

# ASHES SCATTERED IN THE WIND

The Romanies as Marginalised Victims of Racial Persecution,  
Genocide and the Holocaust

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## COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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## Abstract

The experiences of the Romanies on the European continent have been marked by centuries of prejudice, abuse, slavery and murder. Central to this history of oppression is the Nazi regime's racial persecution and genocide of the Romanies during the Holocaust. However, in the Federal Republic of Germany, the devastating experiences of the Romanies during the Holocaust received minimal attention in the decades that followed. As such, this thesis aims to answer the question: Did the transitional justice process in the Federal Republic of Germany, in the aftermath of the Third Reich, fail Romanies as victims of racial persecution, genocide and the Holocaust? It provides an overview of the suffering experienced by the Romanies at the hands of the Nazi regime, situating their plight within the framework of racial persecution, genocide and the Holocaust. It then analyses how this was addressed by the transitional justice process undertaken in the Federal Republic of Germany after the fall of the Third Reich, focusing on the mechanisms of retributive justice, as well as material and symbolic reparations. Examining how, within each of these mechanisms, Romanies were marginalised as victims, the thesis illustrates that the transitional justice process did indeed fail them. In addition, it broadens the discussion by looking at how Romaphobia is both a cause and a consequence of this marginalisation. As such, the thesis illustrates how the transitional justice process also failed Romanies by not denouncing Romaphobia, but rather inadvertently reinforcing it, thus being partly to blame for the continued presence of Romaphobia in the Federal Republic of Germany. In so doing, the thesis highlights the importance of redressing the wrongs committed against victims, emphasising the need for transitional justice mechanisms in the aftermath of violence and human rights abuses.

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This thesis is dedicated to the Romani victims of the Holocaust.

## The Terror Years

Our house is Auschwitz,  
So big and black. So black and big.  
Petals of skull are hidden,  
Strewn amidst the tall grass.  
Prayers rise up and fall back  
Beneath the ashes, beneath the dreams,  
Searching for a door, a road out.

House so big. House so black.  
Lightless house, hopeless house.

As I arrive at our house  
My lips turn blue.  
These terror years are my path;  
Their names are the way-stations.

Our house is Auschwitz,  
So big and black. So black and big.  
This is where our tears flow,  
Destroying our sight.  
This is where they crushed our pleas  
For no one to hear.  
This is where they turned us to ashes  
For the winds to scatter.

Listen, Adam! Listen, Simon!  
Eve and Mary, too!  
The twenty-five thousand shadows  
That watch and follow me:  
These terror years are our path;  
Their names are the way-stations.

House so big. House so black.  
House with no street, house with no address.<sup>1</sup>

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<sup>1</sup> Rajko Djurić, "The terror years," trans. Julie Ebin, in *The Roads of the Roma*, eds. Ian Hancock, Siobhan Dowd and Rajko Djurić (Hertfordshire: University of Hertfordshire Press, 1998), 88.

# Chapter One

## Introduction

“When one considers the vicissitudes they have encountered, one has to conclude that their main achievement is to have survived at all”<sup>1</sup>

The experiences of the Romanies on the European continent have been marked by centuries of prejudice, abuse, slavery and murder.<sup>2</sup> Central to this history of oppression is the Nazi regime’s racial persecution and genocide of the Romanies during the Holocaust,<sup>1</sup> which resulted in discrimination, maltreatment, deportation, forced sterilization, and ultimately the death of an estimated 500 000<sup>ii</sup> Romanies across Europe.<sup>3</sup> However, the devastating experiences of the Romanies during the Holocaust received limited attention in the decades that followed,<sup>4</sup> prompting Gabrielle Tyrnauer to write in 1982: “In the vast body of Holocaust literature, the story of the Gypsy extermination has become an almost forgotten footnote to the history of the Nazi genocide [...] The Gypsies became the forgotten victims of the Holocaust.”<sup>5</sup> Although writings on the subject and affirmations of the Romanies’ plight have seen an increase in the years following Tyrnauer’s statement, Romani victims of the Holocaust continue to be marginalised.<sup>6</sup> As noted by Dr Ian Hancock, a prominent Romani scholar and advocate:

