<sup>61</sup> *Clucereasa* is the feminine form of the word *clucer* which designated a central official responsible with the provisioning of the princely court and stable. By the feminine form of the office-name the wives or widows of the officials were designated.

<sup>62</sup> DRA, 700 annex II.

litigation between the tenants Baia de Fier and Hurez monastery “according to the Legal Register”.<sup>63</sup>

Like the agrarian regulations which preceded it, the Legal Register did not eliminate private, local (and most often oral) agreements between a particular lord and the inhabitants of his/her<sup>64</sup> estates, but subordinated them. If such an agreement could not be reached, the agrarian regulations would apply automatically, as a backup norm. For instance, on February 12, 1747, the great boyars judge the litigations between the villagers of Stroești and the Bistrița monastery. By a private written agreement (*zapis*), the peasants obliged themselves to redeem the tithe and labor rent by paying 75 tallers. However, they did not recognize the agreement and demand a discount, claiming that previously they had paid only 20 tallers. But since they had no written proof of the previous agreements the boyars who judged the case decided that they had to respect the written agreement they have with the abbot or to fulfill the 12 days, to pay the tithe and other dues and to respect the monopolies of the monastery that is, the settlement.<sup>65</sup>

The documents after 1775 reveal a large number of private agreements which derogated from the settlement of Alexandru Ipsilanti. Notably, all these private agreements established lesser labor obligation or replaced them with a fee of 1 zlot per year.<sup>66</sup> Sometimes, the obligations of the peasants to the landlord were customized with explicit reference to the settlement (and custom). On October 30, 1779 Alexandru Ipsilanti ordered the great boyars to reduce the obligations of the peasants from Ciocănești, estate of Cotmeana monastery, because the estate was small and insufficient to cover its necessities. This was done in spite of “the old

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<sup>63</sup> DRA, 578; similar cases at 575 and 594.

<sup>64</sup> Albeit rarely, documents mention women as landlords, apparently only when they are widows.

<sup>65</sup> DRA, 305.

<sup>66</sup> DRA, 482, 480 - annex I, 486, 489, 511, 512.

custom of the land which [was] empowered both by other princes and by princely charter”<sup>67</sup>. On June 4, 1793, the peasants from Gărceni, Dolj county, agreed to fulfill 5-day labor rent, to pay a fee for the wine they sold in the village tavern, and to use wood from the forest only for their own needs, not for trade. The other obligations were to be fulfilled “according to the paragraphs of the Legal Register” (*după ponturile pravilniceştii condici*); had they contravened the agreement, they would be obliged to the 12-day labor rent, “according to the custom of the estates and to the register of the Divan”.<sup>68</sup> In short, the private and local agreements were allowed to exist within the limits of the law and as derogations from it.

As before 1775, the documents referred somewhat inconsistently to the normative ground of the adjudications they contain. They invoked “the enlightened decision of your Highness” (January 16, 1777 and March 20, 1780),<sup>69</sup> the custom or the customary order of the land;<sup>70</sup> alternatively they combined references to the two normative orders: “according to the enlightened order of his Greatness and in conformity with the custom, namely 12 days per year”.<sup>71</sup> The invoking of the custom was probably a stylistic preference of the clerks who drafted the documents. But it was also a strategy to legitimate what was actually a recent regulation. A case in point is the proclamation of Prince Mihail Suţu to the five counties of Oltenia in which he warns the landlords that they “cannot ask more days but only 12-day labor rent, according to the Register of the Divan, which [days of labor rent] are established from the beginning of the

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<sup>67</sup> DRA, 510; see also 518.

<sup>68</sup> Urechia, IR, 351; a similar agreement is signed between the peasants from Baia de Fier with the monastery Hurez in March, 1794, Urechia, IR, VI, 355-56; similarly, DRA, 594, 595.

<sup>69</sup> DRA, 474, 519. In 1776 in a similar context the boyars mention the “register of customs” (*condica de obicei*) which actually contained the same agrarian settlement, doc. 471.

<sup>70</sup> DRA, 444, 454, 455, 471, 474, 483, 488, 496, 497, 515.

<sup>71</sup> DRA, 454; similarly 471, 474, 488, 515.

country”.<sup>72</sup> The attempt to mythically root the agrarian regulations in the time-honored custom, dating from the foundation of the Wallachian state, has most probably to do with the antagonism it stirred among some of the landlords.

Yet, the majority of acts already referred to a written text in one way or another: the regulation of the land (*testamentul țării*)<sup>73</sup>, the paragraphs of the divan and to the orders of my Princeship (*ponturile divanului și dupe poruncile domnii mele*)<sup>74</sup>, the orders that you have been given by my Princeship for the customs of the estates, the register of the divan (*poruncile ce aveți date de către domnia mea pentru obiceiurile moșiilor and caidul divanului*).<sup>75</sup> In distinction to the previous period, now the documents invoked quite frequently the “register” (*condica*) which means either the newly enacted Legal Register or the “register of the divan” (*condica divanului*) in which various official acts were transcribed for the use of officials. In 1786, the *ispravnici* of Gorj were ordered by the *caimacam* of Craiova to judge a litigation between the abbot of Hurez monastery and the tenants from Baia de Fier “according to the content of the Legal Register” (*după coprinderea pravelniceștii condici*).<sup>76</sup> A central judicial instance – *judecătorii departamentului* – decided on August 1, 1798 that the tenants of Străoști belonging to *clucereasa* Ruxandra Catargi had to carry out the labor rent, because “justice obliges them to work 12 days per year, as the Legal Register establishes” (*dreptatea îi îndatorează a clăcui cite*

<sup>72</sup> Urechia, IR, I, 427-430: *să nu poate cere zile mai multe, decât numai 12, după Condica Divanului, cari sunt rînduite din începutul țării*. The proclamation was also published in D.C. Sturdza-Șcheeanu, *Acte și legiuri privitoare la chestia țărănească* [Acts and Regulations relative to the Peasant Question] seria I, vol. 1 (Bucharest: Atelierele Grafice Socec & Co., Societate Anonimă, 1907), 74-77. The proclamation was also dispatched to the 12 counties of Muntenia in October 6, 1785, Urechia, IR, I, 430. A similar invocation of the past appears in a report on the litigation between the Metropolitanate of Târgoviște and the tenants from Săcueni, Urechia, IR, I, 432-433.

<sup>73</sup> DRA, 565, 570.

<sup>74</sup> DRA, 585.

<sup>75</sup> DRA, 600. The term *caid* has the same sense as *condica*, namely register, which I discuss below. For other versions see 610, 618, 622, 623, 632, 633, 635, 636, 644, 646, 650, 651, 660, 661, 668, 671, 677, 690, 700, 704, 705, 707, 709, 711, 724, 725, Urechia, IR, I, 435-36.

<sup>76</sup> DRA, 578; similar cases at 575 and 594.

*12 zile pe an, dupe cum în Pravilniceasca condică orînduește*).<sup>77</sup> Other decisions were simply based on “register” *condică*.<sup>78</sup>

More than the references to the entire text of the law, the precise citation of paragraphs and titles from the legal texts conveyed the image of an objective, impersonal power. The three cases I present below suggest that Wallachian judges start to conceive the legal texts as sources of authority. Although at an early stage, the process whereby the state comes to be recognized as an objective and neutral entity is visible in these parsimonious quotations.

On July 14, 1786, the divan of Craiova ruled that the peasants of Bârzești who abusively mowed the grass from an orchard belonging to the Bistrița monastery abusively could lay no claims to the hay since they did not have the permission of the abbot. The boyars not only referred explicitly to the *Pravilniceasca condică* but even specified the chapter and the paragraph (*list 19, pont 20*): the landlord was not entitled to expel tenants from the land they cleared; so, since the peasants mowed without permission, the abbot was entitled to ask redeeming of the damage. In my opinion, the invoked legal paragraph does not cover the case properly. Paragraph 3, forbidding the tenants to cultivate without permission, seems more suitable to support the decision. But, besides reflecting the limitation of the Legal Register and the clumsy use of the law, it shows that judges already looked for justification of their decision in the written regulation in effect.<sup>79</sup>

In 1785, Mihail Suțu received complaints from Transylvanian shepherds with regard to the fees paid to accommodate their herds on Wallachian estates in the spring time. On March 27, he reminded to the *ispravnici* the shepherds' obligations, “for each herd 1 taller and one lamb”

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<sup>77</sup> DRA, 700.

<sup>78</sup> DRA, 538, 541, 577, 583, 617.

<sup>79</sup> DRA, 586.

and cited –this time correctly - the title (*list*) 19 and the paragraph (*cap*) 21 of the Legal Register which regulated this matter.<sup>80</sup> In the litigation concerning some vineyards between the Târgoviște metropolitanate and the peasants from Aninoasa, the divan argued in its *anafora*, that according to the custom, if cultivators deserted a plot for more than 3 years, the landlord would be entitled to assert its ownership and invite other cultivators to work the land. Yet, the divan strengthened its argumentation by showing that identical provisions appeared in the Legal Register, and quoted section (P) and paragraphs (5 and 6). The *anafora* was endorsed by the prince with positive resolution.<sup>81</sup>

However, the Legal Register had its limitations because it did not cover all the possible situations. On June 18, 1786, one of the *ispravnici* of Dâmbovița reported the results of the investigation in a litigation involving the grazing of cattle of Vîlcu, *lefegiu spătăresc* (salaried soldier in the suborder of the *vel spătar*) on the estate of Constantin Nenciulescu. The case is exceptional because Vîlcu was not a tenant living on the estate of Nenciulescu. Hence, the prince ordered the *ispravnic* to investigate what the local custom in such a situation was (*obiceiul pământului care se urmează la partea locului*). After laborious research, the reports showed that the custom was as follows: he, who grazed his cattle on somebody else's land, was due 2 or 3 days of labor rent. The custom was not “established in a single way on all estates”.<sup>82</sup> The document is a clear proof of the limits of standardization imposed by the *Pravilniceasca Condiță* and of the persistence of particularisms; yet it is also an instance of how the state produced knowledge, through ‘research’, for complementing and enforcing the law. The collecting of local knowledge is used by the state to impose ‘continuous rule’, even over the exceptions.

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<sup>80</sup> Urechia, IR, I, 530.

<sup>81</sup> Urechia, IR, V, 17-18. The number P is obviously a mistake of transcription or editing as it is closer to the numeral 100, whereas the agrarian regulation occupied the chapter 19 (ФІ in Cyrillic alphabet) of the Legal Register.

<sup>82</sup> DRA, 582.

Nevertheless, one conclusion ensues with certainty from all these examples: the principle of a unique agrarian regime, introduced by Constantin Mavrocordat in the 1740s as a means to put an end to the displacement of the peasant mass, imposed itself to the next princes. The principle was inscribed in several agrarian settlements issued after that year, but most notably it was fixed by the most important normative text made in the 18<sup>th</sup> century Wallachia, the Legal Register enacted in 1780. But what is the significance of this fact? Let us turn to this important issue.

### ***3.4. Agrarian Regulations and State Power***

The role of law was also discussed by the students of the early modern state formation. They have remarked that by the enactment of “uniform, territory-wide regulations”, there is a momentous transformation in the notion of law: from a conservatory approach which regards the law as a given, a custom which has only to be preserved, to the notion of law which can be produced in order to serve as an instrument of rule. By legal texts Gianfranco Poggi believes that the ruler “addressed himself ever more clearly and compellingly to the whole population of the territory”<sup>83</sup> The enactment of agrarian regulations in Wallachia after 1740 testifies to such a change. By them, the princes altered not only the obligations of the peasants to the landlords, but also the social structure, merging the peasants living on landlords’ estates into a single category of tenants (*clăcași*) subject to a single set of obligations. In the course, the nature of the state was

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<sup>83</sup> Gianfranco Poggi, *The Development of the Modern State. A sociological Introduction* (Stanford: Stanford University Press, 1978), 72-73. A similar observation made by Corrigan and Sayer, *The Great Arch*, 53. The agrarian settlements are not the only regulations introduced by the Phanariot rulers at different times during the 18<sup>th</sup> century. There is a large array of regulations enacted during their rule and regarding: taxation, prices, civil constructions, fire prevention, measures against plague, schooling, public health and pollution, circulation of carts, beggary etc.

profoundly altered.

First of all, the state capacity to order local social realities was greatly enhanced by the implementation of the regulations. Never before 1740, had the state claimed the right to define the obligations of the peasants living on landlords' estates and the rights of the landlords to the land. The regulations were the concretization of literacy as "logistical technique", "enabling stabilized messages to be transmitted through state's territories" and "legal responsibilities to the codified and stored".<sup>84</sup> Moreover, by engulfing a larger domain of social life and regulating it by law, the state power changes not only quantitatively, but also qualitatively.

The routine adjudication of agrarian litigations by state officials and courts on the basis of written settlements territorialized social relations and subjectivities that is, rendered them more amenable to state rule. Michael Mann remarked perceptively that the routine regulation of society's disputes by thought state institutions "tends to focus the relations and the struggles of civil society on to the territorial plane of the state, consolidating social interaction over that terrain, creating territorialized mechanisms for repressing or compromising the struggle, and breaking smaller local and also wider transnational social relationships".<sup>85</sup> Of course that peasants and landlords alike solved their litigations in the last instance through state institutions before 1740, but usually these had only to decide if the peasant was serf or free or if the boyar was true the true lord of the peasants in cause. But, by the enactment of agrarian regulations a new and larger domain of social life was subject to the state and hence the interaction with the state institutions intensified. Both landlord and tenant were – ideally – subject to the same written law.

In addition, the nature of the state changed in a different – though – related sense: law

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<sup>84</sup> Mann, "The Autonomous Power of the State," 9.

<sup>85</sup> *Ibidem*, 26.

depersonalized power because it came to be represented as a neutral, objective normative ground and gave an aura of superiority and majesty to mundane social relations. One of the first Romanian investigators of agrarian history has noticed with acuity this transformation. Referring to the fact that the boyars tended to demand more labor than the agrarian regulations of the 18<sup>th</sup> century stipulated, Gheorge Panu noticed:

Besides the violence of the landlords, there was also the legal violence, so to speak. The boyars as landowning class had two means to increase the quantity of labor rent: either forcing the peasants from their estates or obtaining from the Princes the consent to increase, by settlements, that number of days [of labor rent]. The first procedure was more facile but could provoke protests [of the peasants]. The second, adopting a legal form, the increase in the quantity of labor rent could be asked in the name of the law and executed *manu military*.<sup>86</sup>

And he continued:

The settlements from the 18<sup>th</sup> century in Moldavia feel the weight of this legal violence. In 1749 the peasants know that they have to carry out 12 days of labor rent. In 1766, they are obliged to 18 days and in 1777 to 27 days. The violence in the form of law is evident. Nobody asked them, nobody consulted them [the peasants].<sup>87</sup>

The latter reference was to the Moldavian case where the agrarian relations evolved at a faster pace. There, the boyars were more interested in the exploitation of their estates than the landlords from Wallachia who preferred the incomes derived from state office.<sup>88</sup> But the conclusion of Gheorghe Panu is equally valid for Wallachia which would follow the same course after 1800. Moreover, the Legal Register functioned as a back-up norm on the basis of which the landlords could ask more labor in case the tenants infringed existing agreements. The role of the law therefore was to supplant the local violence of the landlords with the central and legitimate violence of the state. The former was less efficient for it was likely to stir peasants' resistance.

<sup>86</sup> Panu, *Contribuțiuni asupra stărei țăranilor*, xl.

<sup>87</sup> *Ibidem*.

<sup>88</sup> Constantiniu, *Relațiile agrare*, 202.

The latter in return was more efficient for it was based on a neutral text – the law - and carried out by a neutral agency - the state.

Thus, regulating the agrarian relations the state not only extended infrastructurally, but also enlarged the terrain where its power went without saying. The latter aspect refers to what Mara Loveman has called primitive accumulation of symbolic power. She identified four strategies which the state used to advance their administrative reach: innovation, imitation, co-optation and usurpation. Apparently, the Wallachian state employed a mixture of the second and third strategies. On the one hand, it imitated the practice of local agreements, but it standardized them and extended to the level of the entire country. On the other, it co-opted the already extant local agreements, but it subordinated them to the designs of the state.<sup>89</sup>

By putting an upper limit to the tenants' obligations, the agrarian settlements and then the Legal Register subjected the agrarian relations to a written text. This functioned as normative ground of both adjudications of litigations and of separate agreements conceived as derogations from it. By the enactment, invocation, citation of the agrarian regulations or of the Legal Register after 1780, the state not only expands its administrative reach but is represented as a just actor and as an objective entity. The relationships between tenants and landlords and between both categories and the state are not anymore a private matter (contract between the inhabitants of an estate, privileges or particular charters issued by the prince) but a matter of country wide valid regulation, of law.

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<sup>89</sup> Loveman, "The Modern State," 1662-1663.

#### 4. FROM PRIVATE CHARTER TO STATUTE: THE FISCAL REGULATIONS

I have showed in the previous chapter that from 1740 the state intervened in the relations between landlords and dependant peasants and regulated them through written statutes. The latter were to form the normative basis for the subsequent administration of the agrarian relations, at central and local/county level. The administration of taxes was no exception from this tendency. It relied more and more on written regulations, whose text became more and more detailed. The regulations were most often referred to in documents as *ponturi*. Literally *ponturi* means “points” and designate the numbered paragraphs of a settlement. When I do not use the original term, I will resort to a non-literal translation – regulation. The *ponturi* could be settlements aiming at an ample fiscal reorganization or regulations of individual taxes (e.g. *ponturile vinăriciului* = the regulation of the wine-tax).<sup>1</sup> Once enacted, the regulations constituted the normative basis for assessing and collecting taxes, for adjudicating litigations involving fiscal matters and for granting privileges as derogations from the norm.

Like in the case of agrarian regulations, historians concentrated mainly on the “hard” part of taxation during the so-called Phanariot period: the amount of taxes, the variations and effects of taxation of the living conditions of the taxpayers. In distinction to them, I will focus on the more on the second part of the locution (regulation); more precisely I will discuss the impact of the fiscal regulations upon the power of the state. Hence, continuing the argument from the previous chapter, I will show that such texts are not only evidence for the “real” or “palpable”

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<sup>1</sup> The regulations of other administrative matters – for instance the measures against plague, for the security in Bucharest or the organization of schools – were also organized in *ponturi*.

aspects of history (in this case taxation), but also instruments of state formation. My central argument is that such regulations illustrate the expansion of the legitimate sphere of the state and at the same time represent a form of power whose authority is derived from a written text.

In this chapter I discuss the regulation of two taxes: the main tax (*bir*) and the wine-tax (*vinărici*). The *bir* was the most important tax during the Phanariot period – like before – and the Phanariot fiscal reforms first of all meant the regulation of this tax. The *vinărici* was the most important tax on agricultural production; but my preference for it is justified by the connections with the following two chapters in which I discuss fiscal certificates and the standardization of measures. The empirical material on which this chapter relies consists of three types of sources: the texts of fiscal regulations, the letters of authorization for tax-collectors (which referred to or even contained the regulations), various orders and judicial decisions issued by the prince or state officials in matters involving taxation.

Two important changes occur after 1740 in the content and format of these documents. First of all, the texts of the regulations became larger because they contained more stipulations. Secondly, in comparison with the similar documents from immediately before and after 1700, the regulations and the letters of authorization acquired a general character, i.e. standard format, and addressed all the inhabitants of the country. The third feature, more visible in the case of the wine-tax, the text of the regulations was divided in numbered paragraphs, adopting the form of a legal text; this change in format is important because orders and decisions started to invoke paragraphs of these regulations.

Starting from these sources, I will make a triple contention. I claim that the larger and more complex regulations reflect the extension of the area of state intervention or a sustained effort in this sense. The state tries to rule more and more details of the process of taxation. The

attempt is part of what Charles Tilly called “invasions of small-scale social life”.<sup>2</sup> But the state did not only expand its purview. I also argue that the standard format of the regulations, as against the particularistic character of previous charters stipulating fiscal obligations, reflect and promote territorialization. They impart the notion of a rule which addresses at the same time all the inhabitants of the country, instead of addressing at different times discrete groups and regions. Finally, the orders and judicial decisions which cited and quoted paragraphs from the regulations convey the notion of a state whose authority is derived from a written - and hence stable text - and of an objective entity; objective in both senses, equidistant from sectional interest and existing as a thing. I want to note that the argument I make for the wine-tax is valid for the other quota-taxes (sheep-tax, honey and pigs-tax) and for the custom taxes, as the regulations and their employment of the Wallachian administration are identical.

This chapter is organized as follows. In the first part I will provide an overview of fiscal history in Wallachia during the 18<sup>th</sup> century insisting on the variation of the two taxes I discuss in this chapter and on the problem of the fiscal reform. The second part will discuss the regulation of the main tax (*bir* or *dajde*) and the widening of the central power's purview. In the third part I concentrate on the regulations of the wine-tax and the transformations in the nature of the state the expression of which they were. The transition from letter of authorization to statute is even clearer in the case of the wine-tax. The fourth section sums up the information and the argument of this chapter.

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<sup>2</sup> Tilly, *Coercion, Capital and European States*, 25.

### 4.1. The Taxes and Their Evolution in Eighteenth Century Wallachia

There were no significant changes in the kind and structure of taxes during the 18<sup>th</sup> century. The Phanariot state's revenues continued to consist of two main categories of taxes: taxes of repartition and quota-taxes. Those in the former category were called *bir* or *dajde*. The repartition taxes are sometimes rendered as capitation which is inexact. The *bir* mixed the feature of capitation (head-tax) with tax on wealth (cultivated lands, cattle, other agricultural products). I will translate it as "main tax". The *bir* was first documented at the beginning of the 15<sup>th</sup> century when it represented a light obligation. In spite of some fluctuations, it tended to grow, as a consequence of Ottoman domination. During the latter part of the 15<sup>th</sup> century and especially in 16<sup>th</sup>, it became a burdensome tax so that some peasants "sold" themselves to boyars and monasteries becoming serfs.<sup>3</sup>

If until the middle of the 16<sup>th</sup> century the *bir* was paid in two or three annual installments, afterwards the rates became more frequent and irregular, so that at some moments in the 17<sup>th</sup> and 18<sup>th</sup> century they become monthly or even bi-monthly. Moreover, the quantum of the *bir* grew 16 times which – even given the fourfold devaluation of the Ottoman *asper* – was enormous. Moreover, the *bir* diversified so that by the end of the 17<sup>th</sup> century there were no less than 40 distinct *biruri* (plural of *bir*)<sup>4</sup>. Besides the absolute increase in the quantum of the *bir*, there is a sensible widening of the fiscal basis. By the end of the 16<sup>th</sup> century the *bir* was demanded from

<sup>3</sup> Damaschin Mioc, "Originea și funcțiile birului în Țara Românească până la sfârșitul veacului al XV-lea" [The Origin and the functions of the "bir" in Wallachia until the end of the 15<sup>th</sup> Century], *Studii și Referate de Istoria României* I (1954); Damaschin Mioc, "Impunerea și perceperea birului," 96-101.

<sup>4</sup> This enormous increase due to Ottoman irregular demands is very well illustrated by the treasury register of Constantin Brîncoveanu (1688-1716). For the year 1796 it comprises three such requests: a tax for "50 purses which were requested by imperial order," "the tax for the provisions (zaherea)" and "the tax for the timber for the imperial boats," see Dinu C. Giurescu, "Anatefterul. Condica de Porunci a Vistieriei lui Constantin Brîncoveanu," *SMIM*, V (1962): 68, 71, 74. Similar inopportune requests undermined constantly the Phanariots' efforts to rationalize taxation.

other categories besides the peasants: lesser provincial nobility (*curteni*), provincial state servants (*slujitori*), priest, and merchants.<sup>5</sup> All these increases were reflected in the dominant position of the *bir* among the incomes of the principedom; in the second part of the 18<sup>th</sup> century – reflecting most probably the previous situation too – the *bir* provided 60-70% of the incomes.<sup>6</sup>

The second category of taxes which the Wallachian state levied was formed of quota-taxes, derived from the ancient tithes and were imposed on various products and items of rural economy (the percentage differing from one taxable item to another). They are the oldest type of tax in Wallachia and appear in documents already at the end of the 14<sup>th</sup> century. The main quota-taxes are *vinăriciul* (the wine-tax), *oieritul* (the sheep-tax), *dijmăritul* (the honey-and-pigs-tax).<sup>7</sup> There were also taxes on taverns, cellars and shops and various customs, at market towns and fairs and of course at the border. In case of stringent needs, extraordinary taxes were imposed causing much distress to the taxpayers. The most hated extraordinary tax was the one on cattle (*văcărit*) and affected the main source of income of the Wallachian peasants.<sup>8</sup> At the beginning of the 19<sup>th</sup> century – reflecting an earlier pattern – the wine-tax brought 42% of the income produced by quota-taxes, the sheep-tax 37% and the honey-and-pigs tax 21%.<sup>9</sup>

During the 18<sup>th</sup> century there were three main categories of taxpayers: the common taxpayers (*birnici*) formed by peasants – free and dependant – who paid all the taxes. A second category was composed of various corporate groups (*bresle*): boyars without office, merchants, artisans, foreign merchants, princely servants etc. who paid only a part of the taxes.

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<sup>5</sup> IDR (1980), 331.

<sup>6</sup> IDR (1984), 188.

<sup>7</sup> IDR, (1980), 332.

<sup>8</sup> V. Mihoarea, “*Văcăritul*, dare temporară” [*Văcăritul*, a Temporary Tax], *Studii*, XXI/3 (1968): 449-467; IDR (1984), 188-189.

<sup>9</sup> IDR (1984), 190.

The great boyars (*veliți*) – whose category was defined by as princely regulation –, the bishoprics and the monasteries enjoyed complete exemption. In times of great strain the members of the third group were subject to partial taxation. The great fiscal burden, which made the ill-fame of the Phanariot regime – resulted from a very unbalanced social distribution of the taxes. At the beginning of the 19<sup>th</sup> century only 40% of the population (*birnici*) was paying all the taxes, the rest benefiting from partial or total exemption. Not even all the peasants were subject to taxation, because 27% of them were *scutelnici* and *poslušnici*: in exchange of complete tax-exemptions they had obligations towards their landlords. Moreover, the contribution of the *birnici* to the total amount of taxes extracted by the Phanariot state varied from 87 to 97 %.<sup>10</sup>

Naturally, taxation was one of the main concerns of the Phanariot reform-minded princes. The essence of the Phanariot fiscal reform consisted in the attempt to regularize the main tax, to unify the multitude of *biruri* into a single one, paid in equal installments evenly distributed across the year. It started in 1740, as part of a larger effort of reconstruction directed by prince Constantin Mavrocordat.<sup>11</sup> In short it consisted in the generalization of the *rupta*. *Rupta* (in other documents *rumtoare*) was a separate agreement concluded by the treasury with a person or a group (village) whereby the latter's obligation would consist in a fixed amount of money paid in several equal rates. Initially it was designed as the fiscal incentive for foreign colonists on Wallachian land. Latter, this fiscal regime was also granted as a privilege to indigene villages, by a separate agreement with the treasury. Its advantage was obvious: being fixed and split in equal

<sup>10</sup> IDR (1984), 190. The figures of the contribution of *birnici* to the total revenue of the state are given by the better preserved date from Moldavia; but given the many similarities in the fiscal organization and social structure, the situation in Wallachia could not be too different. If the percentage of fiscal categories and of their contribution to the total state revenue would be similar in Wallachia and Moldavia it would result an astounding fact: 40% of the population was supporting some 90% of the taxes.

<sup>11</sup> His reform is actually a reiteration of similar measures of Constantin Brâncoveanu (1701) and his father, Nicolae Mavrocordat (1723), see Papacostea, "Contribuție la problema relațiilor agrare," 255-258, 261-261; for an identical fiscal measure adopted by the Habsburg administration in Oltenia, Papacostea, *Oltenia sub stăpânirea austriacă*, 230-231.

rates, it was a predictable tax. As the principal cause of peasants' flight was the irregularity and unpredictability of taxes, the appeal of *rupta* to both peasants and to rulers is easy to understand.<sup>12</sup>

In 1740 Constantin Mavrocordat decrees the abolition of the multitude of capitation taxes and the institution of a main tax, fixed and paid in four equal installments called *sferturi* or *ciferturi* (lit. quarters), generalizing the special regime of *rupta* to all taxpayers. Each installment consisted in 2.5 tallers, so 10 taller per year plus 60 *bani* (aprox. 0.5 taller) for the payment of the tax-agents. Besides, he abolished the taxes on cattle (*văcărit*) and on plots of vineyards (*pogonărit*)<sup>13</sup>. As in the case of the agrarian settlements, the text was not preserved, but luckily its effects and its provisions are known from a larger regulatory text enacted in the subsequent year<sup>14</sup>. What followed after the enactment of the reform proves both the positive potential of such measures and the structural limitations to which the Phanariots were subject. The 13<sup>th</sup> paragraph, written in the first person plural in the name of the boyars' assembly, reveals the positive effects produced by the fiscal regulation (I remind that a fiscal regulation has already been in effect at the time when the larger settlement was adopted):

Passing one year after the regulation, we see that not only the money of the main tax are paid easily, without any kind of distress of the poor, but also the villages are repopulated and everybody is happy for the justice and the peace given by this regulation ... and especially with the amount of these installments the imperial orders [M.O. obligations to the Ottoman empire] are fulfilled with ease and the affairs of the country are administered with good peace and the country is settled with immigrants.<sup>15</sup>

<sup>12</sup> Matei D. Vlad, "Ruptoarea, o instituție caracteristică regimului fiscal al satelor de colonizare din Țara Românească și Moldova (secolele XVII-XVIII)" [*Ruptoarea, an Institution Characteristic of the Colonized Villages in Wallachia and Moldavia (Seventeenth-Eighteenth Centuries)*], *RA* 2 (1969), 71-86.

<sup>13</sup> Different from the wine-tax which was assessed on the production of wine.

<sup>14</sup> The Settlement from February 7 1741, Barbu, *O arheologie constituțională românească*, 107-115.

<sup>15</sup> *Ibidem*, 114.

Although there might be some exaggeration in the words of the Wallachian elite, the new fiscal organization seems to have been efficient.<sup>16</sup> However, the reform did not survive. At the end of 1741, Constantin Mavrocordat was deposed.<sup>17</sup> His successor, Mihail Racoviță was appointed prince of Wallachia and cancelled the effects of the reform by increasing the taxes. His excessive fiscal charges had a predictable effect: the massive flight of taxpayers and a new fiscal crisis.<sup>18</sup> Brought back on the Wallachian throne in 1744, Constantin Mavrocordat resumed his reforming policy, with more energy, but with the same limited – in time – success.

In the second half of the 18<sup>th</sup> century the reform in its basic principle – fixed tax paid in fixed installments – was attempted several times, to the same effect: it could be maintained only for short periods. The difficulties are visible in the fact that in 1761 Constantin Mavrocordat himself introduced 6 installments, of which one is to be collected two times (*șase ciferturi și o îndoială*) for the *birnici* and 4 installments for the privileged groups (*bresle*).<sup>19</sup> Between 1775 and 1821 the number of rates increased from 4 to 14 and the amount of the tax from 16 tallers to

<sup>16</sup> An echo of these measures was heard in Istanbul. The Ottoman chronicler Izzi Suleiman Effendi claims that in 1744, Constantin Mavrocordat is put back on the Wallachian throne because “the reorganizations done by him in that country were notorious, as was the peace he gave to the population” in *Cronici turcești privind țările române* [Turkish Chronicles regarding the Romanian Principalities] vol. 3, ed. Mustafa A. Mehmet, (Bucharest: Editura Academiei Republicii Socialiste România, 1980), 277.

<sup>17</sup> He is appointed in Moldavia where he introduces a similar plan of reforms, *Cronica Ghiculeștilor*, 563.

<sup>18</sup> Ariadna Camariano-Cioran, “Rapoartele inedite ale capuchehailelor lui Constantin Mavrocordat” [The Unpublished Reports of the Representatives of Constantin Mavrocordat], *Studii*, XIV/4 (1961), 939-968. Dionisie Fotino, *Istoria Generală a Daciei sau a Transilvaniei, Țării Muntenesti și a Moldovei* [The General History of Dacia or of Transylvania, Wallachia and Moldavia], trans. George Sion (Bucharest: Editura Valahia, 2008), 298, 612 claims that the rivals of Constantin Mavrocordat tried to obtain the throne of Wallachia “desiring the prosperity of the country”; he also lists the catastrophic effects of Racoviță’s fiscal exactions; see also Mihai Țipău, *Domnii fanarioți în Țările Române 1711-1821. Mică enciclopedie* [The Phanariot Princes in the Romanian Principalities 1711-1821. A Small Encyclopedia] (Bucharest: Editura Omonia, 2004), 141. However, see also Louis Roman, “Teoria depopulării și dezvoltarea Țării Românești în anii 1739-1831” [The Theory of Depopulation and the Development of Wallachia from 1739 to 1831] in *Populație și societate. Studii de demografie istorică* [Population and Society. Studies of Historical Demography], ed. Ștefan Pascu, vol. 2 (Cluj Napoca: Editura Dacia, 1972), 189-296 who warned against the exaggerations which accompany such evaluations; he claims that the negative effects of the rule of Mihail Racoviță were the effect of the propaganda orchestrated by Mavrocordat’s agents.

<sup>19</sup> *DF*, 176. This settlement is overlooked by the historians who study the evolution of the main tax during the 18<sup>th</sup> century. So is the fact that the act allows the peasants to form fiscal units formed by kindred peasants.

218. These figures regarded only the main tax, but there were other taxes which followed the same course. For instance, in 1746 the wine-tax consisted of 4 *bani* (approx. 0.3 taller)<sup>20</sup> per bucket plus a fixed fee (*poclon*) of 1 ban per bucket for those who produced between 10 and 120 buckets and 1 taller for those who made more than 120 buckets. In 1796 the tax for bucket was raised to 5 *bani*<sup>21</sup> and in 1815-1816 to 30 *bani*.<sup>22</sup> The increase was due in part to the depreciation of Ottoman currency and on the other to the inclusion in a fiscal unit (*luda*) of more and more taxpayers. However, historians claim that an increase in absolute terms did exist.<sup>23</sup>

Due to the constant increase in the number of installments and their quantum as well as to the burdensome fiscal extraction, the fiscal reforms of the Phanariots were reputed for their failure. Their main aim, to impose a fixed amount of tax and to distribute the fiscal charges more evenly, by subjecting more people to taxation and curbing tax evasion, was only achieved on short term. The debts contracted for obtaining the throne and the sudden increase in Ottoman demands – usually in war time – forced the Phanariot prince to increase the taxes and hence to undermine the reforms. This is the current stage of the study of the Phanariot taxation: an exclusive concern with the amount of taxes and the negative consequences for the majority of the population.<sup>24</sup>

<sup>20</sup> For the conversion I use the equivalences given by Papacostea, *Oltenia sub stăpânirea austriacă*, 126.

<sup>21</sup> Urechia, IR, VI, 638.

<sup>22</sup> IDR (1984), 189.

<sup>23</sup> The last and best documented study on the history of the main tax from 1775 is Sergiu Columbeanu, “Birul în Țara Românească (1775-1831)” [The Main Tax in Wallachia (1775-1831)], *SMIM* VII (1974): 259-276. On the organization of tax-payers in lude see Sergiu Columbeanu, “Sistemul de impunere pe lude din Țara Românească (1800-1830)” [The System of Assessment on *Lude* in Wallachia (1800-1831)], *Studii*, XXI/3 (1968): 469-479. Although the term is reported in the documents only at the beginning of the 19<sup>th</sup> century, a report from 1811 states that it was instituted by Alexandru Ipsilanti (1775-1782). 1 *luda* could consist of one tax-payer or a group of 2-3 tax-payer according to their fiscal capacity. After 1812 it could consist of up to 12 poor peasants and no less than 3 rich peasants. However, the document cited above suggests that already in 1761 the principedom admitted fiscal units formed by more than 1 peasant.

<sup>24</sup> With an important corrective which casts some doubt on the image of excessive extraction during the Phanariot period, see Murgescu, *România și Europa*, 27-56.

However, a different perspective can be put forth. I propose to look at the Phanariot fiscal regulations as instruments whereby the state is constituted as an objective entity run on the basis of written statutes. They are part of the process by which the state accumulates symbolic power; the state carves out a new and larger domain of legitimate intervention by subjecting it to more and more detailed regulation. Of course that tax-evasion (its scope is nevertheless hard to gauge) and fraudulent censuses might indicate low legitimacy and consequently low symbolic power<sup>25</sup>; but their emergence in document reflects a historical struggle to increase the infrastructural reach of the state. In what follows I will present a series of fiscal settlements which illustrate this struggle. The fiscal regulations are the normative expression of the state's attempt to rationalize taxation and to expand the area of legitimate intervention.

#### ***4.2. The Regulation of the Main Tax***

In order to understand the change in the fiscal regulations and state power, I present the letters whereby Prince Constantin Brîncoveanu authorized the collection of one installment (*seama mare*) of the main tax (*bir*) in 1697. The letters were very brief; they were addressed only to a fiscal category from a county, to common taxpayers, princely servants and villages with fixed tax (*rumtoare*), but not to all of them. Except for the second category, the sums – unspecified for the documents are actually forms of letters of authorization, not the letters – were expressed on counties. The text of the letter contains a general exhortation addressed to tax payers to pay all what they due. How the lump sum would be assessed on the rural communities inside the county was the problem of the tax agents (*semaş*). This is the level at which the state power stopped. The

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<sup>25</sup> I use the notion of legitimacy and symbolic power in the sense given by Mara Loveman, “The Modern State,” *passim*.

tax agent was not a permanent state official, but the boyar entrusted for that particular occasion with the collection of the tax.<sup>26</sup> Was there a general fiscal regulation for the entire country? It is hard to know because none was preserved, but if it must have been very brief and general.

If we turn to the tax-regulations after 1740 the most visible change is the size: the Phanariot princes enacted general fiscal regulations which were much more comprehensive in their stipulations. Moreover, they tend to be organized in numbered paragraphs. They are addressed to the entire country, mention the social categories imposed to tax and those exempted – partially or completely – and the quantum of taxes for each category. But the most striking difference is the manifest concern with the interrelated problems of peasants' residence, correct apportioning, accurate registration and tax-evasion. The expansion of the state purview is most visible in the last aspect to which I will turn my attention in the subsequent pages.

Already in the settlement of general reorganization adopted on February 7 1741, the problem of the peoples' residence surfaces. Some peasants lived in a village (or county) and pretended to be registered as taxpayers in another village (or county). Obviously, this double residence facilitated tax evasion and frustrated the attempts of the fiscal apparatus to obtain an accurate census. So, Constantin Mavrocordat decides that the real and fiscal residence of the taxpayers has to coincide in order to stop the inconveniences in the assessment of taxes. Every peasant has to pay his taxes in the county and village in which he lives.<sup>27</sup>

The problem will occur in all fiscal regulations or letters of instructions regarding taxation. In June 1761 Constantin Mavrocordat notified the inhabitants of county Slam Râmnic – very probably the inhabitants of the other counties received a similar notification – that a new fiscal settlement was enacted and on its basis they had to pay a tax-rate (*sfert*). They were

<sup>26</sup> Giurescu, "Anatefterul," 29, 30, 31.

<sup>27</sup> Barbu, *O arheologie constituțională românească*, 114. The relevant paragraph is also published in *DF*, 138.

advised to congregate with the *ispravnic* of that county to assess the taxes justly for everybody, assuring that the official was given “instruction through these regulations of my highness” (*învățătură printr-aceste ponturi ale domnii mele*) for that purpose.<sup>28</sup> It is a striking difference from the letters of Brâncoveanu which showed no concern with the tax-apportioning. To prevent tax-evasion, the village headmen who would hide taxpayers were liable to have their ears cut and to be exposed in public. The last title warns the boyars to draw the fiscal evidence with greatest care so that local and central receipts would have corresponding data.<sup>29</sup> The princely proclamation shows the growing concern of the state with the details of the taxation process. This interest is even more manifest in the subsequent regulations.

In December 1775, Alexandru Ipsilanti issues a new fiscal “settlement for the installments and for the tribute”.<sup>30</sup> The act reintroduces the principle of fixed taxes paid in four equal installments and stipulates the obligations of all categories. The *ispravnici* are entrusted with supervising the apportioning of the tax (*cisla*) in the villages under their jurisdiction and also with publicizing the letters.<sup>31</sup> The settlement formed the normative basis for the instructions dispatched to the counties for the collection of the installments. Such an instruction was sent to the *ispravnici* in June 18 1776 by Alexandru Ipsilanti. The document exposed the methodology of tax-assessment and collection, but in much greater detail than the settlement enacted the previous year. First of all the prince instructed the *ispravnici* to publicize the method of taxation so that the taxpayers were well informed. They have to read out the instructions in the villages and have them signed by the village headmen, as a guarantee that the publication was effected.<sup>32</sup>

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<sup>28</sup> *DF*, 176.

<sup>29</sup> *DF*, 176. On the use of double receipts used for audit see the next chapter.

<sup>30</sup> *DF*, 195.

<sup>31</sup> *DF*, 195 annex.

<sup>32</sup> *DF*, 198.

The instructions on the measures that *ispravnici* have to take for an accurate evidence of the taxable population were quite explicit. The county officials were exhorted to “grab the job with two hands”, to “walk from village to village” to make the correct assessment, but only after they had done careful evidence of the taxable population; if they didn’t trust the evidence reported by the headmen, they were asked to investigate personally the houses from forests and the number of families living in a house.<sup>33</sup> The document shows an acute awareness of the difficulties of a correct registration of the taxpayers and of the methods of evasion. It is the first (preserved) instruction of how the *ispravnici* had to take an accurate census. By demanding from the *ispravnici* to register the houses scattered in the forests and to check carefully the number of families from a house<sup>34</sup>, the princely instruction testifies to one of the first attempts of the state to “embrace” that is, to gain “enduring access to” the population from whom it tried to extract taxes.<sup>35</sup>

This is the first document attesting an interest of the central power in the spatial location of the village houses (which were rather clay huts). For the moment, the state tried to adapt to the “illegible”<sup>36</sup> layout of the peasants settlements. But this was just half of a century before the state tried more resolutely to shape the rural geography to suit its own needs. After 1831 the process

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<sup>33</sup> *DF*, 198. On the same day, a proclamation with almost identical provisions is dispatched to the population, *DF*, 199.

<sup>34</sup> The scattered houses were the landscape specific to the archaic mode of habitation of a population prevalently pastoral; the careful numbering of the families in a house was necessary because one method of evasion was to put more families together to reduce the number of family heads, obliged to pay. Both concerns, with the number of family members and with the rural landscape were on the agenda of the Habsburg administration in Oltenia (1718-1739), *DF*, 66a and *DF*, 95, apparently without success.

<sup>35</sup> In the sense of Torpey, *The Invention of the Passport*, 14.

<sup>36</sup> The opposite of “legible” as theorized by James C. Scott, *Seeing Like a State*.

of systematization of villages proceeded apace and consisted in the gathering of village houses on smaller areas and their alignment along roads for both fiscal and police reasons.<sup>37</sup>

But the pattern of peasants' houses was not the most important source of tax-evasion. An even greater problem, for it implied the collusion of landlords and peasants was the recruitment of *scutelnici*, tax-exempt peasants put at the disposition of the landlords. The settlements and the letters of instruction mentioned frequently accused that the *ispravnici* allowed the boyars to recruit more *scutelnici* than the lawful number and so to hide taxpayers from the purview of the state. So, they tried to regulate this aspect. On August 18, 1779 Alexandru Ipsilanti dispatched to the counties a general settlement consisting of 23 paragraphs, 10 of which were dedicated to fiscal matters.<sup>38</sup> Reflecting the importance of the matter the first four *ponturi* tackled the related issues of accurate registration of taxpayers and tax-evasion.

The tax-exempt peasants (*scutelnici*) given to the landlords had to be recruited according to the regulations: to be of middle fiscal capacity (so, neither the richest nor the poorest among peasants). For the domestic servants of the boyars (later they will be called *poslušnici*), the *ispravnici* were entitled to exempt only "a cellar-man and another useful man". Likewise, the number of the tax-exempt state servants at county level (*slujitori ai județului*) had to be limited so that taxpayers would not be recruited in this category. The villagers who would be tax-exempt and function as helpmates of other villages should be strictly registered so that their number would not increase and give another occasion of tax evasion. To protect the fiscal capacity of the villagers the prince ordered that the state agents were not entitled "to request even an egg" from

<sup>37</sup> Ilie Corfus, "Încercări de sistematizare a satelor din Țara Românească sub Regulamentul Organic" ["Attempts to Systematize the Villages in Wallachia during the Organic Regulation Period"], *RA*, X/2 (1967): 195-212.

<sup>38</sup> *DF*, 211, *Ponturile ce s-au trimis către dumnealor boerii ispravnici du prin toate județele I la dumnealui caimacamul Craiovii cu arătări coprinzătoare pentru urmarea ce trebuie a face dumnealor pentru întocmirea și cumpăna dreptății la toate cele ce să poruncescu.*

the taxpayers for their living. Besides, like in other regulations from this period, the apportioning of taxes had to be done under the supervision of state representatives in the counties, the *ispravnici*.<sup>39</sup>

What was the effect of these parsimonious instructions? Given the incipient stage of the effort to extend the purview of the state, the success could have been at best limited. Yet from contemporary sources, the success of these measures appears to be spectacular. A clergyman, Dionisie Eclesiarhul, left an enthusiastic description of that time:

This prince, being wise and with a lofty mind, has instituted good order in all the affairs of the country... And truly, all the trade points around the border being open, and no disturbance from the Turks, there was the gift and the mercy of God in this country, with great tranquility and deep peace. The boyars were prospering in their offices, the merchants were increasing their profits, the craftsmen were growing their production, the peasants were cultivating their lands undisturbed by heavy taxes; everybody was happy and lived without care. The merchandise and the animals were cheap ... With little coin, people could make clothing. There was also good productivity of the cultivated land...<sup>40</sup>

Of course, Dionisie refers to the living conditions not to the efficiency of the fiscal apparatus. But his picture is far from the usual images of excessive fiscal extraction – which he provided for other reigns. According to the same chronicler, the situation is preserved under the next too princes, Nicolae Caragea (1782-1783) and Mihail Suțu (1783-1786).<sup>41</sup> However, administrative sources from this time reveal that tax evasion continued as well as the state's attempt to curtail it.

In 1783, Nicolae Caragea tried to regulate the problem of *scutelnici* even more strictly. In a proclamation dispatched on January 1, he accused the *ispravnici* that the recruitment of the *scutelnici* is not according to “the regulations of my Princship”, but from among the richest

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<sup>39</sup> *Ibidem*.

<sup>40</sup> Dionisie Eclesiarhul, *Hronograf*, 87.

<sup>41</sup> Dionisie Eclesiarhul, *Hronograf*, 88-89.

peasants (therefore weakening the tax-base). Besides, the number of the *scutelnici* exceeds what the prince considered legitimate. So, the prince orders:

besides the *scutelnici* with princely sealed certificates, printed, with their names and face traits, all the other [peasants] should be registered as taxpayers in the villages where they reside; only at monasteries and boyars you will let – besides the said *scutelnici* - four or five domestic laborers, yet not at each estate but only where the landlords have had their homes: a bailiff, a cellar-man, an ox herdsman, a horses herdsman, a hiver, and no more.<sup>42</sup>

Obviously, the problem of tax-exempt peasants in the service of the boyars was of great concern for the state. It is amazing how far the state tried to go in this case by defining not only the number of lawful tax-exempt domestic laborers but also the activities to which such people would be employed. The fiscal interest and the friction between the state and the landlords were quite transparent. As the unlawful increase in the number of *scutelnici* diminished the fiscal capacity of villages, the prince invited the peasants to petition whenever such a situation would occur.<sup>43</sup> This stipulation also reveals the distrust of the prince in his own territorial agents encouraging denouncements.

The preoccupation with accurate registration at village level and the recruitment of *scutelnici* loomed large in the instructions for the assessment of taxes dispatched in 1792 by the same prince Mihail Suțu, then in his second Wallachian reigns. The first paragraph out of 7 is illuminating:

The boyars that were entrusted with making a new fiscal settlement have to go to each village and calling the headman and the priests of the village, in the presence of the district official<sup>44</sup>, they have to ask for an accurate register of all the inhabitants of the village, of those that have their house on that estate and of those that live in hamlets or on a foreign estate around the village but pay their tax at this village ... But if the boyars do not trust the evidence presented by the headman, they are entitled to make a census on the spot (*catagrafie pe față*).<sup>45</sup>

<sup>42</sup> *DF*, 220; the document is also published in Urechia, IR, I, 261-63.

<sup>43</sup> *Ibidem*.

<sup>44</sup> The counties were divided in more districts (*plasă* sg, *plăși* pl.) which were run by a *zapciu*. The document refers to the latter.

<sup>45</sup> *DF*, 245 and Annex I.

So the problem of the peasants' settlement occurs again. It is obvious that some peasants still lived far from what the state expected their residence to be. Yet it is also clear that the state did not devise a means to tackle this problem properly. It still tries to adapt to an "irrational" pattern of settlement. The only advance would be that, distrusting the headmen, the *ispravnici* were empowered to count the taxpayers on the spot. The points 2 and 3 of the settlement tackled again the problems of *scutelnici* and *poslušnici*; the prince instructed that the latter could be given only with the agreement of the villagers. If the landlords needed more than the lawful number (which this time is not mentioned), they had to support the afferent taxes.<sup>46</sup>

The frequent issuing of such regulatory proclamations and the repeated indictments addressed to county *ispravnici* would suggest a failure of the state to actually embrace the society to extract resources more efficiently. Most probably the verdict is correct, but we should also be attentive to the effort itself; by such regulations the state carved a new territory where it tries to impose its authority. A few decades before these attempts, the failure would have been impossible because the state would not even try to regulate the details of the fiscal process. By discussing the fiscal regulations or letters of instruction for the local officials, I showed how, in comparison with the late 17<sup>th</sup> century, from 1740s the state starts to be interested in more and more details of the fiscal process. It is a process of gradual expansion of the territory subject to state regulation. The documents reveal the problems and the obstacles which the state encountered. But the problems themselves are indicative of the change. Now I turn to the regulations of the wine-tax which indicate the same trend towards ruling the details.

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<sup>46</sup> *Ibidem.*

### 4.3. The Regulation of Specific Taxes

Besides the main tax settlements which were preserved only exceptionally or indirectly and which are rarely invoked and as whole texts, the Wallachian government started to use regulations for the assessment and collection of quota-taxes on agricultural production on a larger scale. Instructions for collecting these taxes had been handed to the fiscal agents before, but in the second half of the 18<sup>th</sup> century they became more comprehensive, their content was organized in paragraphs (*ponturi*) and were invoked in the adjudication of litigations pertaining to that tax. These regulations were included in the letters whereby the tax-farmers were authorized to collect that particular tax so that they knew precisely how to assess, what amounts were to be taxed and from whom. They were also sent to *ispravnici* and publicized throughout the country. Such are the regulations of the wine-tax (*vinărici*), sheep-tax (*oierit*), honey and pigs-tax (*dijmărit*), tobacco tax (*tutunărit*), the custom tolls (*vămile*) and the review of various taxes (*cercătura*)<sup>47</sup>. I will focus here only on the regulations of the wine-tax because of its importance and because it is amply documented. Moreover, I will discuss it in the next two chapters of my dissertation, so the picture will be more complete.

In brief, my account will show how a very old tax was subject to more and more precise written regulations. These – by division in numbered paragraphs – took the form of law and were used as such in adjudications of litigations related to this tax. To underline the change I will resort to the same technique I used in the previous section: first, I will present the letters of

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<sup>47</sup> Like any other tax, *cercătura* was also farmed out. After the collection of a particular tax – for instance of the sheep-tax (*oieritul*) – the job of reviewing the assessment and collection was farmed out with, the farmer being given a set of rules to attend; theoretically the *cercătura* was supposed to uncover cases of tax evasion and abuses of previous collectors.

authorization for the collection of the wine tax at the end of the 17<sup>th</sup> centuries. By contrast, the traits of the similar documents issued after 1740 will appear with more clarity.

**4.3.1. The regulation of the wine-tax.** The instructions of how to assess and collect the wine-tax existed prior to 1740 and indeed prior to the so-called Phanariot rule. On September 1, 1698, Prince Constantin Brâncoveanu issued the “Letter of authorization for the collection of the wine-tax on the hill of Târgoviște” (*Carte de vinăriciul dealului Tîrgoviştii, Sept<embrie> 1, anul 7207 [1698]*); the tax was to be collected from all those who had vineyards in the respective hill: “boyars, princely servants, merchants, common taxpayers, men of every status”. The collectors were entitled to take 1 out of 10 buckets “according to the custom” and a fixed fee (*poclonul*) paid individually, of 33 *bani*. They were also authorized to punish the tax-evasion, to collect the fines for the cattle that damage wine-yards and to judge common litigations (*judecățiile obișnuite*) in the area of the hill.<sup>48</sup> So, in the hills around the town of Târgoviște everybody paid the same amount of wine-tax.

