

History of Romanian Books. Protection and Preservation of the Cultural Heritage

365 years since the printing of Vasile Lupu's Code of Laws (Pravila lui Vasile Lupu) (1646)

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Abstract

The translation and the printing of the first Romanian juridical texts during the 17th century were an absolute need for the respective times when the Church representatives did not have a written code to rely on when judging litigations, and so custom was playing a main role there. Taking into account that in 2011 there were 365 years since the printing of Vasile Lupu's Code of Laws (*Pravila*) we have considered it a good opportunity to approach this topic. The value of Vasile Lupu's Code of Laws consists in the fact that it is the first lay legislation in Moldavia printed in Romanian and the first Romanian code of laws approved by the princely authority. At the same time, it is a monument of the Romanian language and culture of the first half of the 17th century.

Keywords: Vasile Lupu, *pravila* (code of laws), Moldavia

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when the Church representatives did not have a written code to rely on when judging litigations, so custom was playing a main role there. By editing them, the ruler aimed to fight off certain tendencies of alteration of the ethics of those times, and also to keep under control certain manifestations of the Romanian Medieval society, which were not always in agreement with the Christian ethics. The first codes of laws written in Romanian are: *Pravila de la Govora* (Code of Laws from Govora) (1640), *Cartea românească de învățătură* (Romanian Code of Laws) (1646) also known as *Pravila lui Vasile Lupu* (Vasile Lupu's Code of Laws), and *Îndreptarea legii* (The Code of Laws) (1652) appeared during the reign of Matei Basarab.

The coordinates of the Romanian written culture of the mid-17th century in Moldavia is closely related to the entire context of the epoch. It is absolutely necessary to depict the atmosphere characteristic for this temporal segment – which we usually know as “Vasile Lupu's epoch” – and to relate it to the East European climate, in general, if we want to understand the phenomena animating the written culture during those times.(1)

Vasile Lupu's reign (1634–1653) represented a period of consolidation for the princely authority, which led to the possibility of the printing, in 1646, of a book having a juridical character, namely *Carte românească de învățătură*, also known as *Pravila lui Vasile Lupu*, as we have just highlighted.

So, the first official code of laws of Moldavia appears in the printing press from Trei Ierarhi under the title *Carte românească de învățătură de la pravilele împărătești și de la alte giudeațe* (Romanian Ethical Regulations taken from princely codes of laws and from different litigations), legislation initiated and approved by the ruler through the order appearing on the title-page itself: “Cu dzisa și cu toată cheltuiala lui Vasile voivodul și domnul Țării Moldovei” (“Created on the command and at the expense of Prince Vasile, voivode and ruler of the Moldavian Country”). Before the appearance of this Code of Laws, there was another law, *Pravila lui Alexandru cel Bun* (The Code of Laws of Alexander the Good) (2), which would be replaced by that of Vasile Lupu, the latter remaining in use until the time of Dimitrie Cantemir.

Cartea românească de învățătura, de la pravilele împărătești is the first official lay legislation. The first 94 paragraphs of this Code of Laws are inspired from “leges colonariae, agrariae, rusticae”, while the other paragraphs were inspired by the work of the Italian Prosper Faranaccios, *Praxis et theoricæ criminalis*. (3)

This code of laws includes regulations from the domain of law, relying on custom and legislation as sources of inspiration for the law domain. In matters of law, *Cartea românească de învățătură*, makes the difference between (4): **Jus humanum** (worldly code of laws), so the law of the feudal power; **Jus divinum** (Godly code of laws), feudal canonic law; **Jus naturale** (the code of laws of the human nature), namely the law according to the interests of the feudal organization, based on which the natural right was the right of the domineering class.

The paper comprises norms that concern the rights (types, exercise, acquisition) and their loss and also their holding by physical persons, in agreement to the social class they are part of (boyars, high officials, ploughmen, farmers). (5)

As far as the family and the people are concerned, the code of laws (*pravila*) regulates the son's position in the family, the quality in agreement to social category, age, kinship, professions and privileges provided, domicile, mental condition, juridical persons, marriage, power over slaves, tutorship. (6) At the same time, the code of laws includes regulations concerning the patrimony: ownership, usufruct, obligations, juridical acts and actions, representation by authorized agents and procurators, giving a special attention to: inheritance, the right to inherit and to dispose *mortis causa*, will, legates etc. (7)

As far as the criminal law is concerned, *Cartea românească de învățătură* comprises numerous regulations regarding different punishments called "*certare*" (scolding) and sure, concerning different crimes called "*vini*" (guilt). (8) Just as in the case of the other stipulations, the appreciation of the punishment is made depending on the social class from which the victim and the perpetrator come and also depending on the time and place of the offense. (9) From among the most terrible punishments we can mention: binding the offender by several horses' tails, pouring molten lead in the offender's mouth, skinning, burning the offender alive, etc. At the same time, we would like to highlight the fact that the punishments of this code of laws applicable to the offenders differed depending on the seriousness of the crime, ranging from corporal punishments, to deprivation of freedom and pecuniary punishments. The application of the code of laws from *Cartea românească de învățătură* is demonstrated as well by the copy kept in the Monastery of Bistrița (Vâlcea County) founded by the boyars known as the "*Craiovești*", but it is also apparent in documents of those times, by means of which Alexandru Iliăș

sentences some “prince killers” to death motivating his sentence as being based on the code of laws (“*pre pravilă*”). (10)