We have just 1.5% representation among the 65 members of the Holocaust Memorial Council despite losing *ca.* 70% of our number in Europe; there are still Holocaust memorials and commemorative events that exclude us. Treatises continue to be written ranking the victims of the Nazi genocide, as if doing so makes the deaths of the members of one group more or less bearable or more or less special than the deaths in another. Exclusion continues.<sup>7</sup>

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<sup>i</sup> It should be noted that there exists contention regarding the definition of the Holocaust, which will be discussed in further detail in Chapter Two.

<sup>ii</sup> This number is contested, with figures ranging from 200 000 deaths to 1.5 million. The true number of victims will probably never be established, but 500 000 is the figure most often referred to. See Ian Hancock, “Responses to the Porrajmos: The Romani Holocaust,” in *Is the Holocaust Unique?*, ed. Alan S. Rosenbaum (Oxford: Westview Press, 1996), 49-50.

This thesis, however, will specifically focus on the situation faced by Romanians in the Federal Republic of Germany<sup>iii</sup> in the aftermath of the Third Reich. Cohen has observed that “the confrontation with the past in divided Germany after 1945 presents one of the most complex cases of transitional justice in the post-war period.”<sup>8</sup> Transitional justice can be understood as “a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice, but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.”<sup>9</sup> Teitel argues that although modern transitional justice originated after World War I, it is only in the aftermath of World War II that it became regarded as extraordinary and international, symbolised by the Nuremberg Trials.<sup>10</sup> Transitional justice can take many forms. This thesis will however focus on the mechanisms of retributive justice and reparations – both material and symbolic – undertaken by Germany. Seeing as these are common mechanisms used in transitional justice,<sup>11</sup> this thesis thus contends that a transitional justice process was undertaken in some form in the Federal Republic of Germany. Of interest is whether Romani victims of the Nazi regime were beneficiaries of this process. As such, it aims to answer the following question: **Did the transitional justice process in the Federal Republic of Germany, in the aftermath of the Third Reich, fail Romanians as victims of racial persecution, genocide and the Holocaust?**

Before elaborating on the structure of the thesis, a discussion on the Romanians and their history in Europe before the Third Reich is warranted. The Romanians are an ethnic group, which are found across the world, but especially in North and South America and Europe.<sup>12</sup> Scholars have relied mostly on the Romani language – which is derived from Sanskrit, but also heavily influenced by the languages of the regions they travelled through – to trace their origin and subsequent migrations.<sup>13</sup> Through this – and supported by sporadic historical references – it has been suggested that the ancestors of the Romanians are from northern India, and migrated through Persia, Armenia and Turkey, reaching the Byzantine Empire between the 11<sup>th</sup> and 12<sup>th</sup> centuries.<sup>14</sup> Romanians started appearing in Europe around the 14<sup>th</sup> century and continued to

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<sup>iii</sup> Established in 1949, the Federal Republic of Germany was also known as West Germany before 1990. Upon reunification, the former states of the German Democratic Republic (East Germany) joined the Federal Republic of Germany. As such, reunified Germany is an enlarged continuation of the Federal Republic of Germany. See Encyclopaedia Britannica, “Germany,” last updated February 6, 2019, <https://www.britannica.com/place/Germany/>.

migrate in all directions, leading to accounts of them in almost every country in Europe by the late 15<sup>th</sup> century.<sup>15</sup>