A few days later, a similar letter of authorization was given for the collection of the wine-tax on the hill of Pitești (*Cartea vinăriciului dealului Piteștilor, Sept<embrie>, 26 zile, anul 7207[1698]*). The taxpayers had also to pay 1 bucket out of 10, “not wine but money”. Moreover, the quantum differed according to category: the common taxpayers (*birnici*) had to pay 40 *bani* per bucket and 30 *bani* fixed fee per capita; the princely servants were also obliged to 40 *bani* per bucket but only 15 *bani* as fixed fee; the priests and the deacons had to pay 22 *bani* per bucket and the fixed fee of 12 *bani*. The letter mentions that “this settlement is also

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<sup>48</sup> Giurescu, “Anatefterul,” 38.

written in the charter that I gave to the inhabitants of the hill of Pitești”. Like in the previous document, the judicial attributions of the tax-collectors were specified.<sup>49</sup>

From these two documents it results that in two regions (situated nevertheless in neighboring counties, Dâmbovița and Muscel) the quantum of taxation, the categories subject to taxation and the amounts due by each category differed. The difference is even more marked a few years later. In 1700 or 1701 a new letter for the collection of the same tax in the hill of Târgoviște reveals different amounts of tax and different fiscal categories. The tax was to be collected from everybody “boyar, princely servant, merchant, captain or common tax-payer” except from “the vineyards of the boyars to whom the princes had donated lands with princely charter”. The letter states that the tax had to be paid in kind: “wine has to be taken, not money” (*însă vin să le ia, nu bani*) and followed contradictorily with the amount of tax per bucket. The common taxpayers and the princely servants had to pay 33 *bani* per bucket; the fixed fee consisted of 30 *bani* for the first category and 12 for the second. The priests and deacons were supposed to pay 20 *bani* per bucket and a *poclon* of 12 *bani*.<sup>50</sup>

Finally, the last example is the letter for the collection of the wine-tax from the hills around Bucharest from 1709. The tax was to be collected from everybody, regardless of social status. Everybody had to pay 30 *bani* per bucket; the *poclon* was differentiated: the priests and the deacons had to pay 12 *bani*, the princely servants 15 and the common taxpayers 30. Besides, everybody had to pay an additional tax (*părpărul*), 12 *bani* per barrel and 6 for a smaller barrel.<sup>51</sup>

A striking feature results from these documents. Around 1700, there is a significant variation in time and space in the quantum of the same tax and in the amounts due by each

<sup>49</sup> *Ibidem*, 40; the documents are also published in Iorga, *St. și doc.* vol. 5: 347 and 350-51. An identical letter was issued in 1704, Giurescu, “Anatefterul,” 55.

<sup>50</sup> *Ibidem*, 56.

<sup>51</sup> *Ibidem*, 58.

category subject to it. Hence, the letters of authorization are particularized: they authorize the collection of the wine-tax in one small area (not a county or a district). The adjudications of litigations related to the wine-tax had nothing to do with these letters of authorization, which is understandable, given their particular character; they could be invoked only in the small area of their jurisdiction (which didn't happen anyway). In 1713, the prince ordered the wine-tax collectors to respect the grants he had made to two monasteries from the wine-tax due by the townsmen of Râmnic “according to their charters and custom” (*precum le scrie hrisoavele si le iaste obiceaiul*) and not according to some countrywide regulations.<sup>52</sup> Sometimes after 1740 the format of such letters of authorization and their function changed.

This is apparent from the letter of authorization given to the wine-tax collectors (*vinăriceri*) by Constantin Mavrocordat on August 29, 1746. It indicated the method of assessment (one bucket from ten) and the amounts to be paid: 40 *bani* per “princely bucket”<sup>53</sup>; the fix fee (*poclonul*) was to be paid progressively: from those that had between 10 and 120 buckets, 1 *ban* per bucket; from those who have more than 120 buckets, 1 taller per capita. The letter also lists the exempted categories (the great boyars, the boyars with or without office, the great monasteries and their daughter monasteries (*metohuri*), the boyars' widows, the lesser boyars without office, merchants and the divan clerks); the penalties for tax-evasion and for complicity to tax-evasion are specified; the fines for those tax-collectors who would demand sustenance without payment or would overtax, beyond “what is written in this letter of my Princeship” (*din cât scrie într-această carte a domnii mele*).<sup>54</sup>

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<sup>52</sup> Iorga, *St. și doc.*, vol. 14: 13.

<sup>53</sup> As other documents will show, the sum to be paid per bucket was 4 *bani* not 40. In this case there might be a mistake of the editor of the document. In 1749, half of the wine-tax donated to monasteries consisted of 2 *bani* per bucket, so the entire tax was 4 *bani*, see Iorga, *St și doc*, vol. 5: 494. In the last years of the 18<sup>th</sup> century it was 5 *bani* per bucket, Urechia, IR, VI, 638.

<sup>54</sup> *DF*, 153.

Yet, at a closer look sensible differences can be noticed. First of all the letter of Mavrocordat is some 4 times larger than that of Brâncoveanu, because it contains more provisions. Then, whereas the empowerment letters of Brâncoveanu are particular, restricted to a small area, the letter of Mavrocordat is general, it is valid for the entire realm divided in counties; the letter empowers the tax-agents to collect the wine-tax from an entire county. The document is a standard form of an authorization letter, with blank spaces to be filled with the name of the tax-agent and of the county where he would carry out the task; so, its provisions were similar throughout the country. In addition, a greater attention to details and a stricter description of how a correct operation should look like is perceivable. In sum, the letter of Mavrocordat testifies to the rationalization of the wine-tax, by imposing a single quantum throughout the country. It also suggests a different relation of the central power with the territory: it does not have particular relations with different regions, but a single relation with the entire territory. The letter is an instance and an instrument of territorialization.

For almost 4 decades there is no other preserved regulation of the wine-tax. But, the ones from the last two decades of the 18<sup>th</sup> century reveal an even more marked transformation in format and content. In 1783 the regulation of the wine-tax administration becomes much more complex and the format of the documents undergoes a sensible change. First of all, the text is entitled “The Regulations of the wine-tax on the year 1783, [showing] the way the wine-tax collectors are to act for the administration of this job” (*Ponturile pentru slujba vinăriciului pe anul acesta let. 1783, în ce chip să urmeze boierii vinăriceri la căutatul acestei slujbe, cum arata*).<sup>55</sup>

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<sup>55</sup> Urechia, IR, I, 412-15.

The text has 10 *ponturi*. The first lists the categories which are exempt from this tax. The second mentions the deductions of various grants (mile) from the collected money<sup>56</sup>. The third and tenth points warn against tax-evasion. The fourth and the fifth are the largest paragraphs and tackle the most sensitive issue: the assessment and collection of the tax. The former exposes a very complicated method of registration in writing and issuing of testimonials to the tax-payer to attest the amount of wine that is subject to taxation and the amount of cash paid; the method is destined to prevent both tax-evasion and fraud by collectors and to facilitate later controls from the center; it is also stipulated that the vessels of wine are to be measured with the princely ell handed to the tax collectors from the treasury. The fifth point deals with the grants of half of *vinărici* to monasteries: it forbids farming out of such grants by the abbots and stipulates the right of man of the monastery to take part in the operations of measurement and taxation; attention is given to forms of written testimony in this case too<sup>57</sup>. The sixth point specifies the right of the boyar who farmed the wine-tax to judge small cases, but also the supervision by the *ispravnic* in case of abuses<sup>58</sup>. The other points regulate the fees paid by butchers as part of the wine-tax and the behavior of the agents – ordering them to pay for their food and the fodder for the horses.

In terms of size, the text is much larger than the small letters of authorization from around 1700 and even from the letter of authorization from 1746. The detail in which the actual operation of measurement and registration of barrels with wine is prescribed is impressive.

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<sup>56</sup> For instance, 20 taller per county are to be paid by those who farmed the tax for the Box of Mercy (*Cutia Milei*), a fund destined for social care expenses; the farmers of the tax from the 5 counties of Oltenia have to pay, 200 taller for the salary of the surgeon (*jerah*) and pharmacist from Craiova.

<sup>57</sup> On the forms of written registration and testimony I will dwell more in the section dedicated to the functional scriptural instruments.

<sup>58</sup> The role of the *ispravnic* as supervisor of a correct administration of justice in these cases is an innovation when in comparison to the letters of authorization from 1698 which I summed up above.

Another significant aspect – already encountered in 1746 – is that there is no specification of a certain area where the regulation is valid, obviously because it had country-wide application. The text was organized in paragraphs (*ponturi*), each of them tackling a specific problem related to the administration of the wine-tax; that is, from a letter of authorization, it became a statute. This aspect was important for it allowed the regulation to be used like a legal text.<sup>59</sup> Two other almost identical regulations are preserved and most probably they were issued annually<sup>60</sup>.

Yet the authority of the regulations was not automatic and the principedom had to struggle to impose it on both taxpayers and tax-agents. On December 23 1756 Constantin Mavrocordat orders the wine-tax collectors to respect the exemptions of *mazili* (boyars without offices) and monasteries.

We were informed from the petitions of members of fiscal categories (*breslași*) that you impounded their wines, and those of the monasteries, and you asked from them to show the letters [of exemption] of Our Princship, as a condition to release the wines. This thing has astonished us and made us wonder what your justification was. Perhaps you could not understand what is stipulated in the regulation (*ponturile*) enacted by my Princship which was handed to you, namely nobody is entitled to exemption beyond the stipulations of the old custom of the country. Which means that even the category of boyars without office (*mazili*) is exempted; and those who do not belong to this category [but claim to do so] should be brought to trial.<sup>61</sup>

As with the agrarian regulations, the reference to custom was quite misleading; the custom establishing precisely who was entitled to tax-exemption was actually a recent settlement. But the case was symptomatic for the transition – here in an incipient phase - from an administration based on particularisms to an administration based on general rules. The prince asked the tax-collectors to carry out their job according to the country-wide regulations, regardless of documents attesting local or private fiscal privileges. It is an attempt to replace the myriad of

<sup>59</sup> This is the first document with the text organized in number paragraphs; but the wine-tax regulations are called *ponturi* from 1756, as I will show below.

<sup>60</sup> For 1786 see Urechia, IR., III, 628-29, for 1791 see Urechia, IR, IV, 254.

<sup>61</sup> *DF*, 168.

private privileges and fiscal arrangements with general regulations which comprise the fiscal status of all taxpayers; finally, it reveals a tension between such a trend and the habit of tax-collectors to deal with a variety of fiscal regimes granted by princely charters.<sup>62</sup>

In spite of such princely endorsements, the taxpayers did not feel protected by the regulations. In 1794, the inhabitants from the “hill of Pitești, from Muscel county” complained that the wine-tax collectors committed great abuses and exacted two or three times more than the legal amount. Hence, they asked a princely charter specifying their just dues, so that they could show it to the tax-collectors. It was exactly the type of act which the people from the hill of Pitesti had in 1698, as I showed above. However, since the wine-tax was regulated by settlements with countrywide validity, Prince Alexandru Moruzi simply sent them “our princely charter comprising exactly the regulation of the wine-tax” (*domnescul nostrum hrisov cu cuprindere întocmai după ponturile vinăriciului*). That is, instead of issuing a particular privilege, the prince sends them the actual regulations of the wine-tax. Especially it instructs the tax-agents to attend the 7<sup>th</sup> *pont* “that for each vessel they have to make a separate testimonial in which to indicate the name of the man and how many buckets the vessel contains and to stick that testimonial on the bottom of the barrel”.<sup>63</sup>

Cases similar to that described above reveal both the inertia of the old customs and the resolution of the principedom to fix the fiscal obligations of all Wallachian taxpayers by a written general regulation. In 1797 prince Alexandru Ipsilanti was notified that due to the abuses of the wine-tax collectors, many people were asking for separate charters to stipulate their fiscal

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<sup>62</sup> Compare with the document from 1757 I mentioned in the section regarding the regulation of the agrarian relations; a Wallachian official notified an abbot that the prince (Constantin Mavrocordat) did not have the habit to make particular charters of confirmation of privileges because – I inferred – he wanted to assert the authority of the agrarian regulation.

<sup>63</sup> Urechia, IR, VI, 370-72.

obligations. But such a practice would be defeating the purpose of regulating taxation by countrywide settlements. Especially a prince, who was so keen on imposing regulations in Wallachia, as Alexandru Ipsilanti was sensitive to such issues and reluctant to revert to the old practice of separate charters. So, on September 18, 1797, he ordered the *ispravnici* to assure that the wine-tax collectors would not exceed the lawful amount and attend the lawful methods of assessment.<sup>64</sup> So, the struggle between general regulation and local privilege continued at the end of the 18<sup>th</sup> century. The struggle itself testifies to the slow process of horizontal integration of the Wallachian subjects under the effect of a general legal text.

The last distinctive trait of the fiscal regulations after 1740 which I want to analyze – and which distinguished from similar documents issued around 1700 – is that they became the normative ground for adjudicating disputes related to this tax. The management of the wine-tax according to a general, country-wide valid regulation is apparent already in 1749. On September 15 prince Grigore Ghica renewed the privilege that granted to the monastery Fedelșciorii half of the princely wine-tax (*vinărici*) from an estate; additionally it confirmed the right to collect the wine-tithe (*otaștina*) from the winegrowers from its estate, 1 bucket out of 20. The wine-tax was to be collected in cash 2 *bani* per bucket (the entire tax being 4 *bani* per bucket) while the wine-tithe in kind, “according to the content of the settlement that My Princeship has done, both for the regulation of the wine-tax and for the wine-tithe” (*dupe cum să coprinde și în testamentul ce am făcut Domniia Mea, atât pentru orânduiala vinăriciului, cât și pentru otaștină*).<sup>65</sup>

Similarly, on December 20, 1766, Prince Alexandru Scarlat Ghica sent a commissioned official (*om domnesc*) to the *ispravnic* of Muscel to investigate the collection of the wine-tax.

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<sup>64</sup> Urechia, IR, VII, 75.

<sup>65</sup> Iorga, *St. și doc*, vol. 5: 494.

The *ispravnic*<sup>66</sup> did not adhere to “the contents of authorization letter and the paragraphs” (*nu au urmat cărții și ponturilor dupe cum se cuprinde*) regarding the collection of the wine tax from the vineyards where monasteries had half of this tax granted as princely munificence (*milă*): he did not allow the man of the monastery to participate in the assessment and perception of the wine-tax so that the religious establishment could take its share. The commissioned official had to investigate and forfeit the share of the monastery from the *ispravnic*.<sup>67</sup>

Subsequent documents show that the judges habitually invoked the relevant written regulations when they adjudicated fiscal litigations. On September 13, 1777, the metropolitan and the great boyars constituted in a judicial court, judged and referred to the prince the case of a wine-tax farmer who got into a conflict with the priests of the princely court because of the rights to gather the mentioned tax from a certain area. The judges corroborated more proofs in order to make a decision: an old charter, a contract of wine-tax farming and a personal testimony from a former tax-farmer and the princely regulation for the concession of the wine-tax. In the end they adjudicated the case in favor of the priests also because the regulations for the farming out of the wine-tax indicated (*dăosebit să vede și ponturile vânzării vinăriciului*) that the priests were right.<sup>68</sup>

The resolution of a case could be informed by both custom and regulations, indicating a certain limitation of the latter. On September 13 1781, the divan judged the request of the Argeș monastery to cash the rents of the shops held during the market days on its estate at Ștefănești and incomes of the butcher. The judges’ report recommended the prince to order to the *ispravnici*

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<sup>66</sup> The *ispravnici* were the supervisors of the taxation operations in their county, but in this case it seems that the *ispravnic* was collector of the tax; there are two possible explanations: either in that county the wine-tax was collected by the state apparatus (situation called *în credință*, lit. “on trust”) or the *ispravnic* was himself the farmer of that tax in his jurisdiction.

<sup>67</sup> *DF*, 188.

<sup>68</sup> *DF*, 202.

to investigate the custom on neighboring estates for the rents of the shops and to grant the income from the butcher. The recommendation was based on the fact that whereas the latter income was stipulated in the regulations, the former was based on custom. Hence, the prince in his resolution, while following the recommendation in the first issue, ordered the *ispravnici* with regard to the butcher income to act according to *ponturile vinăriciului*.<sup>69</sup>

As I showed above, in the last decades of the 18<sup>th</sup> century the regulations started to be formatted as legal texts: their text was divided in numbered paragraphs, each of them tackling a single issue. This transformation in the format brought a more sophisticated use of such texts. Judges do not invoke them as a whole, but they cite or quote the paragraph which is supposed to justify the decision. Maybe anticipating misrules, prince Alexandru Moruzi urged on September 9 1793 the princely wine-tax collectors<sup>70</sup> from Romanați county to respect the “the regulations of my Princeship that were issued at the auction of this job” (*ponturile domnii mele ce li s-au dat la căutatul slujbii*): more precisely they were supposed to strictly observe the “12<sup>th</sup> paragraph” (*capul 12*) which forbade them to tax the villages that belonged completely to the monasteries.<sup>71</sup> So, the tax-agents are to attend not a private charter of the monastery, comprising its privilege – although this might be used to identify the beneficiary of the privilege – but a particular paragraph from the regulation.

The resort to the written regulations is evident even in cases in which they do not offer the complete solution. On October 16, 1793 the *ispravnici* sent an official petition to the prince

<sup>69</sup> *DF*, 216. Surprisingly, the wine-tax covered items that had nothing to do with the wine, in this case the fees perceived from the butchers.

<sup>70</sup> I am not sure why they are called princely tax collectors: either the tax was collected by the princely apparatus (*în credință*) or was a customary designation for those who collected the “princely wine-tax,” albeit they were agents of the tax-farmers.

<sup>71</sup> *DF*, 254. The document is also published in Urechia, VI, pp. 36-37 with the date of September 8 and in Iorga, *St. si doc*, vol. 14: 143-144. Urechia’s text has a mistake in the sense that the paragraph in discussion is not the 2<sup>nd</sup> but the 12<sup>th</sup>, as it results from other documents of that year – the *capul 12* deals with the grants of wine-tax to monasteries.

that the wine-tax agents were collecting the fees from the slaughterhouse from the market town Urlați and asked for exemption. On October 27 the prince ordered the *vel logofăt* of the Lower Country to investigate the case by consulting the content of the regulations for the wine-tax (*văzînd și cuprinderea ponturilor vinăriciului*). On the next day the *vel logofăt* Scarlat Ghica referred back to the prince by an anaphora after consulting the regulations for the wine-tax in the register of the Divan; according to the “seventh paragraph” (*pontul al șeptelea*) the wine-tax collectors were not entitled to get any fee from the slaughterhouses on boyar and monastic estates, except a small quantity of meat as their food; they could collect such fees from the slaughterhouses without princely charters of exceptions. Uneasy about his source, the *vel logofăt* also asked a former tax-collector who confirmed his opinion and added that slaughterhouses from fairs were not subject to taxation<sup>72</sup>. On October 28 the prince gave his positive resolution on the anaphora of the *vel logofăt*.<sup>73</sup> The document shows beyond doubt that the normative ground for litigations related to the wine-tax are the regulations issued (probably) each year. But the report of the *vel logofăt* also reveals that the officials did not trust completely the regulations and were looking for additional support.

A method of the tax-collectors to increase their profit at the expense of a monastery was to invent more *popoare*<sup>74</sup> than those comprised in the charter of a monastery. If a monastery had a grant of wine-tax in some *popoare*, the tax agents made use of other local geographical designations, to reduce the size of the *popoare* belonging to a monastery and to invent new ones

<sup>72</sup> The apparent contradiction between the *ponturi* and the advice of a former tax-collector is solved if one thinks that usually the fairs were owned by boyars and monasteries which collected the fees and toll as seigniorial rights.

<sup>73</sup> All the documents related to this case at Urechia, IR, V, 183-84.

<sup>74</sup> The *popor* (lit. people, nation) was a small area comprising vineyards. The princes used to donate half of the wine-tax to monasteries from such *popoare* (pl.). But in the absence of a cadastre which could clearly demarcate the boundaries of the *popoare*, conflicts could easily arise. As in the case I discuss, the tax-agents could claim that an area is not part of the *popor* from where the donation was made.

from whom – since their name was not comprised in the charter of the monastery – they didn't have to share the income. Such a case occurred in 1794, in Vâlcea county.

Pahomie, the abbot of Hurez monastery complained in 1794 that the clerk Theodorache, the tax-collector in Vâlcea county, had detached from the *popor* Nemoiul a part called Izvorul which he pretended to be a separate taxable entity, not comprised in the privilege of the monastery. Besides he unlawfully retained 70 taller as a fee. Delegated by the prince to investigate the case, the vel *Logofăt* reported that “the wine-tax regulations from last year<sup>75</sup> stated in the 12<sup>th</sup> paragraph that the princely wine-tax collectors had to register the wine-tax together with the men of the monasteries and the money due to monasteries were to be collected by those men without the tax-agents being entitled to pretend any fee or expense and separate orders by Your Highness were sent to the tax-collectors [M.O. in this sense].”<sup>76</sup>

So by resort to the regulation in effect, the problem of the abusive fee was adjudicated. However, the regulation had its limits since it offered no help as to how to define the taxable units, i.e. the *popoare*. In this matter, the judge simply trusted the man of the monastery that “the hills of the monastery that are comprised in the charter, have other names too, of valleys, peaks or the nickname of the people that have vineyards in the hills of the monastery”. In this sense he mentioned a testimony of a former tax-collector which showed that there were 4 places that had not been designated in the charter of the monastery but from which the monastery traditionally gathered the grant of *vinărici*.

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<sup>75</sup> The case suggests that wine-tax regulations were not enacted yearly, as I speculated above. Most likely the regulations were enacted at the coming of a new prince or in case of alteration of their content.

<sup>76</sup> Iorga, *St. și doc.*, vol. 14: 146-148. This doesn't mean that the man of the monastery was right: in a register comprising the places where the monastery is entitled to gather the wine-tax and the total amount of buckets, the *popor* Izvorul de Nemoiu appears separately from that of Nemoiu, Iorga, *St. și doc.*, vol. 14: 102-103. So, apparently the place was considered a *popor* of the monastery, but, contrary to its representative in 1794, it was a separate taxable entity.

#### ***4.4. Fiscal Regulations and State Power***

The rules of collecting the wine-tax and the methods of assessment and collection were not set out by the Phanariot princes – or the administrators during their reigns. But I think that the evidence I presented hitherto indicates that both the main tax (*bir, dajde*) and the wine-tax (*vinărici*) were increasingly subject to written regulations valid throughout the country after 1740. They became the normative grounds against which frauds and abuses were defined, judged and punished. Besides marking steps in the rationalization of the Wallachian tax-systems, they enhanced the infrastructural capacity of the state by facilitating the adjudication of litigations related to taxation on the basis of a centrally defined written text; they also asserted symbolically the state as the authority which sets the limit between lawfulness and lawlessness.

Like the agrarian settlements which I discussed in the previous chapter, the fiscal regulations illustrate the process whereby the state is produced as a coherent agency, autonomous from social groups and with an objective existence. This transformation is most evident in the adjudications which cite scrupulously the relevant paragraph from the wine-tax regulations. The authority in these cases does not derive from the whims of the ruler, but from the “objective” text of the law. To it are subject all those involved in the fiscal process, taxpayers and tax-agents alike, conveying the idea of equality in front of law.

Moreover, the adjudication of the disputes related to taxation – now between state elites and elements of the “civil society” (in Michael Mann’s terms) – enhanced the territoriality of the state in Wallachia. Although for the moment some discriminations were maintained, in the sense that some were exempted – completely or partially from taxes -, the clear and country-wide valid regulations tended to suppress local arrangement and privileges. The fiscal regulations leveled-up the obligations of a larger part of the society towards the state and their texts addressed the

entire population of the country not a region or a social category as it happened around 1700. Instead of the private and vertical relationship with the prince, the subjects' rights and duties came to be formulated by a text detached from the person of the prince or his officials. The path to the subject of the modern state – the citizen – was opened.

## 5. IMMOBILE INSTRUMENTS FOR STORING KNOWLEDGE

In the previous two chapters I showed how, after 1740, the Wallachian state carved out a new territory of legitimate intervention in agrarian relations and fiscal extraction. It subjected the relations between landlords and tenants and a larger area of the fiscal process to central regulation. In this part I will continue the argument and discuss the development of instruments for storing information. I divided these instruments in two categories, fixed and mobile. The former are located in institutions and have an archival role; they constitute the object of this chapter and refer to registers. The latter accompany the individual and hence are mobile; I will treat them in the next chapter. I claim is that by developing such instruments, the capacity of the state to acts at a distance was significantly enhanced. This represents the logistical advance of the state. But the storing of information entails another change in the nature of the state: the rule becomes continuous, detached from the officials and princes in office. The written papers represent the state as a stable and objective entity.

If state power was always dependent on accumulation and manipulation of knowledge, then the modernizing states were emphatically so. The assumption by the modernizing state of extensive responsibilities was predicated upon the capacity to store more information about the subjects and their activities and about the territory under its jurisdiction. As John Brewer noted “a growth in state power is usually accompanied – either as cause or effect – by changes in the extent or the nature of a government hold on social knowledge”.<sup>1</sup> The hold of information enables one of the defining traits of the modern state, regularized surveillance. Two interrelated senses can be distinguished here. One is the storing (more important than simple collection) of

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<sup>1</sup> Brewer, *The Sinews of Power*, 221.

“‘coded information’ which can be used to administer the activities of individuals about whom it is gathered”.<sup>2</sup> The other is “the direct supervision of the activities of some individuals by others in position of authority over them”.<sup>3</sup>

Such a change occurred after 1740 in Wallachia. Besides the old registers of the *divan* or of the Chancellery (of the *divan*), new instruments were established to assist the working of new branches of the state apparatus. Documents mention such instruments more and more often and cast light on how they were employed by the state officials. The most important are the registers (sg. *condica*, pl. *condici*) containing the copies of regulations and other administrative acts, the copies of judicial acts, the protocols of judicial sessions, the acts of property and privileges of the landlords and the official copies of private transactions like sales, leases and pawning. I will discuss them in this chapter because they are the most central and hence the most comprehensive forms of information storage.<sup>4</sup>

Although the relevant facts with regard to the growing importance of recordkeeping were noted in Romanian historiography, the link with the state power was not studied. The students of the Phanariot reforms pointed out correctly the new forms of information storage and they understood the modernizing character of such innovations. Yet their remarks were descriptive and sporadic, as another aspect of the Phanariot period. The registers did not form the object of a separate and systematic study.

For example, in a publication of fiscal ledgers preserved from the Phanariot period Nicolae Iorga commented that “one of the merits of the Phanariots is that they have introduced,

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<sup>2</sup> Anthony Giddens, *The Nation State and Violence* (Berkeley and Los Angeles: University of California Press, 1987), 14.

<sup>3</sup> *Ibidem*.

<sup>4</sup> Other such instruments are the fiscal ledger (*catastih*), the evidence of population or of various goods (*catagrafia*) and the partial fiscal evidence used to make the *catastih* or the *catagrafia*, the *ecstract* (a neologism borrowed from the Austrian administration of Oltenia (1718-1739)).

especially in the second part of the 18<sup>th</sup> century, European administrative norms, that they have regularized the government”. He ties this observation to the fact that “they have bequeathed to us registers of ordinances and registers of accounts”.<sup>5</sup> Afterwards the study concentrates on the economic and financial data provided by these ledgers. Later, Papacostea observed that Constantin Mavrocordat, as the Habsburgs in Oltenia, generalized “the written evidence of the judicial activity; the judicial register (*condica de judecăți*) ... was to register all the litigations judged by the princely *divan* and the county officials as well as the decisions”.<sup>6</sup> Both insights are correct but they share the same patchy approach, limited to noticing the introduction and existence of such instruments. They lack the sense of the historical process whereby registers came to be regarded as a natural aspect of the administration; for, far from being automatically imposed, the registers - especially those of the local administration - were just beginning to be implemented during the second half of the 18<sup>th</sup> century. Moreover, there were more registers, performing more functions, and more instruments for storing information, than the above quote would suggest.

The recordkeeping was studied more systematically by the historians of Romanian archives whose contributions appeared characteristically in the “Review of the Archives” (*Revista arhivelor*) or other publications of a similar profile. But their highly specialized account overlooks the power relations involved in recordkeeping. This history is largely seen like a

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<sup>5</sup> Nicolae Iorga, “Documente și cercetări asupra istoriei financiare și economice a principatelor române” [Documents and Research on the Financial and Economic History of the Romanian Principalities] extract from *Economia Națională*, nr. 6, (Bucharest: Institutul de Arte Grafice ‘Eminescu’, 1900), 3.

<sup>6</sup> Papacostea, *Oltenia sub stăpânire austriacă*, 319; Constantiniu, *Constantin Mavrocordat*, 159 takes up Papacostea’s observation; more space is devoted to the topic by Georgescu and Sachelarie, *Judecata domnească*, I/2, 15-16 and 172-174, but to the same effect: the changes in record keeping are seen as auxiliary to the judicial reform, with no attention paid to the difficulties of imposing the keeping of registers.

natural evolution from the archive at recipient (*arhiva la destinatar*) to the state archive.<sup>7</sup> This view precludes the perception of the radical transformation implied by the centralization of social knowledge by instruments devised and controlled by the state. The notion of “archive at recipient” is itself problematic. It implies, misleadingly, that the only difference from the modern archive lies in its spatial position: the former is local, the latter is central. Yet precisely this difference – which is undeniable – entails other qualitative distinctions: while the private archive contains a pile of titles of property or privileges, usually stored in a box or leather bag, the modern archive contains the acts of (theoretically) everybody in the purview of the state; while the former is supposed to prove the proprietary rights of a particular, the latter’s role is to provide the state with a synoptic view upon its people and territory that is, with an advanced means of control. Alternatively, it was considered that the creation of an archive started only after 1831, under the modernizing impact of the Organic Regulations.<sup>8</sup>

<sup>7</sup> A. Sacerdoțeanu, “Vechile noastre arhive” [Our Old Archives], *Hrisovul* III (1943): 129-132; G. Potra, “Contribuțiuni la istoricul arhivelor românești” [Contributions to the History of Romanian Archives], *RA*, VI/1 (1944): 1-29; C. Turcu, “Contribuții la cunoașterea arhivelor până la jumătatea secolului XVIII” [Contributions to the Research of the Archives until the Middle of the Eighteenth Century] in *Îndrumător în Arhivele Statului* [Guide to the State Archives from Iași], vol. 2 (Iași: 1956), 153-163; “Istoricul arhivelor statului 1831-1956” [The History of the State Archives] in *Arhivele statului. 125 de ani de activitate (1831-1956)* [The State Archives. 125 Years of Activity (1831-1956)], ed. M. Fănescu et. al. (Bucharest: s.n., 1957); E. Vîrtosu, “Un diplomatar manuscris al Țării Românești (1841)” [A Manuscript Collection of Charters from Wallachia (1841)], *RA*, I/1 (1958): 131-148; A. Sacerdoțeanu, “Cancelaria mitropoliei Țării Românești și slujitorii ei până la 1830” [The Chancellery of the Metropolitanate of Wallachia and Its Clerks], *Glasul Bisericii* XVIII/7-12 (1959): 542-586; A. Sacerdoțeanu, “Arhiva cancelariei domnești” [The Archive of the Princely Chancellery], *MO*, XVI/1-2 (1964): 461-462; A. Sacerdoțeanu, “Arhiva generală a Țării Românești împlinește 250 de ani” [The General Archive Wallachia Celebrates 250 Years], *MO*, XVI/1-2 (1964): 462-463; M. Regleanu, “Ordonarea și inventarierea documentelor feudale din Țara Românească și Moldova” [The Ordering and Inventorying of the Feudal Documents in Wallachia and Moldavia], *RA*, V/2 (1963): 247-264; M. Regleanu, “O Condică a vistieriei Țării Românești (14 octombrie 1731-31 ianuarie 1722)” [A Register of the Treasury of Wallachia (October 14, 1731 – January 31, 1722)], *RA*, X/2 (1967): 118-128; Mihail Fănescu, “Condică județului și logofetii condicari” [The Country-register and the County-clerks], *RA*, XI/1 (1968): 73-88; M. Regleanu, “Alexandru Ipsilanti Voievod protector al arhivelor” [Alexandru Ipsilanti, Protector of the Archives], *RA*, XII/1 (1969): 43-47; A. Sacerdoțeanu, “Unde se păstrau vechile acte normative din Țara Românească” [Where Were the Old Normative Act from Wallachia Kept?], *RA*, XXXV/2 (1973): 175-181.

<sup>8</sup> M. Regleanu, “Introducerea sistemului de registratură în instituțiile din Țara Românească” [The Introduction of Registry System in the Institutions from Wallachia], *RA*, XI/1 (1968): 53-72. In fairness, Regleanu seems to have changed his opinion one year later when he wrote the article about Alexandru Ipsilanti as protector of archives, Regleanu, “Alexandru Ipsilanti Voievod protector al arhivelor”.

In what follows I want to fill the gap extant in this literature; on the one hand I take up the observation about the importance of writing in the Phanariot reforms and extend it to cover a longer period and to discuss its role in the enhancement of state infrastructural power; on the other hand I will emphasize the importance of the change in recordkeeping which occurred in the second half of the 18<sup>th</sup> century, a change underrated by the historians of archives. The remainder of the chapter is divided in three sections. In the first I succinctly present the forms of storing information before the Phanariot reforms started in 1740 and the factors which concurred to their development after 1740. In the second I discuss the central registers which multiply and come to be indispensable administrative tools. In the third I focus on the county-registers (*condicile de județ*), a Phanariot innovation which mirrors the territorial expansion of state power.

### **5.1. Recordkeeping before 1740**

Before the assuming by the state of the archival function, the main form of storing acts was the “archive at recipient”, be it a landlord, a monastery or a peasant community. If the act was lost or destroyed, the recipient had to demand a new one from the prince, who granted it upon hearing the testimony of witnesses summoned by the beneficiary.<sup>9</sup> Historians also claimed that there were early princely archives necessary for the documents received by the prince, but they were lost.<sup>10</sup> However, other forms of storing information appeared, especially for security purposes.

<sup>9</sup> On the remaking of acts see Melentina Bâzgan, “Mărturii despre distrugeri și înstrăinări de documente în Țara Românească până la mijlocul secolului al XVII-lea” [Testimonies about Destructions and Alienations of Documents from Wallachia until the Middle of the Seventeenth Century], *RA*, IX (2003): 57-69.

<sup>10</sup> The claim that from the 14<sup>th</sup> century the princes of Wallachia and Moldavia had an archive - advanced by A. Sacerdoțeanu and G. Potra - is debatable. The inference that since the princes received letters and written settlements from foreign monarchs they must have had an archival service is not very convincing. Even if they had, it was no more than another “archive at recipient”. Albeit larger they were most probably piles of writs put in coffers with no order and with limited utility.

So, monasteries could function as deposits of family papers, besides those of the monastery itself; they also kept official normative charters, a function assumed by the Metropolitanate. The latter became the first archive of the country in the 18<sup>th</sup> century when, besides property acts, it began to store the normative acts of the country.<sup>11</sup>

Scriptural instruments for storing a greater amount of information are mentioned from the 16<sup>th</sup> century and they multiply in the next: tax-rolls and fiscal evidence of population, registers of the towns and craftsmen's guilds and lists of military servants<sup>12</sup>. A *condica* where sales of lands were registered is mentioned in Wallachia at the beginning of the 17<sup>th</sup> century.<sup>13</sup> In 1668 Sacred Register (*Condica sfântă*) is established at the Metropolitanate, containing names of the consecrated bishops. Yet until the end of the 17<sup>th</sup> century there is no (preserved) register of all acts emitted by the chancellery or a similar form of storing. The first such instruments survived from the time of Constantin Brâncoveanu (1688-1714) who tried to impose more order in the administration of the country.

Three important registers survived from his reign. Two were produced by the princely treasury; the Register of Ordinances of the Treasury (*Anatefter care s-au făcut la vistierie ...*)<sup>14</sup>

<sup>11</sup> For the forms of information storing prior to 1700 I drew on the following studies: Sacerdoțeanu, "Vechile noastre arhive"; Potra, "Contribuțiuni la istoricul arhivelor românești"; Turcu, "Contribuții la cunoașterea arhivelor până la jumătatea secolului XVIII"; "Istoricul arhivelor statului 1831-1956"; Vîrtosu, "Un diplomatar manuscris al Țării Românești (1841)"; Sacerdoțeanu, "Cancelaria mitropoliei Țării Românești și slujitorii ei până la 1830"; Sacerdoțeanu, "Arhiva cancelariei domnești"; Sacerdoțeanu, "Arhiva generală a Țării Românești împlinește 250 de ani"; Regleanu, "Ordonarea și inventarierea documentelor feudale din Țara Românească și Moldova"; Regleanu, "O Condică a vistieriei Țării Românești (14 octombrie 1731-31 ianuarie 1722)".

<sup>12</sup> These forms are documented for the Moldavian case, Turcu, "Contribuții la cunoașterea arhivelor până la jumătatea secolului XVIII"; he exaggerates – if he is not completely wrong – believing that before 1740 all local officials "had a residence – a 'see' – and were archives creators," 154; yet such local official and the obligations to keep registers emerged only after 1740.

<sup>13</sup> Potra, "Contribuțiuni la istoricul arhivelor românești," 10. The document cited refers to such a register from the time of Mihai Viteazul. Given the latter's policy to increase his resources by constituting a large seigniorial domain, the emergence of such a register is no surprise. This doesn't mean that such a register had a continuous existence.

<sup>14</sup> Giurescu, "Anatefterul," 386-87. The Ottoman name – *anatefter* – is revealing: the mother of registers; indeed, the *Anatefter* of Brâncoveanu is a compilation of various ledgers (*catastife*), but also of letters of authorization.

started in 1695 but contained additions from the period after the prince's death; and the "Register of incomes and expenses of the Treasury" (*Condica de venituri și cheltueli a vistieriei*) for the period 1694-1704. The content of the latter is explicit by the title. The former is a register with forms and copies of various official acts like: fiscal regulation (amounts and conditions for collecting various taxes and fees), letters of authorization for various officials comprising their attributions and rights, letters of adjudication of litigations and the list of gifts and payments for various persons from the Ottoman dignitaries and the Khan of Crimea to the soldiers and the personnel of the court.

The third instrument from the time of Brâncoveanu is the "Register of the Great Chancellery" (*Condica Marii Logofeții*). The *Condica* contains the copies of 435 acts emitted by the chancellery in the period 1692-1714. The content of these documents is variable: grants of salt blocks, percentage of customs and taxes, cash and cereal annuities, etc. to Wallachian and foreign monasteries or hierarchical sees; donations of various immobile assets to particulars; liberations or confirmations of liberation of peasants from the servile status; confirmations of possessions of lands, villages, mills, vineyards etc; fiscal privileges and tax-exemptions; sales and purchases of assets and exchanges, adjudications of land litigations. The acts were not transcribed in chronological order. The making of such a registry testifies indirectly to the growth of the administrative business as the number of people involved in litigations increased (and probably the number of the litigations too). As many trials were resumed by one part, it was necessary to know previous adjudications and also to prevent possible forgeries.<sup>15</sup>

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<sup>15</sup> Melentina Bâzgan, "Introducere" [Introduction] to *Condica Marii Logofeții (1692-1714)* [The Register of the Great Chancellery], ed. Melentina Bâzgan (Bucharest: Editura Paralela 45, 2009); Emilia Poștărița, "Condica Marei Logofeții de toate cărțile lui Constantin Brâncoveanu vv. (1692-1713)" [The Register of the Great Chancellery of All the Acts of Constantin Brâncoveanu], *RA*, XVIII/1 (1975): 43-47.

The keeping of strict fiscal evidence was also necessary to avoid the duplication of obligations to the Ottomans. Such a possibility occurred during the reign of Nicolae Mavrocordat (1719-173) as many testimonials and receipts were lost or not even issued; according to the favorable chronicle of Axinte Uricariul the prince managed to obtain the recognition of the unregistered expenses with gifts to his “friends” in Istanbul.<sup>16</sup> Continuing the initiative of Constantin Brâncoveanu, Nicolae Mavrocordat is also reputed to have presented in 1725 to the boyars an account of incomes and expenses on several years.<sup>17</sup> The recordkeeping enters a new phase after 1740 when not only the registers kept at the center grow in content and diversify in parallel with the establishment of new administrative agencies, but registers of the counties appear. Before addressing the changes in the instruments of storing knowledge relevant to the state, we should consider two issues: the problem of literacy i.e., the basis of recordkeeping system, and the problem of the factors of change.

Naturally, the ability to write more documents, to transcribe and gather them in bound registers was premised on the availability of literate people. Unfortunately, there is no reliable data on the rate of literacy in the 18<sup>th</sup> century (and will not appear until the middle of the 19<sup>th</sup>). So, historians have resorted to guesswork based on narrative, and therefore highly impressionistic, sources. Studies of culture usually emphasize that the rate of literacy was very low in the 18<sup>th</sup> century, the most optimistic figure being 8%. Literacy was the province of most of the clergymen and state clerks. Foreigners who lived for more years in Wallachia confirmed that the priests were able to read and write – although contrary opinions were formulated by

<sup>16</sup> Axinte Uricariul, *Cronica paralelă a Țării Românești și a Moldovei* [The Parallel Chronicle of Wallachia and Moldavia], vol. 2, ed. Gabriel Ștrempel (Bucharest: Editura Minerva, 1994), 334-335.

<sup>17</sup> The chronicle of Wallachia written by Radu Popescu quoted in Girescu, “Anateftertul”, p. 354, footnote 4.

other foreign travelers. Moreover, the state personnel – officials and clerks – were literate.<sup>18</sup> Illiteracy was not acceptable, at least in the lower offices to which clerks were not assigned. A document from November 1791 mentions the removal from office of a warehouseman because he was illiterate (*nu scia carte*) and was unable to issue testimonials to the Austrian soldier for the fodder ratios during the war (*nu le purta de grijă să le scoată chitanțe de ostași nemți*).<sup>19</sup>

If the rate of literacy was not very high, the trend seems nevertheless to be ascendant. A survey on the men of the pen in medieval and early modern Wallachia period supports this conclusion. Constantin Bălan claims that, if until 1525 the writers of documents come exclusively from the princely court, by the middle of the 17<sup>th</sup> century the clerks of the court produce only 1/3 of the acts, the other 2/3 being drafted by priests, local notables, lesser military officers and merchants. The change is explained in socio-economic terms, by the multiplication of transactions between private individuals which required more and more written acts, most of them written outside the state institutions. As the number of transactions was growing, the number of written act and consequently of writers also increased until the beginning of the 18<sup>th</sup> century. Unfortunately the author did not continue his survey in the 18<sup>th</sup> century, for which he offered only scattered information indicating the existence of men of pen at local level and outside the state.<sup>20</sup>

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<sup>18</sup> Alex Drace-Francis, *The Making of Modern Romanian Culture. Literacy and Development of National Identity* (London, New York: Tauris Academic Studies, 2006), 40-45 offers a synthesis of the Romanian literature on the subject.

<sup>19</sup> Urechia, IR, IV, 171-172. However, illiterate officials were still eligible, even after the Phanariot period, as the case of Constantin Brătianu, *ispravnic* of Argeș in 1835 shows (Drace-Francis, *The Making of Modern Romanian Culture*, 44); but such officials had at least a clerk to carry out the technical business of the office.

<sup>20</sup> Constantin Bălan, “Considerații privind activitatea ‘slujitorilor condeiului’ și semnificația prezenței lor în arealul Țării Românești în evul de mijloc și la începutul epocii modern” [Reflections Regarding the Activity of the Men of Pen and the Significance of Their Presence in Wallachia during the Middle Ages and the Early Modern Period], *RA* 3 (1991): 311-317.

The evidence I used – without focusing on the issue of literacy – provide support for Bălan's conclusions. The documents drafted at local level, especially petitions in the name of a village community were penned by priests or other local clerks. The private agreement (*zapis*) of Transylvanian immigrants with the monastery Văleni concluded in 1772 was written by a priest (*și am scris eu popa Cerna*);<sup>21</sup> a similar agreement, in the same year, between the tenants from Tomșani and the boyar Micșunescu was written by the priest of the village (*și am scris eu popa Nicolae ot Tomșani*).<sup>22</sup> But not only priests mastered the craft of writing. Lay men are mentioned performing the same task: a candle-maker clerk in 1722 (*logofăt lumânărar*)<sup>23</sup>, Constantin *postelnic* in 1787<sup>24</sup> and a *polcovnic* in 1792.<sup>25</sup> In sum, although the level of literacy was rather low, the number of the men of pen was either growing or sufficient to assure the human resources for the expanding state apparatus.

But why did the registers multiply in the second half of the 18<sup>th</sup> century? Part of the answer was already provided by the study I cited above: the number of writers of acts grows due to the more numerous private transactions; more numerous private transactions cause more numerous litigations and the state, in order to manage them successfully, has to store the afferent evidence. But why are there more transactions? The main cause of this phenomenon pertains to agrarian history: the process of dissolution of communal property and the demarcation of

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<sup>21</sup> *DRA*, 431.

<sup>22</sup> *DRA*, 439. In 1710 a certain “popa Petru” signs a private agreement between the villagers from Șovîrcu (Vâlcea county) and the metropolitan Antim; the other peasants signed with their fingers' imprint, *DRA*, 53; in 1726 a certain “Ioan deacon” writes the contract whereby a boyar sells a serf (*rumân*) to another boyar, *DRA*, 135.

<sup>23</sup> *DRA*, 107, maybe he was the clerk of the candle-makers guild.

<sup>24</sup> *DRA*, 605. The *postelnic* was a central official; at origin his attribution was to take care of the prince's bedroom, but it acquired an important role in foreign relations; in the case I mention here it cannot be about this official, but a member of his apparatus living in the territory, a lesser boyar.

<sup>25</sup> *DRA*, 638. The *polcovnic* was the officer of the police forces of the county.

individual plots.<sup>26</sup> This role is quite obvious in the case of local (county) registers: as I will show in the section dedicated to them, the majority of documents bearing the mention “transcribed in the register” (*trecut în condică*) have to do with sales, leases or demarcation of individual plots.

Related to the multiplication of written acts and of the litigations, there is a constant preoccupation of the princedom, better documented in the Wallachian case after 1774, with a swift administration of justice which will not be encumbered by the old practice of hearing sworn witnesses. Almost all ordinances or regulations regarding the establishment of registers insist that they are necessary to prevent a recommencement of the case after its adjudication. The establishment of the registers of central and county institutions created the conditions for more continuity in administration for, once stored, the knowledge was not anymore related to the individual officials.

Besides, the more firmly establishments of instruments for storing information are part of a larger trend to base government on knowledge produced by and for the state, stored in its institutions. The best illustration of this case is a chronicle, the so-called *Political and Geographical History of Wallachia* attributed to the *ban* Mihail Cantacuzino. The work is not only a chronology of the reigns of Wallachian princes, as other chronicles. It offers a synoptic view of the Wallachian administrative and social organization, section about the import and export items, lists of markets and fairs throughout the country, an expose on taxes, the incomes of state officials, and the evolution of the tribute to the Ottoman Empire, all these divided in the period pre- and post- the reforms of Constantin Mavrocordat in 1740.

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<sup>26</sup> See the compelling exposé by Stahl, *Contribuții la studiul satelor devălmașe*, vol. 2. Earlier, during the 15<sup>th</sup> and the 16<sup>th</sup> centuries, the growing number of written documents in Wallachia and Moldavia was tied similarly to the great number of land disputes, see the cogent demonstration of Mariana Goina, *The Uses of Pragmatic Literacy in the Medieval Principalities of Moldavia and Wallachia (from the State Foundation to the End of the Sixteenth Century)* (PhD diss. Central European University, 2009).

The chronicle reveals a startling knowledge and awareness of the Wallachian territory. It indicates the geographical location of the counties, specifying their boundaries (neighboring counties and borders of foreign territories), the jurisdiction of the metropolitanate and of the two bishoprics (Râmnic and Buzău) on counties, the list of all monasteries, daughter-monasteries, captainships, towns and churches in each county and an excursus on the main towns of Wallachia. But the most striking feat is the acute idea of the border. The text contains an impressive list of all the fords of the Danube that is, the crossing points; the custom points at the border with the “German Land” (Habsburg Monarchy); the border districts at the same northern border, with the residence of the officers (*vătași*), their number and attributions; the routes and footpaths which cross the mountains in “Hungary” with the village from which they start, the mountain which they cross and the border point guarded by the “German sentinel”; the list of rivers and streams in each county, their springs, and where they empty – which rivers, places and counties.<sup>27</sup>

Although there is no direct evidence, it is reasonable to suppose that this sort of information could not make its way into a chronicle, unless it was collected and stored by the state and made available to the author. A particular individual, be it a great boyar, could not have collected such information and did not need it. As the author was one of the greatest boyars and officials of 18<sup>th</sup> century Wallachia, Cantacuzino’s access to state information is not surprising. But when was the inventory of rivers and rivulets, of pathways and Danube fords, the boundaries of the country and of the counties made? I presume that this happened sometimes in 1740s, during the reign of the reformer-prince, Constantin Mavrocordat. The evidence provided by the chronicle I mentioned above has to be combined with evidence from the second Moldavian reign

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<sup>27</sup> Mihail Cantacuzino, *Istoria politică și geografică*, 14-66, 70-71, 170-192. I thank to Marian Coman who signaled to me this aspect of Constantin Mavrocordat’s rule.

of Constantin Mavrocordat (1741-1743) when he ordered precisely such an inventory of the pathways in the mountains which separated Moldavia from Transylvania.<sup>28</sup> It is not sure the order was carried out, but its details are very similar to the information comprised in the chronicle of Mihail Cantacuzino. So, we can infer that a similar order was given in Wallachia and the result of the investigation, kept somewhere in the books of the Chancellery, provided the material for the chronicle I discussed above.<sup>29</sup>

Another cause pertains to the juridical culture which apparently underwent an important turn during the 18<sup>th</sup> century: the decline of swearing as acceptable proof. The juridical thought in Wallachia – illustrated in the juridical texts of Mihail Fotino<sup>30</sup> which were circulating without official sanction – advocated the limitation of the oath; oath has to be taken only in the absence of written documents and only on certain conditions; the Legal register enacts these limitations in 1780.<sup>31</sup> A report of the great boyars from 1787 rejects the oath of a reputed merchant, as “an honest merchant with good reputation and with fear of God”; they add that the oath is suited for men of lower condition (*proști*) who can be afraid of it.<sup>32</sup>

<sup>28</sup> *Condica lui Constantin Mavrocordat* [The Register of Constantin Mavrocordat], 2<sup>nd</sup> edition, vol. 2, ed. Corneliu Istrati (Iași: Editura Univ. Alexandru Ioan Cuza, 2008), 439.

<sup>29</sup> This inference was advanced by Constantin Rezachevici, apud Coman, *Putere și teritoriu*, 217.

<sup>30</sup> The most comprehensive discussion of Fotino's projects of legal codes, non-enacted but very influential in the juridical practice, is provided by Georgescu and Popescu, *Legislația agrară a Țării Românești (1775-1782)*, Idem, *Legislația urbană a Țării Românești (1765-1782)*, Idem, *Organizarea de stat a Țării Românești (1765-1782)*.

<sup>31</sup> *Prav. cond.* 126, the title On Oath, the first paragraph says: “The oath is permitted for any kind of cases which are entirely doubtful and unclear and is not possible to elucidate them by witnesses or by written acts or other means”. The second paragraph, on the pawning of items writes: “The one who will pawn an item, has to price it obligatorily and to write down the price in the testimonial ... so that the judge [in case of subsequent litigation] to be able to establish the value of the item from that that written specification”.

<sup>32</sup> Georgescu and Sachelarie, *Judecata domnească*, II, 148-153. The trend is visible in Moldavia too: the prince Matei Ghica issues in 1755 a solemn charter whereby he forbids the practice of judicial oaths and of damnation letters to which judges resort because of the scarcity of writs. Reiterating a church doctrine which condemns the oath as hurting deadly the soul, the prince orders the obligation of written acts for judicial operation so that they can be used in a subsequent litigation without resorting to oath. When taken, the oath has to be registered in writing, 148-149; the oath of people of other confessions than Eastern Christian is null, 150.

Finally, the impulse towards storing information was loosely tied to a developing taste for history and for the traces of the past among the educated circles. The learned incentives for the recovery of the past were braided with more the mundane care for preserving the acts of property, of privilege or various exemptions, which I mentioned above.<sup>33</sup> The new attitude towards the past is revealed in the reflections on the enduring character and the reliability of the written record. Already in the later part of the 17<sup>th</sup> century the chronicler Miron Costin wrote that “the written text is an everlasting item” (*scrisoarea iaste lucru vecinicu*) and the Wallachian metropolitan Antim Ivireanu noted at the beginning of the 18<sup>th</sup> century that “the [oral] mention vanishes, yet the written text endures forever” (*pomenirea piere, iar scrisoare pururi rămâne*).<sup>34</sup> This appreciation of the written text went hand in hand with the disparaging of the oral tradition as a “weak thing” which can provide no “true knowledge”.<sup>35</sup>

To sum up, the multiplication of land litigations and of private agreements, the tendency to base government on more and more knowledge about the territory and the population, the decline of swearing as part of the judicial procedure and the growing taste for historical recollections boosted the importance of writing in administration and compelled the state to develop more advanced techniques of storing information. This was the context in which the principedom manifested more and more care for the instruments of storing administrative information, the registers. Let us now turn to them.