Vasile Lupu desired the adoption of a law written in the language of the country, a fact known as well by Dimitrie Cantemir and mentioned in *Descriptio Moldaviae* (Description of Moldavia): “*Vasile Lupu Albanezul, domn al Moldovei, în veacul trecut a pus oameni cinstiți și cunoscând legile țării să adune laolaltă toate legile scrise și nescrise, alcătuindu-se din ele un codice deosebit de legi, rămas și astăzi călăuza judecătorilor din Moldova pentru împărțirea dreptății*” (“During the last century, Vasile Lupu the Albanian, ruler of Moldavia, asked some honest people who knew the laws of the country to put together all the written and the unwritten laws, making up a special code of laws, which has remained the guide of the judges from Moldavia in making justice until now.”). (11)

The goal that “Vasilie, Voievodul și Domnul Țării Moldovei” (Basil, voivode and ruler of the Moldavian Country) set himself through the printing of this code of laws (*Carte românească de învățătură*) of 1646 was the one mentioned in the preface of the document, namely to put an end “to the injustice and the oppression of the cowards” (12) for which reason, „...His Majesty has searched in many countries spending a lot of effort until he found the right people, teachers and philosophers, who have taken out from the Greek and Latin books all the right regulations and judgements of the good Christian and holy emperors, who guide like a light and show the way to those without light and stupid and unlearned, so that he may know the injustice of them all and judge them fairly; these [regulations] are now called the princely code of laws.” (“cu multî osrădie s-au nevoit Maria sa de-au cercat pre multe țări, pâna l-au îndireptat Dumnedzău de-au găsit oameni ca aceia, dascăli și filosofi, de-au scos den cărți elinești și lătinești toate tocmelele cele bune și giudețele celor buni creștini și svinți împărați, carile ca o luminî lumineadzî și arată tot lucrul, celor întunecați și proști și neînvățați ca să cunoască strămbîtatia tuturor și să giudece pre direptate, carele să chiana acmu pravile împărătești...”). (13)

The goal of the translation of the ecclesiastical codes of laws and of the codes of laws in general was a practical one, as they were applied in justice, either in the ecclesiastical one or in the lay one, as they were not just some simple books of moral and intellectual education. Actually, given the fact that the law was applied with spiritual, ecclesiastical punishments, the Nomocanon had not yet represented the actual law. And this had happened in a context in which the priest’s judgement was situated side by side to the worldly judgement, and there was no clear distinction between the

ecclesiastical law and the lay law concerning the offences and the punishments. The introduction of the written law with the Romanians meant an increase in the power of the prince's central administration, as well as of the Church and of the local feudal authority.

We must mention that this initiative of the Moldavian prince is part of a context in which Matei Basarab, the ruler of Wallachia, was supporting a similar action. The printing of some texts of law may have been as well the answer given to some needs that the Romanian rulers grasped concerning the need of reform in the administration of the two countries at that time, for the success of which a solid support was necessary, which could only be ensured by written and unitary laws, applicable with a equal force throughout the country.

The text of the code of laws is in Romanian, with a Cyrillic alphabet, the print is red and black with 27 lines on a page. On the back of the title page, under the Moldavian coat of arms, is written: "*Stihuri în stema Domniei Moldovii*" (Canons to the honor of the Moldavian reign). The title is surrounded by a gate-shaped engraving, with two decorated pillars, above which two saints are illustrated, Saint George and Saint John of Suceava. The columns are dressed in palmettes and the areas in between the cartouches are filled with composite branches and flowers. Above this image, in a central inset portrait are represented the Three Holy Hierarchs Basil, Gregory and John. At the same time, the Moldavian coat of arms is also present, as we have mentioned, its framework being made up of angels whose wings represent semipalmettes developed one from the other. The vegetal frontispieces are generally built on the motives of the flower pot and of the tree of life. Autochthonous ornamental elements (carthusian pink, grapes, corn ears) appear next to Oriental motifs, such as acanthus and lotus, pomegranate or tulip flower. The vignettes represent small decorative designs that sometimes interrupt the text flow; the motifs based on which they were built are: winged head, shell, tulip, star, wild rose flowers, semipalmettes. The decorated capital letters are inspired from the Renaissance, evoking winged heads, masquers or Oriental elements, flower pot, rosettes, but also baroque elements (tassels, crowns of wheat ears).

We can notice that the printings of that period were characterized by the application on the traditional Byzantine background of certain elements of the Renaissance and baroque art, taken over from the German engravings via Poland.

The Value of Vasile Lupu's Code of Laws consists in the fact that it is the first lay legislation in Moldavia printed in Romanian, which, although

not eliminating the many Roman-Byzantine texts and provisions circulating during that epoch, is a code of Romanian laws approved by the princely authority. At the same time, it is also a monument of the Romanian language and culture during the first half of the 17th century, which will become a source of inspiration for the book known as *Îndreptarea legii* (Law Enhancement) printed in Târgoviște in 1652.

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- (2) 1400–1432, an excerpt from *Basilicale*.
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