In the centuries since, the Romanies continued to travel throughout Europe, often fleeing persecution. They made a living in a number of ways, with the most common occupations being those of smiths, metal-workers, artisans, traders, entertainers and healers. However, the occupation that is most attributed to them is as practitioners of the occult arts, specifically fortune-telling – a stereotype which persists to this day.<sup>16</sup> Their occupations required them to move from place to place to make a living and this, along with the fact that they were initially a very itinerant group and were also frequently forced to migrate due to persecution, also led to the stereotype of Romanies as a wandering people. As such, even in modern times, Romanies are often simply equated with an itinerant population by non-Romani society – an essentialist view which both excludes settled and partially-settled individuals who identify as Romani due to their heritage, language and customs, and erroneously includes itinerant populations who are not ethnically part of the Romani people.<sup>17</sup> Stereotypes and myths about the Romanies are deeply entrenched within non-Romani society and continuously reinforced, owed in large part to the depiction of them in popular literature and media, as well as scholarly writings based on the idea of racial hierarchy – all written by outsiders as the Romanies have traditionally lacked a dominant voice in mainstream media. As more accurate writing on the Romanies – increasingly by Romanies themselves – have emerged, it is abundantly clear that they are not a homogeneous group of mysterious travelling fortune-tellers.<sup>18</sup>

Romanies today are a heterogeneous people. They comprise of different sub-groups who, having adapted in many ways to the societies they found themselves in, speak different dialects, follow different religions and observe different customs. Although some are still itinerant, the majority are sedentary or semi-sedentary, and they follow a range of different professions.<sup>19</sup> Nevertheless, Romanies still constitute a collective that is differentiated from broader society. As Hancock observes:

We are not a single homogenous population and outwardly differ considerably from place to place [...] Yet we all call ourselves Romani, we all maintain aspects of the same culture and speak (or once spoke) dialects of the same original language and we all share some of the same genetic material in our biological make-up. Despite this, any sense of having once been a single people has long been lost, the common factor now being an awareness not of what we *are*, but of what all of us are *not*: Romanies are not *gadže* or non-Romani people.<sup>20</sup>

In Europe, it was long believed that the Romanies hailed from Egypt, which is where the designation “Gypsy” – which endures to this day – comes from. The French word *gitan* and Spanish *gitano* are also related to this etymology.<sup>21</sup> In the Byzantium Empire, they were commonly referred to by the Greek work *Atsinganoi*, a corrupted form of the name of a heretical sect known as the *Athinganoi*. The Romanies were associated with this sect because they were not Christians and shared a reputation for fortune-telling and sorcery. The German *Zigeuner*, French *Tsiganes*, Italian *Zingari*, Slav *Tsigan*, Hungarian *Czigányok* and similar forms in various languages are derived from this initial designation.<sup>22</sup>

The issue with these designations is that they are applied by outsiders and as such were rejected by the First World Romani Congress of 1971, in favour of the preferred term *Rom*. Designations such as “Gypsy” and *Zigeuner* are increasingly being seen as pejorative and replaced with the term *Roma*.<sup>23</sup> This is also problematic, as the Romani word *Rom* originally referred to a married Romani male. In some dialects it retained the original meaning and is thus rejected as a self-ascription for the entire group.<sup>24</sup> Further complicating matters is the distinction made in Germany and Austria between *Sinti* and *Roma*, where *Sinti* designates Romanies whose presence in the German linguistic area goes back 600 years, while *Roma* refers to Romanies who migrated from eastern and south-eastern Europe in the last few decades – in other words there is a clear difference between German Romanies (who prefer the designation *Sinti*) and eastern European Romanies (who prefer the designation *Roma*).<sup>25</sup> To contend with this challenge of proper designation, this thesis turns to Hancock, who explains that “*all* groups use the adjective *Romani* to describe themselves,” and thus – along with Kenrick and Puxon – uses the adjectival form as a noun.<sup>26</sup> This thesis will follow his example and also use the term Romanies to refer to the heterogeneous group of people previously inaccurately called “Gypsies”, while *Romani* will also be used as an adjective or to refer to Romanies’ language where appropriate.<sup>iv</sup>