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<sup>33</sup> Ștefan Lemny, *Sensibilitate și istorie în secolul XVIII românesc* [Sentiment and History during the 18<sup>th</sup> century in Romanian Principalities] (Bucharest: Editura Meridiane, 1990), 158-182.

<sup>34</sup> Barbu, *Bizanț după Bizanț*, 144.

<sup>35</sup> Mihail Cantacuzino, *Istoria politică și geografică*, 5.

## 5.2. Recordkeeping after 1740

The innovation in recordkeeping started before 1740 and did not regard the state but the church. However, the initiative belongs almost surely to Constantin Mavrocordat and the measure had an impact on the exercise of state power. Although the monasteries used to keep some form of evidence and functioned as archives for some particular or state acts, Constantin Mavrocordat took an unprecedented measure in 1730. He ordered all monasteries and the metropolitanate to update and put in order their documents and accounts. These monastic registers from the period 1730-1741 were centralized in a “Register of Incomes and Expenses of the monasteries” (*Condica de venituri și cheltuieli ale mănăstirilor*). The manuscript contains the following sections: summary of the landownership of the monasteries, the inventory of the mobile assets (religious and practical objects), list of mobile assets (lands, vineyards, mills, mountains); number of gypsy slaves and of the serfs established on monastic estate; number of cattle; quantities of stored produce; indications on the quantities of cereals obtained from the seigniorial reserves and the tithes; annual incomes and expenses of the monastery.<sup>36</sup>

Even though the measure was designed to improve the administration of the monasteries - under the supervision of the state – I mentioned it because it enhanced the capacity of the state to deal with litigations involving landholding. The echo of this measure and the change effected through it are clearly illustrated by an adjudication from the end of the 18<sup>th</sup> century. But to

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<sup>36</sup> Columbeanu, *Grandes exploitations domaniales*, 13-14. Constantin Mavrocordat reigned three times in Wallachia during the period for which such books were created (September-October 1730, 1731-1732, 1735-1741); that the initiative belonged to him is showed by an identical measure in Moldavia where he took the throne in 1741, Ioan Bogdan, “Semile mănăstirilor de țară din Moldova pe anul 1742” [The Accounts of the Monasteries from Moldavia in 1742], *Buletinul Comisiei Istorice a României*, I (1915): 217-279. Similar measures adopted by Habsburgs in Oltenia might not be a simple coincidence: in 1731 all the acts of the monasteries from Oltenia were translated din Latin in compiled in a single document. Afterwards, the abbots were summoned regularly in Craiova to account for the incomes and expenses of the monasteries. The forms established by the Habsburgs comprised the questions to which the abbots had to answer and adopted by Constantin Mavrocordat in Wallachia, Papacostea, *Oltenia sub stăpânire austriacă*, 293-295.

understand it better I will discuss first a document from the beginning of the same century. The contrasting image provided by the two documents sheds light on the important change occurred between the two dates.

In 1706 the prince Constantin Brâncoveanu investigates the dispute between the inhabitants of two border villages, Rucăr and Dragoslavele and the Câmpulung monastery. The two villages were under the jurisdiction of the custom officials (*schileri*) who exerted the right to judge them. The monastery was granted by Prince Matei Basarab (1632-1654) half of the custom tolls paid there and of the incomes resulting from the administration of justice. But in 1691, some of “the simplest” inhabitants of the two villages petitioned to the prince that the custom officials did not have the right to judge and fine them. The prince adjudicated in favor of the peasants, but the motivation of the decision is worth mentioning:

my Princedom, had no knowledge of their custom and of the documents that the holy monastery had from all the princes with regard to this custom-house; so taking into consideration their petition, I have ordered by a written decision to Ralea, who was by that time custom official there at Rucăr and Dragoslavele, to stop adjudicating and fining them [the peasants] and to respect their custom.<sup>37</sup>

Yet the princely ignorance of the local customs and privileges was to be corrected soon by the resorting of the monastery whose incomes from the justice administration of the two villages were annulled. So:

The father Ioan, the abbot, together with other fathers monks in the *Divan* in front of my Princedom and has showed the charter of the defunct Matei voievod and other charters from all the princes from then on; and the charters were read in front of my Princedom and was written in them that the custom officials have the right to judge the people from the two villages, any kind of case, and to fine them according to their guild.<sup>38</sup>

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<sup>37</sup> *DF*, 20.

<sup>38</sup> *Ibidem*.

Confronted with irrefutable proofs, the peasants had to accept the obvious and to sign a written agreement (*zapis*) whereby they recognized the right of the custom officials to judge and fine them. Clearly, the monastery was interested in this right because it had half of the income. It is also possible that since the monastery enjoyed half of the incomes produced by that custom point, one of the custom officials was actually a man of the monastery. However, what matters is that the relevant acts were preserved by the local actors, the monastery, not by the principedom. The latter did not keep copies of the acts it issued to private actors.

Fifteen years later, the situation would be unchanged and the peasants managed to reopen the case, helped by the decentralization of social knowledge:

Now, in the year 1706 ... Vladul, the headman from Dragoslavele, and Radul, the headman from Rucăr, infringing the agreement made by the villagers from Rucăr and Dragoslavele, had come in front of my Principedom and had petitioned saying that the custom officials did not have the customary right to judge and fine them, this right belonging to their headmen. And, because the abbot from Câmpulung was not here to show the charters of the monastery, I handed them [the supplicants] the [favorable] written decision of my Principedom.<sup>39</sup>

The new abbot, Iosif, had to resort to the prince and to bring “all the princely charters of the monastery” from Prince Matei Basarab and other subsequent princes. These acts were found “authentic and true” while the acts presented by the headmen Vladul and Radul “were inauthentic and forged”. So the prince confirms the right of the monastery “to have half of the customs and the justice of these two villages”.<sup>40</sup>

I quoted extensively from this interesting document for it illustrates with clarity that around 1700 the Wallachian state was quite ignorant of the local realities over which ruled. It can be said that it was to a very large extent blind. Within 15 years, a privilege of the Câmpulung monastery was contested two times by the inhabitants of two villages and the abbots of the

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<sup>39</sup> *Ibidem.*

<sup>40</sup> *Ibidem.*

monastery had to resort another two times to have the privilege reconfirmed. The four litigations judged by the princely *divan* were made possible by the fact that the relevant knowledge was only in the possession of the local actors (in this case the monastery) but not of the state. In other words, the document reveals the decentralization of knowledge and weak infrastructural reach of the state.

A litigation of the same monastery Câmpulung from the late 18<sup>th</sup> century reveals a completely different situation with regard to the location of the social knowledge. On April 28 1797, the first judicial department (*veliții boieri*) reported on the litigation between Câmpulung monastery and the peasants from Bădești; the latter claimed that they had repurchased their freedom together with the land (in which case they would cease to be tenants of the monastery) while the monastery replied that the peasants were freed only personally, but without land.

The interesting part comes when the two parties present their proofs. The peasants ground their pretensions in a supposedly forged document. Yet the monastery has ample evidence of its rights over that piece of land – the *condica* of the monastery which contains several princely charters, the oldest being from the early 17<sup>th</sup> century. The story of this register is interesting. As the documents of the Câmpulung monastery were destroyed in war (probably that from 1787-1792), the abbot of the monastery requested duplication:

According to the request of the above mentioned abbot this register [of the Câmpulung monastery] was made identically after a bigger register kept at the holy metropolitanate, which in turn was made during the year 1744 in the reign of His Highness the prince Constantin Mavrocordat, 53 years ago, comprising the charters and the property titles of all monasteries.<sup>41</sup>

Without the big register containing the property titles of all monasteries, kept by the metropolitanate, the normal procedure to find out who owned the land at stake was to summon

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<sup>41</sup> DRA, 694, annex II, the princely register can be the one made in 1741 or an updated one from 1744.

witnesses. Even if the monastery would possess its documents, the decision of the state officials would depend on such local and private evidence. The result of the litigation would have been the same probably, but it would have taken much more time to adjudicate the case. The above case illustrates clearly the power of the state to determine a situation at a distance, by the control and manipulation of information stored at center – although in this case it was the central Church institution.<sup>42</sup>

Was only church property registered in the 1740s? There is a very interesting source which suggests a much larger operation of delineating all properties and their entitlements – if not their registration. It is a text written by a (hardly) literate peasant from the late 19<sup>th</sup> century, recollecting family traditions from earlier centuries. Normally such a source is likely to raise doubts about its reliability. However, some information seem relatively accurate from historical point of view, and particularly one referring to the property of the peasant family:

During the war which the Turks fought with the Germans, the property titles were lost under the ground, being put in a barrel and hidden together with several other items ... When Constantin Mavrocordat was appointed prince, he gave permission to all inhabitants to go wherever they wished and began to investigate the property titles [to see] who possessed what and to delimit [the properties] to know which belongs to whom and what their acreage was; whence my great-grandfather Stan and his son Nicola began to dig in the earth to find the title of property but there was no way to find it. So, when a commission who came to investigate and demarcate the properties asked for their title of property and, because they did not have it, [the commission] forfeited the land and attached it to the property of Sadova monastery ... Because the commission was ordered that the properties without titles had to be attached to the closest monastic properties.<sup>43</sup>

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<sup>42</sup> Apparently the measure was continued by other princes. In September 10, 1798, Prince Constantin Hangerli, issues a solemn charter for the reorganization of monasteries' administration; one provision is from my point of view the most interesting. It states that each second year the accounts of all monasteries are to be audited by the Metropolitan, the *vel Logofăt* and the *vel Vornic al obștirilor*; the accounts have to be registered in the books of the Metropolitanate and of the *Divan*, Urechia, IR, VII, 166-67. It is also surprising that no study dealt with the relationship between such measures and the documents actually preserved in archives.

<sup>43</sup> Gheorge Nicola Stoian-Ogrineanu, *Cronica din Bechet. De Neamul Ogrinenilor* [Chronicle from Bechet. The Ogrineanu Family] (Cluj: Editura Dacia, 1974), 106, 113. The author was born in 1855 and died in 1912. He was a son of a tenant and received elementary education which allowed him to work as a clerk for several merchants, for the fiscal service and for mayoralty. The stories he wrote down were told, if we are to trust the authors' confession, by his father.

So, sometime after the Ottoman-Habsburg war ended in 1739 Constantin Mavrocordat ordered the delimitation and registration of all properties.<sup>44</sup> Normally, such a measure would have made sense if the titles of property would have been transcribed and stored in a register. Or maybe the investigation was designed to register only the monastic properties. The bias in favor of the church which the family chronicle indicates might be a reflection of the transcribing of property titles of monasteries in a central register, which gave the monasteries a clear advantage over other claimants. In spite of its relative vagueness, the chronicle confirms the attempt of the state during the reigns of Constantin Mavrocordat to ground the governing in knowledge about territory and people.

The register of properties was not the only form of storing information at the Metropolitanate. First of all the central church institution assumed in the 18<sup>th</sup> century the function of the archive of the country where various documents, especially princely regulations and settlements, were kept.<sup>45</sup> Besides, as a judicial institution in civil matters and in those involving morality, it also possessed a register, like other judicial instances. Apparently, it started to carefully register its documents in 1739. Constanța Ghițulescu claims that the registers of the Metropolitanate were established in that year at the initiative of the metropolitan Neofit from

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<sup>44</sup> Florin Constantiniu, “‘Ai carte, ai parte’: o reformă mai puțin cunoscută a lui Constantin Mavrocordat” [If You have a Charter, You Have a Share: a Less Known Reform of Constantin Mavrocordat] in *In Honorem Paul Cernovodeanu*, ed. Violeta Barbu (Bucharest: Kriterion, 1998), 213-215, believes that the facts mentioned in the chronicle took place after March 1, 1746, when a princely decree allowed all peasants to settle on which estate they wish. Editura The bias in favor of the church is explained by the help offered by the metropolitan Neofit to Mavrocordat’s policy of abolishing serfdom.

<sup>45</sup> Tudor Mateescu, Marcel Ciucă, “Arhiva generală a Țării Românești” [The General Archive of Wallachia], *RA*, XLVII/2 (1985): 213-222. Sacerdoțeanu, “Unde se păstrau vechile acte normative din Țara Românească”. The function of secure archive of the Metropolitanate was known even to peasants. In 1775, the villagers from Aref (Argeș county) submitted an authenticated copy of the prose map of their land to the Metropolitanate; they tried to avoid the situation in which their acts were destroyed or lost and their rights to the land became disputable again, A. Sacerdoțeanu, “Arhiva generală la Mitropolie” [The General Archive from the Metropolitanate], *RA* VII/2 (1947): 393-394.

Crete (1738-1753). Her study on sexuality and marriage in the 18<sup>th</sup> century Wallachia is based precisely on the evidence kept by this institution.<sup>46</sup>

The register of incomes and expenses of the monasteries, the big register containing the titles of property of all monasteries in Wallachia, the registration of titles of properties and the judicial archive of the metropolitanate in civil matters – inheritance, divorce, adultery etc. – seem to appear sometime in the two decades prior to and after 1740. After that year, the metropolitanate's function of general archive (of regulations and other solemn acts) is clearly attested. Although referring to the church, these facts indirectly testify to a change in the nature of the state. As I showed in the introduction, attributes which we today associate without hesitation with the state, then were performed by several agencies, the church being one of the most important. Moreover, the document from 1798 which I discussed above shows that state officials resorted to the evidence stored by the church to settle civil disputes. Hence, we can state that around 1740, mostly due to the initiative of Constantin Mavrocordat, the Wallachian state moves firmly towards a modality of power based on the concentration and manipulation of social knowledge.

Even more consequential for the state power were the changes in recordkeeping of the state institutions. We have seen that during Constantin Brâncoveanu, at the end of the 17<sup>th</sup> century and the beginning of the next, there were the registers of the chancellery and those of the treasury. After 1740 and especially after 1775 the central registers multiplied. Yet I found no direct proofs from Wallachia for period 1740-1774. The most compelling source in this sense

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<sup>46</sup> Constanța Ghițulescu, *În șalvari și cu ișlic. Biserică, sexualitate, căsătorie și divorț în Țara Românească a secolului al XVIII-lea* [Church, Sexuality, Marriage and Divorce in Wallachia During the Eighteenth Century] (Bucharest: Humanitas, 2004), 8. Ghițulescu does not support her assertion about the creation of a metropolitan archive in 1739 so probably she inferred this from her evidence; since the innovations in the instruments of storing information in this period are related with the name of Constantin Mavrocordat, the initiative of the metropolitan archive must be attributable to him.

was produced in Moldavia, from the initiative of the same reformatory prince, Constantin Mavrocordat, during his second Moldavian reign (1741-1743): the princely register from 1741-1742. The register consists of 950 pages and comprises over 3200 documents. It was made of 12 different registers specialized in several administrative problems: the ordinances sent to the officials (including orders to carry out specific tasks and general regulations), the adjudications of various cases by the *Divan* (supreme justice court), copies of charters of landowning, answers given by the princely chancellery to the pleas sent to the prince, ordinances and replies dispatched by the Treasury, administrative correspondence with territorial officials.<sup>47</sup>

Did such a register exist in Wallachia too? Lexical and phonetic traits of the text indicate that Constantin Mavrocordat used scribes from Wallachia “for a better organization of the chancellery and registry”.<sup>48</sup> This was a necessary measure since at the time many documents were required to follow strict form and structure. The existence of a general register can be conjectured from the similarity – if not identity – of the reforms introduced in the two principalities by Constantin Mavrocordat: the introduction of a fixed main tax paid in 4 equal installments; the institution of county *ispravnici* with general jurisdiction in the counties, except capital punishments; the abolition of serfdom in Wallachia and its limitation in Moldavia and the regulation of tenants’ dues; the obligation of monasteries to keep accurate accounts of their expenses and incomes and the centralization of this evidence in a central register. From all these similarities we can infer the adoption of some measures in Wallachia on the basis of the evidence from Moldavia (the vice-versa being also valid).

<sup>47</sup> *Condica lui Constantin Mavrocordat* [The Register of Constantin Mavrocordat], 2<sup>nd</sup> edition, 3 vols., ed. Corneliu Istrati (Iași: Editura Univ. Alexandru Ioan Cuza, 2008).

<sup>48</sup> Gh. Ungureanu, “Note pe marginea ‘Condiceii Mavrocordat’ (1741-1742)” [Notes about the ‘Register of Constantin Mavrocordat’] in *Îndrumător*, II (Iași: 1956), 165.

The only evidence from Wallachia is the documents which bear the note, “transcribed in the register” (*trecut în condică*). There are plenty of such documents after 1740. On December 10 1744, Constantin Mavrocordat confirmed the privileges of Colțea monastery (to take 400 salt blocks from the mine on its Slănic estate and the exemption of custom fees of salt trade by the monastery). A final note reveals that the act was transcribed in the *condica* by a scribe, “Diicul *logofăt*”.<sup>49</sup> This is only one of dozens of the documents which show – albeit indirectly – the existence of the *condica*. A similar case is mentioned in 1775. The hermitage Valea Mare from Muscel county has lost its privileges – again, maybe during the war that ravaged Wallachia between 1768-1774. Yet a copy of their privilege issued by the prince Ștefan Racoviță in December 28, 1764 was found in the *condica* [of the *divan*?]. Hence, the prince Alexandru Ipsilanti renewed the respective privilege.<sup>50</sup> From the last case it is important to notice that in 1764 the *condica* of titles of property was used and updated.

The number and role of registers was greatly enhanced by the thorough reorganization of justice by Alexandru Ipsilanti in 1775 by a charter (*hrisov cu ponturi*). This reform multiplied and specialized the central registers, paralleling a similar process of the central state apparatus. Essentially the reform consisted in the creation of more justice courts, their incipient specialization and linking in a hierarchy. Under the old princely *Divan*, the highest judicial instance, Ipsilanti created: one department with general jurisdiction, “the justice of the great boyars” (*judecătoria velișilor boieri*); two departments for commercial-civil litigations, the department of eight (*departamentul de opt*) and the department of seven (*departamentul de*

<sup>49</sup> *DRA*, 264; similar documents in favor of other religious establishments in the next years at 267, 276, 279, 285, 286, 287, 293, 294, 295, 297, 304, 307, 309, 310, 319, 321, 329.

<sup>50</sup> Urechia, IR, II, 74.

*șapte*); and a department of criminal justice (*departamentul de vinovății* and later *Departamentul de cremenalion*).<sup>51</sup>

Obviously, such an organization needed a corresponding recordkeeping. With regard to the *Divan*, the highest judicial institution, the charter rules:

Registers have to be kept in which all the documents issued [by the *Divan*] have to be transcribed in summary, containing their legal status, the decision of my Princeship, the name of the executive agent, the year, month and day. These registers have to be kept by the third chancellor who, according to his duty, after the documents are issued, has to record them in the register as it was indicated above and then to sign and to hand them to the claimants; likewise, those [documents] that are issued for investigations in the counties, have to be signed in the manner described above and to be sealed; if a document handed to an executive agent or to the claimants not recorded in the register is found, the responsible will be punished.<sup>52</sup>

All other departments had to keep separate *condici* in which all the letters of summoning or adjudication were to be copied in summary and only then, the actual judicial decisions were to be signed and given to the litigants.<sup>53</sup> The provisions regarding the organization of the judicial departments and the afferent forms of information storing were reiterated in the Legal register.<sup>54</sup> The results of these provisions are visible in the deposits of the Romanian archives. 125 princely registers (*condici domnești*) which are actually the registers of the *divan* (the princely council presided by the prince) from the period 1775-1828. A third of these are from the period 1775-1800. 19 archival units from the department of seven (1813-1831) and 12 from the department of

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<sup>51</sup> *Prav. cond.* Annex I, 161-167. The document is also published in Urechia, IR, I, 64-71; the extensive discussion of the judicial reform of Ipsilanti in Georgescu and Sachelarie, *Princely Justice* I/2, ch. 4. These departments are derived from the specialization of the judicial functions of the Divan.

<sup>52</sup> *Prav. cond.*, annex 1, 163.

<sup>53</sup> *Ibidem*, 161-163.

<sup>54</sup> *Ibidem*, the first five titles, 48-60.

eight (1809-1831) were also reserved and 25 units from the department of the great boyars from the period 1813-1831).<sup>55</sup> Obviously, the registers associated with the prince were better kept.

The documents mention other *condici* at central level meant to serve the working of other institutions, created or reformed by then. From the old offices, two preserved a judicial function: the *vel spătar* and the *vel aga*, both of them with jurisdiction over minor crimes in Bucharest, the former in the neighborhoods (*mahalale*) and the latter in the market area (*târg*). The *vel spătar* is also entitled to judge the members of his apparatus (*breasla*).<sup>56</sup> The reorganized postal service was endowed with registers, both at the stations from the counties and at the central station from Bucharest which had to centralize the local registers.<sup>57</sup> The newly established *Epitropia obștirii*, an institution designed to deal with social problems (administration of orphans' wealth and inheritance, social care, beggary), organization of crafts guilds and with civil constructions in Bucharest had to keep its own register (or registers) in which to record the acts regarding its activity.<sup>58</sup>

Besides the state institutions, "civil" ones had to keep registers. One case in point is the craftsmen guilds. The documents mention the register of the tweet and cloth makers (the two guilds unified) which had to comprise the name and surname of the members<sup>59</sup>. The regulation of the guild of carpenters and masons (July 3, 1795) specifies that the master of the guild will have to keep a register in which to register all the buildings the members of the guild will build in Bucharest with the name of the owners, "so that these will be known"; besides, any price-

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<sup>55</sup> Mihai Regleanu, "Conspectul sumar al manuscriselor de la arhiva istorică centrală, cu un tabel de corespondența cotelor vechi" [The Synopsis of the Manuscripts from the Central Historical Archive, with a Table of Correspondence of the Old Quotas], *RA I/1* (1958): 198-201.

<sup>56</sup> *Prav. cond.*, titles 14 and 15, 74-76. Georgescu and Sachelarie, *Princely Justice I/2*, 89-90.

<sup>57</sup> Urechia, *IR*, I, 103-107.

<sup>58</sup> *AJTR*, 321, 637; Urechia, *IR*, VI, 476.

<sup>59</sup> Urechia, *IR*, II, 197-98.

evaluation of constructions and any issues related to this craft also have to be registered.<sup>60</sup> The school system was to be controlled by *condici* too, as the charter for the reorganization of schools stipulated (January 1776). These had to comprise the balance sheet of incomes and expenses of the schools and an inventory of the books and the donations received from particulars. These *condici* were to be subject to yearly princely audit.<sup>61</sup> Although these are non-state registers, the obligation to keep them reveals the tendency of the state to create means of control outside of its institutions.

Most of the documents I used have come from the princely registers (or registers of the *divan*) and from the registers of monasteries and metropolitanate, published in the various collections I have cited. I have not studied these registers themselves, but their mentions in the documents, which reflect how they were used in administration and justice. Such mentions tend to become more and more numerous, towards the end of the 18<sup>th</sup> century and I will discuss them in the next section.

### ***5.3. Central and Local Registers***

**5.3.1. Central registers.** What function did the registers have in the new organization of the state and how did they enhance state power? The registers fulfilled several roles, all of which can be subsumed to the surveillance function. Mainly, the central registers functioned as notarial and judicial archive. They stored the official copies of various private acts: titles of property, charters of privileges; the judicial reports and decisions were also transcribed (usually, the titles of

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<sup>60</sup> Urechia, IR, VI, 695-700.

<sup>61</sup> Urechia, IR, I, 83-89.

property were in the same time a judicial decision which attributed the right to a party to hold a certain possession); the data on the personnel of the institutions were also recorded in these registers (although apparently only on the personnel of lower rank). Finally, the registers contained the regulations enacted by various princes so that they could be used in the administrative routines; they played the role of legal textbooks. As I insisted on this function in the chapter on the agrarian and fiscal regulations, I will discuss only the first three roles here.

The notarial function of the *divan* was carried out especially for monasteries and landlords. They seem to benefit from the storing capacity of the state. In 1794, the widow of a central official, Zoița, complained that due to a robbery the acts testifying a tax-exemption of a packinghouse – granted by previous princes to her husband for loyal services – were lost and she needed a renewal of that privilege. The prince forwarded the complaint to the *vel logofăt* of the Lower County for investigation; the latter reported to have found the transcription of the privilege in the “register of the *divan*” with the date of September 2, 1786 where it was mentioned that other princely charters of that grant existed. The prince agreed to renew the privilege and ordered the wine-tax collectors to refrain from taxing that packinghouse. (September 6, 1794).<sup>62</sup>

Yet the evidence of the registers is not always correct. In 1783, the privileges of the Sfinții Apostoli monastery from Bucharest were infringed by the collectors of the fee *gărdurărit*.<sup>63</sup> In their letter of authorization a *popor*<sup>64</sup> of the monastery – Schei – appeared in their jurisdiction. Yet an investigation on the spot found that the tax agents should not be allowed to collect the tax from Schei because it had always belonged to the monastery. Hence the prince

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<sup>62</sup> Urechia, IR, V, 150-51.

<sup>63</sup> Gărdurărit was actually a fine applied to those who did not make fences around their plots of vineyards and also for those whose cattle destroyed vineyards, Giurescu, “Anatefterul,” 54.

<sup>64</sup> A *popor* designated an area cultivated with grapevine.

ordered the *vel Logofăt* to correct both the *condica* and the letter of authorization given to the tax-collectors.<sup>65</sup>

From the same category of privileges were the princely donations; they were also recorded in the *condicile divanului*. Nicolae Caragea had donated the town of Craiova to two of his favorites.<sup>66</sup> Yet probably due to resistance from inhabitants, the prince cancelled his donation and retracted the charters from the beneficiaries. As Caragea was replaced by Suțu on the throne of Wallachia, the inhabitants of Craiova sought a reconfirmation of their free status from the new prince. To investigate the case, Suțu ordered a search “in the registers of the *Divan*, where customarily [princely acts] are recorded, and not only did I find the charter of this issue [the donation] transcribed in the registers according to order and the custom of the charters, but I also found the charter of his Princeship my brother Nicolae Vodă Caragea with the year 1783, July 7, whereby his Princeship, cancelling his donation charters, notifies the boyars and the inhabitants of Craiova that he left the town and the estate as it was before [free] and that he retracted the donation charters from the beneficiaries”.<sup>67</sup> So, on September 23, 1783, Mihail Suțu confirmed the free status of Craiova.

After the fall in disgrace and execution of Nicolae Mavrogheni in 1790, his wealth from Wallachia had to be confiscated in the benefit of the Ottoman state. To find this wealth two inventories were made, one in Istanbul one in Bucharest, which were to be compared. The inventory (*catastih*) made in Bucharest was compiled from the princely register (*condica domnească*), “according to the acts of sales” (*după zapisele vânzărilor*). Prince Mihail Suțu asked the Metropolitan and the boyars to compare the two inventories and to find the name of the

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<sup>65</sup> Urechia, IR, II, 396-97.

<sup>66</sup> There is a trend to donate towns – which were considered by default princely lands - to boyars and favorites in the second part of the 18<sup>th</sup> century.

<sup>67</sup> Urechia, IR, I, 488.

estates purchased, the name of the sellers and beneficiaries (Mavrogheni or his relatives and favorites), his establishments – civil or monastic, the causes and reasons of changing owners (selling, inheritance, purchase of offices, confiscation for treason etc.).<sup>68</sup>

Besides the privileges of the landowners, most of them referring to landowning or seigniorial monopolies, those of the merchants were also recorded. For example, the privilege of a *gelep*<sup>69</sup> consisting in tax-exemption for the sheep he purchased in Wallachia was recorded in the “register of the *Divan*”. In April 17, 1795, such a privilege was renewed to Nicola Gelep-başa, on the basis of a previous one recorded in the “register of the *Divan*” in April 19, 1793.<sup>70</sup> In all these cases, the register of the *Divan* offered easily accessible information to the central officials. Moreover, this information was not dependent on the personal will of the officials or the prince. The information was there, in the register of the *Divan* and could be used by the officials who were in charge at one time or another. The stability of information provided more continuity to the administration and institutionalized the rule.

The cases I mentioned above were more or less the traditional business of the state chancellery. But after 1775 the state attempted to engulf a larger territory of the social reality and thus the registers it kept tended to swell. From then on, in addition to privileges, donations and sales, the commercial transactions had to be authenticated in the *Divan*. A form of farm-lease contract from 1775 stipulates clearly:

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<sup>68</sup> Urechia, IR, IV, 40-41.

<sup>69</sup> Ottoman merchant – not necessarily Muslim – who participated in the obligatory deliveries of livestock and staple by the Danubian principalities to the Ottoman Empire.

<sup>70</sup> Urechia, IR, V, 238.

Those who will sell the incomes of the estates have to show in the *Divan* the leaseholder; the latter has to have a credible guarantor to testify that the purchase of the lease is not with Turkish money or that the leaseholder does not have a secret association with Turks, which is against the imperial orders.<sup>71</sup>

The contract registered at the *Divan* had to contain the name of the landlord and leaseholder, the name of the estate and the county, and the name of the guarantor with his place of residence. By this measure the state hoped to exert a tight control over the farm-leases; it seems that the rule served the interest of a local category of leaseholders who wanted to prevent the competition of Ottoman leaseholders. Yet immediately after, this disposition was changed somewhat in the sense that a lesser judicial instance was entrusted with the role of registry for private agreements.

A case from 1778 is revealing in this sense. A certain Mihai and his brother-in law-Gheorghe Rumănescu have made a written agreement (*zapis*) regarding the inheritance of their father-in-law, Negoită; the act was registered at the Second Department.<sup>72</sup> Normally the case was closed, but Mihai's father, Stan from Muşcel county, tried to obtain a more favorable agreement. So, he advised his son to hide the agreement and to sue Gheorghe Rumănescu again. But, as the first agreement was "found in the register" of the Second Department, the judges could only reiterate its provisions and admonish Stan for trying to encumber the activity of the judicial instance with baseless claims.<sup>73</sup> Without the register of the department, the lawsuit would have been resumed and the judicial apparatus would have been in the situation to judge the same case twice. The storing of information in the registers of the state allowed its agencies to reduce the workload and also to control private transactions done within its jurisdiction.

<sup>71</sup> *Prav. cond.*, annex, 178-179. The guarantors of debtors – in case of money-lending –also had to be registered in the register of the *Divan* so that they could be summoned in case of insolvency, *AJTR*, 540.

<sup>72</sup> The charter of Alexandru Ipsilanti, for the reorganization of the justice means by the Second Department, the Departments of Eight and Seven. Second, in this charter indicates a level – hierarchically under the First Department i.e., the Department of the Great Boyars, *Prav. cond.*, title 3: 54 and annex, 162, Georgescu and Sachelarie, I/2, 79.

<sup>73</sup> *AJTR*, 526.

Why did the litigants in the above case not register their private agreements at the registry of the county? The probable explanation was that they were residing in Bucharest. Subsequent evidence suggests that the two departments called Second Department functioned as public notaries for Bucharest or for the surrounding area. From a notification sent by prince Nicolae Mavrogheni to the metropolitan on April 19 1787, it results that before March a decision was issued to the effect that “all wills and other private agreements made by the people are to be recorded in the princely register that was established at the Department of Seven, where the acts are to be checked if they are true and lawful”. Although the decision was publicized “through all the neighborhoods and was read in all churches to be heard by all priests and commoners” in March, a priest dared to defy the princely decision. During one of the judicial session of the *Divan*, the prince saw the will of *popa* Manole “not recorded in the register” and “without justice in its content, being also against the written laws and the custom of the land”. Hence the metropolitan was ordered to put the guilty priest to jail and not to release him without princely assent.<sup>74</sup>

So, before March 1787 – when the misrule was committed - the Department of Seven acquired also the role of public notary. In 1793 an ordinance of the prince Alexandru Moruzi shows that actually both second-level departments (of Seven and of Eight) had the role of public notaries. The prince ordered the Metropolitan to publicize the obligation to register private agreements at the department in churches.<sup>75</sup> On the same day, the prince ordered the Departments of Seven and Eight to check carefully the acts before authenticating them.<sup>76</sup> Since the order was given to the metropolitan, it is plausible that the two departments had to register

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<sup>74</sup> Urechia, IR, III, 597-98.

<sup>75</sup> Urechia, I.R., VI, 407.

<sup>76</sup> *Ibidem*.

the acts of the people in Bucharest or in the eparchy of metropolitanate, including the neighboring counties. This archival function of the *condici* was a means to impose the state's scrutiny on transactions and to facilitate the operations of the judicial instances in case of litigations involving private contracts, wills or dowries. The offence of the priest in 1787 shows that the registers could filter illegal acts; the priest avoided to register it probably because he knew it was unlawful.

As judicial archive, the registers were supposed to store the reports (*anaforale*) of the judges; they would indicate the state of a litigation or could function as a proof for the judges if the case was judged for the second time. In October 3, 1785 the *vel logofăt* investigated from princely order the litigation between the farmer (*vameş*) of the crude oil gushers in Prahova county and the peasants from a nearby estate who had, among their obligations, to extract the oil. To inform his opinion the *vel logofăt* searched in the "register of the *Divan*" where he found and cited a report of the great boyars (*boierii veliți*) on the same matter, dating from January 1776 and authenticated by the prince from that year, Alexandru Ipsilanti.<sup>77</sup> The register of the same prince was used in a decision to remove abusive officials. In October 1775, two abusive *vătafi de plai* were removed by Alexandru Ipsilanti but, for reasons hard to grasp, the decision was not implemented. In 1785 Mihail Suțu had to renew it.<sup>78</sup> In both cases, administrative and judicial information stored at the center in 1775 informed the decision of the judges a decade later.

The registers of the Department of Criminal Justice (*Departamentul de cremenalion*) played the same judicial role. They recorded information relative to the activity of this department but also to the administration of criminal justice throughout the country. In November 1776, the department of great boyars judged the case of Constantin from Roșii, Vâlcea

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<sup>77</sup> Urechia, IR, I, 492.

<sup>78</sup> Urechia, IR, I, 327-29.

county; he was accused by Catrina Roșianca to have participated in the murder of her husband together with several other *volintiri*<sup>79</sup>, among which Ion, Constantin's brother, and Huidilă. Trying to determine the participation of Constantin in the homicide, the judges resorted to the register of the prison (*condica pușcării*):

So, investigating the indictment of Huidilă which is transcribed in the register of the prison, we saw a certain Constantin, volunteer from Amărăști, Romanați county, but the name of this Constantin from Roșii is not mentioned at all. We have also looked to the report sent by Manolache Romano, the *caimacam* of Craiova, to your Highness in August, and another report sent by the boyars from [the *Divan*] of Craiova on October 17 and again, this Constantin from Roșii, Vâlcea county, is not mentioned.<sup>80</sup>

Finally, the boyars recommended to the prince to order the *caimacam* and *Divan* of Craiova to interrogate Huidilă and Ion one more time, to ascertain if Constantin was their fellow while committing burglaries. The decision is surprising since this part of the litigation was already done as testified by the indictment of Huidilă and the report of the *caimacam*. Asking the lesser instance from Craiova to duplicate its measure went against the very logic of storing information at the center. For this irrational behavior we can credit the lack of experience of the judges and the novelty of the reorganization of justice. However, the case also shows that the central judges were using information produced by lesser instances and stored by the department of Criminal Justice (I will show below that the register of the prison is the same thing with the register of the Criminal Justice department).

Not only outlaws but also the personnel of the Criminal Justice Department were listed in the registers. The same department was storing information on its own personnel. In 1785 two

<sup>79</sup> The *volintiri* were volunteer recruits in the Russian or Austrian armies during the wars with the Ottomans from the second part of the 18<sup>th</sup> century. The murder was committed during the war (1768-1774), which shows that between such volunteers and bandits there was only a dim dividing line.

<sup>80</sup> *AJTR*, 207.

*armășei* (subordinates of the *vel armaș*<sup>81</sup>) committed theft and fled to Moldavia where they were captured. An order to the judges of *departamentul de cremenalion* asked them to interrogate the *vel armaș* and also to check the registers, “to ascertain yourselves of their names and surnames” (*să vă adeveriți de numele și porecla lor*).<sup>82</sup> Since the *vel armaș* was subordinated by that time to the Department of Criminal Justice, the prince implied the register of this department which was expected to contain the names and surnames of the afferent officials.

But the most important content of the criminal department registers was related to outlaws. On December 10, 1790, the *divan* notified the judges from the Department of Criminal Justice that a famous bandit was caught around Bran (southern Transylvania); as he was suspected to have committed many other acts of brigandage, the judges were required to investigate in the “registers of the prison” (*condicile pușcăriei*) “if this bandit has ever been imprisoned (in Bucharest), if he committed other robberies, what sort of robberies, how frequent and from whom, when?”. The answers to these interpellations should be reported to the *Divan* through the *vel Armaș*, the custodian of the prison.<sup>83</sup> Obviously, it was expected to store information on the deeds and activity of the criminals.

In the last decade of the 18<sup>th</sup> century the documents reveal a growing concern with the evidence of criminality. Prince Mihail Suțu demanded the centralization of this evidence and in this sense three documents are revealing. On September 25, 1791 he ordered the *vel caimacam* of Craiova to send evidence (*extract*) of “all the criminals that he [the *caimacam*] has found in the prison of Craiova, of how many were imprisoned since the coming of His Highness [Mihail

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<sup>81</sup> This office was instituted in the 15<sup>th</sup> century. It had jurisdiction in criminal matters and was responsible with executing the penalties; in the latter quality, the *armaș* was in charge of the princely prison. As in the case of other high officials, his jurisdiction is drastically curtailed by the institution of the specialized departments (in this case the Department of Criminal Justice), although he continues to be in charge of the prison.

<sup>82</sup> Urechia, IR, II, 413.

<sup>83</sup> Urechia, IR, IV, 414.

Suțu] on the throne ... mentioning since when they were imprisoned and what their guilt was”.<sup>84</sup>

A similar order was transmitted to the officials from Slănic and Telega salt mines, to present a list (*catastih*) “of all those put in the salt mine, each with his name and particular signs, since when he is jailed, with what order and what crime” (October 14, 1791).<sup>85</sup>

Most probably these pieces of partial evidence were to be compiled in a centralized evidence of criminality. This is suggested by an order of the same prince addressed to the Department of Criminal Justice in September 8, 1791. Because the prince wanted to know “always how many criminals execute the punishment of prison and for which guilt and with what decision and order, and how many are locked up and released” he ordered them to report the captured bandits to the *spătărie* (as the *spătărie* also reported to the Department) and to present every Saturday, through the *armaș*, “the register of how many criminals and their examination” are in jail.<sup>86</sup> Apparently the reciprocal report of the two institutions with attributions in criminal justice was meant to crosscheck lists of evidence to identify outlaws and to gather more information on their criminal activities.<sup>87</sup>

Such orders seem to have been effective. On February 6, 1792 three boyars (probably members of the Department of Criminal Justice) reported to the prince on the case of a shepherd, Oprea Ilea, who claimed to have been unjustly condemned to jail and then to salt mine by the Austrian commander during the occupation of Wallachia. The accounts of his crimes, his false complaints and condemnations by the Austrian commander were found in the “registers of the Department of Criminal Justice” (*condicile departamentului de cremenalion*). In his resolution,

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<sup>84</sup> Urechia, IR, IV, 144.

<sup>85</sup> Urechia, IR, IV, 145. In Wallachia of that time the salt mines were used as detention institutions for the gravest crimes committed by commoners and poor. The men of higher condition were imprisoned in monasteries.

<sup>86</sup> Urechia, IR, IV, 145-46.

<sup>87</sup> I remind that the *Spătărie* was responsible to judge the petty crimes committed in the neighborhoods of Bucharest.

prince Mihail Suțu endorsed the opinion of the judges that the claims of Oprea Ilea were groundless, as it appeared from the facts of his condemnation written down in “the register of the prison” (*condicile pușcăriei*).<sup>88</sup> The stored information allowed the judges and the prince to retrieve and use judicial information produced before their tenure and to facilitate their decision. The case illustrates how the registers came to form a state domain, detached from the persons who occupied official functions.

The advantage for the state of recording the outlaws is showed by a quite strange case of devolution of state authority. On July 30, 1798, the prince issued an authorization to a particular (not state employee), Constantin Lipoveanul, to track some “famous bandits” and capture them. These bandits – “Gheorghe Proorovici and Neculae with his brothers” - were escaped Gypsy slaves of a great boyar, *vel vornic* Manolache Crețulescu, and they were recidivists as the registers of the prison (*condicile pușcăriei*) attest. So, through the registers of the prison the state held information on the names, status, ethnicity and penal history of the outlaws and could employ this information to capture them, be it through a bandits’ tracker.<sup>89</sup>

In this period the state starts storing information not only about convicted or wanted criminals but also about potential ones. A certain Avram the Goldsmith was caught exchanging forged money – though the money was not forged by him – and put to jail. Since he was not the direct author of the offense, on September 6, 1793, the prince Alexandru Moruzi ordered his release, after finding a guarantor and after his name was recorded in the register of the Department of Criminal Justice.<sup>90</sup>

<sup>88</sup> Both the anaphora and the princely resolution in Urechia, IR, IV, 191-94.

<sup>89</sup> Urechia, IR, VII, 483-84.

<sup>90</sup> Urechia, IR, V, 359.

Until now I referred only to the central judicial departments. Yet, other two institutions, resulting from the development of individual offices, had to keep registers to record their activity. In 1790 the *Divan* issued a set of regulations regarding the policing of Bucharest. Among them was the order to the *vel spătar* and *vel aga* to appoint their agents (*vătășei*) in neighborhoods to make ledgers or lists (*catastișe*) of the inhabitants. I could not find the result of this order, if it was carried out or not. What matters nevertheless is that the names of the *vătășei* had to be registered then in the registers of the afferent office (*condica spătăriei* and *condica agiei*), both of them with jurisdiction over parts of Bucharest.<sup>91</sup> As offices with jurisdiction over minor crimes committed in Bucharest, they also had to keep evidence of the proceedings they judged.

For instance in 1793, the litigation between a boyar and a paid soldier (*lefegiu*), Neculai, was judged by the *departamentul spătării*. The litigation involved encroachment of the property of the former by the latter. The judges decided that the paid soldier had to do 2 days of labor rent per year for the right to graze his cattle on the disputed plot and to respect the other seigniorial rights of the boyar. The decision bears the mention “transcribed in the register” (*trecut în condică*).<sup>92</sup> Two years later Neculai was brought in front of the same judicial institution again because he had not respected its decision. This time he committed himself to respect the decision, by signing a private agreement (*zapis*) whereby he obliged himself to pay all the damages which would result from non compliance. The private agreement concluded in front of

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<sup>91</sup> Urechia, IR, III, 349-357.

<sup>92</sup> DRA, 653. The case was judged by the *spătărie* most probably because Neculai was member of the apparatus (*breasla*) of this institution and, according to the Legal Register he was under the jurisdiction of the *Spătar*.

the judges bears the more explicit mention “transcribed in the register of the *spătărie*” (*trecut în condica spătării*).<sup>93</sup>

A new institution, created by Alexandru Ipsilanti to deal with social and municipal problems in (mainly) Bucharest was the *Epitropia Obștirii*; naturally, it had to keep its own registers in which to record information pertaining to its activity. As administrator of the social care services, the institution also possessed a “register of inheritances” (*condica moștenirilor*) in which the wealth of orphans was recorded. In 1777, in a case of divorce, the prince ordered the Metropolitan<sup>94</sup> – the judge of the case – to make an inventory of the inheritable wealth of the couple and to register it “in the register which was decided to be kept for the assets of the poor children which are submitted for administration to the *epitropie*”.<sup>95</sup> The reason was to protect the inheritance of the minor children until they become adults and could administer the assets themselves. The existence of this register is indicated by another case from 1793. A teenager demanded a set of clothes paid from his inherited wealth and the prince forwarded his address to the officials of the *epitropie*. The latter investigated the “register of inheritances” in which they found the wealth of the youngster, reported on their administration (the money was loaned with interest) but said that the interest of those money was given to him and to give him more from the principal would be against the regulations. So they asked an explicit order to do so which the prince issued in April 18.<sup>96</sup>

The reforms of the Phanariot princes, especially of Constantin Mavrocordat during the 1740s and those of Alexandru Ipsilanti during his first reign in Wallachia (1775-1782), have

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<sup>93</sup> *DRA*, 673.

<sup>94</sup> The divorces were in the jurisdiction of the Church and were judged by clergymen.

<sup>95</sup> *AJTR*, 321.

<sup>96</sup> Urechia, IR, VI, 476.

tremendously expanded the register-keeping. Besides the *Divan* and Treasury, other central institutions were supposed to register the information pertaining to their activity: the judicial departments created in 1775, individual offices (*spătărie* and *agie*), the *Epitropia Obștirii*, the Metropolitanate, the postal system, the guilds and the schools. Some of these registers were innovations of the second half of the 18<sup>th</sup> century. Together with those that had existed before, they became much more important in the administration of Wallachia. They store regulations of taxes and customs, of agrarian settlements, of the organization of post and judicial departments etc. The officials and the princes tended to consult these *condici* and to refer to them when formulating reports or issuing new regulations. They could also retrieve information on previous adjudications or personal data needed for tracking outlaws. By all these, the *condici* represent instruments whereby the Wallachian state's attempts – with more chances – to centralize and manipulate social knowledge. This trend is even better illustrated by the establishment of registers of the counties, in parallel with the establishment of princely officials with jurisdiction all over the counties. I will turn to these local or county-registers now.

**5.3.2. Local registers.** By local registers I refer to those kept at the *Divan* of Craiova and at *ispravnicate*, the county administrations. Like in the case of central registers, I have to start the discussion on the local registers from the Moldavian case which is much better documented. In 1741, the prince of Moldavia Constantin Mavrocordat established the county registers. In the instructions regarding the application of several administrative and judicial measures sent to the *ispravnici* he ordered that the proceedings of all litigations and the solutions had to be recorded chronologically in registers, kept in double copy and with sealed pages so that they could not be replaced. Monthly, one copy of the register had to be sent to the prince for checking, while

another had to be retained by the *ispravnic* as the current archive of the county. The revoked *ispravnic* has to hand over the archive of the *isprăvnicat* to the next *ispravnic*, a sign of the advancing institutionalization of the offices and judicial instances.<sup>97</sup> The Moldavian chronicler Ion Neculce noted the innovation that “all judicial decisions were written down in the books of both the judges from Iași and the *ispravnici* throughout the country”; besides, “all the property titles which were brought to the *divan* were written in the register”.<sup>98</sup>

Were such county registers kept? If yes, for how long? Was the initiative of Mavrocordat continued by other princes or was it an episodic measure? I found no study to offer an answer to these questions. However, I am interested in another problem here. Did Mavrocordat introduce the county registers in Wallachia too? As I showed in the previous section, it is reasonable to suppose that he introduced the same measures in both principalities in his reigns during the 1740s. Yet, when it comes to the introduction of the county registers I have some reserves to follow the same reasoning. I have found no document mentioning such instruments for storing information at county level. Besides as I will show below, the simple decreeing of such registers did not guarantee their actual existence.

The register of the county (*condica de județ*) was an administrative tool which played the role of a judicial, notarial and administrative archive. Its function was to register the proceedings and solutions of litigations, the private acts of sale, pawning or lease concluded at county level and the regulations and ordinances dispatched from the center for local implementation. They were meant to rationalize and stabilize the administration; the *ispravnici* and the county-judges would be able to know if a certain litigation was judged before their tenure, what solution was

<sup>97</sup> *Condica lui Constantin Mavrocordat*, vol. 2: 257; Georgescu and Sachelarie, *Judecata domnească* I/2, 11.

<sup>98</sup> Ion Neculce, *Opere. Letopisețul Țării Moldovei și O samă de cuvinte* [Works. The Chronicle of Moldavia and Several Stories], ed. Gabriel Ștrempel (Bucharest: Editura Minerva, 1892), 850.

given, on what basis, what were the arguments of the parties or what ordinances, dispatched before their tenure, had to be implemented. The registers enabled the state to monitor and control the lawfulness of private agreements and to offer solutions to various administrative tasks. Moreover, by the obligation of the county officials to send the *Divan* a copy of the register each month, the central officials and the prince could see the stage of a litigious case brought to a central instance and at the same time monitor the activity of the local officials. Being tied to the office not to the official, the local – as well as the central – registers were supposed to institutionalize rule, to make it a stable entity, in contrast with the mobility of the personnel.

The introduction of registers at each *isprăvnicat* should be seen as an attempt by the central power to impose local bookkeeping and accountability, an attempt often ignored, if not opposed, by local officials as I will show below. The central power had to overcome two obstacles in this respect: the inertia and carelessness of the local administration and the mentality of people who always preferred central (princely) justice. Below I will present the story of this attempt, its partial success and its impact on state power.

There is direct evidence on the regulation of bookkeeping at local level from the reign of Alexandru Ipsilanti (1774-1782) only, in the context of his reformatory effort. Among the measures adopted by Ipsilanti, the reorganization of justice by a charter from December 25 1775 took pride of place. Part of this reorganization is the appointment of a chancellor (*logofăt*) in each county whose name suggests a multiplication in the territorial divisions of a central function. Soon he simply will be called clerk (*condicar*). The county chancellors/clerks had to keep a register of the county ((*condica județului*)) and to transcribe in it all the proceedings and adjudications regarding the inhabitants of that county; this was meant “for the facility of those who have litigations and can have either lost the acts containing the judicial decisions or expired

charters and agreements”.<sup>99</sup> So, the register of the county was to function as a judicial and notarial archive.

The role of the county book is exposed in greater detail in the letters of appointment of county clerks from 1775<sup>100</sup>. The county clerk (*condicar*) had to be recruited from among the office-less boyars from the county and sent to Bucharest to be examined by the great Chancellor (*vel logofăt*); the latter had to recommend the former to the prince, after ascertaining himself of the literary skills of the applicant. The attributions of the county clerk are:

He has to write down any kind of litigations of the people when they will be judged by *ispravnici*, distinguishing between those that have been summoned to the *ispravnici* by princely order, with executive agent and without executive agent, and those that have appeared before *ispravnici* from their own initiative without princely order: the name of the complainant with the village and county of residence, the name of the defendant with village and county of residence; the matter of the litigation, the accusation of one party and the defense of the other, the proofs or testimonies and the decision of the *ispravnici*, how the decision executed was; the adjudications of the *ispravnici* have to be drawn in the same way and to be specified in them that they [the adjudications] are recorded in the register. Any sales of land or vineyard, of household or of gypsies, have all to be recorded in the book. Similarly, the pawning, regardless of the object, is to be recorded; and especially when somebody farms out the income of an estate, the clerk has to specify in the acts of the farming that they are recorded in the register; and that who farms out or pawns the income [of his land] has to go to the clerk of the county, to record those acts in the register and the lease-holder shall not accept acts of farming or pawning that are not recorded in the book because otherwise that act is considered null and he will waste his expenses.<sup>101</sup>

The income of the clerk consisted of fees per written act – in proportion to the value of the act from half a taller to two tallers; moreover, each clerk was entitled to have three scutelnici (tax-

<sup>99</sup> *DF*, 195.

<sup>100</sup> It is sure that this is an innovation of the post 1774 period even in Moldavia where it was decreed by the prince Grigore Ghica, Fănescu, *Condica județului*, 75, footnote 6. Although he introduced the county register in Moldavia, Constantin Mavrocordat considered its keeping among the attributions of the *ispravnici*. There are several letters in which he scolds them for improper form of their reports; in one case he rebukes the *vel căpitan* of Soroca (equivalent of *ispravnic*) for writing in Greek: “why do you write in Greek? Or you expect Us to give you a clerk? Do employ a clerk and write Us in Romanian,” cf. Iorga, *Istoria românilor*, vol. 7, 142; the document shows clearly that Mavrocordat did not establish the office of county-clerk as it would happen in 1775 during the reign of Alexandru Ipsilanti in Wallachia and Grigore Ghica in Moldavia.

<sup>101</sup> *Prav. cond.*, annex, 172-173; the document is also published at Urechia, IR, II, 143.

exempt peasants).<sup>102</sup> The document set the standard obligations of the county clerks at the end of the 18<sup>th</sup> century and consequently the ideal content of the county registers. If the first set of duties reflects the attempt of the state to supervise the local administration of justice, the second set reveals an attempt to impose its control over private agreements and transactions. The text of the Legal register published in 1780 reiterates these duties and adds to the duties of the county clerk the registration of all testaments and dowry lists made in the respective county.<sup>103</sup> The Legal register itself, as legal and administrative textbook, was delivered to each county and given in the clerks' care.<sup>104</sup> How effective were these orders? Were they implemented?

Already in 1776, letters dispatched to the counties reveal the prince's surprise relative to the non-attendance of his orders:

Our Princeship was notified that many subjects, selling or pawning their estates, do not come to show that sale or pawning to be recorded in the register of the county, according to the order of my Princeship which was announced to everybody. Therefore, We renew our order to entrust one of your men who has to go throughout the county to read out loud this order for everybody to hear it, so that everybody from among abbots, boyars, lesser boyars and boyars without office or even free peasant who will want to sell an estate or to lease its income or to pawn it, is obliged to come to the clerk of that county, which was appointed for this purpose, to show the sale or the pawning and to record it in the register of the county; because if a litigation for an estate or income, sold, leased or pawned not recorded in the register happen, it should be well known that that transaction would not be considered valid and would be lost by both the seller and the buyer. Our Princeship desires to be notified that this order was publicized and everybody understood it.<sup>105</sup>

This was the pattern of dialogue between center and locality regarding the matter of the registers of the county and of the clerks responsible for keeping them. Almost any prince after Alexandru Ipsilanti – until 1800 - delivered such admonitions to the *ispravnici*, as they were the highest officials at county level. Prince Nicolae Caragea (January 1, 1783) and Prince Mihail Suțu

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<sup>102</sup> *Ibidem*, 173.