As the designation Romanies has now been explained, it is necessary to turn next to their history in Europe leading up to the Third Reich. Although this thesis focuses on the Federal Republic of Germany, it is crucial to contextualise their suffering by discussing the pattern of prejudice and persecution throughout Europe. Romanies were at first well-received in Europe,

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<sup>iv</sup> The terms *Gypsies*, *Zigeuner* and *Roma* will only be used in direct quotations or where otherwise unavoidable. This thesis recognises that the dominant politically correct term in both literature and media is *Roma*, and that *Sinti* and *Roma* is preferred in Germany. However, as much of this is still written by outsiders, the paper is more partial to a designation proposed by a Romani, and one which will be the least offensive to the heterogeneous society of Romani people, as well being the most inclusive.

due in part to their image as pilgrims which resulted in them being granted safe-conduct letters, as well as the fact that they were welcomed as an amusing diversion.<sup>27</sup> However, in medieval Europe the ethnocentric belief that blackness equalled inferiority and evil was already well-entrenched, and the darker skins of the Romanies singled them out for persecution. Their unfamiliar language and customs, which did not fit into the established social and political norms, also designated them outsider status. As such, the tide soon turned against them across Europe and they were targeted by the three largest powers at the time: the church, the guilds<sup>v</sup> and the state.<sup>28</sup>

Lacking an organised religion and failing to practice one or other of the dominant religions with the needed conviction, along with their association with occult arts such as fortune-telling, led to Romanies being branded as heretics by the church, and their claims of being pilgrims were repeatedly called into question. Furthermore, their migration from the east also attached suspicion to them, as it was the territory of the Turks, who were seen as infidels and enemies of the church. In addition, their assumed origin from Egypt also associated them with Muslims, which was a dangerous identity in the time of the Crusades.<sup>29</sup> The Romanies' occupation as craftsmen and traders were regarded as competition by the craft guilds, who used whatever power they had to restrict the Romanies in making a livelihood in this way.<sup>30</sup> With the rise of the concept of a nation-state and its emphasis on national identity, the Romanies as a stateless people encountered increasing difficulties. Along with other minorities, they were ever more considered enemies of the state due to their outsider status, as can be seen in the way they were branded as Turkish spies. Furthermore, civil authorities wanted people to settle legally at a permanent address, have a fixed name, pay taxes and so forth, essentially to live within the boundaries decided by the authority of the state. The Romanies' failure to do so and desire for independence in organising their lives signalled them out as targets.<sup>31</sup>

As the Romanies status as undesirables gained traction, they were targeted in a number of appalling ways. In 1497, the Holy Roman Empire accused them of spying for the Turks and ordered their expulsion from all German lands in 1498. A policy of expulsion soon became the norm and the 16<sup>th</sup> century saw Romanies expelled from England, Saxony, Switzerland, France, Spain, Portugal, Italy, the Low Countries, Bohemia, Poland-Lithuania and Scandinavia. Non-compliance with the expulsion order was punished in different ways, including corporal punishment, enslavement, imprisonment, forfeiting of property, and even death.<sup>32</sup> They were

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<sup>v</sup> Associations of craftsmen or artisans which oversaw the practice of their trades.

thus continuously forced to keep migrating, but wherever they went they faced persecution. So-called ‘gypsy hunts’ were common in many countries and Romanies were enslaved in Romanian lands until 1856.<sup>33</sup> Their history in Europe is thus a tale of suffering, and one which did not improve much through the centuries.