<sup>103</sup> *Prav. cond.* 78-79.

<sup>104</sup> *Prav. cond.*, annex, 188-189.

<sup>105</sup> *Prav. cond.*, annex, 177-178.

(September 16, 1783) scolded the *ispravnici* and the county judges for their poor performance in administering the justice in their jurisdictions. They reiterated the need to register the litigations in registers and to send copies of them to Bucharest so that central judges – in case of resort – were informed about the state of the litigation.<sup>106</sup> On January 15, 1783, Mihail Suțu informed the *ispravnici* that he wanted a competent clerk “not as they were until now, only with name of clerk, without carrying out the job for which they were appointed”. The document repeated the established duties of these clerks (*condicari*) and the obligations to send the book monthly – through the *ispravnici* - to the chancellery of the *Divan* for control.<sup>107</sup> On September 5, 1783, Mihail Suțu repeats the order to the *ispravnici* to send the registers to the chancellery of the *Divan*.<sup>108</sup> In the last years of the 18<sup>th</sup> century the princes still had to reiterate the obligation of local officials to keep books and to send them to the *Divan* for monthly checking.<sup>109</sup>

Nicolae Mavrogheni, a prince reputed for his arbitrary style of justice making<sup>110</sup>, insisted on the notarial role of the *isprăvnicat*. On May 26, 1786 he writes to the *ispravnici*: “I have thought to be of great utility to record in the register [of the county] and to appear in front of judges [those who make] sale of estates, of vineyards, of gypsies and of anything else”. This registration would be for the security of those who make such agreements and for the “facility of the *Divan*, to trust them” [in case they are brought as proofs in lawsuit]. So both parties of such a transaction had to come to the county judge or to the *ispravnici* who had to check if the act was

<sup>106</sup> Urechia, IR, I, 259-260 and 346-347.

<sup>107</sup> Urechia, IR, I, 354-57.

<sup>108</sup> Urechia, IR, I, 354.

<sup>109</sup> Alexandru Ipsilanti in 1797, Urechia, IR, VII, 48-53; Constantin Hangerli in 1798, Urechia, IR, VII, 489-90.

<sup>110</sup> The chronicler Dionisie Eclesiarhul, *Hronograf*, 39, notes that “he was adjudicating and he was ordering the penalty for who he thought to be guilty, with painful beating [and] he was not devolving the case to the great boyars or to the department, but his highness was adjudicating in the Turkish language”. However, the chronicler exaggerates: there is plenty of evidence on the functioning of the judicial department established by Alexandru Ipsilanti.

legal, voluntary and in good faith (*cu bună orînduială, de bună voie adevărit, și nu este împotrivă și cu pricină de gâlceavă*). One of the three county officials (two *ispravnici*, one judge) had to authenticate with his signature the act and to record it in the book, otherwise the act would be legally null.<sup>111</sup>

The contents of the *condica de județ* – paralleling the attributions of the county clerk seem to have been supplemented in a letter of appointment from February 1787. So, the letter rules:

all princely dispositions and orders which are sent and were sent to the *ispravnici* or county judges, for the welfare of the people, for the policing of the county or for any other public matter, or advices and instructions, especially those that are issued regularly and habitually, to have them transcribed all in the *condica*, successively, in chronological order, so that when the *ispravnici* and the county judges are replaced, the new ones to find those orders in the *condica*, to implement and guard them.<sup>112</sup>

Besides, the *condicari* had to transcribe all the orders dispatched by the *ispravnici* to the districts (*plăși*) and the lists of “everything necessary”. So, the *condica* became a registry for the princely ordinances designed to assure the continuity of local administration, beyond the change of the officials, and to check the privatization of administrative instruments.

The division of clerical labor at county level is advanced by the initiative of Alexandru Moruzi (1793-1796). In the charter given for the reorganization of the treasury he establishes a new office in the counties, the *sameș*.<sup>113</sup> The *sameși* are to be subordinated to the great Treasurer and – unless found guilty of some unlawful act – they are to be immovable. Like the *condicari*

<sup>111</sup> *Prav. cond.*, annex, 198-199. The document is also published in Urechia, IR, III, 44 with the date May 20. The county judges were established in 1775 by Alexandru Ipsilanti as part of the reform of justice. The aim was to separate justice from administration which he conceived as the sole attribution of the *ispravnici*. His attempt failed as the *ispravnici* continued to administer justice – a very remunerative job - alongside county judges.

<sup>112</sup> Urechia, IR, III, 595-97. In November 8, 1791 an identical letter of appointment of county clerk is issued by Mihail Suțu, Urechia, IR, IV, 152-54.

<sup>113</sup> The name and the function predate this reorganization, but only now it is formally defined with attributions and income.

they also have scriptural duties, but only in fiscal matters. The *sameși* have to “guard all the accounts of the county and to keep accurate registers of all [fiscal issues]”; they are supposed “to have at all times lists (*extracturi*) of privileged fiscal categories (*bresle*), taxpayers, helpmates, *poslușnici*, servants, coachmen and *scutelnici* and of any regulation of the treasury”; of all these they must keep “accurate books” (*condici curate*) and to transcribe all the Princely orders that are sent to the county by the Treasury without mixing them with the affairs of the county registry (*trebile condicăriei județului*).<sup>114</sup>

Alexandru Moruzi resumes the efforts to improve the county bookkeeping and in distinction to previous princes he identifies one more obstacle. Not just the officials entrusted with keeping the books of the counties contributed to their unsatisfactory state. On June 15, 1793 Prince Alexandru Moruzi noted:

for any sale of immobile property, namely estates, vineyards, lands, households and Gypsies which by private written acts are done by people, as well as for other written agreements or exchanges and for wills and dowries, the inhabitants of this country are unaccustomed to make those acts and agreements with the proper security and order, through the knowledge of the county officials and to register them in the county register, authenticated by the signatures of the officials and clerk.<sup>115</sup>

The rationality behind the institution of county-registers is clearly exposed by the prince: in many litigations brought in front of the *divan*, judges cannot trust the authenticity and lawfulness of various acts and hence “it is necessary to bring in front of judges from faraway places, the one who has written the act and those that have signed as witnesses to be interrogated and to testify, hindering their labor and earning a living”. The administrative and the economic concerns are interwoven. The unauthenticated contracts slowed the administration of justice and restrained

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<sup>114</sup> Urechia, IR, V, 168-70. Just a few years later a *sameș* committed embezzlement for which the prince ordered his removal from office and the registration of his name in the register of the county so that he will never be employed in the state service again, Urechia, IR, VII, 504-05.

<sup>115</sup> Urechia, IR, VI, 405.

people involved in the litigation from their daily activities. If implemented, such a measure was to extent the control of the state at a distance, without affecting the productivity of the subjects.

So the prince decides:

so that each will unlearn this bad custom and to know and attend this [decision] as a written law of the county, with resolution we order: any written act or agreement, which will not be written and registered in the county book, with the order we show below, will be considered null like a blank paper.<sup>116</sup>

The resolution of this disposition – in fact a repetition of older dispositions - only betrays the difficulties that the state encountered in imposing routine registration of private acts.

The *ispravnici* are entrusted with publicizing the decision “in the hearing of everybody in churches, during the Holidays, through fairs, towns and all villages” so that, “from now on, both parties to know to appear at the seat of the *isprăvnicat*, where the *condica* is; to show the act of sale, the agreement, the exchange, the will or the act of dowry”. The *ispravnici* are supposed not to trust from the very beginning the two parties and to register the acts automatically, but to investigate “if that sale or agreement is in good faith, with the knowledge of relatives and neighbors, if it is not encumbered by a (potential) litigation”; only after being convinced of the lawfulness of the act, the *ispravnici* can authenticate it and “have it registered in the register of the county, where the *condicar* has to sign with his name, mentioning the number of order in it”. Only such acts will be trusted in the *Divan*; besides, this registration will help those who would lose their acts by giving them the chance to obtain an authentic copy from the county book. Of course, the clerks are warned not to slow the registration process through abuses or excessive fees.<sup>117</sup>

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<sup>116</sup> *Ibidem.*

<sup>117</sup> *Ibidem.*

In spite of such detailed and imperative orders, the keeping of the county books is still disappointing from the point of view of the central power. In a letter to the *ispravnici* (January 10, 1794), the same prince suspects that there are no books of the county since “not even the copies of the books of litigations judged at the county level, which you were ordered to send monthly, are sent at the *Divan* of my Princeship”. So he wants to know if the clerks do not carry out their job efficiently or the *ispravnici* do not dispose the registration of the orders they receive from the center. To check if the *ispravnici* have attended to this order, the prince threatened to dispatch princely agents who will unforeseeably collect the book of the county “so that we can contrast it with the orders sent from the *Divan* and the Treasury of my Princeship for any business to check your compliance if all are registered in the book, including the proceedings of litigations”.<sup>118</sup>

That the archival function of the *isprăvnicat* was not fulfilled properly is demonstrated by the document of a litigation from 1798 shows. The *anafora* of a judicial department towards the prince submitted on May 23 1798 on the litigation of Cotroceni monastery and the villagers from Bărbulești mentions the private agreement contract (*zapis*) the two parties have signed; yet when asked to show the contract, the representative (*vechil*) of the monastery said that it was deposited at the Ialomița *isprăvnicat*.<sup>119</sup> So, instead of being only transcribed, the contract in original was retained at the local notarial registry, so the central judges could not see it.

Like the central *condici*, the archival functions combine with that of administrative textbook in which ordinances and regulations are copied to be at hand all the time. Several cases illustrate that this function was inadequately carried out. On July 6, 1777, Alexandru Ipsilanti admonishes the *ispravnici* because they do not attend his orders in judicial and policing matters

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<sup>118</sup> Urechia, IR, VI, 408-410.

<sup>119</sup> DRA, 697 annex.

and dispatches them 7 points (*ponturi*) of instructions so that “you can’t excuse yourselves later on grounds of ignorance”. Point 7 reminds the *ispravnici* that the prince has sent the extensive orders regarding the police forces of the county, orders that “have to be copied in the book of the county and reading them you will understand them”. More precisely, the police forces (*poterași*) are not supposed to chase bandits from their own initiative but only with the *ispravnic*’s authorization<sup>120</sup>; the reason behind such orders was to prevent the disorders and abuses that chasing of bandits frequently caused in the countryside and to make the *ispravnici* responsible for such occurrences. However, what interests me here is that the book of the county comprised such regulations and the prince expected the *ispravnici* to consult it in order to carry out their job properly.

Prince Mihail Suțu is even more explicit on January 22 1792 when he dispatches to the *ispravnici* instructions of how to carry out a new tax assessment which will serve as basis for a new fiscal settlement. These are divided in 7 titles (*ponturi*) and together with the open letters for the notification of the inhabitants they are to be transcribed in the repository book of the counties “to have them as a mirror at all times” (*să le aveți oglindă în toată vremea*).<sup>121</sup> The metaphor of the mirror shows beyond doubt that the register of the county was to function as a normative source.

Finally, the proceedings of a litigation regarding a fiscal abuse reflect the expectations of the prince and higher officials regarding the county book. On November 20 1795, the *Divan* judges a litigation between the inhabitants of a *plai* (not mentioned) and their *vătaf* whom they suspect to have extorted taxes over the quantum established by the treasury. However, there is a problem in the sense that the registers of taxes for two and a half years signed by the *ispravnici*

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<sup>120</sup> Urechia, IR, I, 47-49.

<sup>121</sup> DF, 245.

do not contain the sums paid by *plăieși* with divisions showing the particular taxes, with date, month and year, the judges cannot discover if the amounts were lawful or not. So they recommend a strict investigation by *ispravnici* because “for any request of the treasury which was implemented in the county there are princely and treasury orders” and such official requests can easily be compared with the acts (*sineturi*) of the *ispravnici* sent to the *vătaf*.<sup>122</sup>

On December 3, 1795 the prince issues his resolution, a document indicative of his expectations regarding the county administration. He sends a commissioned official and orders the *ispravnici* to investigate “as you should have done from the very beginning to show me the job accomplished”; the imperious tone of the princely order is motivated by the fact that “the regulations and the orders of the treasury were all dispatched in writing to the *isprăvnicie*, with letters bearing princely seal, which letters have to be at the *isprăvnicat*, either in original or registered in the register of the *sameș*; and if those princely orders are not registered, as well as the directives of the *ispravnic*, it is the guilt of the *ispravnici* and the *sameș*”. By comparing the princely orders, the signed acts of the *ispravnici* and the exactions of the *vătaf*, the abuse will be discovered; for any exactions above the requests of the treasury or “without written order” (*fără de poruncă în scris*) is unlawful.<sup>123</sup> The report of the boyars and the resolution of the prince reveal both the unsatisfactory state of books at county level and the intolerance of the prince with such a situation.

It results from the above evidence that the principedom had tried hard to impose the keeping of county-registers but it failed, at least before 1800. The repeated urgings addressed by the princes to the local officials suggests that either the *condici* were not kept or they were kept inadequately. However, the existence of such instruments for storing knowledge is abundantly

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<sup>122</sup> Urechia, IR, VI, 306-07.

<sup>123</sup> Urechia, IR, VI, 307-08.

documented. In 1778, the report of an Austrian officer, Karl Friederich von Magdeburg, states that “the entire archive of a district consists of a register of the villages from that jurisdiction and of the inhabitants living in them with the amount of tax that each of them [village] has to pay. This register is called cadastre”.<sup>124</sup> The information is somewhat confusing as the cadastre is more than a list of villages and their afferent taxes. It is sure that the Wallachian state did not use a cadastre at that time, but it is also sure that the registers kept at the *isprăvnicat* contained more information than the Austrian officer thought. The superior tone of the report should not deter us from perceiving the significant change represented by the introduction of the county-registers.

More evidence is provided by the internal documents. While some refer to the registers of the counties, others - adjudications or reports (*anaforale*) by the *ispravnici*, of boundary settlements, of private agreements and contracts - bear the mention “transcribed in the register of the county” (*trecut în condica județului*). In the first category there are documents which mention the registers of the county as an unproblematic aspect of the local administration. For instance, in 1778, the great boyars judged a petition of the tax-farmers of the customs from Văleni, Saac county, regarding the tolls paid by the Transylvanian shepherds. The judges showed in their report that the case had been judged the previous year and it was decided that the *ispravnici* had to investigate on the spot on the right amount of taxes that the shepherds due. The *ispravnici* had investigated and delivered their report but that was lost; nevertheless the judges thought that “maybe it was transcribed in the register of the county”. So they recommended an investigation in the register of Saac county where they expected the initial report of the *ispravnici* to be recorded. In the absence of the recorded document, a new investigation had to be

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<sup>124</sup> *Călători străini despre Țările Române* [Foreign Travelers about the Romanian Lands], vol. 10/part 1, eds. Paul Cernovodeanu et. al., (Bucharest: Editura Academiei Române, 2000), 273.

carried out by the incumbent *ispravnici*.<sup>125</sup> Apparently, the judges from Bucharest expected the register of the county to exist; but they also expected the report of the *ispravnici* not to be registered according to the regulations in effect.

An even more interesting case shows that in 1779 some commoners were well aware of the existence of the register of the county and the obligation to record their transactions in it. A certain Dumitru, son of Cozma the Foreigner from Râmnic, Vâlcea county, petitioned to the department of great boyars with regard to his intention to purchase a gypsy. Dumitru claimed in front of the judges that he had announced the *ispravnic* of the county about his intention, so that “the sale of the gypsy to be recorded in the register of the county”.<sup>126</sup> The continuation of the case is complicated and does not interest us here. What matters is that Dumitru, most probably a craftsman<sup>127</sup>, was well aware of the *condica județului* and of the obligation to record his transaction there.

Other documents which prove - indirectly - the existence of the country-registers are those that bear the explicit mention “transcribed in the register”. On July 1, 1779 the *ispravnici* of Dâmbovița judged the litigation between the villagers from Săcuieni, Lucieni and Bănești and the metropolitanate of Târgoviște. The tenants claimed that by ancient custom they were obliged to 6-day labor rent; but since they could not prove the custom with a written agreement, the two county officials decided that they had to attend the agrarian regulation in effect (i.e. 12-day labor rent per year). Unhappy with the solution, the peasants asked to resort to the princely *divan*, which the *ispravnici* had to grant. The document of this adjudication was “transcribed in the

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<sup>125</sup> *AJTR*, 562. Another case in which the judges from Bucharest – this time from the Second Department – demand an investigation in the register of the county (Teleorman) dates also from 1778, *AJTR*, 575.

<sup>126</sup> *AJTR*, 743.

<sup>127</sup> I infer that he was a craftsman because in the same petition he claimed that the accused *ispravnic* has destroyed his oven made of 40.000 bricks. The mention number of the bricks indicates that is not a domestic oven, but a bigger one, for larger production.

register of the county” by “Constantin logofăt condicar”.<sup>128</sup> The next year, the *ispravnici* of the same county adjudicated a similar agrarian litigation between the same metropolitanate and the tenants from Săcuieni; this time the parties were pleased with the judicial decision which was again transcribed in the register by the same clerk, Constantin.<sup>129</sup> During the next two decades the mention of recording appears on other documents from different counties.<sup>130</sup>

The *isprăvnicat* could also authenticate the private agreements (*zapise*) between landlords and tenants whereby the latter assumed to carry out a set of obligations derogating from the agrarian regulation in effect. Such *zapise* were recorded in the registers of Vâlcea<sup>131</sup> and Dolj<sup>132</sup> counties. Another category of acts which seem to have been frequently recorded at the *isprăvnicat* were the acts which delimited individual plots of land – most often for sale – or settled disputes over the boundaries between two estates. For instance on June 10, 1780 the settlement of a boundary between two individual possessions and the resulting prose map was registered in the register of Dâmbovița county by “Constantin logofăt condicar”, which I mentioned above.<sup>133</sup> There is abundant evidence from the same county of Dâmbovița<sup>134</sup> and one example from the county of Vlaşca.<sup>135</sup>

So why were the princes from the end of the 18<sup>th</sup> century sending repeated orders to the *ispravnici* urging them to keep the registers in proper conditions? One answer would be that not

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<sup>128</sup> DRA, 505.

<sup>129</sup> DRA, 515.

<sup>130</sup> From Dâmbovița, DRA, 617, 709/II; from Argeș 589; from Muscel, 618; from Vâlcea 598, 599, 616, 684; for reports (anaforale) Vâlcea, 698 and Dâmbovița, 716.

<sup>131</sup> DRA, 621 and 671.

<sup>132</sup> DRA, 659.

<sup>133</sup> *Tezaurul documentar al județului Dâmbovița (1418-1800)* [The Documentary Fund of Dâmbovița County (1418-1800)] ed. G. Potra (Târgoviște: Muzeul Județean Dâmbovița, 1972), doc. 946. (hereafter *TDJD*).

<sup>134</sup> *Ibidem*, 947, 951, 992, 994, 1013, 1017, 1022, 1023, 1026, 1029, 1032, 1053.

<sup>135</sup> *Ibidem*, 1012.

all the *ispravnici* were careful to keep the registers properly. Another possibility is that the princes were not satisfied with the quality of recordkeeping in the counties and they were exaggerating the gravity of the problem in their ordinances. Some such orders could also be the effect of bureaucratic routine: the princely orders kept reminding the *ispravnici* their standard duties. Although, initially such orders could have met with indifference, if not resistance, the state gradually managed to impose its point of view. Besides, the indirect evidence that such registers existed at county levels, the only certain surviving county-registers date from the period 1816-1831<sup>136</sup>. This survival from a later period demonstrates that the local administration was moving in the direction set by the princely regulations and ordinances in the last quarter of the 18<sup>th</sup> century. The role of the central and local *condici* was to centralize knowledge about the working of state institutions and about the transactions among subjects. They were meant to make an ever larger part of the social reality legible and hence controllable from the center.

I have insisted on the recordkeeping at county level because the *ispravnici* were an administrative innovation of the period under discussion and they illustrate the administrative extension of the central state. Yet there is another territorial official with a special jurisdiction. The *caimacam*, appears as a princely official in 1761 and replaces the great *ban*<sup>137</sup> in the jurisdiction over the five counties beyond Olt river. As a medieval inheritance, the *căimăcămia* Craiovei mimics on a lower scale the principedom: around the *caimacam* a *Divan* emerges, in the continuation of the Administration appointed by the Habsburgs<sup>138</sup>. After 1774 other two judicial departments are established, according to the model of central departments: one of criminal

<sup>136</sup> Regleanu, "Conspectul sumar," 197.

<sup>137</sup> The office of great ban does not disappear but becomes an honorific office while its holder resides in Bucharest.

<sup>138</sup> Oltenia was under Habsburg rule during the period 1718-1739.

affairs<sup>139</sup> and the Department of Four (Judges) for civil cases.<sup>140</sup> Expectedly, these new institutions needed adequate registers and the afferent clerks. Their obligations were similar to the clerks of the other departments. For instance on April 30, 1785 a chancellor (*logofăt*) was appointed “for the reading and writing of judicial letters, who will have to keep the register in which to transcribe all the cases that will be judged by that Department”.<sup>141</sup>

Did these judicial departments from Craiova keep the adequate registers? The evidence from the time of Alexandru Ipsilanti, so from the first years after the official establishment of local registers, confirms beyond doubt their existence. In May 1777, the *divan* of Craiova judged in first instance the litigation between a boyar, *clucerul* Barbul Fotescu, and the peasants from Prisaca, Dolj county. As the peasants were not satisfied with the decision and resorted to the central justice, the prince entrusts the *vel Ban*, now apparently the communication relay between Bucharest and Craiova, to report on the case. The great official writes on November 22, 1777:

We are ordered by your Highness to investigate in the judicial registers which are sent from Craiova. According to the enlightened order, I have investigated and it appears that in the month of May the case of these plots of land was judged by the boyar-judges [from Craiova who] gave the possession to the boyar.<sup>142</sup>

Two aspects result with clarity from this report. The prince expected that the judicial institutions from Craiova keep registers of their judicial decisions. Moreover, it results that such registers

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<sup>139</sup> A judge for “the affairs of the criminal justice” in Craiova is appointed in 1780, *AJTR*, 845; this is the only mention I found, but most probably the department was established by Alexandru Ipsilanti sometime after 1775.

<sup>140</sup> Georgescu and Sachelarie, *Judecata domnească* I/2, 104-119.

<sup>141</sup> Urechia, IR, I, pp. 341-43. Such a *logofăt* is mentioned in 1792, Urechia, IR, IV, 158-59. Strangely enough, the document also lists the names of the judges of the Department of Criminal Justice (*Departamentul de Cremenalion*) but no clerk; the lack of such clerks in the list must be accidental since other documents testify to their existence for all departments and in 1795 century even for the prison, Urechia, VI, p. 413.

<sup>142</sup> *AJTR*, 433. The report is also interesting because it indicates clearly that before the reign of Alexandru Ipsilanti there was no local register of properties; so, to delimit the boundary between the possession of the boyar and of the villagers, the *vel Ban* recommended the making of a commission of boundary-settlers (three for each party) who, upon listening the testimony of “neighboring free peasants,” had to make a decision. Had there been a register, it would not have been necessary to summon the boundary-settlers and the witnesses from the surrounding villages.

existed and were sent periodically to Bucharest for audit. So, in November, a central official could consult the register made in Craiova in May; he could see the state of the litigation, the arguments of both parties and propose a set of measures accordingly. Without this instrument, the central judicial instances would have been obliged to re-judge the case from the beginning that is, to duplicate the effort of the instance from Craiova. The register compiled by the latter institution offered the central power a degree of control over local matters which it had not possessed previously.

It seems however that the registers delivered from Craiova to Bucharest for audit were not always properly preserved, as a case of criminal justice from 1778 shows. A certain Constantin, brother of a bandit who had committed murder, was fined by the princely executive agent – the *armaş* Radul Băbeanul.<sup>143</sup> The culprit's petition was judged in first instance by the *divan* of Craiova, but unsatisfied resorted to the princely justice. Then, the prince asked the vel Ban to report on the case. The report of the latter, from January 15, 1778, is revealing for the existence and keeping of the registers:

I am ordered by your Highness to investigate in the register of judicial decisions of Craiova. Following the order, I have written to the caimacam of Craiova to send me the copies of the decisions in this case, because here in the registers the decision was not found, being a litigation adjudicated in March, the previous year. I have investigated with great care and according to the written decisions, [the judges] adjudicated in favor of the *armaş* Băbeanu.<sup>144</sup>

So, the judicial instance from Craiova was keeping the registers of decisions and was even forwarding it to Bucharest. Yet apparently, at the center, such registers were stored only for a limited time so that in January 1778, the decision made in Craiova in March 1777 did not exist anymore. However, the central official could ask a copy from Craiova, a sign that there the

<sup>143</sup> The old indistinction between civil and criminal law has apparently continued here.

<sup>144</sup> *AJTR*, 471. The case was being judged from 1775 and there were several rounds of decisions by both the caimacam of Craiova and by the central department of the great boyars, *AJTR*, 207.

register was preserved. The case proves the existence of the registers made in Craiova and their periodic dispatching to Bucharest; but it also indicates the lack of clear rules about the archiving of these instruments.

Finally, a case of pawn (*amanet*) confirms the existence of a register of judicial decision in Craiova in the years 1777-1778. In 1763 Drăghici căpitan loaned 200 tallers to the boyar Toma Brăiloiu who secured the borrowing with a pair of golden buckles. After the war from 1768-1774, the security changed hands and was lost – actually given to some Ottoman creditors for another debt of the boyar. The claimant of the security – the son of Drăghici căpitan – claimed it by a petition. The *Divan* of Craiova reports to the prince in January 1778 on the course of the litigation:

It was ordered by your Highness to the vel ban to investigate in the register of judicial decisions which are adjudicated here, at the *Divan* of Craiova, and according to the order he reported to your Highness in April, last year, that this case was judged ...<sup>145</sup>

The case is very similar to the ones above. A litigation was judged by the *Divan* from Craiova. One of the parties, dissatisfied with the decision, resorted to the princely justice in Bucharest. The prince forwarded the petition to the vel ban, who in turn reported after consulting the registers sent from Craiova. The information stored there allowed the central official to see what the case consisted of, what the stage of the litigation was and to recommend a solution. His proposal annexed to the princely resolution formed the decision. Upon hearing new testimonies, the *Divan* of Craiova proposed a new decision, from which I have quote above. The new report shows beyond doubt that at one stage of the report, a great official from Bucharest consulted the registers sent from Craiova to formulate his opinion.

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<sup>145</sup> *AJTR*, 559.

Towards the end of the period, the central authorities regarded the existence of the register of the *Divan* of Craiova as a natural fact. The house with vault (*boltă*) of a master (of craftsmen, merchants or other unspecified guild) was auctioned at his death to pay his debts. Yet a part of the paid money had disappeared. So the prince ordered in 1792 the *caimacam* to investigate the case: he had to interrogate the buyer of the house about how much money he had paid, who counted them and if he had a written receipt of those money; then he had to interrogate the members of the *divan* of Craiova from that time in front of whom the transaction was made and the organizer of the auction; ultimately he had to interrogate the clerks and check the “book of the *divan* from that time” (*condica divanului dintr-aceiași vreme*). So, in 1792 it was reasonable to expect that the details of a transaction were stipulated in the “book of the *divan*” (of Craiova) and the relevant information in case of litigation could be retrieved from there.<sup>146</sup> Unfortunately the next phases of the litigation are not documented and I can’t say whether the information of the book was used and useful.

#### ***5.4. Recordkeeping and State Power***

The emergence of individual or familial – against communal – forms of property, the multiplication of transactions and of litigations, the decline of sworn testimony and the tendency to accumulate more knowledge about territory and subjects explain the changed in recordkeeping in Wallachia from 1730 on. Starting from 1730s with the reform of the monastic recordkeeping, the state was in the possession or could resort to centralized knowledge to inform its decisions

<sup>146</sup> Urechia, IR, IV, 202-03. A chancellor of this *divan* is mentioned in 1792, Urechia, IR, IV, 158. The *condica* of the *Divan* of Craiova is mentioned in several countywide regulations which were supposed to be transcribed in local registers – of the county or of the *căimăcămie*.

and measures. Central and local registers had to record the titles of property of secular and ecclesiastic landlords, privileges of boyars and merchants, the acts of private transactions – sales, leases, pawning, cash-loans - and various regulations. Judging according to what was preserved in the Romanian archives, the registers of the Church and those of the central institution – especially the princely *divan* – were better preserved than those of the counties.

The registers tended to rationalize and depersonalize the administration at both levels, that of the state apparatus and that of the subjects. In the first sense, the information stored in the registers allowed the judges to adjudicate a lawsuit without resorting to witnesses. They could see what the stage of a litigation was, what people were involved, what the stake was, what testimonies were made and what proofs were mobilized. Besides, the regulations stored in the registers during the term of office of an official remained at the disposition of the next official “as a mirror”, to quote an ordinance of Mihail Suțu. This permitted a growth in the continuity of administration, beyond the mobility of the officials up and down in the hierarchy or in and out the state apparatus.

The reform of the recordkeeping was designed not only to facilitate the activity of the officials, faced with a growing number of litigations and with increased administrative responsibilities; but also to enhance the productive and fiscal capacity of the subjects. Once their testimonies were recorded or their signatures were put on papers, there was no need to call them in Bucharest to testify in front of the judges. Hence, the administration and justice did not depend anymore on the physical presence of the subjects; they could be away or dead, as long as their testimonies or signatures were stored by the state and used in its decisions.

The process outlined above altered the nature of the state in two senses. On the one hand it expanded its infrastructural capacity that is, the capacity to act at a distance and to impose its

will. Through the registers the state managed to exert more surveillance on the subjects, their deeds and their transactions but also on the activity of the officials. The compliance of the territorial officials could be monitored by the keeping and periodic submitting of registers to the center for audit. On the other hand, the establishment of central and local registers with their stabilized stock of knowledge created the conditions for depersonalized rulership. They delineated a space of stable and continuous rule, against the instability of princely and officials' tenure. It was the space in which the state was represented as an objective and equidistant entity where the transactions of all people, regardless of rank, were recorded.

## 6. MOBILE INSTRUMENTS FOR STORING KNOWLEDGE

The second category of scriptural instruments includes the written texts whereby the state aimed at expanding its reach to various areas of social life, from the identity of individuals to the trading of merchandise, medicines and gunpowder. In short, these texts can be considered to expand the control of the state over individuals and various material items. This was also true of registers – which I treated in the previous chapter – just that they were conceived to be immobile instruments for storing information, deposited in the central and local chancelleries. The writs I analyze in this chapter are rather mobile scriptural instruments as they tend to accompany either the individuals whose identity they attest or the objects whose quantity, quality, provenance and generally speaking legality they certify.

Romanian historians who analyzed the Phanariot reforms noticed the relationship between the attempts of the state to expand its reach and the devising on new scriptural instruments. For instance, Șerban Papacostea, comparing the Austrian reforms in Oltenia (1718-1739) with those of Constantin Mavrocordat in Wallachia and Moldavia, observed the link between fiscal extraction and the appearance of stricter evidence: “Like the Austrians, Constantin Mavrocordat has understood that, in order to pay off, the fiscal reform has to rely on a rigorous evidence of the taxable population”.<sup>1</sup> Moreover, by the fiscal measures “the identity card – ‘the sealed papers with individuals’ traits’ – are making now their first appearance.”.<sup>2</sup> Similarly, for Florin Constantiniu the “paper on which the name of the physical traits [of the

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<sup>1</sup> Papacostea, *Oltenia sub stăpânire austriacă*, 312.

<sup>2</sup> *Ibidem*.

taxpayers] are written” represents “a true identity card with fiscal function” introduced by the reforms of the same Constantin Mavrocordat.<sup>3</sup>

Both authors realized that the personal warrants given to the taxpayers anticipate the ID card of the modern times. Such papers enhanced the infrastructural power of the state because they offered the possibility to reach the empirical individuals, in order to tax them. These insights are good starting points for discussing the mobile scriptural instruments, which increased the capacity of the state in the 18<sup>th</sup> century. Yet, they share the limitation which I emphasized many times in my dissertation: they are circumscribed to the moment of the reforms. The authors discuss their introduction and their meaning, but they do not follow up the issue. Furthermore, the focus on the fiscal reform prevented them from seeing the emergence and growing importance of other scriptural instruments.

In this chapter I will continue the discussion started by Șerban Papacostea and Florin Constantiniu in two ways. On the one hand, I will extend the chronological frame, tackling both the precedents of individual fiscal certificates and the evolution thereof until 1800. On the other hand, I will discuss a larger variety of writs devised for the control of people and material objects. Besides the fiscal certificates for the main tax (referred to by Papacostea and Constantiniu), there were fiscal certificates for tax-exempt peasants granted to landlords (*scutelnici* and *poslušnici*), identity papers for craftsmen, merchants and soldiers, travel permits, physical description of wanted outlaws and permits for the lawful trading of medicine, ammunition and Ottoman provisions (*zaherea*). On a more general plane, I emphasize, following Jane Caplan and John Torpey that “registration and documentation of individual identity are

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<sup>3</sup> Constantiniu, *Constantin Mavrocordat*, 100-101. Both authors remark the severity with which Constantin Mavrocordat tried to obtain the most accurate evidence of the population, *Ibidem*, 100-104; Constantiniu and Papacostea, “Les Réformes des Premiers Phanariotes,” 101, Papacostea, “La grande charte,” 370-371.

essential if persons are to “count” in a world increasingly distant from the face-to-face encounters characteristic of less complex societies”.<sup>4</sup>

I will argue, like in the previous chapters, that this infrastructural growth is accompanied by a symbolic assertion of the state in an ever expanding terrain. The remaining of the chapter is organized as follows: the first part will briefly review the mentions of individual fiscal certificates before 1740 and I will discuss them in more detail for the period after; the second will discuss the certificates used to monitor the merchandise. In the last section I will sum up the findings of this chapter and its contribution to the overall arguments of the dissertation.

## 6.1. *Identification Papers*

**6.1.1. Fiscal certificates.** By fiscal certificates I translate the expression *peceți roșii pe chip*, literally meaning “red seals on the face”. Actually they were pieces of paper bearing a red seal and containing the facial description of the man to whom it was given. Shorter versions were also frequent: *peceți* (seal), *peceți roșii* (red seals), *peceți pe chip* (seals on the face). The first sure mentions of fiscal certificates in Wallachia date from the middle of the 18<sup>th</sup> century. However, in Moldavia they were mentioned in the previous century. Axinte Uricariul in his parallel chronicle of Wallachia and Moldavia states that in the winter of 1676, the prince of Moldavia Dumitrașco Cantacuzino “has issued papers ... so that all the people were having the seals of the prince Dumitrașco... and he [the prince] was doing these because of the greed for

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<sup>4</sup> Jane Caplan and John Torpey, “Introduction” in *Documenting Individual Identity. The Development of State Practices in the Modern World*, ed. Jane Caplan and John Torpey (Princeton and Oxford: Princeton University Press, 2001), 6.

money, so that neither rich nor poor can escape”<sup>5</sup>. In the next decades the measure was repeated by Gheorghe Duca-vodă, Antioh Cantemir in 1700 or 1701<sup>6</sup> and Mihail Racoviță in his first Moldavian reign (1708-1710).<sup>7</sup> If we leave the accusation of greed aside, we can note that for the chronicler the certificates were very effective means of increasing the fiscal resources of the prince.

With these papers the principedom wanted to reach to the individual tax-payer. However, the taxpayers resented such a rigorous evidence of their names which would bring an increase in their tax-burden. The Moldavian chronicler Ion Neculce described accurately the difficulties of implementing fiscal certificates by Mihail Racoviță:

Then, Mihai-Vodă introduced the fixed main tax with equal installments and issued fiscal certificates for every man, containing the traits of the face. And the people were afraid to show up for the assessment, to avoid the multiplication of the installments ... Seeing this, the prince dispatched orders to the landlords and village headmen to show all the taxpayers to be registered for the installment, otherwise they would suffer penalties. Later, whenever the tax-collectors found a man without the certificate, they put shackles on the headman [of the village where the nonregistered man was residing] and sent him to Iași ... And seeing that even so he could not constrain everybody to show up for registration, [the prince] farmed out the main tax of all counties.<sup>8</sup>

The most important aspect to be underlined here is the connection between certificates (*pecetluit roșu pe față*) and the widening of the tax-basis by bringing more taxpayers in the purview of the state. The paragraph also indicates that such attempts were far from being successful and the principedom had to resort to an extreme measure, the farming at auction (*cochi-vecu*) of the main tax which was usually collected by state officials.

<sup>5</sup> Axinte Uricariul, *Cronica paralelă*, 139; in his second reign (1684-685) Dumitrașco Cantacuzino resumes his fiscal policy, *ibidem*, 170.

<sup>6</sup> *Ibidem*, II, 193.

<sup>7</sup> *Ibidem*, II, 218-219.

<sup>8</sup> Ion Neculce, *Opere*, 450-451.

Similar problems were encountered by the Habsburgs during their rule in Oltenia (1718-1739). In January 1, 1734, the instructions for the collections of the sheep-tax (*oierit*) ordered the county officials (*vornici*) to register sheep owners accurately “writing their names and surnames and how many sheep each of them has”.<sup>9</sup> At the end of the same year, the instructions for the main tax were even more explicit with regard to registration:

not only on a small piece of paper, as it was usually done, but a large sheet [has to be used] so that from it a catalogue or a booklet can be made; you have to write down each family with the true name and surname, and never by means of cheating with a false name, and send them [the papers with evidence] to us.<sup>10</sup>

Apparently, the Habsburgs were content to register the names and surnames of the taxpayers on lists. But the Phanariots continued the method of their predecessors of issuing fiscal certificates of each tax-payer which could prove everywhere that he acquitted his tax. This type of fiscal certificate was adopted in Wallachia too during the 18<sup>th</sup> century<sup>11</sup> most probably at the initiative of Constantin Mavrocordat. Again, the evidence from Moldova allows us to presuppose similar measures in Wallachia. The princely register made in his second Moldavian reign (1741-1742) shows a great preoccupation with the use of writs as means of identification and control of the taxpayers:

...every man should show up to take certificate and to be registered in the princely list of apportioning, both the married and the unmarried of [lawful] age [for taxation] ... any man and any corporation, all shall be registered in the apportioning list of the village and be given the certificates with personal traits in them; only the boyars without office and the merchants registered in the princely sealed list shall not be given certificates; the other that live in the country, not registered in the list, should be given certificates ... To any village there are two apportioning lists: one of them has to remain, after signed by the tax-agents in the village and the other, signed by the priest and the headmen of the village has to be sent to the treasury...All big

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<sup>9</sup> *DF*, 124.

<sup>10</sup> *DF*, 129. The following year the administration orders the county officials to register the members of all fiscal categories “the baptism name and their surname,” *DF*, 131; Papacostea, *Oltenia sub stăpânire austriacă*, 238-239.

<sup>11</sup> It might be that Constantin Brîncoveanu also resorted to fiscal certificates when he introduced the fixed installments of the main tax. Apparently, the fiscal certificates were used in such periods, as the Moldavian case shows.

villages and the hamlets have to be registered in the apportioning princely list and the tax-agents have to write in the ledger of the treasury the villages and the hamlets separately, each of them with the name of the estate and of the landlord ... The ledger that the tax-agent will bring to the treasury has to contain the name, the nickname and the name of the father of the men as these are written in the apportioning list.<sup>12</sup>

This settlement was published pub on October 8, 1741 and clearly stated that its measures were a reiteration of the fiscal reform from Wallachia that is, it established a fixed main tax with predictable installments.<sup>13</sup> So it is reasonable to suppose that similar writs were introduced in Wallachia too. This inference is supported by direct evince from the last Wallachian reign of Constantin Mavrocordat. In June 1761, he notified the inhabitants of Râmnicu-Sărat county about the new fiscal settlement. The document contains instructions for the tax-collectors which reveal a serious preoccupation with precise recording and written fiscal evidence. The main message of the order is that all taxpayers have to be registered with the utmost accuracy for an equitable apportioning of the tax. The relevant paragraphs - 8 and 9 - are strikingly similar to those from the Moldavian settlement.

He who wants to pay the main tax together with his brothers, cousins, with his relatives ... has to receive a written letter with the signature of the chief tax-agent ... Similarly those who do not want to form a fiscal unit with their relatives, but only individually ... The boyars [tax agents] have to investigate the headmen and the villagers to register all tax-payer in order to make the apportioning with justice; and the man whom they will hide and will not report to the boyars [as tax-payer], neither the peasants nor the headman are allowed to demand not even a *ban*; but if the headman and the villagers will take even a *ban* from that man ... and will not declare that man in the apportioning list, the headmen shall know that their punishment will be humiliating in the market place and their ears will be cut ... The tax-agents have to carefully register the same amount in the ledger that is to be sent to the treasury and in the apportioning list to be left to the village and in the certificates which the agents will hand to them [taxpayers] and the ledger has to match the apportioning list and the individual certificates. The apportioning list has to be given to the priest and to the other village elder, signed by the tax-agents so that it will never be altered.<sup>14</sup>

<sup>12</sup> *Condica lui Constantin Mavrocordat* [The Register of Constantin Mavrocordat], 2<sup>nd</sup> edition, vol. 1, ed. Corneliu Istrati (Iași: Editura Univ. Alexandru Ioan Cuza, 2008), 128.

<sup>13</sup> *Ibidem: viind domnia mea la scaon și cu toții, cu mare pohtă și rugăciune cerșind și pohtind așăzământul dăjdilor ce s-au făcut Țării Românești.*

<sup>14</sup> *DF*, 176.

From both the Moldavian and the Wallachian evidence, it results with clarity that the boyars who coordinated the tax-collection in the counties had to oversee the making of three types of scriptural instruments made for taxation: the apportioning list (*foaia de cislă*) given to the village priest and headmen; the testimonials of payment for each peasant (*răvașă, peceti pe față*) given to the peasants; the registers for the treasury (*catastișe*). The Wallachian document does not mention explicitly the “red seal on the face” but the word *răvaș* (lit. letter) most probably refers to the same type of document. Below I will show that the Wallachian state was also using certificates with personal traits. The registered amounts had to be consistent in each of the three types of scriptural instruments. By such complicated evidence, which can be subject to cross-checking, the central state can monitor both the taxpayers’ behavior and that of the tax-agents.

What was the content of the individual fiscal certificates? Such a certificate from 1749 or 1750 for the payment of the main direct tax (*dajde*) shows both the categories which the central power wanted to be filled and the modest results in this respect. It is the receipt of a townsman and it writes: “the name of the father --- his surname – from the neighborhood --- his face --- blond man”.<sup>15</sup> It is hard to understand why only the color of the hair appears in the identification document. Is there a technical incapacity of the tax-agents to produce in writing a detailed and accurate physical description of the individual tax-payer? It is negligence towards the princely orders to do so? Is it collusion between tax-payer and tax-agent, so that the former cannot be monitored by the state? I found no other plausible explanation.

The individual receipts can be of help in discovering and proving the abuses of tax-collectors. In April 1796, the great treasurer reported to the prince Alexandru Moruzi on the

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<sup>15</sup> Iorga, *St. și doc.*, vol. 14: 306, (*sinu --- porecla lui --- de la mahalaua --- chipul lui, om plăvaș*).

abuses of Iordache Tufeanu, tax-collector (*zapciu*<sup>16</sup>) in the district (*plasa*) Cotmeana, Teleorman county. Based on the tax-receipts given to taxpayers (*teșcherele*), the treasurer was able to show precisely the unlawful amount of tax exacted by the tax-collector, namely 141 taller and 102 *bani*. Moreover, he made a table in which he specified for each of 5 villages the amount of tax due to the treasury, the amount collected by the *zapciu*, the unlawful difference, and from which tax the fraud was committed. For instance the *zapciu* misappropriated from the village Mărghiia 20 taller and 20 *bani* from the fourth installment of the main tax; besides he didn't pay according to regulations - the tax-officials had to cover the costs of their up-keeping - 4 carts of hay (3 taller per cart) and 2 *chile* of barley (2,60 taller per *chilă*) . For this amount the treasurer had sure information, just that the receipts are in the countryside (most probably he investigated through commissaries); yet there was another defrauded amount of 151 taller and 87 *bani* for which the peasants did not bring the receipts and hence the treasurer recommended an investigation on the spot.<sup>17</sup>

From the main tax, the control by scriptural instruments extends to other taxes. The most elaborate system of written registration and certification is documented in the case of the wine-tax (*vinărici*). The 4<sup>th</sup> point (*pont*) from the regulation of this tax on 1783 rules that those who lease the tax are “accustomed ... to commit many abuses, overestimating the quantity of wine” and in order hide the abuse, issued testimonials (*răvașe*) without “the number of buckets” they measured and “without the sum of money” they collected. So, firstly the tax agents were ordered to measure the vessels first – obviously of various sizes - in which the taxpayers had stored their wine; the evidence of this measurement was to be sent to the county tax agent (*tacsildar*) who

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<sup>16</sup> *Zapciu* means both tax—collector and officer of a district (*plasă*), subunit of the county.

<sup>17</sup> *DF*, 262.

had to count for each vessel how many buckets it contained;<sup>18</sup> the *tacsildar* had to register the number of buckets in his rolls, and then to issue a list with the names and the number of buckets, the measure of each vessel and the sum of due money for each tax-payer. Armed with this document, the tax agent operating on the spot has to issue a testimonial (*răvaș*) for each vessel in which to show the name of the tax-payer and the number of the “buckets” contained in that vessel; this testimonial had to be pasted on the barrel and then, at the payment of the money, a final testimonial (*răvaș*) was to be given to each tax-payer showing the number of buckets and the sum of exacted money.<sup>19</sup>

This extremely complex – not to say clumsy – system of registration, was hoped to produce evidence at three levels - tax-payer, tax-agent on the spot and county responsible for tax, and obviously, though not mentioned, at the Treasury; the comparing of these three-layers evidence would uncover eventual frauds. The order was repeated by subsequent regulations of the wine-tax collection (*Ponturile vinăriciului*) until 1800: August 15, 1786<sup>20</sup>, September 5, 1791.<sup>21</sup> The audit of the activity of the tax-collectors was based precisely on such testimonials. The testimonials (*răvașe*) issued by the tax-collectors to each tax-payer were compared by a new round of agents (*cercători*) with their own testimonials to find possible abuses or frauds. This operation, named *cercătura*, was also part of the fiscal process and was similarly farmed out.

For example, on November 22, 1791, the prince Mihail Suțu asked the *ispravnici* to assist the audit of the wine-tax collection. The central lease-holders<sup>22</sup> proved on the basis of the

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<sup>18</sup> This tax was paid per bucket, an ideal not a real unit. To be able to collect the money, each vessel had to be measured and converted in ideal buckets (for more details see the chapter on to weights and measures).

<sup>19</sup> Urechia, IR, I, 413.

<sup>20</sup> Urechia, IR, III, 628-29.

<sup>21</sup> Urechia, IR, IV, 254-56.

<sup>22</sup> The central tax-farmers were great boyars and merchants from Bucharest. The actual tax-collectors mentioned in the documents could be either sub-tax-farmers or simple employees of the central tax-farmers.

testimonials (*răvașe*) that the tax-collectors had embezzled a part of the collected money; the testimonials contained only the number of buckets on the basis of which the tax was collected, not the sums of money exacted from taxpayers and it was proved that some money were missing. Apparently the central officials or tax-farmers (usually the two categories were overlapping) made the necessary calculations and have uncovered the missing money. Hence, the authorized controller had to write down in the testimonials received by taxpayers upon the payment the afferent sum; if these testimonials do not exist, the controller has to make another testimonial (*adeverință*) signed by him and the tax-payer, with the mention of the paid sum and the name of the agent who collected the tax.<sup>23</sup> By mentioning only the number of buckets, the taxpayers hoped to hide their fraud.

The collection of the sheep-tax (*oierit*) is also to be monitored through scriptural instruments as showed by the regulation (*ponturile oieritului*) from October 1, 1787. The collection of taxes was divided on counties and districts (*plăși*). The boyar responsible on one county had to delegate lesser agents in the districts. The district agents first had to count the sheep of each tax-payer and “to issue testimonials of numbering, with the name, surname and the village, writing them all in a register, and especially the surname” (*să dea revașele sele de numerătoare, cu numele și porecla și satul, trecându-le toate în terfelog, iar anume porecla*). These registers had to be sent within 20 days to the county-responsible so that the latter could report the sum of money due by a county to the treasury. The district agents then have to issue accurate testimonials of payment and to compile an equally accurate list of such testimonials and to send the money to the county responsible.<sup>24</sup>

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<sup>23</sup> Urechia, IR, IV, 275-76.

<sup>24</sup> Urechia, IR, III, 626-27. The clauses of the sheep-tax regulation and the obligation to issue individual testimonials are included in the letters of authorization issued for the collectors of this tax in October 10, 1787, Urechia, IR, III, 626.

Like with the other taxes, the fiscal process would end only after the audit (*cercătura*). A letter authorizing this operation in January 3, 1792 states:

This authorization letter of my Princeship was given as usually to the boyars who farmed out the sheep-tax of this year whereby they can appoint auditors (*cercători*) through counties; the auditors, with the knowledge of the county *ispravnici* have to go in the footsteps of the tax-collectors and gather their testimonials (*răvașele*) and to issue their own testimonials; those whom among tax-collectors will be uncovered to have not registered all the sheep in the ledger will be fined with a double amount [from the embezzled sum]; those whom among taxpayers will be found with hidden animals, not declared to the first round of tax-collectors, will pay the sheep-tax and the fixed fee (*poclonul*) in double amount.<sup>25</sup>

These ordinances and regulations emphasize the attempts to register the village, the name and the surname of the taxpayers; the resulting data was to be sent to the treasury. This evidence shows the attempt of the state to reach at the individual tax-payer and to bind him to a fiscal address. By precise naming and establishment of the address, the individuals are to become legible from the center and hence easier to govern. Moreover, by means of the net of testimonials and ledger the central power aimed at increasing its surveillance of both the tax-agents and taxpayers.

**6.1.2. Fiscal certificates for colonized peasants.** Related to the certificates discussed above, yet not identical, are the certificates given to colonist-peasants to attest their special fiscal status. These certificates are called “red seals” (*peceți roșii*) or simply “seals” (*peceți, pecetluiri*) because they bore the seal of the treasury. Sealed certificates are often mentioned in relations to fiscal facilities meant to lure the fled peasants to return in Wallachia or offered to foreigners who would settle on landlords’ estates – as a privilege obtained by the latter from the prince. The privileges could take three forms: a partial or total tax-exemption for a limited or unlimited number of colonists;

<sup>25</sup> Urechia, IR, IV, 274-74, footnote. Similar evidence is provided by the letter of authorization for the control of the collection of the honey-and-pigs-tax (*cercătura dijmăritului*), August 16, 1783, Urechia, IR, I, 402-03, The *cercătura* of the honey-and-pigs tax was not short of abuses, as an order of Mihail Suțu to the *ispravnici* of Olt, Teleorman and Vlașca to supervise the auditors shows, Urechia, IR, IV, 275.

the granting of a number of tax-exempt peasants (*scutelnici*) from among the current tax-paying peasants; a combination of these two methods.

The social reforms of Constantin Mavrocordat (the abolition of personal servitude) relied on such methods of identification. The first step in this reform was consumed in October 26 1745: the princely proclamation regarding the displaced peasants, announced a 6-month tax-exemption for the peasants who would return in Wallachia. After the 6 month deadline, each man could return to any estate he chose and was supposed to pay a fixed tax – 5 taller per year. Yet these favorable conditions were offered only to those peasants who at the moment of enactment, were abroad. But how to distinguish between the immigrants and the peasants already settled in the country? After choosing the place of settlement, each of the newcomers were supposed to go to Bucharest “to pick up the red-sealed certificates for the special tax regime from the treasury to be identifiable as beneficiaries of separate fiscal regime” (*să-și ia fieștecarele pecetluit roșu de ruptoare de la vistierie ca să să știe că sunt ruptași*). Only the red seal could certify the condition of immigrant and therefore the special fiscal regime. Caught subsequently without “the red seal”, the immigrants would be given “peasant seals”, namely the status of common tax-payer.<sup>26</sup>

The proclamation is annexed to another document where the entire procedure of issuing read seals is described with clarity. The prince authorizes the abbot of Arnota monastery to colonize as many peasants on the estates of the monastery as possible with the following condition:

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<sup>26</sup> DRA, 288.

to take them to the *ispravnic* of the county to give them his testimonials and to write their names and “faces” on paper and after that to send them without delay to the treasury with the signed paper of the *ispravnic* in order to give them certificates of special tax.<sup>27</sup>

Hence an important role accrued to the county *ispravnici* who had to check if the colonists came from abroad and to issue a testimonial containing identification information. Armed with this testimonial, the peasants had to go the treasury where the certificates – “the seals” – attesting their special fiscal regime of each of them would be dispensed. How could the county *ispravnici* ascertain if a certain peasant was an immigrant or a fugitive from another area of Wallachia? The documents after 1740 do not specify this, but one from 1736 – during the Austrian rule in Oltenia - indicates the probable answer. The newcomers had to obtain testimonials (*țidule*) from the border guards “with which to prove that they are foreign men and the date of their crossing in [Wallachia]; afterwards they should communicate in writing “their name and surname” to the county-officials to be registered in the ledger of the county.<sup>28</sup> The colonists had to be foreign in a fiscal sense, not an ethnical one, although the latter sense was not excluded. By this provision the state watched not to diminish its fiscal basis. However, some privileges allowed the recruitment of colonists from the extant taxpayers as tax-exempt laborers (*scutelnici*).