This pattern of persecution throughout Europe could also be found in Germany. Between 1416 and 1774, 148 anti-Romani orders and decrees were passed in German states.<sup>34</sup> In 1710, for example, Frederick I of Prussia ordered all male Romanies into forced labour, while female Romanies were branded and whipped and children taken away.<sup>35</sup> Two centuries later, they were still discriminated against under the Weimar Republic, which supposedly promised equal rights to all its citizens.<sup>36</sup> For example, the 1926 Bavarian Law to Combat the Gypsies, Tramps, and Work Dodgers decreed that Romanies were forbidden from entering public parks and baths, had to be registered with the police, and Romanies above 16 who could not prove steady employment were to be sent to labour camps for two years for ‘reasons of public security’.<sup>37</sup>

The official persecution of the Romanies was accompanied by, and also fed into, a range of myths and stereotypes associated with the Romanies. They were typecast as spies, child stealers, casters of ‘gypsy curses’, cannibals, thieves, liars and dirty harbingers of disease – and many of these stereotypes remain to this day.<sup>38</sup> These views of Romanies are rooted in prejudice and xenophobia. Although it has been suggested by authors such as Lewy that some negative associations carry weight,<sup>39</sup> it cannot be emphasised enough that these traits are not inherent to the Romanies as a people, but rather a result of the persecution they faced and the dire circumstances they find themselves in. Hancock explains: “Forbidden to do business with shopkeepers, the Roma have had to rely upon subsistence theft to feed their families; and thus stealing has become a part of the stereotype. Forbidden to use town pumps or wells, denied water by fearful householders, uncleanliness becomes part of the stereotype.”<sup>40</sup>

It should also be noted that the itinerant way of life initially associated with Romanies played a large role in their vilification. As stated by Fraser: “Settled people, on the whole, do not trust nomads; and in a European society where the majority were pressed into a life of piety, serfdom and drudgery, Gypsies represented a blatant negation of all the essential values and premises on which the dominant morality was based.”<sup>41</sup> As such – along with policies of expulsion, slavery and murder – the banning of nomadism was also common through the centuries, as were policies of forced assimilation. This was another approach to eradicating an outsider group that did not fit within society’s norms, by restricting their way of life and forcing them

to become part of the mainstream society, to the point where they eventually will not exist as a distinct group anymore.<sup>42</sup> Crucial to this discourse was the deep-rooted perception that Romanies' nomadism constituted an element of asociality, as illustrated in this quote: "[I]n the superior man, nomadism enlarges the spirit, educates him to wider intuitions [...] in the inferior man, like the gypsy [...] it creates an instability of character, [...] it distances him from permanent work and facilitates greed for other peoples' possessions and other peoples' women [...] In the inferior man, nomadism destroys every notion of homeland."<sup>43</sup>

Scholarly writings throughout the centuries often only served to entrench the vilification of the Romanies. For example, a prominent late 19<sup>th</sup> century Italian criminologist Cesare Lombroso, who aimed to link anthropological traits to criminal activity, claimed that the Romanies were "the living example of a whole race of criminals."<sup>44</sup> As the interest in Social Darwinism and Eugenics grew, the Romanies came under fire once again. In 1920, a psychiatrist-judge categorised the Romanies under his idea of *lebensunwertes Leben* – "lives unworthy of life" – advocating the killing of those who *were Ballastexistenzen* – "dead weight" – upon humanity, including Romanies. As another example, Hans Gfintner, the author of what has been called the "bible of Nazi Anthropology," claimed in a 1928 treatise that "it was the Gypsies who introduced foreign blood into Europe."<sup>45</sup>

Thus, their status as outsiders led to the Romanies being persecuted and stereotyped since their arrival in Europe. This phenomenon can be explained by the ingroup versus outgroup theory that has sought to explain prejudice and ethnocentrism since the early 20<sup>th</sup> century. It posits that due to obligatory interdependence, human beings have created social boundaries between those "like us" (ingroups) and "others" (outgroups), as familiarity and a sense of belonging is favoured over anything "alien". Ingroups are marked by favouritism towards the group and a preference for the group's values and norms. Outgroups in turn can be viewed with indifference, sympathy or even admiration. However, if the ingroup's customs and values become seen as morally superior, outgroups that do not conform can be viewed with hostility. Similarly, if the outgroup is perceived as a threat to the ingroup in any way, it also sets the stage for fear, hate and even conflict.<sup>46</sup> Thus, the roots of prejudice can be traced to the preferential treatment of ingroups over outgroups, which in certain circumstances can lead to outright hostility, as was the case with the Romanies. By the time the Nazi regime came to power in 1933, the stigmatisation of Romanies as an outgroup was deeply entrenched within European society. This provided fertile ground for the Nazis to move from stigmatisation to

genocide. As such, the Nazi's did not invent prejudice and unjust laws against the Romanies, but built on them in horrifying ways.