So, although the granting of tax-exempt peasants was a privilege, the central power was keen on having strict evidence of them, obviously for fiscal reasons: to limit the number of tax-exempt peasants given to the landlords. The only condition for these neo-serfs was to be registered in the rolls of the treasury and to have certificates of special fiscal status. So, it was a form of state-controlled serfdom. The certificates for tax-exempt peasants were issued in several

<sup>27</sup> *Ibidem*: să-i ducă la ispravnicul județului să le dea răvășalile dumnealui și să le scrie numele și chipurile pe foae și după aceea numaidecât să-i trimiță aici la visterie cu foaia ispravnicului iscălită ca să li să dea pecethuiri de ruptoare.

<sup>28</sup> *DF*, 134.

instances: as privilege to gather a number of colonists on an estate, as a privilege of keeping a number of peasants from among the extant taxpayers or as a combination of the two.

For example, on January 26 1745, Constantin Mavrocordat authorizes the bishop of Buzău to gather as many foreign men as possible on three of his estates; fiscal facilities are granted to the potential colonists: a fixed direct tax paid in 4 equal installments (*sferturi*). To certify the special fiscal regime the *ispravnic* of the county is ordered to hand to each of the immigrant peasants “seals”, fiscal certificates bearing a seal for authentication, (*peceți la mîna lor*).<sup>29</sup> Similarly, the prince Constantin Racoviță authorizes the monastery of Argeș in June 6 1763 to colonize on the estate Suhașul “as many as possible foreign men from Transylvania” (*oameni străini din țara ungurească cîți va putea de mulți*) given. The *ispravnic* of the *județ* has to investigate the colonists and “if they are truly foreign men from Transylvania” to make “a paper <specifying> their names, surnames and their faces” (*foae de numele cu porecla lor și cu chipurile lor*) and to sign it; then, the abbot has to send two or three leaders of the colonists with the signed paper of the *ispravnic* to the treasury to obtain a separate fiscal regime with obligations according to their fiscal capacity.<sup>30</sup>

Sometimes the privilege was a renewal of an older one and entailed only the exemption of a certain number of laborers. In January 10 1742, Mihail Racoviță ordered the tax-collectors from the Argeș county to see that 12 *poslușnici*<sup>31</sup> and shepherds of the Argeș monastery, “at the time of the certificates they were given certificates with physical description” (*la vremea peceților să li se dea peceți pe chipuri*), were registered in the tax-register with their fiscal

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<sup>29</sup> *DF*, 150.

<sup>30</sup> *DRA*, 399.

<sup>31</sup> The *poslușnici* are laborers with a lighter fiscal regime or a complete tax-exemption granted by the prince so that their labor can be more profitably exploited by the landlords; they are primarily domestic workers and are different from the tenants who pay certain rents.

address and were taxed only the money specified in the certificate of special tax regime.<sup>32</sup> The *poslušnici* had a permanent special tax regime in order to “serve always to the monastery’s needs”.

Another kind of privilege was the permission to gather a limited number of laborers but with complete fiscal exemption. The abbot of Bistrița monastery obtained complete and permanent tax-exemption for 8 foreign colonists in May 7 1761. The prince Scarlat Ghica ordered the *ispravnic* to investigate the 8 men and if they were truly foreigners and, if yes, to give them testimonials with which to go to the great treasurer to be gave sealed certificates with their names and facial traits (*pecetluiri roșii pe numele și chipul lor*).<sup>33</sup> In July 20 1763, the prince Constantin Racoviță gave a similar privilege to the abbot of Văcărești, but this time for 30 men. Yet to control this donation, the 30 exempted tenants had their names and physical traits registered on certificates with red seals and written down in a register. The purpose of registration appears bellow: if other men will be gathered in the estate of the monastery, they are not to be exempted but registered as common tax payers who will owe to the monastery only the seigniorial rights, but not the taxes due to the state. In this sense the abbot is exhorted not to hide new comers that would exceed the 30 exempted tenants granted by the privilege.<sup>34</sup>

The privileges for the monasteries were better preserved but the lay-landlords also benefited the princely generosity. Eufrosina Callimachi, who purchased an estate in Wallachia, *Slobozia ot moara Brăiloiului*, obtained such a privilege. The prince granted her 25 *scutelnici*

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<sup>32</sup> *DF*, 140.

<sup>33</sup> *DF*, 175.

<sup>34</sup> *DF*, 179. Let’s notice that in distinction to other similar privileges the need to recruit the tax-exempt tenants from among foreigner or immigrants is not specified; it means that the 30 men are to be detached from the mass of common tax-payers, a loss to the treasury. This is explained by the fact that the original privilege granted by the founder of the monastery specified 200 peasants exempted from the taxes to the state who have to pay their tax to the monastery. In this sense the privilege resembled the concession of other taxes or custom fees. As the original privilege was not respected, Constantin Racoviță reissues it in an altered form – less favorable to the monastery.

from the taxpayers (*dajneicii vistierii*) and ordered the treasurer to convey the afferent written evidence (*țidula visterii*) to the *ispravnici* so that the tax-exemption could be put in effect – by decreasing the sums due by the respective county. Moreover, the facial traits of the *scutelnici* had to be registered and princely certificates of tax exemptions issued and handed to them (*luîndu-li să după orînduială chipurile în scris, să li se dea și pecetluirile domnii mele la mîini ca să fie apărați de toate dăjdiile și orînduelile țării*).<sup>35</sup>

The Arhimandritul monastery from Bucharest obtained a similar privilege in September 1 1799 when the prince Alexandru Moruzi reconfirmed a series of privileges; among these was the right – bestowed in the first reign of Alexandru Moruzi (1793-1796) – to keep 10 laborers from the local taxpayers.<sup>36</sup> The two types of privileges I described above, the right to colonize foreigners and the right to have tax-free laborers from the extant taxpayers, can be combined. For instance in December 26 1782 Nicolae Caragea confirmed the privileges of Buzău bishopric. The prince added to the privileges of the bishopric the right to keep 55 exempted tenants (*scutelnici*) with princely certificates (*pecetluiri domnești*) for the labor needs of the bishopric and another 60 foreign colons exempted only partially.<sup>37</sup> A similar privilege was granted in 1792 to the Brâncoveni monastery.<sup>38</sup>

Variants of the privileges I illustrated above are amply documented for the period under study here, the differences lying in the number of colonists and the fiscal facilities (partial or total tax-exemption).<sup>39</sup> What matters is that the state tried to strictly control the privileges it

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<sup>35</sup> *DF*, 270.

<sup>36</sup> *DF*, 272; the last two privileges are mentioned in the footnote of the first document.

<sup>37</sup> *DF*, 219.

<sup>38</sup> Iorga, *St. și doc.* vol. 5: 199.

<sup>39</sup> See selectively *DF*, 218 (renewed, 327), 272 footnote, 257 (renewed, Urechia, IR, VII, 134), 265, 223, 267, Urechia IR, II, 50-51, 51-54, 66, 67-70, 70, 71, 72, 73, 76, 78-79; IV, 97; V, 407-408; VII, 87-88.

granted to the landlords by means of scriptural instruments. Yet one question arises: since the “red seals” – as well as the “peasant seals” – were identification acts, what information did they contain? Only one element is clear, the name. Let us approach the other two elements, the surname and the physical description. The *porecla* is normally translated as nickname. It might be that for more precision in the identifying of the colonists, it was required to specify their nickname. But a second interpretation of the term is that of family as a large group based on kin or place of residence, village. In this interpretation *porecla* is a common denominator for a group of people. Without rejecting the nickname hypothesis, the second hypothesis is supported by a very different source: the *Parallel Chronicle of Wallachia and Moldavia*, compiled by Axinte Uricariul in the first half of the 18<sup>th</sup> century at the order of Prince Nicolae Mavrocordat.

The chronicle narrates the failed attempt of the Ottomans to recapture the city of Astrakhan from the hands of the Muscovites in 1570. The episode starts with a brief description of the geographical location of the “khanate or kingdom of Astrakhan”. Astrakhan is showed to be the richest trading port of the Caspian Sea (*cea mai bogată scală pre Marea Caspiei*); the city is so important that the entire kingdom “is nicknamed” according to its name (*și de pre numele acestui oraș, a Astrahanului toată acea crăie să poreclește*).<sup>40</sup> Clearly, the verb *să poreclește* - literally “is nicknamed” - derived from the noun *poreclă*, does not refer to a nickname, but to the operation of denominating a larger entity by the name of a smaller one. It is a name of a city extended to an entire polity and its population. In this respect it has affinities with the name of a family, a clan or a village community where the name of an individual or a place is extended to an entire group. Probably, the document which I cited above – requesting the noting of the *porecla* in the fiscal certificates of colons – employed this latter sense of the word.

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<sup>40</sup> Axinte Uricariul, *Cronica Paralelă*, 247.

What about the physical description? The writing down of the “faces” suggests a description of the facial traits of individual peasants. One document supports this supposition. It is a form or template for the drawing of the “read seals” dated 1797. Hence it contains only the rubrics to be filled, not the actual information, but it reveals the kind of information the state stored to exert its surveillance in this domain:

1797. County --- Son of --- Surname --- From the Village --- His head --- the face --- the hair of the head --- the eyebrows --- the eyes --- the mustache --- the beard --- who is from among those who are tax-exempt which were given for the labor of the house --- as in the register of the Treasury he was registered according to the testimonial he brought from the *ispravnici* of this county, this seal of my Princeship was given to him; nobody shall disturb and upset him.<sup>41</sup>

The document is a “seal” given to a tax-exempt peasant (*scutelnic*) in the service of a landlord; the new status of the peasant is registered in the rolls of the Treasury. It is strange that the form does not have a rubric for the name but this was supposed to appear either instead of *sin* (literally, “son of”) or *porecla* (“surname”) or simply added in that space. Most probably this is how the other certificates issued in the previous decades looked like. It illustrates clearly how the state reached or tried to reach to the individual by gathering personal data and recording them in this sort of paper. The outcome of this operation – if carried out properly – would have been a durable “embracing” of the subjects for fiscal purposes (in the above case to control the number of the tax-exempt peasants).

<sup>41</sup> Iorga, *St. și doc.*, vol. 7: 168: 1797 sud --- sin --- porecla --- din satu --- chipul lui --- la față --- părul capului --- sprâncenile --- ochii --- mustăți --- barba --- carele fiind din suma scutelnichilor ce s-au orînduit pentru polușania casii --- precum și la catastihul Vistierii i-au (sic!) așezatu după adeverința ce au adus de la d-lor boierii ispravnici ai acestui județ, ne-au (sic!) dat acest pecetluit ai Domnii Meale; va și supărare să n-aibă. In my translation I corrected several grammatical inadvertencies related to the inconsistent use of the person.

**6.1.3. Fiscal certificates for craftsmen and merchants.** Not only had the peasants received fiscal certificates that attested their tax regime but also the members of the craftsmen' and merchants' guilds. The charter of the candle-makers from January 16, 1784, stipulates:

upon being registered in the rolls of the Princely chamber, where other guilds are registered, they [the candle-makers] have to receive in their hands from the chamber the sealed certificates of my Princeship so that they can be recognized as members of the guild and besides those with Princely certificates of candle-makers, nobody is allowed to sell tallow candles in the city of my Princeship Bucharest.<sup>42</sup>

The charter for the tailors' guild is even more explicit: the 59 *lude*, all "good craftsmen" are to be registered in the "book of the guilds" (*condica rufeturilor*) have received "printed, princely seals, on their face" (*pecetluiri gospode, tipărite, pe chipul lor*).<sup>43</sup>

The merchants established in Wallachia also needed written authorization to exert their business lawfully. In 1779, Alexandru Ipsilanti establishes several conditions for local merchants. Their names and guarantors (*chezași*) will be registered in the "book of the treasury". The merchants will have seals to seal the merchandise – "so that it can be distinguished when mixed with other merchandise, in less quantity than declared, expired or hidden". Each merchant's seal has also to be transcribed in the treasury register; only then a "certificate of my Princeship" (*cartea domnii mele*) will be issued with which the merchant can trade all the time without renewing it annually. These merchants are obliged to sell *zaherea* only to those Ottoman merchants armed with similar princely authorization at hand. Besides this trade, aimed at supplying Istanbul, a small volume trade with the towns over the Danube is allowed; yet even in

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<sup>42</sup> Urechia, IR, I, 458.

<sup>43</sup> Urechia, IR, II, 192. Similar "princely seals" have received the glass makers from Tîrgoviște, Urechia, IR, II, 500-01.

this case, the Ottoman merchants which operate in Wallachia need certificates (recommendations) from the Ottoman official of that place and the princely man residing there.<sup>44</sup>

Merchants coming from abroad also needed papers of identification. At least this was valid for the Ottoman merchants participating in the trade with *zaherea*, the provisions due by Wallachia to the Ottoman Empire as part of its economic obligations. The regulation of their activity was part of the larger regulations issued by the Ottoman sultan and was the effect of the distinct and autonomous status of Wallachia (“registered separately at the chancellery”). In 1760 the sultan Mustafa III forbids his subjects to cross into Wallachia without testimonials (*teşcherele*).<sup>45</sup> Five years later, the same sultan decides that only authorized traders can trade in Wallachia and their activity is to be strictly monitored by recording their names in registers (*defter*) and issuing of temporary testimonials by the Wallachian princes (on the basis of similar testimonials brought from the Ottoman officials).<sup>46</sup> Such dispositions multiplied as the status of the principalities was improved in the wake of the Peace of Küçük-Kaynarca (1774). The names and the physical characteristics of the Ottoman authorized merchants and their associates were clearly stipulated in the register at the disposition of the Wallachian authorities, so that they could check the validity of the merchants’ authorizations and issue temporary testimonials.<sup>47</sup> Although the regulations of the trade with *zaherea* were a sign of dependence on the Ottoman

<sup>44</sup> *DF*, 211. The monitoring of identity and membership in merchant guilds is also attested by two documents from 1803 relative to the merchants from Chiprovăț established in Wallachia at Ocnele Mari and from Craiova, *D.F.*, doc. 277, *D.F.*, doc. 279.

<sup>45</sup> *Documente turcești privind istoria României* [Turkish Documents Regarding the History of Romania], vol. 1, 1455-1774, ed. Mustafa A. Mehmet (Bucharest: Editura Academiei Republicii Socialiste România, 1976), 259.

<sup>46</sup> *Documente turcești*, vol. 1: 279.

<sup>47</sup> *Documente turcești privind istoria României* [Turkish Documents Regarding the History of Romania], vol. 2, 1455-1829, ed. Mustafa A. Mehmet (Bucharest: Editura Academiei Republicii Socialiste România, 1985), 3, 33, 46, 47, 110; *Documente turcești privind istoria României* [Turkish Documents Regarding the History of Romania] vol. 3, 1791-1812 (Bucharest: Editura Academiei Republicii Socialiste România, 1986), 4. Mihail Guboglu, *Catalogul documentelor turcești* [The Catalogue of Turkish Documents], vol. 2 (Bucharest, n.p. 1965), 4.

Empire, they nevertheless reiterated the autonomy of Wallachia and, what is more important, marked out its boundaries and territory, where a new set of authorization letters was necessary.

**6.1.4. Identification papers for soldiers.** A professional category which needs strict monitoring is that of the soldiers of the court. They could be distinguished from “civil” individuals by their clothes and weapons. But these items do not represent a guarantee of such an identity anymore. In this sense, the prince Nicolae Caragea notifies on February 14, 1783 the *vel spătar* and the *vel Aga* - both officials with military men in their suborder – about the need “to make the census (*catagrafia*) in the city of my Princeship, Bucharest”; to this effect, he has ordered that all the apparatuses<sup>48</sup> be given certificates from the Treasury “so that those in the service of the Princely and Country service will be known and recognized”. Similarly, the prince has ordered for the soldiers of the princely court to be given “certificates with their physical description acts from the Chamber of my Princeship” (*sineturi de la cămara Domniei mele, fiecăruia pe chipul său*); the soldiers from the corporations of the *spătărie* and *agie* were supposed – by the same princely ordinance – to receive “your acts to certify that they are in service” (*sineturi ale D-tre, spre adevăriniță că se află în slujbă*). So, each soldier was to receive certificates to attest their profession from the branch of princely administration to which they belonged (Chamber, *spătărie* and *agie*).<sup>49</sup>

These identification acts were supposed to prevent fraudulent wearing of soldiers’ clothes and weapons. “Many of those who concoct either to commit misdeeds and villainies or to evade

<sup>48</sup> I translate by “apparatus” the Romanian word *breaslă*; yet *breaslă* in early modern Romanian referred both to the corporations of guilds of craftsmen and merchants, to various fiscal categories with special tax-regime and to the military units in the service of the court or the great officials; hence the entire apparatus of the office of *vel spătar* was called *breasla spătărească*. The document I discuss here uses the third connotation of the *breaslă*, that of military men.

<sup>49</sup> Urechia, IR, I, 249-50.

taxation wear clothes like the soldiers of the court, or of the members of your [*spătar*'s and *aga*'s] apparatuses ... bearing weapons too" and with this they "damage the reputation of the princely soldiers and carry out many other unlawful deeds". To curtail these offenses, the prince orders "Again and with great strictness to show this ordinance to all your guilds so that each soldier will shall know to have the certificate with him all the time"; a town crier has to announce "in the entire city of Bucharest" that the *vel spătar*, *vel aga* and the other officers have strict orders to investigate and to imprison those found "without this certificate which will resemble their face" (*fără de acest fel de sinet, care să asemene cu chipul lui*).<sup>50</sup> The policing concerns of this ordinance are obvious, as are the illegalities committed by using fake identities. Also, the role of act of identity (*sinet*) given to soldiers is beyond doubt, as they have to coincide with each of their "face", a clear indication of physical description.<sup>51</sup> It is the first document which specifies clearly that the possessor of the identification act is obliged to carry it with him all the time for unanticipated checks.

Yet the using of fake identities was to continue. On March 8, 1792, the prince Mihail Suțu orders that only those with princely seals at hand are allowed to wear clothes of the Arnăuți and weapons (*numai cine are pecetea Domniei mele la mâinile lui, acela numai este slobodu a purta port arnăuțesc și armă asupra lui*); so the prince orders to the *vel spătar* and *vel Aga* to publicize the ordinance and to see, together with their subordinate officers, that "whomever you will find wearing clothes of *Arnăut*, or long Bosnian cap, or *Arnăut* [cap], or *malotea*, or gun, pistol, or big knife at his belt, and will not have the certificate of my Princeship, you have to

<sup>50</sup> *Ibidem*. In this case *sinet* means act of identity, but it is usually used in documents with the meaning of title of property.

<sup>51</sup> A similar ordinance is send by the prince Nicolae Mavrogheni in 1787 to the *ispravnici* and the caimacam of Craiova to regulate the activity of the armed forces from the counties, Urechia, IR, III, 41-42.

confiscate that weapon ... similarly you have to rip the cap and to take off his *Arnăut* clothing”.<sup>52</sup>

The detailed way in which the equipment of the soldiers is described and the conditioning of the right to wear it without the princely seal are striking.

The principedom continues to be concerned with the identity of the soldiers and the possibility to be assumed fraudulently by other men. In March 12, 1793 the prince Alexandru Moruzi issues an order to the *vel spătar* with similar contents as those analyzed hitherto; the *vel spătar* has to issue certificates with his signatures in which to specify “the name, the surname, the height and the troop in which he is enrolled” (*să areți numele, porecla și statul lui și slujba întru care se află*). Three days after the publication of this ordinance, all those found wearing the soldiery clothes and weapons without certificate are to be disposed of them and enlisted as taxpayers. Similar orders were given to the administrator (*epistat*) of *agie* and to *vel cămăraș* with regard to the soldiers in their suborder. These three officials have to make lists with the names and physical traits of the soldiers distributed to their officers and to share them among themselves so that each of them will have evidence of all the soldiers officially enrolled.<sup>53</sup>

In April 10, 1796, the prince ordered the *vel cămăraș* to make an inspection of the recruits from the troops of *tufecii* and *deli*, “to register in writing the name and the neighborhood where they live and to hand them the certificate (*teșcherea*) from the chamber, comprising the shape of their face and their height” (*să ia în scris numele și mahalaua unde șed și să se dea fiecăruia la mână teșcherea de la Cămară, cuprinzătoare de chipul obrazului și a statului său*); the certificates also had to be authenticated on the verso by the signature of the

<sup>52</sup> Urechia, IR, IV, 81. *Arnăut* means literally Albanian but at that time in Wallachia meant salaried soldier; normally it was in the service of the prince but some documents also mention *arnăuți* in the service of boyars or abbots. For stylistic reasons I didn't translate *malotea*: it meant a long cloak fringed with fur which apparently was part of the soldiery clothing.

<sup>53</sup> Urechia, IR, VI, 276-77. Such orders are repeated in July 20, 1796, Urechia, IR, VI, 336.

Vornic and registered in the rolls of *vornicie* so that the soldiers “will be known and recognized and will not be disturbed by the servants of the city and so that others will not be able to cheat the servants of the city by using their [soldiers’] names”.<sup>54</sup> Apparently the main concern here was fiscal: the certificates attesting the quality of military man have to prevent those officials of the city to demand taxes and other obligations from the soldiers and in parallel to ensure that civilians cannot evade these obligations.

Similar orders are renewed by Constantin *Hangerli* on March 5, 1798; apparently the soldiers of the court (*deliii, tufecii, ogeacii curței*) are put under the command of the *vel hatman* who has to issue *teșcherele* for identification, as the *vel spătar* and the *vel aga* do for the soldiers affected to their offices; those who don’t have them are to be enlisted as taxpayers.<sup>55</sup>

State servants with missions throughout the counties are not entitled to free housing and meals on behalf of the inhabitants. Only the police forces (*poterași*) “that have at hand the certificates of the *vel spătar*, while chasing robbers and outlaws in the counties” are entitled to one or two *conace*, meaning food and housing.<sup>56</sup> So, the identity papers were a requirement for the police forces from the counties too.

The evidence I presented in this section allows us to conclude that the state tried to extend its surveillance to military categories by means of certificates of identity stipulating the name and the physical traits of the soldiers. The rationality behind this measure is double. On the one hand this sort of measures aim at preventing tax-evasion by “hiding” in the ranks of the soldiers which had a privileged fiscal statute. On the other, the certificates have a policing role,

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<sup>54</sup> Urechia, IR, VI, 335-36.

<sup>55</sup> Urechia, IR, VII, 484. Until now it was believed that “the attributions of the *Hatman* of the Divan were exclusively judicial,” Georgescu, Strihan, I/2, 138-39, but apparently he also had military attributions (like in Moldavia, from where it was imported in Wallachia).

<sup>56</sup> Urechia, IR, VI, 384-85.

preventing the soldiers from creating disorders and the outlaws from perpetrating their misdeeds under the protection of a fake soldier's identity.

**6.1.5. Travel papers.** One of the most important instruments for controlling people was the travel certificate. From the documents I consulted I could not see when such permits were introduced. What is sure is that by the end of the 18<sup>th</sup> century the references to them became more numerous and the concern of the principedom with them was growing. There are basically two types of travel permits, one for crossing the border (the precursor of the passport) and one for internal movement or halt. Like in the case of other terms, the Wallachian administration did not bother in this period to use a consistent terminology for such travel permits; hence three terms are used to designate them: *teșcherea*, *adeverință*, *răvaș* which could mean permit, warrant, testimonial and letter; sometimes the documents refer to a *pașuș* or even *pașaport* (both terms designated the passport); the last two terms are used in connection with the Habsburg administration from where they were borrowed.

The first indication of a permit to travel abroad came from Moldavia and was recorded in the Register of Constantin Mavrocordat and has the following content: A letter to the Palaloga armaș, the purveyor of Putna [county] for the wife/widow of the *hatman* Ilinca and her son Ioniță, to let them go beyond [the border], being on the way to Bucharest.<sup>57</sup> A few decades later, an Austrian passport or rather a permission to cross the border was emitted by the *Gubernium* of Transylvania on October 28, 1789. The beneficiary is a certain Gheorghiță Miroslavan *Polcovnic* from Craiova, with his wife and three children, who return in his Fatherland (*Györgytze*

<sup>57</sup> *Condica lui Constantin Mavrocordat* [The Register of Constantin Mavrocordat], 2<sup>nd</sup> edition, vol. 3, ed. Corneliu Istrati (Iași: Editura Univ. Alexandru Ioan Cuza, 2008), 1817. By “wife/widow of the *hatman*” I translated the word *hatmăniasa*; the wives of the boyars kept the title of their husband. *Hatman* was a Moldavia official with military attributes.

*Miroslován Pollkovnik, ex Krajova in Wallachia oriundus & cum uxore sua et tribus pedis ... in patriam suam retro*).<sup>58</sup> The similarity of the two travel permits, issued at different times by different administrations suggests that their Wallachian equivalents could not be too different. On both cases, the papers mention the name of the possessor, the rank, his companions and the destination. In the second case, the residence is also specified. There are no other identification data (like physical description) and no terms of validity of the act. However, by such papers the authorities sought to control the movement of people across borders. Although I found no such a travel permits from Wallachia in the period I study here, there is plenty of evidence that the central power was very preoccupied with them.

V.A. Urechia considers that the monopolization of the right to move in and out the country was initiated by prince Nicolae Caragea due to his fears that free travel over borders facilitate machinations against him. Yet preoccupations with monitoring the crossing of the Transylvanian border occurred earlier. On February 2, 1780 prince Alexandru Ipsilanti instructed the officers of the border districts (*vătași de plai*) to attend the regulation regarding the border traffic: as the spring approaches and the outlaws were likely to resume their misdeeds, the border guards had to carefully check the travel papers off all that want to cross (so such papers existed before this date). They are forbidden to let anybody pass from Wallachia to Transylvania without “the travel permit and testimonial” (*teșcherea și adeverința*) of the vel Spătar; equally they have to check the passports (*pașușuri*) of those coming from Transylvania to Wallachia, let those with such papers in and stop those without; the latter were to be reported to the vel Spătar.<sup>59</sup>

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<sup>58</sup> Urechia, IR, III, 593-94.

<sup>59</sup> *AJTR*, 710. Apparently, the word *pașuș* (pl. *pașușuri*) referred to the travel papers from the Habsburg Empire while those from Wallachia were called both *teșcherea* (certificate) and *adeverință* (testimonial). The term *pașuș* is obviously the Romanian rendition of the Hungarian *passzus*, in its turn derived from the Latin *passus*, and like other administrative and terminological innovations of the time was a Habsburg borrowing.

The ordinance of Ipsilanti reveals the “massive illiberality” implied by the travel permits, and the “presumption of their bearers’ guilt when called upon to identify themselves”<sup>60</sup>. The reiteration of similar ordinances in the next two decades is indicative of the growing concern of the Wallachian state with the monitoring of the travelers in and out of the country. Nicolae Caragea, far from initiating the practice of issuing passports, reiterated this order in 1782.<sup>61</sup> Yet V.A. Urechia was right in a certain respect. The prevention of banditry was far from being the only reason behind a stricter monitoring of the border traffic. The catching of officials who committed frauds was another one. In the same year (1782), a clerk – Lupu logofețel - was caught while trying to cross the border with a forged passport and condemned to the mine as “forger of signatures on a travel permit”, a crime which equals that of money-forgery.<sup>62</sup> The necessity of a forged passport suggests that the measure was to an extent successful; it means that it was not easy to cross without it.

The passports could be used not only by the state to enhance its control over people’s movement, but also by people to subvert the control of the state, by obtaining false passports. During the Austrian occupation (1789-1791), the Transylvanians (*ungureni*) residing in Wallachia and registered as common-taxpayers, obtained passports (*pașaporturi*) from the chancellery of the Austrian commander, prince Coburg, and permissions of travel (*răvașe de drum*) from the *vel spătar* and cross the mountains to evade the heavy contributions required for the maintenance of the troops. On February 12, 1790, the Divan notified the governor that five families of *ungureni* had obtained permissions to leave and inquired if their passports were

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<sup>60</sup> Torpey, *The Invention of the Passport*, 165.

<sup>61</sup> Urechia, IR, I, 47-48. The order is reiterated in 1783 by Prince Mihail Suțu, Urechia, IR, I, 325-27. The technical problems are not absent. Following a complaint from the Austrian agent, on July 1, 1793, the prince orders the *vătașii de plaiuri* to give larger papers as passports (on the basis of the testimonials that the travelers have from *spătărie*), so that the Austrian border authorities can write and mark on them, Urechia, IR, V, 491.

<sup>62</sup> Urechia, IR, I, 248.

lawful; if so, the Divan asked that the *ungureni* who obtained passports to be sent to the Treasury to be erased from the rolls of taxpayers (which would mean that the contributions towards the Austrian army had to be reduced).<sup>63</sup> Yet the document also illustrates that the commoners who wanted to go in Transylvania, even if only to avoid the heavy burden of military contribution, were aware that they needed passports so that their leave would be considered lawful, and not simple fleeing.

With the restoration of the Phanariot princes – after the peace between Austria and the Ottoman Empire in 1791 – the issuing of testimonials of custom officials and the emission of passports was regulated again on April 10, 1791. Mihail Suțu ordered the *vătafi de plai* that they have to allow crossing the border only with a warrant (*răvaș*) from the *vel spătar*; failing to prevent those without such testimonials to cross, attracts capital punishment by hanging.<sup>64</sup> The importance of the passport is revealed by the fact that their control is mentioned in the letters of appointment of *vătași de plaiuri* which contain the regulation of this office; these heads of the border guards are ordered that “neither man, nor thing or merchandise should be allowed [to cross the border] without warrants (*răvașe*).<sup>65</sup> A general regulation of the rights and duties of the *vătași*, enacted in October 31, 1791, orders the latter: “you shall not tolerate people to wander through the plai or cross inside without the permit and the testimonial from the *vel spătar* (*să nu îngăduiți oameni din vale a âmbra prin plaiuri, seu a trece înlauntru fără de teșchereaia și adeverința dumnealui vel spătar*) because failing to do that they will face danger to lose their life.”<sup>66</sup>

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<sup>63</sup> Urechia, IR, III, 399.

<sup>64</sup> Urechia, IR, IV, 45.

<sup>65</sup> Urechia, IR, IV, 49-51.

<sup>66</sup> Urechia, IR, IV, 71-73.

In spite of regulations, cases of unlawful travel permissions appear. In March 1, 1794 the *vel Logofăt* reported the case of the captain of Zimnicea<sup>67</sup> who issued unlawfully a permission of travel (*teșcherea*) to 19 Serbian families from the Ottoman Empire who wanted to go to Moldavia. The families were stopped by the *ispravnici* of Buzău and the captain arrested until a decision regarding his punishment was to be made by the prince.<sup>68</sup> But not only the crossing of the border without permit was illegal; requesting it might also be condemned. On September 28, 1791; Prince Mihail Suțu condemned to imprisonment at Telega salt mine a certain Ianache who had deceived the *spătărie* to issue him a *răvaș* de drum.<sup>69</sup> Most probably, Ianache lied with respect to his travel (destination, purpose or even identity details).

Apparently, by the end of the 18<sup>th</sup> century, the demand of passing permits increased - maybe in the context of greater trade fluxes – and the system of issuing them became inadequate. A report of the *vel spătar* and *vel vornic* addressed the plea of the Austrian subjects (*sudiți*) who graze sheep on Wallachian pastures; the latter complained that the issuing of permissions to cross the border in Transylvania was complicated and time-consuming. As the heads of border districts (*vătafi de plai*) were not authorized to issue such permits, the *sudiți* have to address the county *ispravnici* to give them a testimonial (*răvaș de spătărie*); besides, the *ispravnici* ask guarantors (*chezași*) and it takes time to bring them to the *isprăvnicat*. The Austrian subjects demanded the heads of the border districts to be allowed to issue the permissions to cross the border without any approval from the *ispravnici*.

The boyars rejected the idea for the reason that “the guarding of all borders is tied to the office of *spătărie*”. Most probably the boyars considered that the authorization of the heads of

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<sup>67</sup> Crossing point on the Danube.

<sup>68</sup> Urechia, IR, VI, 292-93.

<sup>69</sup> Urechia, IR, IV, 149.

border districts to issue passports would be too dangerous for the security of the borders. Instead they proposed the establishment of a clerk at the *isprăvnicat* only for issuing passports and the lowering of fees for their issuing; in the question of guarantors, being impossible to eliminate them, the solution was a written letter of guarantee, authenticated with the signature of the local *căpitan* or *vătaf*; with this letter, the *sudiți* could obtain a testimonial from the *ispravnici* (who were supposed to retain it at their chancellery –*condicărie*); on the basis of the *ispravnici*' testimonial they could obtain from the *vătaf de plai* (who will retain the testimonial of the *ispravnici*) the permission to cross (*răvaș*) the mountains. With this complicated net of testimonials and permissions, the state hoped both to facilitate the movement of the Transylvanian merchants and to maintain strict control over it.<sup>70</sup>

An interesting aspect of the regulation of travel permits is that they are not differentiated completely from other identity acts. One type of fusion was between a passport and a trading license. For instance, a document from 1777 refers to passport (this time called *pașaport*) as a certificate issued by a Russian commander (in 1774) to a merchant to trade brandy for the use of Russian troops without impediments.<sup>71</sup> On other occasion the *pașuș* is the identity act of the Austrian subjects established in Wallachia and functioning as a residence permit and fiscal privilege at the same time. On March 3, 1792, the *ispravnici* and the *caimacam* were ordered to gather all the *sudiți*<sup>72</sup> and to distinguish between the real and false ones; all those that were not truly from Austria, but from Wallachia or the Ottoman Empire and had obtained their acts during the war or the Austrian occupation were to be registered with their names and village or town of residence; then, without telling them the reason, the *ispravnici* had to send them to Bucharest so

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<sup>70</sup> Urechia, IR, VI, 811-813.

<sup>71</sup> *AJTR*, 310.

<sup>72</sup> Subjects of Austria or Russia that benefited from important advantages in Wallachia.

that their acts of *sudiți* were nullified and they registered as common taxpayers. The true Austrian subjects that resided in Wallachia were the only ones to be registered but not sent to Bucharest, as their acts were considered valid.<sup>73</sup> So, the Austrian “passports” were offering certain fiscal privileges to their possessors as residents in Wallachia (clear expression of the balance of power at the lower Danube area, favorable to the Habsburg monarchy). However, fiscal reasons compelled the Wallachian state to limit the number of such passports to the “true” Austrian subjects.

The passports take also the sense of travel permits within the country. An order addressed to the 12 *ispravnici* of Muntenia on July 29, 1790 ruled that all those that commute within the country need passports (*pașușuri*) emitted by the commander or his lieutenant or other Austrian generals; the *ispravnici* and the other county officials were all ordered to check and send to the general commander all those who moved without such identification acts (normally such orders were also sent to the 5 *ispravnici* of Oltenia). Maybe because of the state of war, the control of all these people was stricter. But the word for the permissions to travel – an obvious influence of the temporary Austrian rulers - was identical to the one for the permission to cross the border; its function is also identical, to monitor travelers to prevent disorders.<sup>74</sup>

With the restoration of the princes, the terminology is again Ottomanized, but the sense of the ordinances is similar. A notification from the time of Alexandru Moruzi (1793-1796) exhorted the *caimacam* of Craiova to issue certificates of travel (*teșcherele de drum*) to those that should need and ask, so that they could pass by the captainships of the *vel spătar*. The reference to captainships may suggest that such identification travel vouchers were also checked

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<sup>73</sup> Urechia, IR, IV, 45-46.

<sup>74</sup> Urechia, IR, IV, 399.

by them while in Wallachian territory by the captains from the counties (or by those of the postal stations?).<sup>75</sup>

Technically, the travel permits do not seem to have evolved at the end of the 18<sup>th</sup> century towards and identification act with physical traits specified in it. However, the central power was more and more concerned with who and why crossed the border and even with the internal movement of the people. The net of permits aims now at catching everybody in it; they are not only diplomatic letters of reference, but instruments of control. As John Torpey remarked, “such means were necessary aspects of the development of a unified state before which all individuals stood equal, irrespective of where they came from”.<sup>76</sup> The same concern with controlling people’s whereabouts is seen in the regulations regarding the halting in the main Wallachian town, Bucharest.

**6.1.6. The monitoring of the travelers in Bucharest.** The entering, leaving or stationing in Bucharest came to be strictly monitored by means of scriptural instruments in the last decades of the 18<sup>th</sup> century. Such measure was first recorded in 1779. Noticing the poor job done by the guards of Bucharest, who did not inquire from those who came in and out who they were and what their business was, Prince Alexandru Ipsilanti issued a 6-point regulation for the proper guarding of his residence town:

... the guardians have to inquire and ask those that enter and leave Bucharest who they are, great or lesser boyars, or abbots or whoever they are, and [they have to ask] even our Princeship when We go there stealthily; and from any traveler they have to get answer about who he is. ... any kind of men, merchants, craftsmen, foreigners, indigenous, Christian or other, who have to travel, or to leave the country of my Princeship, or only to go within the country, are obliged to take a travel permit from you [the *vel spătar*], as it is the custom; and so, with the permit, they will be free to pass.<sup>77</sup>

<sup>75</sup> Urechia, IR, V, 491.

<sup>76</sup> Torpey, *The Invention of the Passport*, 35.

<sup>77</sup> *AJTR*, 764.

Ipsilanti reiterated this order in his second Wallachian reign, on November 3, 1797, this time addressed to both the *vel spătar* and *vel aga*. Apparently, the measures of security were multiplied. The two officials also had to command the innkeepers and the door attendants of the monasteries to monitor and report all foreigners that look for accommodation in Bucharest “be Christian, Turk, merchants or other traveler” and to investigate “who he is, where he come from, with what business, for how long he will stay in Bucharest”. The bailiffs (*vătășei*) from neighborhoods were similarly ordered to monitor the foreigners who would settle there and to report them to the *spătărie*. In this sense the tavern-keepers were forbidden to accommodate foreigners who had to room only at inns. Finally, the *vel hatman* had to watch the foreigners that come with the post couches, to whom he would issue *menziluri* and to report to the prince on this matter.<sup>78</sup>

Such ordinances proliferated in the next two decades. On August 9, 1783; the prince Mihail Suțu ordered the *vel spătar* and *vel aga* to command the innkeepers to host no traveler without their authorization, because “my Princeship desires to know those that come and room at the inns”. The fears of turbulence were showed by the interdiction of “gossips and inventions in the coffee shops” (*halturi și scorniri de cuvinte prin cahvenele*) imposed by the same order (*pitac*).<sup>79</sup>

Even stricter measures were taken in time of war, during the Austrian occupation of Wallachia, in 1790. The *vel spătar* and the *vel aga* were ordered to demand from all innkeepers and monasteries (with accommodation services) lists of their clients mentioning: the number, the names, the place of origin, the date when they arrived in Bucharest, and what their purpose was.

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<sup>78</sup> Urechia, IR, VII, 69-70.

<sup>79</sup> Urechia, IR, I, 308.

The innkeepers and the abbots had to report daily on the activity of their clients. In all neighborhoods bailiffs (*vătășei*) were to be established who, together with the priests, had to take a census of the inhabitants of the respective neighborhood showing: how many inhabitants are, since when and with what occupation, indigenes and foreigners, married or unmarried. Similarly, any new comer in the fair or neighborhoods had to be reported. The boundaries of the city and the main exit/entry roads had to be guarded and the guards had to report on all those that exited Bucharest; moreover, nobody, irrespective of social rank, was allowed to exit without testimonial (*adeverință*) from the *vel spătar*. The latter had to report every evening to the Austrian general on the people who exited and entered Bucharest the respective day.<sup>80</sup>

Strict measures were maintained during peace times. On September 10, 1797, Prince Alexandru Ipsilanti ordered the *vel aga* to command to all inns, to hire innkeepers or receptionists only for the monitoring of their clients. The owners of the inns were not allowed to employ them for other duties; they had to “supervise all the renters of the rooms, what kind of people they are, who exits and who enters the inn and in the evening, after 12 o’clock to close the big gates of the inn”.<sup>81</sup>

The policing character of these orders is obvious from the evidence I presented above. But the monitoring of the moving in and from Bucharest has a fiscal side too. On April 28, 1797, the prince Constantin Hangerli instructed the *vel spătar* not to issue travel papers for the inhabitants of Bucharest without guarantor (*chezăși*) who have to guarantee the payment of the taxes. The measure was designed to prevent tax-evasion by moving the residence (when in

<sup>80</sup> Urechia, IR, III, 350-357; the meaning of these measures is well complemented by the closing of all coffees for one month and the interdiction to walk on the streets after 3 hours in the night.

<sup>81</sup> Urechia, IR, VII, 69.

Bucharest some claimed that their residence was in the counties and vice versa).<sup>82</sup> The next category of written documents is concerned exclusively with policing but it sheds light on the growing capacity of the state to reach the individual.

**6.1.7. Physical descriptions of wanted criminals.** The production of profiles of criminals was an instance of state infrastructural growth. The emergence of the previous identity documents should be considered in the context of the growing capacity of the state to produce physical description of people and to disseminate them throughout the territory. These documents, and especially the ones I will analyze in this section, point to the increasing capability of the state to get to its subjects directly, without mediation. The central power acquired and manipulated knowledge about individuals through such descriptions in order to control them – in this case even to capture them in view of their prosecution.

For instance, on 1 October 24, 1775, Prince Alexandru Ipsilanti dispatched an order to the *ispravnici* of the counties about a certain Constantin logofețel who had forged the signature of two officials and a seal and so he could take an unauthorized census. To facilitate the capturing, the princely document contained the following details about the culprit: “the look of Constantin *logofețel*: man of middle [stature], rather blond, rather pockmarked, he shaves his beard”. It is the first documented description of an offender in Wallachia. Compared with subsequent portraits, it is not very detailed.

Such descriptions become much more detailed during the Austrian occupation of Wallachia (1789-1791). On December 11, the *ispravnici* are notified by the Divan about a murderer “who on November 24, rented a cart from the town Prospulk to go to Edimburg and

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<sup>82</sup> Urechia, IR, VII, 194.

while travelling killed the servant of a furrier Goli Vetzler who was his coach driver”. The physical portrait of the murderer is made to help to its identification:

this bandit is short and thick, 25 years old, with signs of smallpox on his face, thick lips, brown hair, wide nape, and pretends to be an officer of volunteer soldiers. He was dressed with short Polish soldiery surplice, grayish-blue with spotted laces, with Hungarian trousers made of wool, black Hungarian boots with spurs, with a short reed stick. When he was in the town of Proșpulk he was wearing a three-edge soldiery hat with a yellow silk ribbon and after he committed the murder he was wearing a grey soldiery mantel and a round hat. He speaks German very well and calls himself Cristof Weber.<sup>83</sup>

The same minute description of the murderer’s servant, their cart and the horses they use comes next. The *ispravnici* are ordered to investigate throughout their counties to find these bandits, the capturer being promised a big reward.<sup>84</sup> I have no evidence of this case afterwards, but the detail of description is remarkable and testifies to the depth of state reach.

This case I brought above is from the time of the Austria occupation and it might be argued that the detailed physical portraits of the outlaws were a product of the more advanced technologies of governance of the Austrian state. But apparently, like other Austrian administrative practices, this was also adopted by the Wallachian administration and preserved after the withdrawal of the Austrian troops who produced similar documents. On September 19, 1791 the princely chancellery informed the *ispravnici* of Argeș about a certain Gheorghe Neamțul who supposedly had killed a German nobleman (*boier*) at a fair in Mehedinți county and afterwards headed to Pitești, the seat of the *ispravnici* of Argeș. Similar notifications are also dispatched to the *ispravnici* of Vâlcea, Dâmbovița and Muscel (all in the area south of Carpathians, like Argeș). On the back of these notifications the physical traits of the perpetrator and his servant are given:

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<sup>83</sup> Urechia, IR, III, 591-92.

<sup>84</sup> *Ibidem*. This is not the only profile of outlaws done by the Wallachian administration under Austrian occupation; see also Urechia, IR, IV, 410, Urechia, IR, IV, 410, Urechia, IR, IV, 393.

Man of middle stature, with dark skin, brown eyes, black eyebrows, long black mustache, black hair, he shaves his beard and his hair on his forehead a bit, his clothing is German, with green sweater, dark blue cloak of wool, with hat, tight trousers and he also has a horse with slightly reddish brown hair mixed with black and white.<sup>85</sup>

Gheorghe's servant, Ivan, is a

tall man, with blond hair and blue eyes, blonde eyebrows, young with untrimmed mustache, with long and braided hair in the German style, with a yellow coat, over which he has a green cloak made of silk and flax, with fez on his head, blue woolen trousers in the Hussar style, riding a dark brown horse.<sup>86</sup>

Apparently the identification effort was successful since on October 1 the same year it was reported that Gheorghe Neamțul and his servant, Ivan, were captured but denied the accusations. In this sense the *caimacam* of Craiova was instructed to send the other two bandits who were Gheorghe's companions to Bucharest so that they can be interrogated.<sup>87</sup>

Similar profiles were produced in the next years, although never in such detail. In May 1795<sup>88</sup> a certain Ioniță, the son of Căldăraru from Rușii de Vede, Teleorman county was notified to the 17 *ispravnici* as an outlaw and his physical traits were described so that he could be identified: "man of middle stature, with fair complexion, with a rather fat body but with a bony cheek, with small and blonde mustache, the eyes blue or brown".<sup>89</sup> Yet, such details were not always available. On April 15, 1795, the twelve *ispravnici* of Muntenia were notified that on 10<sup>th</sup> of April a gang of 9 bandits appeared in Ialomița county, in the district Slobozia: "their clothing consists of white mantel and blue hats, and one of them has a braided ponytail on his back, they are armed with good weapons". On the next day, the same bandits were described as wearing

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<sup>85</sup> Urechia, IR, IV, 61-62.

<sup>86</sup> *Ibidem*.

<sup>87</sup> Urechia, IR, IV, 150.

<sup>88</sup> As the document is not dated by the publisher, I also inferred the date from the context.

<sup>89</sup> Urechia, IR, VI, 559.

“Turkish clothes and one of them with braided ponytail”.<sup>90</sup> The two descriptions of the same bandits are not only hesitant, but also laconic.

On April 20, 1795, the *ispravnici* were ordered to capture a gang of seven outlaws who have broken into the house of a *polcovnic* from Muscel county, tortured his wife and killed a gypsy (most probably a servant) and then they robbed a tavern-keeper in whose tavern “they partied all night long”; the only available detail about these prodigious outlaws was that their clothing was Transylvanian-like (cu port ca *ungurenii*). In this sense an identical order was sent to the *vataşii de plaiuri*.<sup>91</sup> The description of the outlaws – even when being lapidary - sometimes contained surprising elements. In 1792 or 1793<sup>92</sup> the prince notified the *vel spătar*, vel Aga, the *ispravnici* and the *caimacam* of Craiova about a murder that had taken place in the Grădiştea district (*plasa*), Slam Râmnic county. A peddler (*mămular*) was taken in the cart by two men that were coming with fish from Brăila; the peddler killed them and ran with their cart full of 400 *oca* fish and three horses: one grey, one dark brown and the third black. The killer pretended to be peddler of cotton and other stuff, his “dialect is from Oltenia and has tight trousers” (*vorba lui este oltenească, nădragi strîmţi*).<sup>93</sup> Let’s note the first mentioning of a regional dialect as mark of identity.

By the criminal profiles I discussed above the state authorities endeavored to collect knowledge about the people within its jurisdiction, with partial success. The documents contained more or less accurate knowledge on the outlaws and disseminated it to the county officials in order to facilitate their tracking. In the words of Gérard Noiriel, these “written

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<sup>90</sup> Urechia, IR, VI, 554.

<sup>91</sup> Urechia, IR, VI, 552-53.

<sup>92</sup> I inferred the date from the other documents published and the citation of the archival fund.

<sup>93</sup> Urechia, IR, VI, 537.

documents [are] the quintessential instrument of communication at a distance”.<sup>94</sup> But they were more than that: they were instruments to act at a distance. The same can be said about the testimonials used to monitor and contain the plague which I will discuss below.

**6.1.8. The monitoring of the plague.** Towards the end of the 18<sup>th</sup> century the state expanded its purview to the administration of the plague, which produced periodic outbursts. This new concern went hand in hand with the employment of the writs to control the extension of the plague. Besides the traditional religious ceremonies – which did not cease – the state adopted preventive measures to contain the spread of the dreadful disease. On February 18, 1794, Alexandru Moruzi ordered the Metropolitan to command the priests of the *mahalale* and of the market to monitor the health of the believers and “on each Sunday to give signed testimonial to the hand of the bailiffs of the quarters as a report [and to show] if somebody is ill and of what illness, if somebody has died or if the parishioners are healthy”. The bailiff (*vătășel*) had to bring the testimonial (*adeverință*) to one of the two officials (*spătar* and *aga*) charged with monitoring the plague in Bucharest. On the same day an order was sent to the *vel spătar* and *vel aga* to command the *vătășei* to bring the testimonials (*adeverințe*) signed by the priests.<sup>95</sup>

Besides such reports, the monitoring of the social health was also done by individual papers. On October 28, 1794, the prince commanded through the *vel spătar*, to the căpitan of

<sup>94</sup> Gérard Noiriel quoted in Torpey, *The Invention of the Passport*, 35. In another text Noiriel spoke of “working from a distance,” “The Identification of the Citizen: The Birth of Republican Civil Status in France” in *Documenting Individual Identity*, eds. Caplan and Torpey, 39-40.

<sup>95</sup> Urechia, IR, VI, 713: *pe toate Duminicile să dea adeverință iscălită la mâna vătășilor mahalalei în chip de raport, de este cinevași bolnav, și de ce patimă? Sau de au murit vre-unul asemenea să arete; precum și de sunt sănătoși iarăși să înscințeze*. The administrators of the quarantine, two *epitropi*, propose the prince to appoint 4 lesser boyars to investigate the *mahalale* after the reports of the priests and *vătăși* are made, fearing that the latter “for some interest or friendship” will not divulge all cases of plague, December 12, 1794, Urechia, IR, VII, 716.

Daia and to the Văcărești monastery, to attend the regulation (*nizam*) that was in effect previously in case of plague: to guard that all those that came from Giurgiu<sup>96</sup> (the source of plague) stay in quarantine (*lazaret*) and disinfect their belongings and only with the testimonial (*adeverința*) of the captain of the quarantine, attesting the staying in quarantine, could then come to Bucharest.<sup>97</sup> Similar quarantines and obligation to stay in them were established to the North of Wallachia, for the merchants from Transylvania, and to the East for those coming from Brăila.<sup>98</sup> Similarly, on May 5, 1795, the prince informed the *ispravnici* that due to several cases of plague in Bucharest, he had ordered the *vel spătar* to inspect all those from Bucharest who wanted to travel to the counties; only after assuring that they were healthy, he would give them a testimonial with which they could look for accommodation.<sup>99</sup> Obviously, the state tried to prevent the travel of potential carriers of plague and the means it employed to this end was a piece of paper certifying the (good) health of its recipient.

The administration of the plague reveals the need of the state to accumulate knowledge of aspects hitherto neglected. On November 1, 1794, the prince Alexandru Moruzi ordered the Metropolitan to forbid the priests of the neighborhoods to bury any dead, until a man of the *spătărie* or *agie* – depending in which jurisdiction the death occurred – would investigate the corpse to find out the disease. Only after this investigation, one of the two institutions would issue a testimonial (*adeverință*) in order to authorize the priest to bury the dead. On the same day instructions were sent to the *vel spătar* and *vel aga* to resolutely order to the priests and bailiffs

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<sup>96</sup> At the time Giurgiu was an Ottoman town on the northern bank of the Danube.

<sup>97</sup> Urechia, IR, VII, 716.

<sup>98</sup> Urechia, IR, VII, 721-22.

<sup>99</sup> Urechia, IR, V, 436, footnote 1.

(*văitășei*) of the neighborhoods to inform on any new case of disease and obliged to bury the dead only with testimonial from *spătar*.<sup>100</sup>

The close watch of the plague led the central power to command up-dated evidence. On December 5, 1795, when the plague has faded, the prince ordered the *vel spătar* and *vel aga* to gather the chiefs of the *mahalale* and of the market and to demand from them an investigation of the cases of death, to show in each case for how many days they ailed and after how many they died and what kind of disease they suffered from, and to send this report to the prince directly.<sup>101</sup> On January 3 1796, a report was demanded from the *ispravnici* on the cases of death in the last month and from then on, a weekly report was required about the situation of the plague, threatening that those who would fail from this duty would be fined.<sup>102</sup>

That the prince was serious about this is showed by the punishment of those who infringed the ordinances related to the plague. On February 16, 1796 he fined the *ispravnici* of Ialomița, Romanați, Dolj, Vlașca, and Muscel for not submitting the weekly report on the state of the plague.<sup>103</sup> Failing to announce a case of plague incurred physical punishment: on April 15, 1795, the clerk (*logofețel*) Barbu was condemned to 100 strikes in the soles) and imprisonment to Snagov monastery because one of his housemaids has fallen sick of plague and he sent her back to her parents in Clejani village without reporting the case.<sup>104</sup>

On July 16, 1795, the prince ordered several officials to make ad-hoc health inspectors (*epistați*) to go with the priest and heads of each quarter to inspect and report on cases of plague and any other illnesses, even headaches. The inspector from the Mihai-Vodă *mahala*, the *pitar al*

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<sup>100</sup> Urechia, IR, V, 428.

<sup>101</sup> Urechia, IR, V, 437.

<sup>102</sup> Urechia, IR, V, 437.

<sup>103</sup> Urechia, IR, V, 437, footnote 5.

<sup>104</sup> Urechia, IR, V, 438, footnote 2.

*doilea*, failed to report the case of a man ill of fever (who died soon) and was punished. The *vel spătar* had to notify these inspectors that if they failed to report a single case of disease they would be punished with 200 strikes in the soles and imprisonment at Snagov.<sup>105</sup> A similar order was given on January 1, 1798 by Prince Constantin Hangerli: the overseers were ordered to inspect the *mahalale* and to report (*răportuiască*) to the “*boierii Espistați*”.<sup>106</sup>

According to Prince Alexandru Moruzi, these measures of monitoring the plague had the desired effects. The intensity of plague was greatly attenuated and Bucharest which compared favorably with the much less populated Rusciuk.<sup>107</sup> The reason for this success lied in “the effort of my Princeship with the security measures consisting in fending, separations and interdiction of mixing [healthy people with contaminated ones]”<sup>108</sup>. Even if the prince was advertizing his policies, it is obvious that for him the repelling of the plague was related to finding, separations and interdictions, all measures that depended on the employment of written testimonials and reports.

## 6.2. *Certificates for Merchandise*

The second group of mobile scriptural instruments had a similar function, to indirectly control people’s activities; they had to monitor the selling and buying of various items. Such were the authorizations to sell and buy dangerous substances like medicine and ammunition and the

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<sup>105</sup> Urechia, IR, VI, 749.

<sup>106</sup> Urechia, IR, VII, 540.

<sup>107</sup> Rusciuc was an Ottoman town on the Southern bank of the Danube, vis-à-vis Giurgiu.

<sup>108</sup> Urechia, IR, VI, 750. The prince boasted in a letter towards an official that while in Rusciuc there were 100-150 deaths per day, in the more populous Bucharest – so with a higher risk of mass contamination – the number of plague cases decreased to “7-8-10 to 15 houses”. Although he might be right about the difference, let’s notice that he uses different categories for comparison: individual deaths in the first case and houses in the second; is this a means to exaggerate the success of his prophylactic measures?

certificates for purchasing the *zaherea*, the official foodstuff provisions for the Ottoman Empire. I will approach them in turn.

**6.2.1. Certificates for medicines and ammunition.** The selling of substances considered dangerous was also put under the state control, exercised by means of scriptural instruments. In 1782 several students from the Saint Sava princely school of Bucharest purchased poison from a grocery shop with the intentions to poison some of their colleagues. To prevent similar cases in the future, the prince ordered on September 1, 1782 the *vel spătar* and *vel Aga*, to forbid the grocers to sell medicines (*doftorii și leacuri*), limiting the commercialization of these substances to the pharmacies (*spițerii*) kept by men with good reputation. Even so, the pharmacists had to know the buyer and why he needed the medicine and to ask for a guarantee (*chezășie*); otherwise the selling of medicines was considered illegal.<sup>109</sup>

Apparently, the order was not attended so on May 26, 1796 a stricter regulation was issued. Prince Alexandru Moruzi ordered the *vel spătar* and the *vel aga* to investigate all groceries and to seal and confiscate all poisonous substances. These were supposed to be sold only to known men, for known reason and with guarantee. Especially, the Jews had to be forbidden to sell these substances; the make-up powder (*suliman*) prepared by some women was to be confiscated, “because from this [using of make-up] dangerous happenings occur”. Also, because the common pharmacies were keeping “dangerous and poisonous items and substances”, the two officials were instructed to choose together with the head-doctor of the city (*Archi-iатros*) 2-3 pharmacies that would be authorized to keep medicines; all the other pharmacies and

<sup>109</sup> Urechia, IR, I, 267-68. The grocer who sold the poison is to be beaten in public as punishment, as an order to the department of great boyars (*veliți*) instructs.

particulars would buy the necessary medicines from these pharmacies but only with “the written receipt (*teșcherea*) from the great doctor or the doctors of the city known to my Princship”.<sup>110</sup>

As the problems with the pharmacies did not cease, on May 15, 1797, the *vel vornic* al obștirilor, Radu Golescu, together with three important doctors, forwarded an *anafora* to the prince for the regulation of the Pharmacies. The report proposes that the Pharmacies of Bucharest work according to the textbook (*farmacopeea*) and tariffs from Austria. The collection and preservation of plants and medicine is tightly regulated. Significantly, the *pont* 9 establishes that the pharmacist will be allowed to sell dangerous medicines (mercury and other poisonous substances) only with the written prescription (*rețeta*) of the doctor “because many problems can occur from the use of these medicines”. The regulation will be delivered to all the pharmacies (nine of them are listed under the text) to be observed.<sup>111</sup> So, the plan to authorize only 2-3 pharmacies in Bucharest has failed, as one year later the regulations were sent to 9 pharmacies. Probably the demand of medicines was too high to allow for the concentration of their sale in a few points of the town.

So, we see how the concern with public health was limited not only to the repelling or containing of the plague but also tried to control the providing of medicine. The instruments used by the state in this case were also written documents, but this time they were medical

<sup>110</sup> Urechia, IR, VI, 313: *cu teșcherea în scris de la d-lui doftorul cel mare sau dela doftorii politiei cei cunoscuți și sciuiți Domniei Mele*. Obviously, the application of this regulation depended on the existence of a list of authorized doctors. The drawing of this list was ordered in the previous year – June 30, 1795. To prevent the coming of would-be doctors and charlatan pharmacists (*spîteri cerlătani*) who cause “cheatings and deadly threats” to the people Alexandru Moruzi instructs the *vel spătar* and the *vel aga* to establish a procedure of authorization of the doctors. All those that come in Bucharest, have to be sent to the *arhi-iatros* “to investigate if they have knowledge and are truly doctors with a written certificate” (*să-i cerceteze de au praxis, de sunt cu adevărat doctori cu vreo mărturie în scris*). If they pass the examination, the doctors are to receive authorization to exert their profession, Urechia, IR, V, 422-23. The first Romanian ophthalmologist, a certain Radu, is authorized by a princely resolution from September 9, 1794; the report which the prince endorsed refers that “he has learnt the craft in Europe, from a doctor from whom he has a certificate that he has completed his studies” (*au învățat meșteșugul în lăuntru Evropei, de la un doctor, de la care are și atestat că au săvârșit învățătura acestui meșteșug*) and that he managed to cure the eye illness of a woman, Urechia IR, V, 424.

<sup>111</sup> Urechia, IR, VII, 140.

prescriptions. Together with the reports on the pharmacies and their stores of medicine, the written prescriptions advanced the infrastructural reach of the state.

Not only the medicines but also the ammunition had to be put under strict state control. This time not the public health was at stake, but the public order. On June 9, 1785, Mihail Suțu dispatched instructions on how to go about the trade of ammunition to the 17 *ispravnici*. Because of the lack of restrictions the grocers, peddlers and other shopkeepers had “gunpowder, cartridges, saltpeter and bullets” (*iarbă de pușcă, i fișicuri, i silitră și plumb*) for sale; so, “the bandits and the outlaws have all the facility to buy these and concoct their wrongdoings” and were able “to stand and fight against the police forces”. Moreover, the prince suspected that some of the shopkeepers collaborate willingly with the bandits.<sup>112</sup>

So, first of all the *ispravnici* were ordered to inspect all the shops in the towns and fairs of their jurisdiction and in the remotest places of the counties and to weight and register in writing all the gunpowder, cartridges, saltpeter, bullets, pepper they find and to let them to the shopkeeper. The latter was supposed not to sell this kind of items to unknown people without guarantee (*chezășie*), not even in the smallest quantity (*un dram*); instead, the shopkeepers could sell only to people they knew, who had to present a guarantee and a written receipt (*adeverință*) of how much and what kind of ammunition they were about to buy. Once a week or month, the *ispravnici* had to audit these receipts kept by the sellers and to see to whom and how much ammunition they sold. The attendance of this order was absolutely necessary in order to prevent banditry, concluded the ordinance.<sup>113</sup>

On March 6, 1794, Alexandru Moruzi forbade the shopkeepers to keep and sell gunpowder, cartridges and poison (*șoricioaică*) to avoid accidents, “as that occurred the past

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<sup>112</sup> Urechia, IR, I, 518-19.

<sup>113</sup> *Ibidem*.

days when even death happened” and also to prevent the arming of the outlaws<sup>114</sup>. Apparently, the orders were not attended and they had to be repeated. On April 30 and then on May 26, 1798, the *vel spătar* and *vel aga* were authorized to impound and seal the “gunpowder, bullets and the cartridges” found in shops because they were to be purchased only with written authorization (*adeverință*) from the two officials or the vel Chamberlain that is, only from state officials.<sup>115</sup> The order was renewed one year later, on June 25, 1797, a sign that was not observed strictly.<sup>116</sup> Yet even the failure to control the trade with ammunition and other substances considered dangerous is indicative of the significant change in the nature of the state that is, the expansion of its territory of legitimate action.

**6.2.2. Trade certificates.** By the end of the 18<sup>th</sup> century, the state became more and more interested in the trading operations on its territory and therefore attempted to monitor the quantities and the kind of merchandise being purchased or imported in Wallachia as well as the identity and the number of the merchants. Both the provision of the Ottoman Empire and the trade with other territories came to be strictly monitored by scriptural instruments.

Part of the obligations of Wallachia (as well as of Moldavia) towards the Ottoman Empire was the delivery of various staples (cereals, animals and animal products) called *zaherea* at a noncompetitive price. After 1774, due to the “protectorate” exerted by Russia, the obligations towards the Ottoman Empire were limited and the export of *zaherea* came to be

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<sup>114</sup> Urechia, IR, V, 328.

<sup>115</sup> Urechia, IR, VI, 313.

<sup>116</sup> Urechia, IR, VII, 111.

strictly regulated. The conditions of this trade were stipulated in the “sealed certificate” (*teșcherea* *cea pecetluită*) given by the prince to the merchants.<sup>117</sup>

On January 25, 1775, Prince Alexandru Ipsilanti wrote to the 17 *ispravnici* that against the regulation of the Turks (*nizam de Turci*), the latter entered Wallachia without permit (*teșcherea*). The *ispravnici* have to help the finding and the expulsion of those Turks. Only those with authorization from the pashas and the high officials of the Ottoman Empire could come in Wallachia, and even then, they had to present their authorizations to the Princely chancellery from where to obtain another authorization to trade in the counties; here, they had to show in a written document how much merchandise they wanted to purchase; the *ispravnici* had to issue their permit with which the *capanlîi* can cross the Danube back, at the point they chose. This complicated system of authorization was meant to prevent abuses by the Ottoman merchants. However, the regulation was not always observed.<sup>118</sup>

The state wanted to acquire knowledge not only on the merchants but also on the merchandise, especially on quantity and kind. Hence, on August 18, 1779, in a large regulation concerning taxation and trade, the prince ordered the *ispravnici* overseeing the trade for provisioning the Ottoman Empire to take testimonials (*chitanțe*) from the Ottoman merchants mentioning the amount and kind (*suma și feliul*) of the *zaherea*.<sup>119</sup> On April 30, 1785, the prince Mihail Suțu reiterates an order from Alexandru Ipsilanti from 1780 against custom toll-evasion by hiding merchandise in carts loaded with grains. He authorizes the controllers (*mortasipi*) to check if the merchants who bring merchandise in Bucharest have the receipt of the payment of

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<sup>117</sup> Urechia, IR, I, 116-18.

<sup>118</sup> Urechia, IR, I, 118-19.

<sup>119</sup> *DF*, 211.

the custom tolls (*cărţulie de plata vamei*); if not, the controllers will take the equivalent of the toll due from the merchants.<sup>120</sup>

The same tight supervision of trade was also effected under Austrian occupation. To avoid the rise of the price of candles, the Divan of Wallachia ordered in October 18, 1790 the customs administrator, Hagi Moscu, to forbid the export of tallow and to avoid issuing certificates of export (*tescherele de trecătoare*).<sup>121</sup> In the same sense, on November 1 the export of wine and foodstuffs is forbidden without “the certificate of his Excellency, the [Austrian] general” (*paşuşul esceleŃii sele gheŃeralului*).<sup>122</sup> Naturally, when the interdiction of trade was detrimental to Austria, the Austrian commander of Wallachia abolished it. In August 1790 he commanded the resuming of the export of cattle, because of the high prices for food in the “imperial lands”. Yet, even in this case of request through *ispravnici* the traders were supposed to have *paşuşuri* from the general.<sup>123</sup> On November 1, 1790, the Divan emitted an ordinance that export of fodder and cereals (*zaherea*) was forbidden “without the *paşuş* of the general” (the Austrian commanders of occupied Wallachia). Obviously, the order was designed to stock the provisions necessary for the Austrian troop in the country.<sup>124</sup>

The “free” trade with the surrounding areas was also subject to the control by mobile scriptural instruments. On October 29, 1791 the guardians of the borders (*vătaşi de plai*) were instructed in the letters of authorization “to allow neither man, nor merchandise without

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<sup>120</sup> Urechia, IR, I, 470-71.

<sup>121</sup> Urechia, IR, III, 348-49.

<sup>122</sup> Urechia, IR, III, 355.

<sup>123</sup> Urechia, IR, IV, 415-16.

<sup>124</sup> Urechia, IR, III, 355. On January 29, 1790 a “passport” is issued for the import of scythes, Urechia, IR, III, 382 and for the export of livestock, Urechia, IR, III, 415-16 and 514.

certificate (*răvaș*)” to cross in Transylvania<sup>125</sup>. On the one hand the aim of mobile scriptural instruments was to prevent abuses of the border officials. According to the regulations issued at the auction of the customs in January 1792, the custom tolls could be paid at the border cross point (*schelă*) or at the custom house in Bucharest (*carvasara*), depending on the destination of the merchandise. Yet to avoid double taxation, both institutions, the border custom point and the central custom house, have to issue testimonials of payment (*cărțulii*) whereby the traders could prove that they had paid.<sup>126</sup>

On the other, the state was more and more interested in gathering information about the trade taking place over the borders. On December 1, 1791 the procedure of taxing pigs’ export in Transylvania was reminded by Mihail Suțu to the *vătaf de plai* of Vâlcea. The traders had to pay 20 *parale* per pig to the *ispravnici* from whom they are to receive a testimonial (*adeverință*). On the basis of these testimonials the *vătaf* of Căineni had to allow the crossing of the border and to demand no extra toll; his only obligation was to collect the testimonials and send them to the Princely Chamber through the Treasury.<sup>127</sup> The last stipulation reveals the tendency of the state to accumulate knowledge of the commercial activities taking place on its territory.

A third reason for employing writs was to prevent tax-evasion; the *vătași de plai* were ordered on April 26, 1792 to count and register in writing the number of livestock that the *bîrsani*<sup>128</sup> brought in Wallachia for grazing and the number they had when they returned. The *vameși* had to keep a separate register (*condică*) of the number of big and small cattle and to

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<sup>125</sup> Urechia, IR, IV, 49-51.

<sup>126</sup> Urechia, IR, IV, 249-53. Such a case happens in March 1797: some merchants petition that the custom official from Giurgiu does not attend the regulations (*ponturi*) “to seal the merchandise and write in the testimonial the rightful toll”. The two *logofeți* in their report find the complaint correct and propose an order to the *ispravnici* of the county to confiscate from the custom officials the unregistered – so embezzled – money, Urechia, IR, VII, 125.

<sup>127</sup> Urechia, IR, IV, 224.

<sup>128</sup> Inhabitants of Bârsa region, southeastern Transylvania.

issue testimonial (*răvaș*) to the merchants. If at return the number of cattle was higher, the *vătași* had to notify the central authorities.<sup>129</sup>

It is hard to evaluate the efficiency of the state control over the circulation of merchandise. Most probably, the evasion was high. Yet the scriptural instruments facilitated in some instances the discovery of frauds. In 1792 the Austrian agent in Wallachia denounced several abuses of the custom officials against Transylvanian cattle merchants; one of the abuses was perpetrated at the Câmpina custom point and it was proved by the testimonial signed by the official showing the exaction of 2 *parale* for each of 390 cattle, against the regulations of the sheep-tax and the customs.<sup>130</sup>

A case from the following year suggests that such control through written certificates was not completely inefficient. In 1793, the captain from Lichirești, opposite of the Ottoman town Silistra, has stopped a transport of tallow and meat because the Ottoman merchants could not produce the adequate papers. Instead of being issued by an *ispravnic*, the *teșcherea* was issued by Moise, *vătaf de plai* from Saac county (the investigators have found that Moise had received a 6 taller fee for issuing the testimonial which in this case was a bribe). The investigator of the case, the *vel spătar*, ordered the arresting of the merchants and the impounding of the merchandise. He also showed that not only the emitting authority was out of order, but also the content of the paper, for it did not indicate the quantity of the merchandise. To underline the unlawfulness, the *vel spătar* reiterated the regulation of the Ottoman merchants of the *capan* (*capanlîi*).<sup>131</sup>

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<sup>129</sup> Urechia, IR, IV, 272-73.

<sup>130</sup> Urechia, IR, V, 178-79.

<sup>131</sup> Urechia, IR, V, 329-30. See above the regulation of the trade with *zaherea* issued by Alexandru Ipsilanti on January 25, 1775.

### ***6.3. Certificates and State Power***

In the course of the second half of the 18<sup>th</sup> century, the state produced a large array of scriptural instruments whereby it aimed to control people and objects at a distance. Firstly it reached to the individual level, it collected and stored personal information which could be manipulated to attain its fiscal and demographic goals or to prevent hindrances thereof. The identity and the due amount of the taxpayers were to be established in small pieces of paper; the belonging to crafts or trade guilds or to military and county police units. Identification papers were also used to monitor the traffic over the borders in order to curtail banditry and the movement of people in time of plague to prevent the spreading of the disease.

In the second case it tries to control the trade flux so that it could prevent abuses of the custom officials and tax-evasion and to protect the internal market; more and more concerned with public order and public safety, the state supervised the commerce with medicines and ammunition through a complicated net of permits and authorizations. The measures were actually motivated by the same preoccupations mentioned in the case of identification papers: economic stability, maintenance of public health and curbing the banditry or the conditions which favored it.

By all these mobile scriptural instruments the state extended its infrastructural reach, it “embraced” the individuals to get durable access to them. The control was not only one on the society, but also on the state agents whose frauds could be uncovered more easily. The degree of control exerted by the Wallachian state during the second part of the 18<sup>th</sup> century should not be exaggerated. The reiterations of many regulations indicate the failure of the state to impose its rules. Yet I have also illustrated several cases in which the scriptural instruments facilitated the uncovering of tax-embezzlement, illegal immigration, the capturing of bandits or unlawful

export of merchandise. Although hard to measure, we can reasonably accept a certain growth of the logistical control exerted by the state in the society. But there is more to this.

Regardless of the success or lack thereof, this feat reveals the struggle to broaden the area of legitimate state intervention and a symbolic assertion of the state. The repeated ordinances and admonitions to the officials assert the right of the state – as a social necessity – to supervise more and more aspects of people’s lives. Like in the case of the registers, the production and dissemination of papers conveyed the notion of an objective authority; they had the effect “to endow administration with the arcane aura of the distinct and objective, and hence the superior”.<sup>132</sup> The acts which it produced, address people regardless of rank and origin. The clearest expression of this is the order of Prince Alexandru Ipsilanti that the guardians of Bucharest inquire every traveler who he is and what his business is, including the prince himself if under cover.

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<sup>132</sup> Marc Raeff, “The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe,” *American Historical Review*, 80/5 (Dec. 1975): 1230.

## 7. THE STANDARDIZATION OF WEIGHTS AND MEASURES

In the previous chapters I discussed how the impact of regulations, the means of storing knowledge and the routine resorting by officials and subjects conveyed the notion of an impersonal and objective state. In this last chapter I approach a different category of communication means, the units of measurement. Here too, the evidence mostly consists of administrative ordinances and adjudications of litigations. They become more numerous in the last quarter of the 18<sup>th</sup> century shedding light on the efforts of the state to control and standardize the units of measurement. Continuing the line of my argument, I make claims on two interrelated planes. The efforts to standardize the units of measurement are indicative of the process of infrastructural growth; although the success is hard to measure and was at best relative, in the sense that the standard measures could not be imposed everywhere, the effort was significant in a different sense. The standardization of measures reflected the accumulation of symbolic power by the state and its “invasion” in the daily lives of the people. The best illustration of this was the sending of sealed measures from Bucharest to various locales, measures whereby the state was brought in the village, on estates, in taverns and shops.

Historically there are two kinds of measures, representational and conventional. The measures of the second type were established by convention and were abstract, having no tie to the objects that are measured or the persons that are performing the measuring; this is the case of the meter. Pre-modern measures belonged to the first type in the sense that they derived from or represented human activities or parts of the human the body. They varied enormously due to two

main causes: the fragmentation of sovereignty and the juridical stratification of society<sup>133</sup> and the technical difficulties in making accurate measures and their copies.<sup>134</sup> The measures were political to the extent that “the right to determine measures is an attribute of authority in all advanced societies” and that “the controlling authority ... seeks to unify all measures within its territory and claims the right to punish metrological transgressions”.<sup>135</sup> The wide variety of measure was likely to give way to many disagreements. The authority which exerted metrological jurisdiction in an area “was able to gain further prestige by arbitrating such conflicts”.<sup>136</sup>

According to Witold Kula, historically there were three great phases in European history, in the standardization of weights and measures before the metric system: the Carolingian, the Renaissance and the Enlightenment and they are all related to consolidations of the central authority. Another feature of these three waves is that they failed to a significant degree. By failure it is to be understood the incapacity of the central authority to impose its measures on the local plane. In one way or another, local factors – usually the landlords – have sabotaged the introduction of the measures decreed at the center. The frequent repetition of ordinances decreeing standard measures bears witness to the failure. A chapter of Kula’s book, which I use here, is suggestively titled “Attempts to standardize measures in France from 789 to 1789 and their failure”.<sup>137</sup> Yet in the 18<sup>th</sup> century the attempts to standardize units of measurement meets with a similar demand from below. The famous *cahiers de doléances* were filled with complaints

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<sup>133</sup> Witold Kula, *Measures and Men*, transl. by R. Szepter (Princeton: Princeton University Press, 1986), 19-20.

<sup>134</sup> *Ibidem*, 45-46; Julian Hoppit, “Reforming Britain’s Weights and Measures, 1660-1824,” *The English Historical Review*, 108/426 (Jan., 1993): 87.

<sup>135</sup> Kula, *Measures and Men*, 18.

<sup>136</sup> *Ibidem*, 21.

<sup>137</sup> *Ibidem*, ch. 21, 161-184.

about the variability of weights and measures and added to their requests that of “one God, one King, one law, one weight and one measure”.<sup>138</sup>

The situation was similar in by the end of the 18<sup>th</sup> century in England, although it also experienced numerous attempts to standardize measures. It was no coincidence when a member of the British parliament, Lord Swinton, commented towards the end of the 18<sup>th</sup> century that “people who use, for the same purposes, measures differing both in size and name, speak as it is different languages”. In the same vein, sir John Riggs Miller decried in 1790 that “we cannot go ... from one parish to another, or from one market town to another, without learning a new language, which no grammar or dictionary will enable us to acquire”<sup>139</sup>; in other words there is no centralized and standardized knowledge which would allow one to grasp the measuring practices of various locales. The two British MPs reflected the position of modern statesmen to whom the opacity of the local units of measurement – or for that matter of dialects or customary norms – was an impediment to the direct exercise of the political power.

This was the common experience of the 18<sup>th</sup> century Eastern absolute monarchies: Austria, Prussia and Russia. The obstacles put to the newly erected bureaucracies and the monarchs’ “inquisitive efforts to know all and to inventory as much as possible of their possessions” made from the varying weights and measures a relic of the past to be suppressed. The standardization of measures was supposed to integrate their disparate territories and to mark out one kingdom from another. Yet, like other reforms, the ordinances relative to weights and measures “were crowned, at best, by partial success”.<sup>140</sup>

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<sup>138</sup> *Ibidem*, 185-227, passim.

<sup>139</sup> Quoted in Julian Hoppit, “Reforming Britain’s Weights and Measures, 1660-1824,” 91.

<sup>140</sup> Kula, *Measures and Men*, 116-119.

In the Ottoman Empire, the elites did not even try to impose a common standard through all the vast territory. In conformity with the Ottoman method of gradual integration, “the Ottoman reform in weights and measures ... aimed at uniformity only in a particular region, or *sancak*, under particular conditions”.<sup>141</sup> The regional variety of measures had to counteract the difference in the prices of grain, to facilitate the taxes assessed on the *timar* and to guarantee the interests of the *timar*-holders in front of potential peasants’ requests for other – more favorable – measures. In 1640, in the context of rampant inflation of the Ottoman currency, a proposal was made for the unification of all measures within the empire according to the standards from Istanbul. Besides the utilitarian motivation – traders complained that the regional metrological variety affected their activity – the proposal noted that “just as the Sultan’s [symbols of authority] *hutba* and *sikke* (Friday sermon and coinage) are the same everywhere in his empire” so the measures “should be the same as in Istanbul”. Yet, the proposal had no effects.<sup>142</sup>

According to Halil Inalcik, the first serious attempts to standardize weights and measures throughout the empire were part of the westernizing reforms of the 19<sup>th</sup> century.<sup>143</sup> Yet some advances in this respect were made earlier. A historian of Ottoman architecture showed an increasing preoccupation with standardizing the cubit (*arşin*) used in architecture in the last decades of the 18th century. Sultan Selim III (1789-1807) ordered a definitive and final version of this measure to be made from ebony and kept in the Royal Military Engineering School “for purposes of standardization and calibration”.<sup>144</sup>

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<sup>141</sup> Halil Inalcik, “Introduction to Ottoman Metrology,” *Turcica* 15 (1983): 333.

<sup>142</sup> *Ibidem*, 336.

<sup>143</sup> *Ibidem*, 337.

<sup>144</sup> Alpaz Özdural, “Sinan’s Arşin: A Survey of Ottoman Architectural Metrology,” *Muqarnas*, 15(1998): 106.

Hence, the pre-modern state had imperfect knowledge of its subjects, their wealth and identity and of its land. Moreover, “it lacked, for the most part, a measure, a metric, that would allow it to “translate” what it knew into a common standard necessary for a synoptic view”.<sup>145</sup> To make the variegated local realities governable from the center, the modern officials have to “read” it through a standard grid which simplifies the representation of those realities. James C. Scott calls this simplified knowledge of the people and the land of a state “legibility” and considers it “a central problem in statecraft”.<sup>146</sup> This is the sense of the more resolute pursuit of standardization in the 18<sup>th</sup> century which I highlighted above and whose success was rather modest.

By standardizing weights, the modern state asserts the power of the center over the localities and gives an impetus to its characteristic homogenization. In the following pages I will study the beginning of this process in Wallachia. A modern study of the weights and measures during the Phanariot period does not exist separately, but the period is covered in several studies inventorying the measure of length, area, weight and volume in pre-modern Romania – basically until the introduction of the metric system in the second half of the 19<sup>th</sup> century<sup>147</sup>. The basic aim of these studies is to translate the pre-modern measures in the modern metric system.

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<sup>145</sup> Scott, *Seeing Like a State*, 2.

<sup>146</sup> *Ibidem*.

<sup>147</sup> Damaschin Mioc and Nicolae Stoicescu, “Măsurile medievale de capacitate din Țara Românească” [The Medieval Capacity Measures in Wallachia], *Studii*, 6 (1963): 1151-1178; Damaschin Mioc and Nicolae Stoicescu, “Măsurile medievale de greutate din Țara Românească. Instrumentele de măsurat capacitatea și greutatea” [The Medieval Measures of Weight in Wallachia. The Instruments for Measuring the Capacity and the Weight], *Studii*, 1 (1964): 88-105; Damaschin Mioc and Nicolae Stoicescu, “Măsurile medievale de lungime și suprafață și instrumentele de măsurat lungimea din Țara Românească” [The Medieval Measures for Lengths and Area and the Instruments for Measuring Length in Wallachia], *Studii*, 3 (1965): 639-665. These studies are synthesized in Nicolae Stoicescu, *Cum măsurau strămoșii. Metrologia medievală pe teritoriul României [Medieval Metrology on the Romanian Territory]* (Bucharest: Editura Științifică, 1971). In distinction to the three previous studies, this book contains references not only to Wallachia but also to Moldavia and to a lesser extent to Transylvania – according to the fashion of national historiography. These works form the basis of two articles on Romanian premodern weights and measures by Alexandru Constantinescu: “Măsurile în evul mediu românesc” [Romanian Units of Measurement

Yet, while quite useful for the richness of historical detail, this approach hides a serious flaw, a kind of methodological nationalism imposed on the past. Following H. H. Stahl, I call this the “juridist” method of interpreting documents which presupposes the existence of a norm regulating the activity of people, although the evidence of such a norm lacks entirely. Consequently, historians operating with this method, see in the various particular cases either illustrations of that norm or deviations from it. It does not occur to them that such a norm might not have existed and the absence of evidence thereof is a significant historical fact.<sup>148</sup> Besides, as a result of the “juridist” conception, historians seem largely unaware of the political aspect of the measuring practices and of their historical evolution determined by the change of power relations. Alternatively, as in the case of the registers, it was considered that standardization – i.e. modernization – occurred only with the enactment of the Organic Regulations in 1831.<sup>149</sup>

Against these views, I take up Witold Kula’s urge:

Pre-metric measures ... are replete with important, concrete social meaning, the uncovering of which should become the chief task of historical metrology. .. To convert oldtime measures into the units of the metric system is often, in fact, not a feasible task, and results of such attempts, however painstaking, are often of little practical use because even the most meticulous determination of the dimensions of, say, *lan*, could not be extensively utilized when even neighboring villages in the same year, more often than not, would have *lans* of different sizes.<sup>150</sup>

Consequently, my aim in this chapter is to show that sometime in the second half of the 18<sup>th</sup> century – probably in the 1770s – the Wallachian state started to assert more resolutely its control over the weights and measures and its monopoly of the definition of the “just” measures.

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during the Middle Ages] (I), *SAI* XXVI (1974): 138-145 and “Măsurile în evul mediu românesc” [Romanian Units of Measurement during the Middle Ages] (II), *SAI*, XXVII-XXVIII (1974): 183-195.

<sup>148</sup> For a critique of the “juridist” method employed by a part of the Romanian historiography see H.H. Stahl, *Controverse de istorie socială* [*Controversies in Social History*] (Bucharest: Editura Științifică, 1969), 5-61.

<sup>149</sup> Corina Pătrașcu, “Uniformizarea măsurilor și greutateilor folosite în comerțul Țării Românești, o acțiune de unificare a pieței interne (1829-1840)” [The Uniformization of the Measures and Weights Used in the Trade of Wallachia, an Action of Unification of the Internal Market], *Studii*, 4 (1968): 667-683.

<sup>150</sup> Kula, *Measures and Men*, 98-99.

The change does not happen overnight but is a historical process ending with the adoption of the metrical system in 1866; this chapter presents the beginning of this process, until 1800. Moreover, I argue that the assumption of the state in the realm of weights and measures is indicative of its infrastructural growth and its symbolic assertion as the legitimate locus of power in the Wallachian society.

Two factors favored the standardization process according to the same Polish historian: “commercial ties and the will of the state” and his observation confirmed by the evidence I use. The will of the state manifested in the agrarian and fiscal regulations taxation which triggered the intervention of the state in defining and fixing the units for the measurement of agricultural products. I discussed these regulations in the afferent chapter so I do not insist on them here. Besides, the demographic growth (especially in Bucharest) and the widening of the internal market formed the other trigger. During the 18<sup>th</sup> century 28 new villages specialized in a particular craft appeared. The number of fairs (*bâlciuri*) and weekly markets was also growing. The most impressive growth is recorded in the capital-town, Bucharest. In 1811, 3238 (86%) of the Wallachian shops (the census found 4189) were located in Bucharest.<sup>151</sup> There were also temporary increases in the number of consumers in Bucharest when foreign troops were stationing there (as during the Austrian occupation, 1789-1791). Trade and state regulation met in the policy of official and fixed prices (*nart*), a measure with administrative and policing character whereby the state tried to prevent profiteering.<sup>152</sup> Among the two factors “the will of

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<sup>151</sup> IR (1964), 655-664. The growing number of fairs in the last decades of the 18<sup>th</sup> century is showed by the requests to establish them, Urechia, IR, VI, 678-679, 679-680, 680, 681, 682; Urechia, IR, VII, 103, 212.

<sup>152</sup> IR (1964), 658.

the state would win through, but not until much change in economic life, and in the nature of the state itself, had taken place”.<sup>153</sup>

The documents from 1740 to 1800 mention all kinds of capacity, volume, length and distance measures. They appear in the measuring of the dues of the tenants to the landlords, the assessment of taxes, the measuring of land plots and small market transactions. In most cases, the documents do not mention any precise size or capacity of these measures, which means that they were tacitly agreed upon. Yet, in the second half of and especially in the last quarter of the 18<sup>th</sup> century, some measures come under the purview of the central authority. It must be said that it was not a systematic attempt to homogenize all measures in use. The standardization proceeded somewhat randomly, most probably in the fields where it was most necessary. It affected some aspects of the social life and it involves basically two sets of actors.

In the agrarian relations the standardization process involved the state in the sense of the center of binding-rule making: the prince, the central agencies around the prince and the territorial officials, the *ispravnici*; the landlords, lay and ecclesiastic, who tried to impose the seigniorial right of defining the “just measure”; the peasants. Without endangering the seigniorial control over land and peasants – actually consolidating it – the state inclined to stabilize measures at local level to protect the fiscal capacity of the peasants. In the numerous conflicts between peasants and landlords, the state tried to lower and stabilize measures and hence adopted a protective attitude towards the former.

In market relations the involved actors were slightly different: the central state, the small merchants and shopkeepers and the consumers. The state intervened in order to protect the consumers and to maintain the officially established prices (*nart*) which would have been – and

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<sup>153</sup> Kula, *Measures and Men*, 114-115.

actually were – altered by the altering of the weights and measures. Accordingly, by center I refer to the central state while by local I have in mind estates, small regions (which do not overlap with any administrative division) and the market place. In this sense, Bucharest can be center – because the central administrative institutions were located there – and local when it comes about the market of the town.

Each of the following five sections is dedicated to a measure which came under the purview of the state. In each case I will illustrate the “juridical” approach to and the constant search by historians of a standard. In the final section I will sum up the findings of this chapter.

### 7.1. The “*Oca*”

The *oca*<sup>154</sup> was “the basic unit in the Ottoman weights system” and according to metrological historians it “equaled 400 *dirhem*” or four *lidre* of 100 *dirhem*.<sup>155</sup> It is true that an early 16<sup>th</sup> century collection of Ottoman regulations contains a list of weights and measures and the *oca* appears with this capacity and subdivisions. A handbook of arithmetic in Greek from around 1500 shows the same values. Based on these facts historians have translated the *oca* in modern measure. Yet Halil Inalcik observed that the assumption “that the Ottoman *dirhem* weighed 3.207 gr at all times” is false and he presented plenty of evidence about the variability and context-related character of the *oca*; not even the equation with 400 *dirhem* is constant. This awareness is contradicted by his reference to “standard *okka*” and by the conversion of various

<sup>154</sup> *Okka* is the Ottoman rendition and I use it only in quotations; otherwise I use throughout *oca* (pl. *ocă*, *ocale*), because this is the rendition of the Wallachian texts.

<sup>155</sup> Inalcik, “Introduction to Ottoman Metrology,” 318.

Ottoman *oca* in modern measures as if there were more standards.<sup>156</sup> The *oca* of four *lidre* each of 100 *dirhem* became more important and acquired at some point the value of an official standard. This is demonstrated by that fact that when the *oca* became object of explicit policy in 18<sup>th</sup> century Wallachia, its size and subdivisions were exactly the same like in the Ottoman case. But the existence of a theoretical and official standard is no guarantee of its use in the daily life.

In Wallachia, the *oca* was the main measure, both for capacity and weight, from the 17<sup>th</sup> century to 1866.<sup>157</sup> Nicolae Stoicescu and Damaschin Mioc believed they could justifiably write that “the capacity of the *oca* for dry items, in modern measurement, was of 1.698l. The standard *oca* was being established by the measuring of 100 *dramuri* of wheat, corn, millet and barley, which mixed were forming the capacity *oca* for dry matters, with a size of 1.698l”<sup>158</sup>. However, what they don’t add is that this method of defining the standard *oca* dates from the middle of the 19<sup>th</sup> century. They rightly observe: “how and when these subdivisions of the capacity *oca* have emerged is hard to specify; most probably in the 18<sup>th</sup> century”.<sup>159</sup> On the basis of the article of Halil Inalcik which I used we can infer that the divisions were imported at the same time with the *oca*.

Clinging to the idea of a standard *oca*, the two authors present below a synoptic table with rows containing the capacity measures for liquids, arranged in a decreasing order, and columns for the period of their circulation, their subdivisions and their modern equivalents in liters. Hence the *litra* circulated between the 17<sup>th</sup> and 19<sup>th</sup> centuries and it was equivalent to ¼ of an *oca* and 0.322l. Yet evidence of this equivalence exists only from the late 18<sup>th</sup> and

<sup>156</sup> *Ibidem*, 315-316, 325-326, 328-329.

<sup>157</sup> Mioc and Stoicescu, “Măsuri medievale de capacitate,” 1377.

<sup>158</sup> *Ibidem*, 1370-71.

<sup>159</sup> *Ibidem*, 1378.

respectively 19<sup>th</sup> centuries.<sup>160</sup> In this section I will show how the *oca* and its subdivisions are formally defined and how the central power tried to implement them throughout the territory over which it exercised metrological jurisdiction.

The first mention of the *oca* subdivided in 400 *dramuri* is recorded during the reign of Alexandru Ipsilanti (1774-1782). On February 6 1776, the department of great boyars (*veliții boieri*) report on the litigation between a state servant – Constantin postelnicel – and a great official – *cluceru* Pantazi. At stake was the price of the wine they sell in their neighboring cellars. Both of them were selling wine at the same price, but the former was using the “just *oca*” that is, a smaller unit which made the actual price to be lower than at the cellar of the official. The latter asked Constantin to use a bigger *oca*, in order to avoid the competition. The judges decide that the price should be equal at both cellars – so that no party will suffer losses – but recommend an order to the *ispravnici* of the county (Prahova) “to put a just *oca* of four hundred *dramuri* and to seal and [give it] to each party”.<sup>161</sup> The document is illustrative of the tension between the measure as instrument of (local) class privilege and the homogenizing attempts of the state, trying to maintain fixed price of wine.

Was the case I discussed above preceded by a regulation of the *oca*? It is hard to answer; but the evidence shows that in the last decade of the 18<sup>th</sup> century the *oca* became object of state policy. Apparently, the problems with measures for liquids became acute when Bucharest was crowded with troops during the Austrian occupation (1789-1791). To settle the issue the Divan issued a resolution in July 9, 1790. Because “both the soldiers and the commoners” always complain that the tavern-keepers who sell wines and brandies, after they cash the just price that is decided by the Divan, having profit, they don’t sell with the “just *oca*”, but “with unbranded

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<sup>160</sup> *Ibidem*, 1378.

<sup>161</sup> *AJTR*, 29.

and uncertified measures”; they make all kind of tricks with cheating “at *ocale*, selling with smaller measures” which causes losses to the soldiers and commoners and disobey the fixed price (*nart*) which is in vain since “the measures are not just”. For the justice of the entire people and as “in other European polities” it is necessary to impose the just *oca* of 400 “*dramuri*”, “used from the beginning until now”. Hence, from the order of the Divan “the just measures of the country, of white iron, branded with the seal of the Divan, were made”. The just *oca* is of 400 *dramuri*,  $\frac{1}{2}$  *oca* of 200 *dramuri*, *litra* of 100 *dramuri* and *cinzeaca* of 50 *dramuri*.<sup>162</sup>

The spătar and the aga were entrusted with distributing these new measures in the area of their jurisdictions - the neighborhoods and the fair of Bucharest –; to each tavern-keeper they have to deliver 1 set of these measures for which they will exact 2 taller and 1 ort; the money had to be given “where they were spent”, which meant that apparently there was no fee perceived by the two officials, the money being solely for covering the costs of production. The tavern-keepers who would “dare to alter these measures or to sell with other which are not branded with the seal of the Divan” would pay a fine of 6 imperial golden coins and will have their right to keep a tavern revoked definitively. The regulation had to be publicized so that all consumers have to know it and demand the selling with the branded *oca*; contrary, they were encouraged to denounce the fraudulent tavern-keepers. Secret investigations are to be made to discover one such underhanded tavern-keepers and his unjust *oca*. All sellers of “edible oil, vinegar, brandy” had to receive the new measures and to be recorded and reported to the Divan.<sup>163</sup>

Let’s notice that although the initial problem was the measure of the alcoholic drinks, the ordinance extended the regulation to edible-oil and vinegar. The document implies that there is a

<sup>162</sup> Urechia, IR, III, 413-14. I have found no mention of how the *dram* (*dirhem* in Ottoman) was defined. Editura Inalcik raises the same problem and is not able to offer a clear answer; however, when he makes his table of conversion, he uses the value of a *dirhem* which was “suggested” by historians.

<sup>163</sup> *Ibidem*.

“just” *oca* “used from the beginning until now” which was not respected by the tavern-keepers. Somehow, the frauds are presented as recent and the imposition of the “just” *oca* as a return to the old good customs. As I showed above, it is reasonable to suppose that there was a theoretical standard of the *oca*, but there is no evidence that the central authority tried to implement it in practice.<sup>164</sup>

On November 5, 1790 the ordinance is publicized in the entire country. It makes plain that the tavern and shopkeepers are to receive a vessel of 4 *oca*, the *oca* of 400 *dramuri* (so the vessel had 1600 *dramuri*); the measure of the other containers were established analogically following the formula from July 9. The measures had to be distributed “through fairs, towns, villages, to the [taverns on] roads, to peasant, boyar and monastic taverns, and to all that make sales everywhere” with same fee as in Bucharest. The *ispravnici* were ordered to send a servant to accompany the man of the Divan entrusted with the distribution of the measures “to show him all the taverns of the county and others that sell with measures of *ocale*, to give to all the just measures”; if subsequently it will be discovered that the servant of the *ispravnici* did not show all the taverns, the *ispravnici* will be considered guilty; the lesser county officials were supposed to assist in this operation too.<sup>165</sup>

The ordinance illustrates perfectly the attempted infrastructural expansion of the state. Ideally, the measuring instruments with the branding of the Divan or other central institution are to be used in all taverns of the country, regardless of their location or owner’s social status. No pocket of authority is supposed to shelter the old measures. By decreeing the equality of all in front of the measure, the ordinance promoted the homogenization characteristic to the modern

<sup>164</sup> Stoicescu, *Cum măsurau strămoșii*, 183-84.

<sup>165</sup> Urechia, IR, III, 415-16.

state. Yet, of course, like in other similar attempts, there was a long way from the enunciation to implementation.

On May 29, 1796, the *vel aga* reported to the prince that the tavern-keepers sell drinks with false measures. The prince forwarded the report to the *veliții boieri* who on June 9 proposed a set of measures. The *Agie* had to make a set of just measuring tools (*tacâmuri*) of tin: one *oca* of 400 *dramuri*,  $\frac{1}{2}$  *oca* and 1 *litra* and “these *dramuri* had to be only the contained wine, not the weight of the vessels (*daraua vaselor*)”. All these measures were to be sealed with the “seal of the *Agie*” and distributed to all the taverns in the city [(of Bucharest)]. The production of the three items cost 1 taller and 60 *bani*; besides this the tavern-keepers will be obliged to pay the same amount as authentication fee to the *Agie*. The Divan recommends that this sort of measures have to be distributed only in Bucharest, not yearly and not at the appointment of each *Aga*. The fraudulent tavern-keepers are to be punished only with beating because if fined, they will recover the loss by cheating again with false measures.<sup>166</sup>

It is curious that the measure is not designed to be applied countrywide but only in Bucharest; maybe because the forging of measures was more frequent and the frauds were more problematic there. But in the same time the document detaches for the first time the distribution of the *ocale* and its subdivision from the income of an official as it states that the fee is to be paid only once, at the distribution of the measuring instruments. The measure is strictly utilitarian and suggests that the state tried to separate the dissemination of standard measures from the pecuniary interests of the officials.

A quite frequently documented fraud was the measuring of bread, also done at that time with a capacity measure, the *oca*. Given the increase of the population of Bucharest, the price of

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<sup>166</sup> Urechia, IR, VI, 686-87.

the bread became a very sensitive issue; in the words of James C. Scott it was “sticky” in the sense that it could not be altered directly without violating cherished assumptions about the just price.<sup>167</sup> The bakers increased their profits or compensated the increase in the price of wheat by altering the size of loafs (and sometimes of the quality as the properly baked breads were lighter). Such a case is registered in July 14, 1794. The prince orders the *vel Aga*, the overseer of the Bucharest fair, to punish publicly the baker Christodor with 50-sticks beating in the soles and to imprison him to the salt mines because he sold bread with lesser *oca* (*a scos pâine lipsă la oca*) and infringed on the fixed price (*nart*). To prevent cheating at measuring the bread, the Aga was ordered to gather them all and announce that if one of them will be found selling bread at one dram under the standard established by *nart*, he will be hanged in front of his shop.<sup>168</sup>

So, by the last decades of the 18<sup>th</sup> century the document reveal sustained efforts by the state to impose a stable *oca*. The measures of the state in this sense were a response to demographic and economic changed. The growth of the population of Bucharest and of the volume of internal trade rendered the customary and local measures inappropriate and required more stable ones. Besides, the urban agglomeration in the capital city presented the authorities with the danger of food shortage. Hence they tied to keep at a tolerable level the prices of drinks and bread to prevent the discontent of the urban population, by the practice of fixed prices (*nart*). This policy required a fixed measure. Most probably the standardization of the *oca* was part of a chain as it was a subdivision of larger units (the buckets and the bushel) which I will approach

<sup>167</sup> Scott, *Seeing Like a State*, 29. E. P. Thompson, “The Moral Economy of the Crowd” in *The Essential E.P. Thompson*, ed. Dorothy Thompson (New York: The New Press, 2001), 335-340.

<sup>168</sup> Urechia, IR, V, 338. The document does not specify the “legal” quantity of the bread and how much the baker Christodor has cut. The *nart* from September 12, 1792 established the loaf with leaven of 143 *tutunărit* at 3 *bani* and the “white bread of washed wheat” of 166 *tutunărit* at the same price, Urechia, IR, IV, p317; the *nart* of April 3, 1793 establishes the “white bread of washed wheat” of 200 *tutunărit* at 3 *bani*, Urechia, IR, V, 349.

bellow. But now I turn to another subunit which comes in the purview of the state in the same period: the ell.

## 7.2. *The Ell*

Another measure used in the market was the ell<sup>169</sup>, for the sale and purchase of fabrics. Like in the case of other measures, the employment of a standard ell is late and is documented only in the last two decades of the 18<sup>th</sup> century. This did not deter the historians investigating the pre-modern Wallachian weights and measures to believe that from the 16<sup>th</sup> century on, when the economic relationships with the Ottoman Empire intensified, “the ell currently used in Wallachia, of 0.664 m, was very close in size to the Turkish ell, which was of 0.650-0.660 m”; this in spite of the fact that “firm evidence about the size of the ell is very late, most of it from the 19<sup>th</sup> century”.<sup>170</sup> To lend more support to their estimations, these authors cite documents and works from the 19<sup>th</sup> century – a time when the standardization of measures was well advanced – which mention ells of close size (0.636 m and 0.680 m) giving the false impression that there was a more or less stable ell from the 16<sup>th</sup>.

So, “at the end of the 17<sup>th</sup> century the ell seems to have 0.654 m” because a document makes clear that “the pole measures 3 princely ells”. As at that time the most common pole (*stânjen*) was that of Șerban Cantacuzino, of 1,962 m<sup>171</sup>, it results that the ell was of 0.654 m (or

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<sup>169</sup> In Wallachia text *cot* (pl. *coți*, *coturi*).

<sup>170</sup> Mioc and Stoicescu, “Măsurile medievale de lungime și suprafață,” 641.

<sup>171</sup> This size is accurate because the pillars of the Cotroceni monastery – foundation of the prince Șerban Cantacuzino - had exactly this size, so that it cannot be modified; of course, the equivalence in meters is a modern measurement.

0.664 m if the document refers to the pole of Constantin Brâncoveanu).<sup>172</sup> On the basis of one documentary occurrence, the authors are able to assert the existence of a norm. What if the pole measuring three princely ells was none of the two official poles? What is the possibility for that ell to be used in other parts of Wallachia? Actually, the poles, like the ells, varied consistently in the following century and the pole of 3 princely ells is simply one of them. It suffices here to show that a century latter (in 1793) two ells were sent from Bucharest to Craiova, each of them being a half of the pole of Șerban-Vodă and respectively of Constantin Brâncoveanu.<sup>173</sup>

However, at the beginning of the 18<sup>th</sup> century the state perceived a fee for the use of the ells in selling of merchandise. In February 19, 1699, Constantin Brâncoveanu authorizes a tax-farmers of the ell-fee (*cotari*) to gather the fees due by all merchants that use the ell in their transactions; the ells were considered lawful only after the payment of the fee which was paid per capita (*de nume*). Hence the official has “to register the ells from each man who will sell merchandise with the ell; and whom he will find selling with a smaller ell or hiding the ells so that he will evade the fee, he has to fine those with 300 *bani* and to beat them”. Implicitly, there is the notion of a legitimate ell, since the authorization mentions a smaller ell than the just one, but there is no other reference to it.<sup>174</sup> Apparently, the entire job is left in the hands of the tax-farmers who have purchased the ell-fee, *cotăria*. Let’s also notice that the document contains no mentions of standard ells distributed by the state and the fee was exacted per capita, which suggests that it had to be paid for the right to use the ell, not for the use of the .

The administration of this fee and service looks sensibly different seven decades later. On November 27, 1781 the prince Alexandru Ipsilanti authorizes the great chamberlain (*vel*

<sup>172</sup> Mio and Stoicescu, “Măsurile medievale de lungime și suprafață,” 642.

<sup>173</sup> Urechia, IR, V, 187.

<sup>174</sup> Iorga, *St. și doc*, vol. 5: 437.

*cămăraș*) to distribute the princely ells to all merchants in the country and collect the afferent fees. The exaction of the fee is justified in utilitarian terms; it is not just another fee exacted for the right to use the ells:

My Princeship was notified that those that sell merchandise with the ell, in order to cheat the people, have reduced the just sealed ells, which were given from before from the chamber of My Princeship, cutting them with files at the ends, or shortening others from the middle, and so injustice is made to the commoners. So I have ordered to the great chamberlain to make just ells and to seal them at the chamber of My Princeship and to distribute them to all those that sell merchandise with the ell, both in Bucharest and in the town of Craiova and in the fairs from the country, so that they will sell with those [ells]; and the old faulty ones have to be confiscated.<sup>175</sup>

Evidence that I will present below shows that by this time there were two fees for the ells, *cotăria* (recorded in 1699) and the fee on distributed ell. The former did not imply the distribution of certified ell; it was a fee on the right to measure with the ell. Most probably, the document from 1781 refers to the latter. In distinction from the authorization letter from 1699, now the state asserts its legitimate monopoly of measurement by the order to confiscate the old ells. Moreover, in 1781 the ell-fee and the distribution of the certified ells were justified in utilitarian terms: the prevention of incorrect measurements. Obviously, the distribution of the just ells had a fiscal side; it was an occasion to exact another fee from merchants, as Witold Kula remarked about the scales of the medieval town<sup>176</sup>. But the idea of exclusive and just measure is very pronounced if compared with the document from Constantin Brâncoveanu from 1709. So, like in the case of other measures and apparently at about the same time, the state asserted

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<sup>175</sup> Urechia, IR, II, 499. A case from 1783 shows that the tax of the “princely ells” was farmed and sub-farmed. The main or the first hand farmer petitioned that two merchants – from among those to whom he sub-farmed – failed to pay him 600 taller. The judge, whose name and rank are not mentioned, reports to the great Treasurer that the two merchants have no excuse of delay and shall be forced to pay the overdue sums, N.Z. Furnică, *Documente privitoare la comerțul românesc: 1473-1868* [Documents Concerning the Romanian Commerce: 1473-1868] (Bucharest: Tipografia “România Nouă,” 1931), 91-92.

<sup>176</sup> Kula, *Measures and Men*, 21.

explicitly its monopoly over the definition of the right measuring instrument. This does not mean nevertheless that success was swift.

The failure to impose standard ells – but maybe also the need to levy new fees – results from the repetition of such orders as in October 6, 1783:

To prevent cheating of the people who buy merchandise with the ell from merchants, and to deter the reducing of the ell from its just measure, the custom was to deliver sealed ells from the princely chamber to all the merchants; so, according to the custom my Princship authorizes ...<sup>177</sup> to distribute just ells, sealed at the chamber of my Princship, to all those that sell merchandise with the ell here in the city of my Princship, Bucharest, so that they will sell with those [ells], while the old ones are to be confiscated; he [the official] has to exact from them [merchants] what is customary, namely 2 taller, 19 *bani* for two ells.<sup>178</sup>

In comparison to the similar authorization from 1781, the fee is specified and is paid not per capita (as in 1699) but per ell. A few days later, the order is delivered to the entire country. On October 28, the prince writes that “My Princship was notified that those that sell merchandise with the ell, who are obliged to receive just ells from the chamber of my Princship and to pay the decided fee according to the custom” are recalcitrant and do not obey the princely authorization given to the man entrusted with this job. Hence the prince authorizes an executive official (*mumbaşir*) to go with the man commissioned by the chamber to force the merchants to receive “the just ells sealed from the chamber of my Princship” and “to pay the customary fee of 2 taller and 90 *bani* for two ells without resistance” - by the mediation of the *ispravnici* of the county. The cooptation of the *ispravnici* in the enforcement of the just ell reveals that the action refers to the entire territory of Wallachia not just to Bucharest. The document illustrates clearly the refraction of the central attempts to impose standard measures at local level.<sup>179</sup>

<sup>177</sup> As in other cases, the personal information is absent because the document is actually the minute registered in the Register of the Divan according to which such official letters were drafted.

<sup>178</sup> Urechia, IR, I, 406.

<sup>179</sup> Urechia, IR, II, 499.

The opposition of the merchants to accept the central ells was sustained. In June 22, 1784 the prince Mihail Suțu scolded the *ispravnici* of the 5 counties beyond Olt river that they did not assist properly the farmer of the ell-fee; the latter met with resistance and had losses because of it – most probably is the same refuse to accept the ells and hence to pay the fee. The farmers of the ell-fee are most probably those who sub-farmed the fee from the great chamberlain. The *ispravnici* were ordered to help them to collect “the income of this job”.<sup>180</sup>

To address the issue of unjust measures, the Divan<sup>181</sup> orders secret investigations to discover the dishonest merchants. In September 6, 1790 the Divan notified *boierii epitropi*<sup>182</sup> that “those who sell merchandise with the ell in Bucharest, shopkeepers, Jews, people from Bucharest, cheat the commoners with unjust ells, smaller than their [lawful] measure and deceitful, causing much injustice and high prices”; as “the right ells ... branded with the sign of the Princely Chamber” were already distributed to the shopkeepers, it is obvious that the latter have hidden them and used others. So the *epitropi* were ordered to secretly investigate and report the underhanded shopkeepers to the Divan.<sup>183</sup>

A few days later, in order to implement more efficiently the standard measures, the divan orders to the Spătar, Aga and the *ispravnici* of the counties to make a list (*catastih*) with the names and the number of all the merchants that sell with the ell “through the fairs and throughout that county”, “be they locals, foreigners, Jews or from Brașov” (October 11, 1790).

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<sup>180</sup> Urechia, IR, II, 500.

<sup>181</sup> During the occupations of Wallachia by the Russian (1769-1774) and Austrian (1789-1791) the administrative ordinances were issued in the name of the Divan through which the foreign occupiers were governing. It is important to note that the absence of princes from the Wallachian throne did not result in administrative discontinuity; it is frequently asserted that the Phanariot reforms failed precisely because of political instability of the throne, but in fact various policies introduced by this or that prince were continued not only by his successors but also by the boyars who ruled the country in periods of vacancies.

<sup>182</sup> “Boierii epitropi” referred to the members of the “epitropia obștirii,” the institution created by Alexandru Ipsilanti to administer the capital town.

<sup>183</sup> Urechia, IR, III, 414.

Correspondingly, they have to make evidence of the taverns and sellers of wine, brandy, edible oil and vinegar in “the entire county, in the fairs and anywhere else” and to report to the Divan.<sup>184</sup> Such evidence is necessary not only to have a grasp of the market, but also to know how many ells to manufacture and distribute.

The investigation revealed that many merchants used smaller ells. The possibilities of cheating were facilitated by the fact that normally there were two princely ells which were distributed, to be used to different kinds of merchandise. The Divan set out to curtail this problem. In October 21, 1790 it ordered to the 12 counties of Muntenia and to Bucharest<sup>185</sup>, that resuming a previous custom “just ells of iron were made and were sealed at both ends with the seal of the Divan and were distributed to all that sell any kind of merchandise with the ell, both in the city of Bucharest and in the entire country”; not only the local merchants, but also the foreigners, the merchants from Braşov and the Jews, “without distinction, as they trade in the country, are obliged to sell their merchandise with the ell of the country which is used by the population”. The fee for the new ells was lowered to 60 *parale* for each ell. Besides, the practice of giving two ells, “one bigger for a certain kind of merchandise” was abolished, to prevent cheating of “the uneducated commoners who do not have the knowledge of measuring with the ell”; instead, the merchants were to receive only one ell to be used for the sale of any kind of merchandise. The old ells are to be collected, to give no occasion for later cheating.<sup>186</sup> The document marks a step forward in the standardization of the ell by the elimination of a second standard ell.

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<sup>184</sup> Urechia, IR, III, 415.

<sup>185</sup> Normally such an order was also sent to the five counties beyond Olt and to Craiova.

<sup>186</sup> Urechia, IR, III, 414-15.

A new campaign of delivering “just” ells throughout the country and the opposition to it are recorded in 1791. On September 10, 1791, letters of authorization for collecting the fees of the ell from Bucharest, Craiova and the fairs of the counties are issued with the same justification of supporting correct measuring.<sup>187</sup> But the reluctance of merchants to accept the ells imposed by the central power resurfaces once again. Some merchants make use of their status of *sudiți* to argue their refusal to pay the fee of the ells. On October 5, 1791, the prince Mihail Suțu orders the *ispravnici* of the counties to assist Stan and Stoian, who were entrusted with collecting the usual fee of the ells, and to collect it from the owners of the taverns not from the *sudiți* that keep them.<sup>188</sup>

The homogenizing effect of the “princely ells” emerges with more clarity in the case of the town of Cîmpulung. The officials from the princely Chamber entrusted with the allocation of ells to merchants and the collection of afferent fees petition that the townsmen from Cîmpulung and Pitești, “who make business with merchandise sold with ells” refuse to accept the ells and to pay the fee with the pretext “that the former are privileged and the latter are members of the boyar families (*neamuri*)”. So, October 29, 1791, the prince states firmly that “the ells are disseminated for the justice of the commoners, to prevent cheating of the people at the sales of merchandise with smaller ells” and the exception from them “is not included in their privilege, or [for that matter,] in the privileges of others”. Hence, these townsmen have to accept “even unwillingly [princely] ells, and to pay the customary fees income of the Chamber”. As to the exception of the townsmen from Cîmpulung from *cotărit*, the prince reminds them that that is a different tax. Similar orders with regard to the recalcitrant *sudiți* (the owners have to pay the fee

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<sup>187</sup> Urechia, IR, IV, 258.

<sup>188</sup> Urechia, IR, IV, 257.

and to recover it from the price of renting the taverns and shops to *sudiți*).<sup>189</sup> This order is referred to explicitly in May 6, 1793 by Alexandru Moruzi who reiterates its provisions, the only difference now being that the townsmen of Slatina have also used the argument of privilege to reject the princely ells.<sup>190</sup>

The reluctance of the townsmen to receive the branded ells and the relentless effort of the principedom to impose them throughout its metrological jurisdiction are instances of the tension between the centralizing logic of the state and the local privilege. These documents also show the standard ell certified at the princely chamber was not readily accepted by everybody in late 18<sup>th</sup> century Wallachia; and they saw their opposition as legitimate, grounded in ancient privilege not just using a false measure. The case also confirms my earlier inference that there were two types of fee paid for ells: the old fee on the right to use ells (*cotărit*) – mentioned in 1699 – and the fee on distributed ells apparently introduced towards the end of the 18<sup>th</sup> century.

The *cotărit* survived and in 1791 consisted of “one old taller” which the shopkeepers have to pay to the Chamber. Its old origins and functions are evident from the fact that it was a gift (*ploconul cămărășiei*) and had to be paid at the appointment of each new chamberlain.<sup>191</sup> The fee was fixed and had no connection with the ells and their production costs. Moreover, there were many exceptions from it. Besides the towns I mentioned above, the Saint Spiridon monastery is also exempted from *cotărit* by the privilege to have a fair on the estate Roșiorii-de-Vede granted in April 13, 1793.<sup>192</sup> Instead of abolishing the *cotărit*, the principedom tried to circumvent the privileges by simply adding a new fee on certified ells; possibly it also favored

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<sup>189</sup> Urechia, IR, IV, 258.

<sup>190</sup> Urechia, IR, VI, 629-30.

<sup>191</sup> Urechia, IR, IV, 257-58, documents from January 1 and September 10, 1791.

<sup>192</sup> Urechia, IR, VI, 68.

the interpretation of the *cotărit* as an ancient gift to the chamberlain, to make room for the new fee on the ells.<sup>193</sup> Hence, it hoped not to upset the privileged – whose exemptions were unaffected – and in the same time to impose its standard measure.

In sum, although a “princely” ell and the fee for the right to measure with the ell are mentioned in 1699, until the end of the 18<sup>th</sup> century there is no documented attempt by the state to impose a standard ell. As a reflection of social changes and more intense commercial activity, the state becomes more interested in the regulation of the ells. Besides the fee for the use of ells (*cotărit*) which was an old gift to which each new Chamberlain was entitled, from 1780 on the documents mention a new fee on ell distributed from the princely chamber. They were delivered throughout the country, with the (expected) assistance of the county *ispravnici*, and were binding on everybody, without discrimination due to social status or privilege. The frequency of ordinances and investigations for the implementation of the princely ells indicates the sustained effort by the state to impose standard ells and in the same time its repeated failure. As James C. Scott observed, although the standard measures would ultimately prevailed, their imposition was met with determined resistance which required “a large, costly, long-term campaign”.<sup>194</sup>

The measures I discussed until now – though regulated by state ordinances and adjudications - were related to trade. Yet both of them – the *oca* and the ell – were subdivisions of other measures used in the rendering of tithe in corn and wine and the wine-tax. Below I will approach these two measures, the bushel and the bucket.

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<sup>193</sup> The distinction between the two fees on ells is recorded in 1797 Urechia, IR, VII, 126-27, but Urechia’s statement that the fee on distributed ells was required when a new prince came to the throne is not supported by evidence.

<sup>194</sup> Scott, *Seeing Like a State*, 24.

### 7.3. The Bushel

During the 18<sup>th</sup> century the corn becomes the most important cereal cultivated by Wallachian peasants. The corn was not required by the Ottomans – as was the wheat and barley and, by its superior nutritive value, it supplanted the millet in the diet of the peasants.<sup>195</sup> Consequently it occupied more and more terrain among the cereals cultivated by the peasants and so the corn tithe became one of their foremost obligations to the landlords. Hence, the attempt to regularize their obligations to the landlords could not avoid the instrument used for calculating the corn-tithe, the bushel<sup>196</sup>, divisible in *ocale*. It happened towards the end of the century; previously, the measures were quite variable and locally agreed on as several documents show.

In June 19, 1746, the Cozia monastery allowed the free peasants (*judeci*) from Jiblea to cultivate a piece of land from its estate, Coisca, in exchange of labor rent and tithes. The corn-tithe will be 1 *banița* of corn out of 10<sup>197</sup>. Similarly, in 1776 princely officials judged a litigation of the villagers of Dobriceni and Arnota monastery and decide that the former, among other obligations, are obliged to give to the monastery 1/10 of their fruit harvest and grains, namely “out of 10 bushels (*banițe*), one”.<sup>198</sup> Again, the capacity of the *banița* seems to be tacitly agreed upon since no other mention is made and the parties did not feel the need to define more precisely the measures.

However, not in all cases the agreement of the right measure for paying the tithe is automatic. Contention over the size of the “just” measures elicits more precision in their definition. In 1750 the peasants of three villages accuse the abbot (*egumen*) of the Nucet

<sup>195</sup> Constantiniu, *Relațiile agrare*, 48-49.

<sup>196</sup> In Wallachian texts *banița* (pl. *banițe*).

<sup>197</sup> *DRA*, 299.

<sup>198</sup> *DRA*, 342.

monastery of using larger measures and hence of abusively increasing their obligations; more specifically the corn field was not measured with the just stick (*prăjina*)<sup>199</sup> but with a stick made by the abbot of 16 palms (*palme*)<sup>200</sup> while the tithe was collected with a *banița* for measuring the corn tithe of 31 *ocă*. The case shows that the corn tithe was not computed as 10% of the production but as a number of bushels per acre. A small stick and more capacious bushel meant automatically more tithe. Obviously the demand of the abbot violated the peasants' assumptions about the just measures.<sup>201</sup> Unfortunately, until now I found no evidence to illustrate the continuation of this interesting case.

In April 1752, the adjudication of a litigation between the abbot of Mărgineni monastery and the tenants of Breaza states that the tithe in corn “being customarily computed per acre<sup>202</sup>” will consist of “four bushels of 22 *ocă* per acre”.<sup>203</sup> In May 1767 the inhabitants of Călimănești oblige themselves by a written agreement (*zapis*) to perform the duties as tenants towards Cozia monastery. The document surprises through the detailed character as to the kind and amount of labor obligations assumed by the peasants; to avoid future abusive demands by the abbot, the peasants specify that “at the measurement of the corn tithe from the land of the monastery, the tithe shall be taken with the *banița* of 22 *ocă*, and not more capacious, because this is how we

<sup>199</sup> Let's notice that the corn tithe is not 1/10 of the corn production, as the notion of tithe implies, but a certain quantity per cultivated acre. This method of collecting the corn tithe will become statutory in 1780, being included in the Legal Register (*Pravilniceasca Condică*); the reason behind this change is that the corn can be consumed before being ripe and harvested and thence, a tithe calculated as 1/10 of the final production would be lowerEditura

<sup>200</sup> This was expected to have 18 palms. By lowering it, the abbot tried to increase the corn he got as tithe, as this was rendered per number of cultivated acres.

<sup>201</sup> *DRA*, 342. The document also reveals the two operations in the assessment of the tithe: the measuring of the cultivated plot and the collection of the tithe after the assessment was done.

<sup>202</sup> For want of a better word by acre I translate *pogon*, which does not mean that I regard the two units as equal in mathematical sense.

<sup>203</sup> Iorga, *St. și doc.*, vol. 5: 197. The adjudication is allegedly based on a settlement (*testament*), but there is no settlement that regulates the method of paying the corn-tithe and the capacity of the bushel; so the claim that the corn tithe is paid according to the custom – i.e. local method – should be taken literally.

settled” (*și la măsuratul dijmii porumbului după locurile mănăstirii, să ia dijmă cu banița de ocă 22, iar nu mai mare, că așa ne-am așezat între noi*).<sup>204</sup> A few years later, in July 20, 1771, the report of the custodian of the Metropolitanate estates also mentions that 122 *banițe* of cereals, each with the capacity of 22 *ocă*, are stored in a pit in the ground.<sup>205</sup>

These are the first instances in which the bushel is more precisely defined by resorting to a subunit; this fact reflects the trust of the parties in the stability of that subunit, the *ocă*. The 22 *ocă* bushel will become later the standard capacity. But for the moment it is a local measure, in one case the result of local and private agreement, having nothing to do with the state and, logically, enjoying only a local application. Yet sometimes in the second half of the 1770s I suspect that the state begins assert more firmly the control over the weights and measures. Maybe there is more than a simply coincidence that the prince of Wallachia at that time was Alexandru Ipsilanti (1774-1782), known for his efforts to regularize administration and justice.

A first stage in the control of the measures by the central power is documented in the late 1770s. By then, the weights and measures ceased to be a matter of local agreement; the princely county officials used to intervene in litigations related to weights and measures and arbitrated a compromise between the two parties. In each case they validated the material objects used to measure by branding them with a metallic sign (“the princely brand”). The first such instance is recorded in November 1779; the villagers of Ocnița (Dâmbovița) county complain that the administrator of Dealu monastery exacts the corn tithe of four bushels (*banițe*) per acre (*pogon*), a *banița* measuring 52 *ocă*, - besides other excessive exactions. The princely decision (*hotărîrea gospod*) reduces the obligations of the peasants and asks the two parties to make a compromise.

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<sup>204</sup> DRA, 420.

<sup>205</sup> DRA, 430.

Yet surprisingly, is silent when it comes to the corn tithe, for a reason revealed by the report of the two *ispravnici* of Dâmbovița (February 20, 1780) who judged the matter on the spot.<sup>206</sup>

One of the matters of contention was the bushel, so that some villagers refused to pay the corn tithe on that year. The *ispravnici* measured “that bushel with wheat, barley, millet and corn” and find it to be of 36 *oca*, without the weight of the bushel proper (*fără dara*). Probably they used the bras *oca*, which was used with the same occasion to measure the bucket for the wine-tithe (see below). Yet to ascertain themselves that this is the just bushel, they summoned the administrators of five surrounding estates to present their bushels; these were all of 36 *oca*. So the villagers from Ocnița had to accept the obvious and the *ispravnici* made another two identical bushels which they also authenticated with a piece of metal. In conclusion, the *ispravnici* report that the peasants’ petition against the abbot was groundless since “the bucket proved to be just [and] the bushel identical with that from the surrounding estates”.<sup>207</sup>

Clearly the capacity of the bushel was not fixed at the central level and so we have an answer to the absence of any reference to this matter in the princely resolution preceding the investigation of the *ispravnici*. The bushel was considered lawful in so far as its capacity coincided with the capacity of the bushels from the neighboring estates, i.e., it was congruent with the local customary bushel. So, at the beginning of 1780, there was no country-wide standard for the bushel and the state was content with local variants. Nevertheless, and this is not an unimportant aspect, it intervened and authorized them by the iron-brand. In other words the state was present in the daily activities of the peasants and landlords (or bailiffs) by a metallic sign which legitimated their units of measurement.

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<sup>206</sup> DRA, 511.

<sup>207</sup> DRA, 516.

This is the first known instance of intervention of the central power in the matter of measures in the time-span I study. It is still obvious that there is no standard to use in arbitrating these disputes; the princely decision is an ad-hoc intervention which by no means has a country-wide validity. A similar complaint is solved by a similar solution only a day later. Similarly, the complaint about the capacity of the *banița* for the corn tithe – 52 *ocă* - is not addressed in the princely decision which only reiterates the obligation to pay the customary tithe in produce (*bucate*).<sup>208</sup> Obviously, the definition of the just bushel, like in the above case, was left to be agreed locally, by the mediation of state officials.

The lack of a “national” standard is most visible in a case from February 12, 1780; the villagers from Săcueni complain that the administrator of the Târgoviște metropolitanate demands excessive tithes and labor; among others, the corn tithe is taken with a *banița* of 50 *ocă* and the peasants demand to be lowered to 30 *ocă*. In order to establish the right volume of the *banița*, the *ispravnici* called five administrators of estates from surroundings as experts who could testify on the “right” size of the measuring instrument. After their expertise, the *ispravnici* made two *banițe* at 36 *ocă* – as on the surrounding estates – and had them marked with an iron brand (*înherate*).<sup>209</sup> Again the “just” measure is established through compromise and reveals once again their local character.

The five documents discussed above reveal the variations in the actual size of the measures for assessing and collecting the tithes. They undermine the “juridist” position, namely the constant attempt to find, anachronistically, a regular capacity of the bushel. So, according to Mioc and Stoicescu

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<sup>208</sup> DRA, 512.

<sup>209</sup> DRA, 515.

It is very probable that the *banița*, replacing the *obroc*, has also taken its measure; the most references about the capacity of the ‘just’ *banița* show it to have a capacity of 22 *ocale*, namely the size of the little *obroc* and of the *chila* of Stambul.<sup>210</sup>

The idea that the regular *banița* comprised 22 *ocale* is a retrospective projection of the stipulation of this capacity in the Legal Register from 1780 and the Organic Regulation from 1831. The impression was strengthened by several documents preceding the enactment of the Legal Register which mention the 22-*oca* bushel, but as I showed, these were local agreements, not application of an etalon established by the state. Other similar agreements, concluded on other estates, defined the just bushel as containing 36 *ocă*.

Actually, the authors themselves provide plenty of evidence contrary to their assertions, namely the wildly varied capacity of the bushel. For example, “[t]he documents from the second half of the 18<sup>th</sup> century and the beginning of the next signal bushels of other capacities, namely of 18, 14, 24, 20, 25 etc. *ocale* ... sometimes the bushel maintained the capacity which was established by the local tradition”. At the beginning of the 19<sup>th</sup> century, at Bucov-Saac, the corn tithe was collected with “the bushel used from old times, which can be of approximately 28 *oca*”.<sup>211</sup> Consequently, confronted with so many exceptions, the notion of a standard bushel before 1780 becomes problematic. Surprisingly, the authors are plainly aware of this variety but they fail to perceive the historicity of the standard bushel, the fact that it took a political process to impose it; the variant bushels were not derogations from a standard but expressions of the parcelization of metrological jurisdiction.

They are right in saying that “in the 18<sup>th</sup> century, we notice from documents and legal texts a more frequent involvement of the central power in the regulation and the control of the

<sup>210</sup> Mioc and Stoicescu, “Măsurile de capacitate,” 1363-64.

<sup>211</sup> *Ibidem*, 1363.

size of measures” and that “in the second half of the 18<sup>th</sup> century and at the beginning of the 19<sup>th</sup>, the documents refer more and more often to the delivery from the capital to the counties and towns of some standard measures, of length, weight and capacity, bearing the seal of the Treasury, *these measures being put under the control of the state* [my emphasis]”.<sup>212</sup> In spite of these correct remarks, the reader does not have the impression of a process, of a passage from the local and traditional measures to the standard and centrally defined ones. The failure to grasp this process, leads the authors to propose at the end of the article two synoptic tables with the capacity measures for cereals and liquids, used at various times and places in Wallachia, with their subdivisions and the modern equivalents in liters – an ironic and in the same time perfect example of “seeing like a state”.<sup>213</sup> The table is futile because the measures included there were fixed, more or less, only in the 19<sup>th</sup> century and after a long struggle with the local custom. Hence, to show that the small bushel comprised until 1832 22 *ocale* and 37.356 liters is pointless because the bushel varied considerably even after its fixation by the Legal Register in 1780.

Thus far, the bushel was still local, yet a first stage of state control occurred through the intervention in its definition and authentication. The metal mark is the clear sign of state validation. The intervention of the state in the definition of the “just” measures is put on a firmer footing in September 1780 with the publication of the Legal Register (*Pravilniceasca condică*). For the first time, a legal text attempted to establish standard units and measures for the wine and corn tithes. The *Pravilniceasca condică* asserts the princely monopoly over the definition of the afferent measuring devices, the bucket (see the next session) and the bushel.

Yet the provisions of the Legal register are not as straightforward as it seems at first sight. In the title 17 (“For the Just Rights of the Landowners that They Have over the Tenants”),

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<sup>212</sup> *Ibidem*, 1354.

<sup>213</sup> *Ibidem*, 1373.

the 9<sup>th</sup> paragraph states that “for corn [the tenants] have to render 1 bushel from 10”.<sup>214</sup> This meant the reassertion of the customary tithe (10% of production). Yet, at the end of the Legal register, without connection to the title about the agrarian relations, a new paragraph was added, “For the Corn Tithe” which states:

As with the other harvests, in this register it was decided for the corn tithe to be taken similarly one out of ten, according to justice; but ... since the harvesting of the corn does not occur at one time, both the tenants, who do not have to possibility to gather it all at once, and the landlords, cannot afford to assign men to guard until all the corn is harvested, suffer loses; hence, after a more reasonable evaluation, following the old custom, we decide that the tithe has to consist of four bushels of seeds per acre, the bushel being of 22 *ocă*.<sup>215</sup>

Only from now on one can legitimately assert that the bushel for the corn tithe contained 22 *oca* and that there were derogations from the standard, because only now a single capacity of the bushel was decreed for the entire country. Maybe the addition of this section at the end of the *Pravilniceasca condică* suggests that initially there was no intention of regulating the *banița* for corn. Only towards the end of the 1770s when the Legal Register was conceived<sup>216</sup>, the cases of litigation related to the corn tithe as those I brought above, urge the authors of the *pravila* to insert this provision.

That the last hour addition to the Legal Register was a response to pressures from society (litigations over corn-tithe) is showed by the fact that the measures for tithe of other cereals (barley, millet wheat etc) are not regulated; was the wheat tithe to be measures with the same bushel as the corn? Subsequent documents show that this was not the situation. How to measure the *pogon* to establish the corn tithe, if no measure for plots was defined?<sup>217</sup> Nevertheless, the

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<sup>214</sup> *Prav. cond.*, 84.

<sup>215</sup> *Prav. cond.*, 156.

<sup>216</sup> The Legal Register was preceded by a project of code from 1777 on which it drew to a large extent, see Georgescu and Popescu, *Legislația agrară a Țării Românești (1775-1782)*.

<sup>217</sup> The Legal Register has established a new pole (*stânjen*) which has to be used to establish boundaries of land properties, *Prav. cond.*, 140, but it is not sure if this was to be used for the measuring of corn plots.

principle of state regulating measures was enunciated and it was to be imposed gradually but irreversibly. Probably the prince Mihail Suțu had in mind these stipulations when, on August 22, 1785 exhorted the landlords to assess justly the tenants' dues: "at the time of tithes collection there shall be no injustice or damage, [avoiding] to use a bigger unit of measurement".<sup>218</sup>

Still, the provisions of the Legal Register did not apply automatically. The computation of tithes on two estates of the Metropolitanate in Buzău county in the years 1779-1781 shows different capacities for the same measure. On the Metetelu estate, the barley was measured with a *banița* of 21 *ocă* while that of millet with a *banița* of 22 *ocă*; on the Acsentile estate the wheat and barley is measured with *banița* of 20 *ocă* and the corn with *banița* of 25 *ocă* (cobs not seeds).<sup>219</sup> One possible explanation is that the assessment started before the introduction of the standard bushel in 1780 by the Legal Register. That there is room for some local compromise is showed by the computation – dating from October 12, 1787 - of the corn tithe on three estates of the Metropolitanate in the Prahova county; on two of them the men of the Metropolitanate have collected 4 bushels per *pogon* while on the third 5 *bushels* per *pogon*; moreover, the bushels were filled with corncobs not seeds as the Legal Register ruled.<sup>220</sup> So, in this case, the peasants managed to impose a lesser quantum of the corn tithe.

A variation of the corn tithe can be induced by measuring in corn cobs, instead of seeds, which was also against the Legal Register. From the report on a litigation, it appears that the monastery Mihai-Vodă collected from 7 villages the corn tithe in corn-cobs. The peasants complained that by asking 16 bushels per acre the monastery demanded a double amount; the

<sup>218</sup> Sturdza-Șcheeanu, *Acte și legiuiri*, 76. A similar order is reiterate the next year by Prince Nicolae Mavrogheni on May 28, Urechia, IR, III, 75.

<sup>219</sup> D.R.A., doc. 531.

<sup>220</sup> D.R.A., doc. 604. The account of the corn tithe from three estates of the Metropolitanate – Prahova county – show that while on two estates the exacted tithe was – as established – four *banițe*, on the third it was five *banițe* per *pogon*.

representative of the monastery rebuts by saying that it requires only 8 bushels of corn cobs – each of 22 *ocă* - per acre. The judges decided on January 21, 1796 that this was the legal amount, which means that they consider 8 bushels of corn cobs equal to 4 bushels of seeds.<sup>221</sup>

However, the tendency to impose the standard measures set by the Legal Register is amply documented. The standard measures apply gradually as litigations occur and determine the intervention of the state officials<sup>222</sup>. In 1783, Nicolae Caragea adjudicates a dispute between the administrators of the Colțea monastery and the tenants of its estates, Bobul and Urlați who refused to render the tithe and the labor dues. The prince orders the *ispravnici* of Saac to compel the peasants to fulfill their obligations according to the *condică*; among these “for the corn they have to give four bushels per acre, corn seeds with a bushel of 22 *ocă*”.<sup>223</sup> The same measure appears in the order to the *ispravnici* to enforce the seigniorial rights in the next year.<sup>224</sup>

In September 29, 1792, the great chancellor (*vel Logofăt*) reports to the prince on the litigation between the tenants from Cislău (Saac county) and the hermitage Cislău. Part of the disagreements is the demand by the abbot of a triple corn tithe from a *pogon*. Since the tenants have no separate agreement with the abbot, the judge simply reiterates all the obligations of the tenants as established by the Legal Register in 1780. With regard to the corn tithe, he decides that the peasants due only 4 bushels of 22 *ocă* of seeds, per acre (*dijma porumbului are a o da lăcuitorii dă pogon 4 banițe proumb grăunțe, cu banița za ocă 22*). Apparently the problems arose from a vicious measuring of the acre. In this case the chancellor recommends an order to

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<sup>221</sup> Urechia, IR, VI, 388-90.

<sup>222</sup> For the settling of disputes between tenants and landlords on the basis of the Legal Register see the chapter dedicated to normative texts, the first part.

<sup>223</sup> N. Iorga, “Documente urlățene” [Documents relative to Urlați], *Buletinul Comisiei istorice a României*, V (1927): 277-78.

<sup>224</sup> Sturdza-Șcheeanu, *Acte și legiuri*, 74.

the county *ispravnici* to investigate and to correct the abuses.<sup>225</sup> Other judicial reports and commands to enforce the lawful measure for the corn-tithe in case of litigation become standard, as they simply reiterate the provisions of the Legal Register: in favor of Hurez monastery (February 23 1793), Panteleimon monastery (May 9 1795) of prince Constantin Hangerli's wife (October 8 1798), of Nicolae Brâncoveanu (January 17, 1799), the *vel ban* Dumitrache Ghica (January 19, 1799) and of Mărgineni (April 24, 1799).<sup>226</sup>

It is a question of whether this standard bushel was used outside the agrarian relations. A regulation of the state administered postal service from May 1795 suggests a positive answer. It establishes that for the 3360 horses used by this service, the counties have to provide 2½ carts of hay and 2½ *chile* barley (weekly or monthly?); when purchasing from the peasants, the hay is to be measured with “cart of measure” (*carul de măsură*) and the barley with “the iron-branded bushel” (*banița inhierată*).<sup>227</sup> Even though it is not specified and even if it is not the 22-*oca* bushel, it is nevertheless noteworthy that the bushel has to be an authorized one, illustrating another domain in which the state has extended its metrological jurisdiction.

So only after the enactment of the Legal Register in 1780 it is possible to talk of derogations from the standard units of measurement. For instance, on November 20, 1793, one of the *ispravnici* of Vlașca reported to the prince on the adjudication of an agrarian litigation and refers several times to the “register of the divan” (*condica divanului*), which was actually the Legal Register. The peasants from Novaci petitioned that from old times they rendered their corn tithe with a 25-*oca* bushel but the new farmer of the income of that estate exacted the corn tithe with a 45-*oca* bushel. The judge argued that the lease-holder has done no injustice, since he

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<sup>225</sup> DRA, 636.

<sup>226</sup> DRA, 646, 680, 705, Iorga, *St. și doc*, vol 5: 200-02, 707, 708.

<sup>227</sup> Urechia, IR, V, 266-67.

exacted as tithe “four bushels per acre, with the iron-branded bushel, which was given to him by the landlord of the estate”. Did the landlord possess a bushel with the princely iron brand, or was just a local bushel? The latter case is very probable since none of the two bushels is according to the Legal Register; hence, it was an abuse of the landlord who did not attend the Legal Register; the appeasing attitude of the judges is also suspect.<sup>228</sup>

One document suggests that the bushel was evolving towards an abstract unit of quantification. On June 7 1799, the *vel Logofăt* Constantin Cîmpineanu<sup>229</sup> judged the litigation between the abbot of Vieroşul monastery and the peasants from Moara Brăiloiului. The peasants demand the right to graze their cattle on a piece of pasture as an inherent right of tenants who pay rents. Yet they can't make such a claim as their landlord, Brăiloiu, sold that land and hence the tenants had to agree with the new landlord, the monastery, to pay a rent for it. The *vel Logofăt* arbitrated this agreement and established that the pasture is to be measured with the customary “corn pole” (*prăjina porumbului ce este obicinuită*) to determine how much corn tithe would be due for it. The tenants are obliged to pay “in kind instead of cash” (*în natura, iar nu în bani*) the afferent quantities of corn – 4 *banițe* per *pogon* – from other fields they cultivate.<sup>230</sup> Hence, the tenants will pay corn tithe for a piece of land which they use as pasture; the case illustrates the detachment of measures from tangible things, the transition from a representational to a conventional unit.

The Wallachian state was not yet collecting data about the agrarian production and so did not need the standard measures to translate in a single idiom the information, in order to “see”

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<sup>228</sup> Urechia, IR, V, 120-23.

<sup>229</sup> It is very possible that the case was judged by the great boyars (*veliții boieri*), but only the chancellor has subscribed the decision.

<sup>230</sup> DRA, 710. A previous anaphora made on May 26 1798 shows that the abbot has requested the as provided by the Legal Register, 4 *banițe* of seeds not cobs, that is a much larger quantity, doc. 709, annex 709.

better. Yet the regulation of the bushel simplified a part of the relations between the tenants and the landlords and hence it facilitates the adjudication of disputes related to the corn-tithe. In this sense the tenants-landlords relationships have become more legible to the state. This was a consequential feat since from now on it was possible to refer to the law and to derogations from the law, in metrological disputes. By such routine invocations the state authority is constantly reasserted. The regulation of the bushel was part of the regulations of agrarian relations. The Legal Register contained no specification with regard to the assessment and collection of taxes or the relationship of these operations with the measurements; but the administrative documents reveal a similar trend to standardize the measure for the wine-tax and the wine-tithe: the bucket.

#### **7.4. The Bucket**

The wine-tax and the wine-tithe on the landlords' estates was assessed – in the first case – and collected – in the second case – with the bucket.<sup>231</sup> But did the bucket for the wine-tax have a standard capacity? Nicolae Stoicescu considers that “the capacity of the bucket was established first by communal consensus and later by the intervention of the principedom”.<sup>232</sup> The statement is rather ambiguous. Does the “communal consensus” refer to individual village communities? If so, the idea of established measure is inappropriate, as it was valid only within a village or a group of villages. Does the author imply something like “public consensus”? There is no evidence of such a consensus. Besides, there is a significant difference between the purported

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<sup>231</sup> In Wallachian documents, *vadra* (pl. *vedre*).

<sup>232</sup> Stoicescu, *Cum măsurau strămoșii*, 171. By communal I translated what Stoicescu called *obștesc* (*obștesc* derives from *obște* which refers to a village community). If this is the sense the author implied, the statement becomes superfluous since, on the one hand it is normal for small communities to operate with certain measures defined locally, and on the other hand such local measures have no import on the outside realities. Besides, local measures are not “fixed” at a certain date, but result from the practices of measuring.

establishment by communal consensus and the establishment by princedom: in the first case establishment would have meant variety at country level, in the second centralization. Then where does the effort to find a standard bucket stem from?

Both Mioc and Stoicescu<sup>233</sup>, and Stoicescu<sup>234</sup> claim that the bucket for the wine-tax and wine-tithe was fixed by the prince Constantin Brâncoveanu (1688-1714) to 10 *oca*, according to the bucket of Pitești<sup>235</sup>, and that mentions of such buckets are frequent at the beginning of the 18<sup>th</sup> century. But a closer look at the documents invoked by the authors do not support such a conclusion. The first is a dispute from December 1700 between a citizen of Brașov county and a Wallachian official, “Constantin biv vel clucer Stirbei” with regard to the purchase of 7 barrels of wine; to clarify the situation, the official demands that the barrels are measured with the “bucket from the town of Pitești which was made by His Highness the Prince”<sup>236</sup>. There is not mention to the actual capacity of that bucket. Besides, there is no indication that it was meant to be used throughout the country or only in the vineyards-rich area of the Pitești hills.<sup>237</sup> Finally, it is not clear if the bucket was established for assessing the wine-tax, for collecting the wine-tithe or both because, as I will show, the two contexts are responsible for the variation of the bucket in Wallachia. Clearly, the document is no proof of a standard bucket.

The second set of evidence mobilized by the authors to prove the existence of the 10-*oca* bucket is even more deceiving. It consists of the accounts of the wine-tithe of the Hurezi monastery from the years 1725-1726. It lists the barrels and the number of buckets they contain,

<sup>233</sup> Mioc and Stoicescu, “Măsurile medievale de capacitate,” 1376-77.

<sup>234</sup> Stoicescu, *Cum măsurau strămoșii*, 171

<sup>235</sup> Market-town in the county of Argeș.

<sup>236</sup> Iorga, *St. și doc.*, vol. 10: 38.

<sup>237</sup> The establishment of “the princely bras bucket of 10 *ocale*” by Constantin Brâncoveanu is advanced, similarly without supporting evidence, by C. Șerban, “Lupta orășenilor din Cîmpulung-Muscel împotriva asupririi feudale în sec. al XVII-XVIII-lea” [The Struggle of the Townsmen of Cîmpulung-Muscel against the Feudal Oppression during the 17<sup>th</sup>-18<sup>th</sup> centuries], *Studii*, 4 (1962): 967.

and the amount of money collected – the assessment being in buckets not *ocale*. Obviously the size of the barrels measured in buckets is extremely variable: 84, 80, 72, 70, 66, 60, 55, 54 (not to speak of smaller barrels – *butoi* – of 23 and 9) buckets. Only one entry divides the bucket in *ocale*: “a small barrel (*butoi*) of 23 buckets, each of 60 *ocă*”<sup>238</sup>. It results that the bucket was six times more capacious than the alleged standard. Obviously, this sort of evidence cannot support the statement that at the beginning of the 18<sup>th</sup> century there was a 10-*oca* standard bucket in Wallachia used for transactions with wine, be they commercial operations or tithe rendering.

But how did the authors arrive at the 10-*oca* standard based on such inconclusive evidence? Firstly, the “juridist” method impels them to find a standard based on the wrong assumption that all societies functioned like the modern one; secondly, they connect disparate evidence from abroad chronological span as if these mentions have no connection with the historical context and the temporality is just a neutral background. So, Stoicescu and Mioc invoked the 19<sup>th</sup> century literature dealing with the weights and measures of Wallachia which considered the bucket to consist of 10 *ocale*; several documents from the 18<sup>th</sup> century mention a “princely bucket” of the same capacity; and documents which mention only the princely bucket – assumed to contain 10 *ocale*. Detaching these documentary occurrences from their context and generalizing from them, the two authors compose a set of illustrations of the alleged standard. Yet a closer analysis of the documents – as I did above - suggests a different conclusion. I posit that the context in which the bucket is mentioned (taxation or tithe rendering) and the time when the document was produced should be taken into consideration.

The first mention of the “bras princely bucket of 10 *ocale*” dates from 1732, during the first reign of Constantin Mavrocordat and is an adjudication of a dispute over the size of the

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<sup>238</sup> Iorga, *St. și doc.*, vol. 14: 20-31; the bucket divided in *ocale* at page 26.

bucket. The monastery Radu-Vodă, beneficiary of a grant from the wine-tax due by the townsmen from Cîmpulung<sup>239</sup>, was exacting the tax with a bigger bucket. Hence, the judges decided that the monastery shall not “take the wine-tax with the big bucket made by monks, but with the princely bras bucket of 10 *ocale*”.<sup>240</sup> So, in 1732 there was a bucket established by the principedom for the calculation of the wine tax and a bigger one of the monastery – most probably for the wine-tithe. The document might support the idea of a standard bucket but it shows that it was not respected. Besides, it does not follow automatically that the same bucket was regarded as lawful everywhere in Wallachia. When in August 29, 1746, Constantin Mavrocordat authorizes the wine-tax collectors from counties to exact 1 bucket out of 10, the document does not specify the capacity of the bucket, but it exhorts the tax-agents to measure the wine with “just bucket” (*vadră dreaptă*).<sup>241</sup>

The idea of a standard bucket for the wine-tax is also supported by a privilege of the townsmen of Cîmpulung. In January 1743, they managed to obtain a reconfirmation of their privilege from the prince Mihail Racoviță whereby they had the right to measure themselves the quantities of wine-tithe due to the landlords<sup>242</sup> with the “just bucket of 10 *ocă*”: “and the servants or the gypsies of the monastery shall not be permitted to measure with their own hand the wine that will exact as wine-tax and wine-tithe” (*și să n-aibă voe slugile sau țiganii acestor mănăstiri să măsoare vinul ce vor lua de vinărici și de otaștină cu mina lor*).<sup>243</sup> So, by a particular

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<sup>239</sup> Town in the Muscel county.

<sup>240</sup> Mioc and Stoicescu, “Măsurile medievale de capacitate,” 1377, footnote 5. The same point is made in Stoicescu, *Cum măsurau strămoșii*, 172; C. Șerban, “Lupta orășenilor,” 968.

<sup>241</sup> *DF*, 153.

<sup>242</sup> In the 16<sup>th</sup> and the first half of the 17<sup>th</sup> centuries the monasteries Nucet and respectively Radu-Vodă received as donations from the princes a part of the vineyards of the townsmen of Cîmpulung, C. Șerban, “Lupta orășenilor,” 964-65; so their privilege was a pale consolation for their subjection to the two ecclesiastical landlords.

<sup>243</sup> *DF*, 145. The privilege is reconfirmed verbatim in the subsequent decades: by Mihail Suțu in October 1783 *DF*, 221 and by Nicolae Mavrogheni in June 23, 1786, Urechia, IR, III, p28-30; in June 15, 1792 the privilege is

privilege the townsmen obtained the right to measure the wine-tithe with the bucket for the wine-tax.

Yet not all cultivators could obtain such privileges. In December 9, 1726 the abbot of Tismana concludes an agreement with several colonists who are allowed to cultivate vine on the monastery's estate. After seven years they were supposed to render to the monastery the "customary tithe namely one bucket out of ten, the bucket of twelve *ocă* [...] as is the custom on other estate".<sup>244</sup> In May 19, 1743, the tenants from Orevița and Bolboșani, Mehedinți county, agreed by contract (*zapis*) with the metropolitan the quantum of their obligations. Among them, the wine tithe – 1 bucket out of ten - is to be paid in money, 30 *bani* per bucket, the volume of the bucket being 12 *ocă*.<sup>245</sup> Hence, the bucket for the wine-tithe is 20% more capacious than that used by the townsmen of Câmpulung. It is also important to note that this was not an abuse denounced by the peasants, but an agreement. From such a documentary occurrence it results – for the jurist authors - that the 12-*oca* bucket is the standard of Oltenia (because the document refers to villages from that region).

In many instances the measures for the wine-tithe are not even indicated with precision in the documents. In June 19, 1746, the Cozia monastery allows the free peasants (*judeci*) from Jiblea to cultivate a piece of land from its estate, Coisca, in exchange of labor rent and tithes. The tithe from wine will be 1 bucket of wine out of 20<sup>246</sup>. In January 23 1750 the prince Grigore Ghica orders the inhabitants of Dârmoxa to give to the Tismana monastery, besides the wine-tax

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mentioned in the litigation between the abbot of Radu-Vodă monastery and the townsmen for the payment of the wine-tax and tithe. The same capacity of the bucket is reconfirmed, Iorga, *St. și doc.*, vols. 1-2: 315.

<sup>244</sup> *DRA*, 136.

<sup>245</sup> *DRA*, 250. The 10% amount of the wine-tithe is surprising, in all other cases I met the wine tithe is 5%, that is 1 bucket out of 20; for instance in 1744, the peasants from Urechești and Izvorani are obliged by a judicial decision to give to the Aninoasa monastery 1 bucket out of 20 from their wine production as tithe. *DRA*, 269, similar decision of the caimacami of Craiova in favor of Vieroșul monastery in April 6, 1745.

<sup>246</sup> *DRA*, 299.

which was granted by princes to the monastery, the wine-tithe (*otaștina*), established by now at 1 bucket out of 20.<sup>247</sup> A similar order is issued by the same prince to the tenants from Gorunișul in favor of Titireciul monastery, in June 15 1750.<sup>248</sup> It is clear that, since the parties did not feel the need to define more precisely the measures, because they tacitly agreed upon them. However, not in all cases the agreement of the right measure for paying the tithe is automatic. Contention over the size of the “just” measures elicits more precision in their definition.

Sometime in the second half of the 1770s the state begins assert more firmly the control over the weights and measures. The first such instance is recorded in November 1779; the villagers of Ocnița (Dâmbovița) county complain that the administrator of Dealu monastery, among other unjust exactions, takes the *otaștina* (wine tithe) with a *vadra* (bucket) of 12 *ocă*. The princely decision ordered the *ispravnici* to make two “just” buckets (one for the villagers, another for the monastery) of 10 *ocă* each and to mark them with a sign which could certify their validity so that they can be used later as lawful measures; the tithe will consist of 1 bucket out of 20 of the wine production.<sup>249</sup>

In their report, on February 20, 1780, the *ispravnici* show they have measured the bucket with the “just *oca* made of bras” and have found it to be “of lawful capacity, namely 10 *oca*, up to the limit where is filled with wine” (*s-au găsit dreaptă de ocă 10 pînă în preatcă, pînă unde se pune vinul*). Since both parties agreed, the *ispravnici* made two identical buckets, for each party, and branded them with a piece of metal (*s-au înherat puindu-să înlăuntru la preatcă țintă*), as a sign of authentication. The peasants’ petition was groundless – conclude the *ispravnici* – since

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<sup>247</sup> DRA, 328.

<sup>248</sup> DRA, 333.

<sup>249</sup> DRA, 511.

“the bucket proved to be just”.<sup>250</sup> A similar litigation between Tismana monastery and the peasants from its estate complaint is solved by a similar solution in November 1779.<sup>251</sup>

Regardless of whether the peasants’ petitions was justified or not in these two cases, what matters is that in 1779 the some landlords in Muntenia tried or were suspected to use the 12-*oca* bucket for measuring the wine-tithe; the state considered this capacity unlawful and demanded the making of buckets with the same “just” capacity of 10 *ocale*, as for the wine-tax. The documents also show that the local state authorities could resort to a standard *oca* made of bras to solve this kind of disputes – without being explicit whether this *oca* was delivered with the occasion of that litigation or was stored at the *isprăvnicat*.

It is hard to say when the bucket of 10 *ocale* was established. In 1732 the townsmen of Cîmpulung had to pay the wine-tax from vineyards granted to monasteries with the bucket of 10 *oca* and in 1743 the same townsmen received the privilege to render the tithe with the same bucket as for wine-tax. Yet on monastic estate in 1726 and 1743 the peasants agreed to render the tithe with a 12-*oca* bucket. The landlords tried to use this bucket even in 1779 but by now this was unlawful. So, the change occurred sometimes between 1743 and 1779 and was most probably part of one of the agrarian settlement enacted in that period, the provisions of which – available only from the judicial decisions – I analyzed in the chapter dedicated to the agrarian regulation.

For the “juridist” historians, the historical process I summed up above does not exist. Being impossible to find a country-wide standard, they “discover” regional standards, the 10 *oca* bucket in Muntenia and the 12 *oca* bucket in Oltenia. However, he has to make a concession: the 12-*oca* bucket was also used in Muntenia, by the feudal landlords who tried to increase their

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<sup>250</sup> DRA, 516.

<sup>251</sup> DRA, 512.

revenues cheating the peasants, as the abbot of Dealul monastery was doing in 1779. This being an abuse, the prince orders the measurement with the “just” bucket of 10 *ocale*”<sup>252</sup>. But I showed above that in 1779 Tismana monastery was ordered to employ the bucket of 10 *ocale* on its estate (from Oltenia). The cause of these constant twists is the implicit belief that the pre-modern measuring system was like the modern one, subject to a single standard (or, if the evidence does not help, two standards). Yet this approach begs several questions.

Mioc and Stoicescu do not explain why the standard in Muntenia did not apply in Oltenia where the prince from Bucharest enjoyed the same metrological prerogative; nor do they elucidate how the standard of Oltenia was enacted – if that of Wallachia was decreed by Constantin Brâncoveanu; what authority or what historical process imposed it beyond the Olt river? Besides, they are not attentive to the context of the mentions of these measures: are they about the wine-tithe or about the wine-tax? Are they enforcement of princely orders or private agreements between tenants and landlords? From the evidence I discussed hitherto it results with clarity that the main distinction was not regional (Muntenia-Oltenia) but between what I call contexts of use (wine-tax and wine-tithe). Sometimes between 1743 and 1779 the principedom decided to extend the authority of the princely bucket to the landlords’ domains. But this is a historical process which by 1800 – as I will show – was not completed.

Probably the legislators who made the Legal Register had these cases in mind when they stipulated the method for the collection of the wine-tithe:

The wine-tithe consists of one bucket out of twenty ... But, to avoid injustice made to the poor from the over-assessment that wine-tax collectors would make (since the landlords exact the tithe according to the ledger of the wine-tax collectors), my Princeship has decided to reduce the buckets for the wine-tithe; buckets marked with the princely iron-mark were established so that the wine-tithe will be collected with them, not with others; so, whoever will infringe this order

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<sup>252</sup> Stoicescu, *Cum măsurau strămoșii*, 172.

shall be punished exactly as those which commit frauds with weights and measures, whose regulation hinge on the power of the ruler of each polity.<sup>253</sup>

The document with its first person mode of addressing – as if the prince addresses his subjects – asserts emphatically for the first time in the history of Wallachia the monopoly of the state over the weights and measures and the incurring penalties for those infringing. It is the clearest proof that the bucket for the wine-tithe was bigger than that of the wine-tax. From now on, the former had to have a standard volume equal with the latter and established with a mark, the princely iron (*fierul domnesc*). Surprisingly, it does not specify the actual size of the bucket with princely iron-mark but from subsequent evidence it results that it had to be of 10 ocale. From now on this is the standard of the bucket, at least for wine-tax and wine-tithe.

It does not follow that the standard of 10-*oca* was promptly accepted and respected by everybody, but the effort to standardize the bucket is evident and significant. In what follows I will discuss this effort in the two contexts, the assessment of the wine-tax and the collection of the wine-tithe.

In the last two decades of the 18<sup>th</sup> century, the documents do not specify the capacity of the wine-tax bucket, but the idea of a standard is patent. Apparently, from the reign of Alexandru Ipsilanti dates a reform in the method of measuring the bucket for the wine tax. In 1779, the peasants who possessed vineyards on the Oprinii hill petitioned that the wine-tax collectors overtaxed them and even slapped them for daring to protest. On March 2 the prince orders the tax-collectors:

Do not dare to make the smallest addition to the measurement with the ell, to the number of buckets or to take more than five bani per bucket which are to be found with just measurement; you have to attend exactly my orders namely to measure the vessels [with wine] with the sealed ell that is given from the treasury of my Princeship according to justice so that to avoid the

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<sup>253</sup> *Prav. cond.* 82.

smallest addition to the number of the buckets; and for how many buckets will be found with that just measurement, you have to tax five bani per bucket.<sup>254</sup>

The awareness that the enactment of the standard bucket by the Legal Register does not automatically mean practical implementation is evident in September 29 1781 when Alexandru Ipsilanti orders the *ispravnici* from counties to supervise the collection of the wine-tax. Of primary importance is to prevent the over-taxation of the taxpayers “at the measuring of the vessels” of wine. Moreover, they are exhorted to watch personally or through hidden men, the places where the measuring is taking place and to see that the collectors measure justly, behaving according to all the advices and orders “given through them the written regulations”.<sup>255</sup> This concern with the correct measurement is translated in more accurate instructions for the collection of the *vinărici*.

Such urgings became wide currency in the regulations of the wine-tax (*ponturile vinăriciului*) and in the letters of authorization given to the tax-farmers. In 1783, the 4<sup>th</sup> paragraph (*pont*) states that “the tax agent has to measure the vessels [of wine] of everybody justly, with the princely ell given to them now, sealed at the Treasury of my Princeship”.<sup>256</sup> As the containers in which people stored their wine were of disarming variety and the tax was perceived per bucket, in order to assess their taxes it was necessary to transform these real barrels in ideal buckets. The sealed standard ell given from the Treasury had exactly this purpose, to facilitate the conversion. Hence, in the written evidence made by the tax-agents, they

<sup>254</sup> *AJTR*, 690. The measuring of the capacity vessels with the ell is a progress and was gaining ground in those years in private transactions too. The townsmen of Bucharest gave up the measuring of the barrels at the river – by filling them with water – in favor of the measurement with the ell (which ell?), George Potra, *Documente privitoare la istoria oraşului Bucharest* [Documents Relative to the History of Bucharest] (Bucharest: Editura Academiei Republicii Populare Româneşti, 1961), 497.

<sup>255</sup> *DF*, 217.

<sup>256</sup> Urechia, IR, I, 413. The regulation of the wine-tax from 1786 contains identical stipulations for the measuring of the taxable wine, Urechia, IR, III, 628-29.

had to specify the number of (ideal) buckets a peasant had; besides, they had to issue a testimonial for each barrel in which to make the conversion in buckets and to stick it to the barrel to facilitate the subsequent control of the tax (*cercătură*).

Nonetheless, these exhortations did not prevent the abuses. Consequently, the prince Nicolae Mavrogheni announced on September 22, 1786 the possessors of vineyards that the wine-tax will not be farmed out again, but will be collected by “our old and loyal men” to “relieve you of that plunder”. Moreover, orders were sent to the *ispravnici* to prevent any abuse and to see that that wine was measured with “the princely ell” (*domnescul cot*) and without cheating.<sup>257</sup> It appears that the difficulties in maintaining the tax-extraction at a bearable level forced the state to intervene in the measuring activity and to centralize the measures. The regulation of the wine-tax from September 5, 1791 is wider but it contains the same procedure for assessing. In the resolution confirming the regulation, the prince Mihail Suțu insists on the matter of measurement and warns against using “another kind of ell”.<sup>258</sup>

In spite of the generalization of regulations, the taxpayers did not feel protected by them. In 1794, the inhabitants from the “hill of Pitești, from the Muscel county” complain that the wine-tax collectors commit great abuses and exact two or three times more than the legal amount. Hence, they ask a princely charter specifying their just dues, so that they can show it to the tax-collectors. However, since the wine-tax was regulated by settlements with countrywide validity, the prince Alexandru Moruzi issues “our princely charter comprising exactly the regulation of the wine-tax”. The charter simply reiterates the method of assessment by calculating ideal buckets with the “iron-branded ell which is given to the tax agents from the Treasury of my Princeship”, warning them “not to use old or deceitful ell, but the new ells given

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<sup>257</sup> *DF*, 233.

<sup>258</sup> *Urechia*, IR, IV, 254-26.

to them in every year from the Treasury”.<sup>259</sup> Especially a prince as Alexandru Ipsilanti, who was keen on imposing the authority of written regulations, was sensitive to such issues and reluctant to revert to the old practice of separate charters. So, in September 18, 1797, he orders the *ispravnici* to supervise the activity of the wine-tax collectors and to prevent their abuses; he also reiterates that the measurement of the taxable wine will be made with “the iron-branded prince ell which was given to the overseer of the county wine-tax from the Treasury”.<sup>260</sup>

The grants of wine-tax to monasteries show the same resolution to centralize measures. Thus, an old act of princely munificence was preserved but came closer under the control of the state. To concession of half of the wine-tax from a region to a monastery or church was naturally assessed with the “sealed princely ell” since half of the sum was going to the state treasury. So is the case of the grant to the monastery Vlah-Seray from Istanbul.<sup>261</sup> A similar privilege is granted (or only renewed) in October 31, 1793 to the monastery Dealul from Dîmbovița county: the wine-tax collectors and the trustee of the monastery “will measure the wines with the princely sealed ell”.<sup>262</sup>

Even the complete tax-exemption of the privileged is not a matter of complete immunity since the measures for assessing the wine-tax were given from the treasury. In September 9, 1793 the prince Alexandru Moruzi orders the princely wine-tax collectors from Romanați county to respect the written regulations handed at the auction of the job; the 12<sup>th</sup> paragraph of these regulations specified that the collectors shall not interfere with the vineyards which belong completely to the monasteries (as landlords, the monasteries were exempted from *vinărici*); the

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<sup>259</sup> Urechia, IR, VI, 370-72.

<sup>260</sup> Urechia, IR, VII, 75.

<sup>261</sup> Urechia, IR, II, 497-98.

<sup>262</sup> Urechia, IR, VI, 121-22.

servants of the monasteries have the exclusive rights to measure with “the princely ell given from the treasury of my Princeship” and to cash in the entire revenue.<sup>263</sup> A similar order – this time to all wine-tax collectors - is repeated in September 8, 1793: only the men of the monasteries are allowed “to measure with the ell given from the Treasury of my Princeship” and to collect the afferent sums.<sup>264</sup>

The private charters whereby the prince grants or renews the right of monasteries to the entire wine-tax from a certain area mention the obligation to measure with state authenticated instruments. In September 5, 1782, Nicolae Caragea grants the wine-tax from 2 hills to the Cotroceni monastery. The income is to be collected by the agent of the monastery by “measuring justly with the sealed princely ell sent from the Treasury”.<sup>265</sup> Similar stipulations were written in the charters of other beneficiaries: church from Agiești (September 11, 1791), Arhimandritul monastery from Bucharest (1793), Grigoriu monastery from Sfet-Agora and Saint Apostles from Bucharest (September 1, 1793), Proti monastery from Constantinople and again for Arhimandritul monastery (1799).<sup>266</sup>

The repetition of the mentions of the princely ell in the private grants of wine-tax is most probably a clerkish stereotype; but the regulations of the wine-tax indicate clearly that the tax-agents tended to measure the taxable wine with a larger bucket. How successful was the attempt by the state to impose a standard bucket for the wine-tax and for the wine-tithe? The question is hard to answer because normally the documents record only failures in this respect but not the

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<sup>263</sup> *DF*, 254.

<sup>264</sup> Urechia, IR, VI, 36-37.

<sup>265</sup> Urechia, IR, II, 390.

<sup>266</sup> Urechia, IR, IV, 84-85; Urechia, IR, VI, 71-73; Urechia, IR, VI, 251-52 and 258-59; *DF*, 272.

success. Only the use of unlawful measures made its way into documents, not the cases of attendance of the standard.

However, a case from 1800 suggests that the state had difficulties in imposing its measure. An ecclesiastic landlord was still defying the order to adapt the measure of the wine-tithe according to that decreed by the central power. The tenants from Ocnița denounced the Dealu monastery for – among others – demanding the wine-tithe with a bigger bucket than the lawful one. The *ispravnici* of Dâmbovița report on the matter and show that there was a decision of the Department of Seven from the previous year:

The appellants showed us that suffering injustice from the monastery with regard to the wine-tithe, they were judged in the previous year ... by the Department of Seven which decided the measuring of the bucket here, on the spot, and if found more capacious than 10 ocă, the monastery had to return the corresponding extra-tithe. They [the defendants] also showed that, bringing the bucket to the isprăvnicat and measuring it, this was found to be bigger [than the lawful capacity]. After the account [of the unlawful exactions by the monastery] was made, the abbot refused to pay according to his own promise during the litigations ... However, now, the representative of the monastery accepted that decision, but claimed that the measuring of the buckets has to be done according to the custom of the land, namely with the *oca* of Dealu; and if the bucket will be found more capacious, the monastery will repay [the exactions'] without opposition, because the *paharnic* Cămpineanul has measured with the *oca* of the market-town. And finding this request legitimate, we asked from defendants the bucket to measure it. And they [the defendants] refused [to bring it].<sup>267</sup>

The document is hard to interpret because apparently it does not use a consistent terminology with regard to the parties involved in the litigation. At the beginning it refers to the tenants who denounced the monastery as appellants (*pârâși*); in the end it says that the defendants (*pârâți*) refuse to bring the bucket for measuring. Normally the defendant party is the monastery; but the document says that the representative (*vechil*) of the monastery accepted the new measuring with the “oca of Dealu” (*ocaua Dealului*). This aspect and the plural form of the word – defendants –

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<sup>267</sup> TDJD, 1063.

suggest that those who refused a new measurement were the tenants from Ocnița.<sup>268</sup> How did the litigation reach this point?

The document shows clearly that, 20 years after the decreeing of a standard bucket by the Legal Register, the monastery Dealu used a bigger bucket for the wine-tithe, which triggered the peasants' petition. The judges decided the re-measurement of the monastic bucket which was indeed found bigger than the lawful bucket. The measurement was done at the *isprăvnicat*, by the previous *ispravnic*, not by the *ispravnici* who wrote the report I quoted. Yet the monastery requires a new measurement, "according to the custom of the land" and with the local *oca* (*ocaua Dealului*), not with that of the market-town (*ocaua târgului*). The customary *oca* is nothing else than the measure used on the estates of the Dealu monastery. The *oca* of the market-town refers almost surely to the measure of Târgoviște, the main town of Dâmbovița county and the seat of the *ispravnici* of that county; it was also the measure used by the *paharnic* Câmpineanu, the former *ispravnic*, and hence the state-endorsed measure. In the second phase of the trial the monastery requested the employment of a non-standard measure (that used on its estates) and the new *ispravnici* surprisingly accepted. This explains the refusal of the tenants to bring the bucket for a new measuring; they knew that the *oca* of Dealu monastery was bigger than that of the state.

Several important aspects appear with clarity in this case. Firstly, at the seat of the *ispravnici* of Dâmbovița there was a lawful *oca* which, according to the judges of the Department of Seven, served to attest the lawfulness or unlawfulness of the bucket. This measuring instrument was the expression of the attempted homogenization of measures in the Wallachian state. Secondly, the landlords still employed their own local measure in the

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<sup>268</sup> If we accept that the monastery refused to measure the bucket anew, it is clear that the measuring itself was detrimental to its privileges.

collection of the wine-tithe and tried to continue it against extant standards. In this case, due to the collusion of the local officials, it even managed to obtain a re-measurement with its own oca. Unfortunately I didn't find the continuation of this case, but most probably the central instances would have demanded anew the measuring with the lawful, state-endorsed unit.

The available evidence does not allow formulating generalizations with regard to the degree of success in implementing standard buckets. Were there centrally approved ocale in all county seats as it was in Târgoviște? Was the case of Dealu monastery unique or was a frequent occurrence?<sup>269</sup> Whatever the answer to these questions, there is an even more important one: why did the new *ispravnici* accept the measurement with the local oca, instead of the centrally approved one, as the previous *ispravnic* has done? Were the administrative personnel unsuitable to carry out the centralizing measures of the state? Finally, the case illustrates perfectly the friction between central and local metrological jurisdictions caused by the expansion and the resistance of the latter.

## 7.5. The Pole

The most frequently mentioned unit for the measurement of land is the pole.<sup>270</sup> It is also the only measure which can be legitimately considered to possess a standard established before the period under study here. It actually possessed two standards: the poles of Șerban Cantacuzino (1678-1688) and the longer one of Constantin Brâncoveanu (1688-1714), the two princes who decreed them; the former was more popular. Needless to say, the existence of two official poles created

<sup>269</sup> Even in 1841 the tenants from several villages in Vâlcea county petitioned that the lease-holder was exacting the tithe of brandy with a 14-oca bucket (and the oca of 5 litre), Stoicescu, *Cum măsurau strămoșii*, 173.

<sup>270</sup> In Wallachian documents *stânjen* (pl. *stânjeni*).

much confusion at the measurement of land. But can these two measures be considered standard? Nicolae Stoicescu fails to bring any direct evidence that the state enforced these two poles as lawful units of measurement.

To the contrary, the evidence suggests that local poles were widely used. In 1697, with the occasion of a boundary making at Meriș (Oltenia), a pole “just, of eight palms, according to the custom of the estates” was manufactured on the spot.<sup>271</sup> The peasants used to carve the poles used at the measurement of their estates on the walls of the village churches. Two such poles from Moșteni-Mănăilești (built in 1776) and Marița (built in the 16<sup>th</sup> century) were larger than both “official” poles (of Șerban Cantacuzino and Constantin Brâncoveanu).<sup>272</sup> No surprise than that at the end of the 18<sup>th</sup> century, the peasants from Cotești-Muscel, petitioned to the prince that the bounds of the property was measured with a pole smaller with 2 thumbs than the pole engraved in the wall of their church, used for previous measurements.<sup>273</sup> These examples which span almost a century show beyond doubt that, the two poles did not dislocate completely the local customary poles.

When the evidence mentions the two poles, is precisely in the context of a tendency to standardize the units of measurement, towards the end of the 18<sup>th</sup> century. In September 20, 1777, the great boyars judge a land litigation in Argeș county. The disputed land was measured two times previously, but each time one of the parties was absent. So, the boyars decided that a commission of boyars, “and a *portărel*”<sup>274</sup> and with the princely pole from time when these estates

<sup>271</sup> Stoicescu, *Cum măsurau strămoșii*, 48.

<sup>272</sup> Mioc, Stoicescu, “Măsurile medievale de lungime și suprafață,” 651.

<sup>273</sup> *Ibidem*, 645.

<sup>274</sup> The *portărel* was a commissioned official dispatched from the court when land disputes were adjudicated. He was a subaltern of the *vel portar* (great doorkeeper) and possessed technical knowledge regarding the measurement and carried with him the certified measuring instrument, the princely pole, Georgescu and Sachelarie, *Judecata domnească*, I/2, 150.

were first measured” should go on the spot and measure the disputed land. This should be done “with the sealed princely pole which was sent from here”.<sup>275</sup> It is not very clear if the princely pole is the same as the pole used at the first measurement or the two are different measures. To my knowledge, this is the first mention of an authorized pole used in adjudicating a dispute.

The delivery or the use of the princely pole is connected to litigation over the boundaries and the acreage of lands. Thus, in February 14, 1779, the two *ispravnici* of Argeş report on the adjudication of a land dispute that “according to the enlightened order of your Highness, one of us [of the *ispravnici*] and a *portărel* having the princely pole went with both parties to the disputed land and did the measurement of the estate ...”<sup>276</sup> On 1 March the same year, three boyars from a central department decide that the inhabitants of Popescului neighborhood have to pay rent to the boyar Manolache Brâncoveanu, the owner of the place. But, to establish with precision the area in dispute, they measure it with the “princely pole” (*stânjenul domnesc*).<sup>277</sup>

The standardizing trend is proved by the requirement to convert the old poles in new ones. The Legal Register published in September 1780 legalized this requirement. It stated that the measurement of the land was to be done with the “old pole” with which the estate in litigation was measured initially, but in the act describing the boundary, the size is to be converted in the “present day pole” (*stânjenul de acum*)<sup>278</sup>. Most probably, the new pole was that of Șerban Cantacuzino, a supposition given some support by the fact that the Law of Caragea from 1817 and the Organic Regulation from 1831 establish it as the standard pole. Yet the elimination of the pole of Brâncoveanu was not an easy job.

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<sup>275</sup> *AJTR*, 402.

<sup>276</sup> *AJTR*, 659. Similar mentions of boundary settlements with the princely pole at *AJTR*, 313 (May 19, 1777) and *AJTR*, 884. (April 3, 1781).

<sup>277</sup> *Documente privind orașul București*, vol. 3: 231.

<sup>278</sup> *Prav. cond.*, 140.

In the light of this comprehensive regulation we should read a request of the *Caimacam* of Craiova to receive a central *stânjen*; the answer sent to him (October 22, 1793) announced the delivery of two ells, “halves of poles”, one after the *stânjen* of the prince Constantin Brâncoveanu, the other after the *stânjen* of the prince Șerban Cantacuzino. Both of the two measuring sticks were authenticated by the *vel vornic* and the *vel Logofăt* <sup>279</sup> and sealed with princely seals at the both ends.<sup>280</sup> The request is logical given the provision of the Legal Register to convert the pole of Constantin Brâncoveanu in the pole of Șerban Cantacuzino.

In spite of the Legal Register, the conversion of the old pole into the new was not always done. In 1780 the bishop of Râmnic demands the precise delimitation of the property of the bishopric from Craiova, whose boundaries were infringed by neighbors due to the destruction of the fence. The two boyars who were entrusted with the operation – together with several merchants, priests and “old townsmen” – make a prose map of the property; they report on December 5, 1780 that they measured “with the sealed pole sent from Bucharest, which is called the pole of the defunct Constantin Vodă Brâncoveanu”.<sup>281</sup> Most probably the property of the Râmnic bishopric was initially measured with this pole, so to find its real size was necessary to use it anew. However, it is surprising that the measurers did not convert the length in “new poles”, as the Legal Register ruled. The document shows nevertheless that local measures were not considered anymore legitimate and boundary delimitation has to be done with a centrally authorized measure.

<sup>279</sup> Customarily, the *vel Logofăt* had judicial competence in settling property disputes, Georgescu și Sachelarie, *Judecata domnească*, I/2, 134. The *vel Vornic* received attributions in identical matter towards the end of the 18<sup>th</sup> century when his general judicial competence was reduced in favor of the *ispravnici* and the judicial departments, Ibidem, 128.

<sup>280</sup> Urechia, IR, V, 187. Urechia mentions another delivery of an official *stânjen* in October 22, 1793, but he does not publish the document, Urechia, IR, VI, 632.

<sup>281</sup> “Documente de proprietate ale Episcopiei Râmnicului asupra caselor Bănești din Craiova” [Documents Attesting the Ownership of the Houses of *Bănie* by the Râmnic Bishopric], *Arhiva Olteniei*, VI (1927): 53.

Standard measures are required not only for settling boundary disputes but also for putting land transactions on a firmer footing. For instance in 1793 Ioan, the son of Stolnic Gheorghe Cernovodeanu, auctions his estate Prejba from Teleorman county. The deal is struck with the vel Spătar, Ianache Văcărescu, the two agreeing to a price of 40 taller per acre (*stânjen*). Yet the buyer does not trust that the acreage of the estate – 1200 *stânjeni* – as showed by the old acts of ownership (*sineturile vechi*) is correct. So, the organizer of the auction, the grandmaster of the merchants' guild, asks the prince to send a lesser official (*portărel*) with an authorized *stânjen* with which the some lesser boyars from the area, entrusted by the *ispravnici*, will measure the estate. In his resolution (May 5, 1793), the prince writes to the *ispravnici* of Teleorman that he sends the *portărel* with “the princely pole” (*stânjenul domnesc*).<sup>282</sup>

The employment of the princely pole extended to the area of taxation proving the determination of the central power to standardize measures. In June 5, 1784 the same prince issued the letter for farming out the tobacco tax (*tutunărit*). As the tax was assessed on area of cultivated land, the tax-farmer has to proceed allegedly “according to the custom” and “to measure the acres with the sealed *stânjen* which is given from the treasury”; the tax is 4 taller per *pogon* and an extra fee (*plocon*) of 80 per individual.<sup>283</sup> If Mioc and Stoicescu are correct, this pole should be that of Șerban Cantacuzino. What is nevertheless more significant is that the tobacco tax is to be assessed – of course ideally – with a central measure.

Like the other measures I discussed in this chapter, the pole undergoes a process of standardization in the last quarter of the 18<sup>th</sup> century. This is showed by the attempt to translate

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<sup>282</sup> Urechia, IR, VI, 484-85.

<sup>283</sup> Urechia, IR, I, 412. An identical letter was issued in July 9, 1785. The same methods of assessment of *tutunărit* are established in 1786 and 1787, Urechia, IR, III, 630 and 82.

the measures made with the “old pole” in the new pole and the delivery, sometimes at the request of the local officials, of certified poles from the center.

## 7.6. Measures and State Power

The most conspicuous trait of the measures in use in early modern Wallachia was their local character and their tacit definition. The measures were the result of local agreements, which apparently were renegotiated from time to time. The two poles for the measuring of land tracts, the *oca* and the bucket for the wine-tax appear to have been established by the principedom prior to 1740; yet, on the ground, the situation was much more diverse. The peasants used during the 18<sup>th</sup> century poles manufactured on the spot, with a validity that did not exceed the boundaries of the respective village; the landlords used to increase the size of the buckets and bushels for the exaction of the tithe; and merchants, tavern-keepers and bakers sold clots, drinks and bread with various ells and *ocale*. As this situation continued after the decreeing of standard measures, it is reasonable to infer that it existed to an even larger extent previously.

However, sometimes in the second part of the 1770s<sup>284</sup>, the metrological prerogatives of the state were more firmly asserted by administrative ordinances and judicial decisions. The former decreed the use of one (sometimes two) standard measures and, what is more important, the equality of all in front of the state defined measure. The second decided that in particular cases certified measures, delivered from the center (which meant either various institutions from Bucharest or the county *isprăvnicate*), had to be used to settle the disputes.

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<sup>284</sup> Hence, Cornelia Pătrașcu, “Uniformizarea unităților de măsură,” is wrong when she posits the “uniformization” of the Wallachian weights and measures after the Treaty of Adrianople (1829) and the enactment of Organic Regulations (1831).

The standardizing effort I analyzed in this chapter was determined by the state intervention in and regulation of the agrarian relations, taxation and commercial operations. The bushel for the corn-tithe and the bucket for the wine-tax and wine-tithe were established as part of the regulation of tenants' dues and of the fiscal extraction. The pole was fixed in order to facilitate the adjudication of property disputes but also to make the transactions with land more secure and to prevent future litigations. The *ell* and the *oca* were standardized to preserve the officially established price (*nart*) for various goods and so to keep down the prices in small market transactions; this monitoring was made necessary by the sensible growth of the population of Bucharest and the development of an incipient internal market.

What was the success of the standardization measures? The evidence I used suggests a rather ambiguous result. First of all, in some situations (agrarian relations) the standards were imposed gradually, as litigations were adjudicated and their employment required by judges and implemented by local state officials. Nevertheless, even towards the end of the period under study here, landlords tried to impose larger measure for the collection of the tithes. In small market transactions the cheating and the use of false measures seems to have been chronic, which explains the frequent central ordinances in this sense. Overall, the success seems to have been modest if compared with the aims expressed in ordinances. This shows that effort deployed by the state to standardize was insufficient and gives credit to Witold Kula's observation that "not until the right of close commercial ties between regions, provinces, and countries, ties that embraced various articles, would the process of standardization come to be effective".<sup>285</sup>

The state-driven effort to define and stabilize measures in Wallachia extended well beyond 1800 and it culminated with the adoption of the metric system in 1866 – after a period in

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<sup>285</sup> Kula, *Measures and Men*, 114-115.

which the Wallachian measures were related and adapted to the meter. However, what is the significance of the incipient standardization of measures in the late 18<sup>th</sup> century Wallachia? The attempt was indicative of the process of infrastructural growth of the state happening in Wallachia at that time. By subjecting transactions to measures defined and authenticated by the central authority, the state made them “legible”, easier to monitor and manipulate and facilitate the adjudication of cases involving measures. From now on it is not necessary to call witnesses in such a case, to testify about the right measure: the judges can simply impose the “princely” bushel, bucket, ell or pole. By the delivery to “just” and sealed measures from the center to the territory, the state is constructed at local level (estate, village, tavern, shop).

Moreover, the adjudication of disputes by invoking and resorting to centrally authorized measures produces the state as local level as central legitimate authority. The use of standard measures is likely to create or to shape the mind of the people. The French promoters of the metric system believed that “a rational unit of measurement would promote a rational citizenry”, the necessary subject of the modern state.<sup>286</sup> In a similar vein *The Times* wrote in 1816:

we have observed, that the law, in fixing a standard of weight or measure, creates a language; but to create a language is to create mind. A language that is obscure, that is inconsistent, that is unintelligible, stupefies and confounds, as much as a clear, consistent, systematic mode of developing the ideas enlighten and animates the national intellect.<sup>287</sup>

The obscure language referred undoubtedly to the variegated and local measures while the clear and consistent language implied the standardized measures. The efforts to homogenize measures in the last quarter of 18<sup>th</sup> century Wallachia represented the incipient construction of the intellect necessary for the functioning of the modern state.

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<sup>286</sup> Scott, *Seeing Like a State*, 32.

<sup>287</sup> Quoted in Hoppit, “Reforming Britains Weights and Measures,” 91.

## 8. CONCLUSIONS

What further theoretical implications can be derived from this investigation? Before addressing this question, it may be useful to summarize my dissertation's principal findings. Between 1740 and 1800 the Wallachian state underwent a growth of infrastructural reach and an accumulation of symbolic power. By infrastructural reach I mean – following Michael Mann<sup>1</sup> – the capacity of the central power to act at a distance and to implement its decisions throughout the territory it governs. By symbolic power I understand – following Mara Loveman<sup>2</sup> – the capacity of the central elites to legitimize its agents and actions, to make them appear undisputable. The means of this extension were the administrative routines whereby the state asserted its monopolistic claims.<sup>3</sup>

The evidence that I presented throughout the previous chapters shows clearly that this was not an overnight change but a process. The process was more rapid and successful in some areas than in others. By successful I refer to the capacity to transform ordinances and regulations in reality. In some areas – i.e. agrarian regulations, the fixed instruments for storing knowledge – this transformation was more successful than in others – i.e. the fiscal regulations, the standardization of weights and measures. However, the effort of the central administration to govern realities hitherto outside of its reach was indicative of the changing nature of the state. Hence, I considered both the more successful advances and the less successful attempts in this respect equally worth of attention.

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<sup>1</sup> Mann, "The Autonomous Power of the State".

<sup>2</sup> Loveman, "The Modern State".

<sup>3</sup> Corrigan and Sayer, *The Great Arch*, 3-4.

My findings contradict and complement two bodies of literature. On the one hand, my dissertation refutes the dark image of the Phanariot regime accused of being a hindrance to the modernization of the principalities of Wallachia and Moldavia. In spite of numerous “rehabilitations” of the Phanariots<sup>4</sup>, such an image still has its adherents in Romanian historiography.<sup>5</sup> I do not deny that corruption, excessive fiscal extraction and abusive administration occurred during the Phanariot period; actually there is plenty of evidence to support this observation. But such phenomena were not peculiar to the Phanariot period. As John C. Scott has noticed, the pre-modern state was incapable of fine-tuning in the sense that it lacked the information and the capacity to tax equitably and efficiently.<sup>6</sup>

However, the problem with the focus on the administrative (under)achievement of the Phanariot regime was that it obscured crucial transformations in the modalities of state power. Some of these transformations were approached in the literature dedicated to the Phanariot reforms. The studies in this group advocated a balanced approach towards the Phanariot period and pointed out to the modernizing reforms of some Phanariot princes. But they shared a limitation. They focused on too short a period and so were unable to follow the long term impact of the reforms; they discussed the moment of the reforms, their causes and their modernizing sense and proclaimed their failure. By this they refer to the failure to curtail abuses and corruption in administration, justice and taxation; in a word, the failure to create a state which would improve people’s lives. The chief causes of the failure were the irregular demands of the Ottomans which prevented the development of a predictable tax-system and the discontinuity in

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<sup>4</sup> The most important arguments at Iorga, “Cultura română sub fanarioți” and Iorga, “Au fost Moldova și Țara Românească provincii supuse fanarioților?”; Ionescu-Nișcov, “L’Époque Phanariote”; Lemny, “La critique du régime Phanariote”; Murgescu, *Istorie Românească-Istoria Universală*, 185-186, Murgescu, “Fanarioți” și “pământeni,” 57-59; Papacostea-Danielopolu, “État Actuel Des Recherché Sur L’Époque Phanariote,” 227-234.

<sup>5</sup> Hurezeanu, ‘Regimul fanariot’; Bucur, *Devălmășia valahă*.

<sup>6</sup> Scott, *Seeing Like a State*, 24.

the reformatory effort due to the frequent removal of the princes. Yet, against the “failed-reforms” thesis, the measures which I investigated in this dissertation were not discontinuous, being documented in both “reformatory” and “predatory” reigns.<sup>7</sup>

The second body of literature with which I argue is the sociological literature on early modern state formation. Two main stands can be identified in this literature: society-centered and state-centered. The first is inspired by the neo-Marxist thought and claims that the absolutist state (by which it means the early-modern state) was the expression of the alliance between monarchy and aristocracy. Besides, the main representative of this strand, Perry Anderson, argued that the apparatus of the absolutist state was the product of preparation for war and that the eastern version of the absolutism was itself a response to the geopolitical pressure of the western absolutism. The explanatory role of war is central to the second theoretical strand; state-centered approaches, of Weberian and Hintzean inspiration (some studies add to this theoretical baggage a Marxist emphasis on the role of capital) consider that the state is autonomous with regard to the other social forces. Their main claim is that the modern state is the result of the preparation for war. In this view, state formation meant the building of numerous and disciplined bureaucracies whose main task was to extract human and material resources from the population in order to deploy them on the battle front. The state-centered studies combine the war variable with other variables (availability of capital, timing of geopolitical pressure, the form of representative assemblies etc.) to explain divergent outcomes of state formation.

Yet my case does not fit these scenarios. Wallachia was a small and peripheral state, tightly integrated in the Ottoman Empire but with a large internal autonomy. Not only that during the 18<sup>th</sup> century it did not wage wars on its own, but it did not even possess an army. I take up

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<sup>7</sup> The distinction between reformatory and predatory reigns belongs to Florin Constantiniu, “Epoca fanariotă,” 48 who claims that “the reforming policy was not a systematic and continuous effort, but it unfolded with pauses of varying lengths”.

the geopolitical argument from the above mentioned theories but I give it a different meaning. The Ottoman fiscal pressure and the administrative model introduced in Oltenia by the Habsburgs (between 1718 and 1739) were decisive triggers of the Wallachian reforms after 1740.<sup>8</sup> These geopolitical factors were at the origin of the expansion and differentiation of the Wallachian state apparatus both at central and local levels. This was one part of the state-building process, and not the most important. In distinction to the two theories I mentioned above, I insisted on the territorial extension of the state power and on the trend whereby the central authority came to be regarded as an impersonal and objective entity.

In chapter 2 I showed how before 1740 the relations between landlords and tenants was a matter of local and private agreement; after 1740 the state began to regulate the relationships between the landlords and their tenants clearly stipulating in written settlements the right and the obligations of the two parties. Until 1756 the documents show the existence of a double agrarian regime (two types of labor obligations), discriminating between various landlords on criteria which I could figure out. After 1756, and especially after 1780 when the agrarian settlement is included in the first legal code published in Wallachia, the tenants' obligations were standardized. Local and private agreements persisted, but as explicit derogations from the norm. One essential aspect of the social reality came to be defined and regulated by the state by means of a settlement with country-wide validity. Scholars have claimed that the agrarian reform has failed because the peasants were not given the means of economic autonomy – landed property – so the real cause of dependence was not eradicated. Yet the reform never aimed at that – the propertied peasant was the result of the late 19<sup>th</sup> and early 20<sup>th</sup> century state. Its main purpose was to level up the obligations of all dependant peasants so that one cause of their displacement

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<sup>8</sup> The Ottoman impact was not manifest only as the detestable fiscal pressure; it affected many central institutions, from new offices imitated after the Ottoman counterparts (i.e. *aga*) to the fixed prices (*nart*) and the institution of auction of taxes (*cochi-vechi*).

was eliminated. In doing this, the state simplified a complex social reality, varying from one estate to another, and made it easier to govern. By regulation agrarian relations, the central power replaced the landlords and the written “law” (the agrarian regulation) replaced the previous local, private and usually oral agreement between landlord and tenants. It was a clear instance of direct rule.

The fiscal regulations had similar purposes. By them, the state tried to rule more and more details of the fiscal process; moreover it addressed all its subjects at once, suppressing local privileges and claiming an equidistant position vis-à-vis other groups in society. The change is most evident in the regulation of the wine tax. These regulations - transcribed in the letters of authorization handed to tax-collectors - were organized in paragraphs (*ponturi*) which made them similar to legal texts. And indeed, the judges adjudicating disputes related to taxation cited or quoted one or another of these paragraphs. The fiscal regulations enacted after 1740 testify to the attempt of the state to reach more firmly and enduringly to the society in order to extract resources. Addressed to the entire population – though maintaining discrimination in the fiscal obligations of various groups –, not to one category or one region, and unifying the fiscal obligations of various categories, the regulations paved the way for the constitution of the citizen subject to the law.

A reform which received little attention – being regarded as adjacent to the administrative and judicial reforms - comprised the development of means of storing information relevant to the state. Such instruments existed before but they either were modest in scope or had an episodic existence. I divided the instruments for storing information in two broad categories: fixed and mobile. By the first I refer to the registers (*condici*) which were greatly expanded in scope and become more continuous during the Phanariot period. Administrative information was registered

and centralized in them. Titles of property, transactions and private agreements, administrative regulations were all recorded in central registers, which not became more voluminous but also diversified – in parallel with the expansion and differentiation of the state apparatus at central and local levels. The mobile instruments were also introduced irreversibly by Phanariots. Fiscal certificates attesting the amount of taxes to be paid, certificates attesting the quality of colonized peasants (hence with lighter tax regime), travel permits, border passes, merchants' certificates and testimonials of merchandise, soldiers identification papers were all means whereby the state expanded the area of its legitimate intervention and enhanced its capacity to act at distance.

The last empirical focus was the standardization of weights and measures. In spite of claims to the contrary by Romanian historians, the first certain indices of state regulation of weights and measures date from the Phanariot period; it is possible that previously the state defined some units of measurement, but there is no trace that it also tried to enforce them. The regulation of measures touched the agrarian relations and taxation as part of the larger effort to regulate these two domains. The third context in which the state intervened to homogenize the weights and measures was the small market transaction, in order to maintain the officially fixed price (*nart*). By standard measures the state intervened and defined realities hitherto outside the scope of legitimate state action. Resistance to the imposition of standard units of measurement testifies not to the inefficiency of the Phanariot administration, but to the struggle which characterized everywhere the expansion of the state.

The regulation of agrarian relations and of taxation, the advances in recordkeeping and other mobile forms of storing information and the homogenization of units of measurement point undeniably to the increase in the infrastructural reach of the Phanariot state. With the inherent problems of each administrative overhauling, compounded by the structural problems specific to

the Phanariot period, the process of state growth in Wallachia between 1740 and 1800 is a well documented fact which passed unremarked hitherto. Besides, I showed that state growth is not only a logistic achievement, but also a cultural one. The adjudications based on a settlement valid throughout the country, the fiscal certificates, travel passes or identity papers and the units of measurement bearing the seal of a central institution represented the state in the daily life of the subjects and redefined the legitimate sphere of state action. They territorialized social relations by tying people to the state and its institutions; moreover they conveyed the notion of an impersonal state, expressed through impersonal texts - regulations, certificates of various kinds or registers - and certified units of measurement.

There are two broader implications that we can draw from my analysis. Firstly, the role of military mobilization in the formation of small, peripheral and military weak states is rather ambiguous and needs to be reconsidered. Mara Loveman has made the case for “a shift in analytical focus from the dynamics of extraction and coercion toward the mechanisms of early administrative extension”.<sup>9</sup> She argued that we ought to concentrate the state infrastructural extension and on the primitive accumulation of symbolic power on which subsequent military and economic mobilization was premised.

My study endorses this view and adds to it: the administrative extension, which I analyzed in the chapters of my dissertation, not only did not precede military mobilization – as Loveman implies – but it was disconnected from it. Historians have remarked that the main impulse behind the so-called Phanariot reforms was fiscal, which in turn it was linked with the economic obligations towards the Sublime Porte. These included the official tribute, the costs for purchasing the throne, the official and unofficial gifts to the Ottoman dignitaries and the

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<sup>9</sup> Loveman, “The Modern State,” 1675.

provisions (grains and foodstuffs) for Istanbul and for the Ottoman army. Yet, the military provisions were neither the most important nor regular; the most important costs were related to the tribute and the purchase of the throne which implied official and unofficial gifts.<sup>10</sup>

Moreover, other reforms like the introduction of registers and the standardization of the measures had little to do with the Ottoman economic pressure; they were as attempts to improve the working of the administration and respond to internal transformations (especially the dissolution of the communal property and the individualization of plots). To these we have to add the influence of the Habsburg administrative measures in Oltenia (1718-1739); this was inferred by historians from the fact that some measures adopted by Constantin Mavrocordat after 1740 were very similar to those taken by the Habsburg administration. All in all, there was a set of stimuli for the administrative extension of the Wallachian states and provisioning for war was far from prominent.

Secondly, my analysis demonstrates that political modernization in Wallachia – albeit in an incipient phase – preceded the large scale impact of Westernization from the 19<sup>th</sup> century and had regional and local triggers. The critique and revision of the modernization cannon is already part of the recent approaches to the Ottoman history, and my investigation concurs with them. Criticizing the model of modern state inspired by Tocqueville and dominant in much social science, Ariel Salzmänn noticed that “the Tocquevillean model has also misrepresented the nature of historical change – the modern state could be implanted in foreign soils only through acculturation, capitalism or colonialism”.<sup>11</sup> Her study of fiscal devolution showed that far from alienating the elites from the state, tax-farming “fostered a different form of socio-political

<sup>10</sup> For the types of payments made by the Romanian Principalities to the Ottoman Empire see Bogdan Murgescu, “Comerț și politică în relațiile Româno-Ottomane” [Trade and Politics in the Romanian-Ottoman Relations] in *Țările Române*, 173-185.

<sup>11</sup> Ariel Salzmänn, *Tocqueville in the Ottoman Empire*, 5.

integration”, both vertical and horizontal. She concluded that “tax-farming should be considered state formation by other means”.<sup>12</sup>

The sociologist Karen Barkey, argued along similar lines: “life-tem tax farming reorganized Ottoman relations” (233) so that

by extending these practices to members of the local notables, the Ottoman administration intended to restructure the relations between itself and the notables, making them if not government officials, at least loyal members of an extended state apparatus.<sup>13</sup>

Finally, Rifa’at ‘Ali Abou-El-Haj rejected the master-narrative of Ottoman history together with the thesis of 18<sup>th</sup> century decline and made ‘the case for a transformative process prior to the nineteenth and twentieth centuries’ that is, prior to Western influence.<sup>14</sup> Instead of dismemberment, he noticed an interplay of centralization and decentralization which actually kept the empire together. He also emphasized the role of tax-farming in the modernization of the Ottoman society giving way “to a hitherto unprecedented security of tenure”.<sup>15</sup>

My analysis of the homegrown modernization of the Wallachian state during the 18<sup>th</sup> century is in tune with the contributions of Salzmann, Barkey and Abou-El-Haj. They argue essentially for modernization with other means, most notably through tax-farming and privatization. Like them I claim that, instead of a dead-end street, the Phanariot period witnessed political modernization, caused mainly by regional and local factors. If these can be external or internal depends on whether we see the Ottoman pressure as internal or external, which is beyond my concern here. By regional factors I refer to the Ottoman pressure discussed above; by local factors I understand processes at work in Wallachia like the instability of the peasant mass

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<sup>12</sup> *Ibidem*, 9.

<sup>13</sup> Karen Barkey, *Empire of Difference*, 233 and 236.

<sup>14</sup> Rifa’at ‘Ali Abou-El-Haj, *Formation of the Modern State*, 82.

<sup>15</sup> *Ibidem*, 16.

and the individualization of the plots of land from the communal landholding. Of course that especially the first process – the flight of peasants, i.e. taxpayers – was caused to a large extent by the fiscal pressure exerted by the Ottoman Empire through the Wallachian principedom. But the princes reacted to the outcome of the pressure (the flight of peasants) not to the pressure itself.

In distinction from the three scholars I mentioned above, my explanation has to make room for an external, arguably Western, influence: the Habsburg administrative model implemented in Oltenia between 1718 and 1739. This does not undermine the homegrown modernity thesis for it was just one factor, alongside with other geopolitical and structural factors. As I have already indicated in this dissertation, the fiscal reform consisting in the fixed-main tax paid in fixed and predictable rates preceded both the Austrian administration and the Phanariot regime, being experimented by Constantin Brâncoveanu in 1703.

Moreover, the influence of the Habsburg administrative model did not mean the conscious and wholesale adoption of superior model, as it would happen in the 19<sup>th</sup> century. The measures adopted by the Habsburgs in Oltenia were found in place when the province was reattached to Wallachia in 1739 and most of them were extended in Muntenia. Constantin Mavrocordat preferred to update the Wallachian institutions according to this model instead of reverting to the situation prior to the Habsburg rule in Oltenia. This updating was not a process of imitation but of adaptation.<sup>16</sup> Last but not least, the existence of internal stimuli for reforms is proved by the continuation and extension of reforms in the six decades after 1740 beyond the probable Habsburg influence anymore.

Yet my approach diverges from revisionist Ottomanists in another important respect. In distinction to them, I focused on a smaller area – actually a province of the Ottoman Empire –

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<sup>16</sup> For instance, like the Habsburgs, Mavrocordat also regulated the relations between landlords and dependent peasants. But, whereas the former established a labor rent of 52 days per year, the Phanariot prince

and explored modalities of direct rule, of centralization and of infrastructural expansion of the state.<sup>17</sup> That is, I cast light on modernization with classical means in an unlikely environment, a tributary principality at the periphery of the Ottoman, Habsburg and Tsarist Empires.

To sum up, my dissertation makes the case for modern state formation in the 18<sup>th</sup> century Wallachia. This process was not caused mainly by war and did not consist principally in the building of a patrimonial or bureaucratic state apparatus meant to assist the war effort of the Wallachian state or of another state as the current theories on state formation posit. On the contrary, it was triggered by several factors – geopolitical and structural – and consisted in the extension of the administrative reach. By this I refer both to the logistic extension of the state and to the struggle to naturalize it, to make it undisputable. Moreover, far from being a failed experiment as much literature on the Phanariot regime claims, the transformation in the modalities of state power during 18<sup>th</sup> century Wallachia was the overture of the political modernization occurred in the 19<sup>th</sup> century.

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<sup>17</sup> Karen Barkey, *Empire of difference*, 262, conceded that what seemed decentralization at imperial level was integration and centralization at provincial level. In her view, the notables “reproduced at the regional level the relations of the center,” their governance being characterized by “a new sensibility toward rule that stemmed from becoming less segmented, more tightly integrated – both vertically and horizontally – and smaller unit”.

## GLOSSARY

*Aga* – during the 17<sup>th</sup> century a military office, the head of the infantry; during the 18<sup>th</sup> century, official with police attributions over the market area of Bucharest; he also had a number of soldiers in suborder.

*Agie* – the office of aga.

*Arendă* – lease.

*Arendaş* (arendăşi) – lease-holder (of land estates).

*Arhi-iatros* – the chief-doctor in Bucharest. He had to certify the other doctors operating in the country and the pharmacies.

*Armaş* (*armaşi*) – the director of the prisons. From 1775 is subordinate to the Department of Criminal Justice (*Departamentul de Cremenalion*).

*Armăşie* – the institution of the *armaş*.

*Arnăut* (*arnăuţi*) – soldier in the service of the prince or of the great boyars and churchmen.

*Ban* (*bani*) – 1. Great official with jurisdiction over the five counties of Oltenia. From the second part of the 18<sup>th</sup> century the *vel ban* does not reside anymore in Craiova, but in Bucharest, his place being taken by the caimacam. 2. Coin.

*Bănie* – the institution of the *vel ban*.

*Bir* – the main tax mixing capitation and tax on wealth; it was a lump tax, being apportioned by the tax-payers among themselves.

*Biv* – former, ex. Title indicating that a boyar has occupied in the past an office (e.g. *biv vel vistier* = former great treasurer).

*Breaslă* (*bresle*) – 1. Merchants and craftsmen guild. 1. Category with special fiscal status (for instance the boyars without office – *mazili* – formed a *breaslă* and paid their taxes separately.

*Caid* – register.

*Caimacam* – appears as a princely official in 1761 and replaces the *vel ban* in the jurisdiction over the five counties beyond Olt river. As a medieval inheritance, the office of *caimacam* mimics on a lower scale the principedom: around the *caimacam* a Divan emerges a divan, in the continuation of the Administration appointed by the Habsburgs. After 1774 two other judicial departments were established, according to the model of central departments: one of criminal affairs and the Department of Four (Judges) for civil cases.

*Cămară* – the office of the princely chamber which administered the incomes of the prince (quota-taxes, mines, customs).

*Cămăraș* – the chamberlain, the official in charge of the chamber.

*Capan* - the market regulated by the state through which Bucharest was provisioned. The name and the institution was imported from the Ottoman Empire.

*Capanlâu (capanlâi)* – Ottoman merchant working for the provisioning of the Istanbul capan.

*Carte* – princely letter. 1. a written judicial decision issued by the prince or a letter of authorization. 2. Book.

*Carvasara* – the central custom-house from Bucharest.

*Catastif* – ledger (recording taxes or other items).

*Cifert (ciferturi)* – (lit. quarter), installment of the main tax.

*Cercător (cercători)* – fiscal agents whose task was to conduct operations of audit after the collection of a tax.

*Cercătură* – the audit of the tax-collection after the collection of a tax (e.g. *cercătura vinăriciului*, the audit of the wine-tax).

*Chezaș (chezași)* – guarantor in various transactions or in the case of liberation from prison.

*Chezășie* – 1. Guarantee. 2. The written act containing the guarantee and the signature of the guarantor.

*Cislă (cisle)* – the operation of apportioning of the main tax within the village or within a fiscal category which paid a lump-sum.

*Clacă* – labor rent. Initially it was benevolent services carried out by the peasants to the boyar. By the 18<sup>th</sup> century it acquired the sense of mandatory and legal labor rent.

*Clucer* – central official, overseeing the provisioning of the court with cereals and fodder and food.

*Cochi-vechi/cochi-vecu* – the auction of the taxes.

*Condicar (condicari)* – clerk, bookkeeper. It usually designated the clerk of the county established to record in the register of the county all the acts made or authenticated at the *isprăvnicat*.

*Condică (condici)* – register. The great *condica* kept at the chancellery was actually a compilation of smaller *condici*.

*Cutia milei* – (lit. the Box of Mercy), a fund destined to social care expenses and alimented from various fees and contributions. For instance, in 1783 the farmers of the wine-tax had to pay to the Box of Mercy 20 tallers for each county (so 340 tallers in total).

*Departament (departamenturi)* – judicial departments established by Alexandru Ipsilanti as part of his judicial reforms. They reflected the incipient separation of justice from executive power and of civil from criminal law.

*Dijmă (dijme)*– (lit. the tenth part), tithe from the agrarian production of a tenant (but not from the vegetables cultivated around the house).

*Dijmărit* – the tax on pigs and beehives. As its name indicates, originally it was a tithe.

*Divan* – the princely council in judicial session presided by the prince; as such was . During the foreign occupation it issued documents in its name.

*Epitropie* – administration of a property.

*Epitropia obștirii* – it was established by Alexandru Ipsilanti in 1775 and functioned mainly as the administration of Bucharest. It was headed by the Metropolitan and several great boyars. The *epitropia* dealt with civil constructions (bridges, roads, drinking fountains), social care (hospitals, orphanages), schools, pharmacies, licensing of doctors (in collaboration with the *arhi-iatros*), market supervision and establishment of prices (*nart*), anti-fire measures, regulation of couches' circulation etc. The jurisdiction of the epitropie was not limited to Bucharest as it undertook similar tasks in other parts of the country.

*Estract (esttracturi)* – piece of partial evidence in the fiscal process; the basis of *esttracturi*, the evidence was compiled at county and then central level.

*Foaia de cislă* – the apportioning list/paper at village level registering the due amount of each tax-payer.

*Gelep*- Ottoman merchant who participated in the obligatory deliveries of livestock and staple by the Danubian principalities to the Ottoman Empire.

*Hatman* – lesser military office imported from Moldavia.

*Ispravnic (ispravnici)* – the first representative of the prince at county level with explicit county jurisdiction. The jurisdiction of the previous territorial officials – *căpitani* – was defined in relation to a town, not a county. The *ispravnici* were instituted by the reform of Constantin Mavrocordat in 1739 and the former *căpitani* are subordinated to them. After 1774 there were two *ispravnici* in each county. They had fiscal, judicial, administrative and policing attributions.

*Isprăvnicat/isprăvnicie* – 1. The institution of *ispravnic*. 2. The seat of the *ispravnic*.

*Judecător* – judge. The establishment of judges is the sign of the division of labor in the state apparatus and of the separation of justice from administration. The Settlement of Constantin Mavrocordat from 1741 established that the boyars without office but performing judicial functions at the court should be salaried, but there is no indication that such a function existed. During the Russian occupation of Wallachia (1769-1774) a judicial department, separate from the *divan* was created to deal exclusively with litigation. The judges were established as salaried state official by Alexandru Ipsilanti in 1775. He also introduced the county-judge who administered justice alongside the two *ispravnici*. His plan of separating justice and administration at county level has failed.

*Județ (județe)* – county. It was subdivided in districts called *plăși* in plain areas and *plaiuri* in the mountain areas at the border with the Habsburg monarchy.

*Lazaret* – quarantine.

*Lefegiu (lefegii)* – mercenary.

*Leu (lei)* – lit. lion. It is the Romanian name of the *taller*, the most current coin in 18<sup>th</sup> century Wallachia.

*Logofăt* – 1. The great chancellor of the country. 2. Clerk.

*Logofețel* – clerk.

*Ludă/liudă (lude, liude)* – fiscal unit composed from one or more tax-payers.

*Nart* – 1. fixed price. 2. The regulation which fixed the prices of the merchandise.

*Nizam* – regulation.

*Oierit* – sheep-tax.

*Otaștină* – wine-tithe paid by tenants to the landlords (different from the wine-tax paid to the state).

*Paharnic* – cup-bearer. Originally had to pour wine in the prince's cup. In the 18<sup>th</sup> century is a central official, member of the princely council.

*Pașuș/pașaport* – 1. Permit to cross the border. 2. Permit to travel within the country. 3. Trading authorization.

*Pecete (peceți)* – 1. Seal, stamp. 2. Identity certificate handed to individuals bearing the seal of one of the central institutions.

*Pecete pe chip* – sealed identity act containing the physical traits of the bearer. It registered the amounts paid by each individual tax-payer or the status of tax-exempt peasant (*scutelnici, poslușnici*).

*Plai (plaiuri)* – 1. Administrative subunit of the county situated in the mountain area at the border with Transylvania and lead by a *vătaf de plai*.

*Plasă (plăși)* – administrative subunit of the county in the plane areas.

*Pogonărit* – tax on wine-plots.

*Poslușnic (poslușnici)* – tax-exempt peasant functioning as domestic laborer of the landlords. In the second part of the 18<sup>th</sup> century the principedom struggles to limit and control their number so as to prevent the diminishing of the taxable population.

*Polcovnic (polcovnici)* – head of the county police forces.

*Pont (ponturi)* – 1. Paragraph of a regulation. 2. In plural it also meant regulation.

*Popor (popoare)* – an area cultivated with wine. Later it came to mean people and nation.

*Postelnic* - a great central official; at origin his attribution was to take care of the prince's bedroom, but it acquired an important role in foreign relations, introducing foreign envoys to the prince.

*Răvaș (răvașe, răvașă)* – 1. Letter. 2. Certificate.

*Ruptă/ruptoare/rumtoare (rumtori)* – 1. Fixed sum paid by a community as main-tax; it was granted as a fiscal advantage to some villages and to colonists. The fiscal reforms attempted during the 18<sup>th</sup> century consisted in the generalization of *rupta* to the entire country: a fixed tax paid in equal, predictable rates.

*Schelă* – custom point at border.

*Schiler (schileri)* – custom official at the border.

*Scutelnic (scutelnici)* – tax-exempt peasants given to the landlords by Constantin Mavrocordat in 1746 as compensation for the abolition of serfdom. In the second part of the 18<sup>th</sup> century the principedom struggles to limit and control their number so as to prevent the diminishing of the taxable population.

*Sameș (sameși)* – lesser official at county level entrusted with the paper work of the fiscal process. It was instituted in 1795 by Alexandru Moruzi.

*Seamă (semi)* – installment of the main tax, equivalent of *cifert/sfert* called so after 1774.

*Sfert (sferturi)* – (lit. “quarter”), installment of the main tax. It was used interchangeably with *cifert* (see above).

*Sinet (sineturi)* – 1. title of property. 2. Certificate of identity.

*Slujitor (slujitori, slojitori)* – princely servants of ministers residing in the territory. In the 17<sup>th</sup> century they were a military category; in the 18<sup>th</sup> century they decayed and formed only a fiscal category with some advantages. Constantin Mavrocordat abolished most of them in 1740, registering them as common tax-payers, as part of his fiscal reform.

*Spătar* – 1. Great official, the Sword-bearer of the prince. It had judicial, administrative and police competence over the neighborhoods (*mahalale*) of Bucharest.

*Spătărie* – the office of *spătar*.

*Stolnic* – originally official in the service of the prince taking care of the princely table. In the 18<sup>th</sup> century is a central official.

*Sudit (sudiți)* – foreign subjects (Austrians and Russians) enjoying fiscal privileges in Wallachia.

*Șetrar* – central official, taking care of the princely tents.

*Tacsildar (tacsildari)* – tax-agent supervision the fiscal process at county level.

*Teșcherea (teșcherele)* – certificate, warrant.

*Țidula (țidula)* – receipt, certificate.

*Ungurean (ungureni)* – 1. Transylvanian. 2. Shepherd from Transylvania, grazing their flocks in Wallachia.

*Vameș (vameși)* – central official who administered the customs (sometimes the title was born by the tax-farmer of the customs).

*Văcărit* – tax on cattle (the most hated tax in Wallachia because it affected first of all the boyars and the monasteries).

*Vechil (vechili)* – representative of a party in a litigation.

*Vel* – (lit. “great”) title born by the great boyars (e.g. *vel vistiernic* = great treasurer, *biv vel vistiernic* = former great treasurer).

*Veliți* – (lit. “great” in the plural). It refers to the great boyars and to the Department of the Great Boyars (*Departamentul/Judecătoria veliților boieri*).

*Vinărici* – wine-tax.

*Vistiernic* – treasurer.

*Volintiri (volintiri)* – volunteer recruits in the Austrians and Russian armies during the wars with the Ottomans.

*Vornic (vornici)* – great official; originally it had large judicial attributions but these were severely limited by the establishment of the judicial specialized departments in 1775.

*Vornicie* – the office of *vornic*.

*Zapciu (zapcii)*– 1. Tax agent at district level. 2. Head of a district in the plain area (*plasă*).

*Zapis (zapise)* – written act, agreement between two parties.

*Vătaf (vătafi/vătași)* – bailiff

*Vătaf de plai* – head of a border district in the mountain area (*plai*).

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