Having contextualised the pattern of persecution and suffering of the Romanies in Europe, the introduction now turns to the development of the thesis, methodology and positionality. Chapter Two will provide a broad overview of the experiences suffered by the Romanies at the hands of the Nazi regime. Subsequently, it will also situate their plight within the framework of racial persecution, genocide and the Holocaust. Chapter Three will analyse how their suffering was addressed by the transitional justice process undertaken in the Federal Republic of Germany after the fall of the Third Reich. It will examine how Romanies were marginalised as victims with regards to retributive justice, as well as material and symbolic reparations, thus illustrating that the transitional justice process did indeed fail them. In addition, Chapter Three will take the analysis further, by highlighting possible reasons for this marginalisation. As it becomes clear that continued anti-Romani prejudice is one of the main reasons for this marginalisation, Chapter Four will then broaden the study by suggesting that Romaphobia<sup>vi</sup> is also a consequence of the marginalisation of Romanies during the transitional justice process. It will do so by providing a broad overview of the presence of Romaphobia in the Federal Republic of Germany, from 1945 up until the present. Subsequently, it will suggest how this can be linked to the marginalisation experienced by Romanies in each of the transitional justice mechanisms. As such, the study will illustrate how the transitional justice process also failed Romanies by not denouncing Romaphobia, but rather inadvertently reinforcing it. Finally, the thesis will conclude by summarising its main points and discussing the need for transitional justice mechanisms in the aftermath of violence and human rights abuses, thus placing the thesis within the broader discipline of transitional justice.

This thesis takes the form of a qualitative analysis of selected literature – written in English – on the subject. Drawing primarily from secondary sources, the literature was investigated, compared and interpreted, in order to draw conclusions regarding the research question. Secondary sources were chosen due to the fact that I have limited access to primary sources, and do not possess the German language skills nor the necessary training to study archival material. This approach has its drawbacks. Secondary sources that have translated primary sources often propose differing terms. Furthermore, the authors draw their own subjective

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<sup>vi</sup> Romaphobia can shortly be defined as anti-Romani racism. An in-depth discussion of the term will take place in Chapter Four.

conclusions and as such there is often a lack of consensus regarding the subject matter. Being cognisant of this, I employed the method of triangulation by using and comparing multiple sources to gain a comprehensive understanding of the issue in question.<sup>47</sup> I also took into account how recent the source was and how much data the author had access to. After investigating and comparing multiple sources, I then interpreted their data and arguments, drawing my own conclusions. As such, although all attempts were made to conduct an objective analysis, I am aware that a measure of subjectivity still exists, as is the common case in social sciences. Research, and especially social research, is a human activity and as such is imbued with the assumptions and values of the researcher that carry over into the written work. As such, the writer's self-presence in the text cannot be avoided and needs to be acknowledged.<sup>48</sup>

In terms of positionality, as a white South African with no Romani ancestors, I am now one of the many outsiders who are writing about the Romanies. As such, I have to be cognisant of the "unexamined white perspective"<sup>49</sup> and avoid the stereotyping and patronization of Romanies. I am aware of the problematic nature of an outsider's contribution to the life stories of a people, however it is my belief that the plight of the Romanies deserves more attention. As expressed by Hancock: "I want to be able to thumb through any of the many published treatments of the Holocaust at my local bookstore and find comprehensive information in them about what happened to my people."<sup>50</sup> It is my hope that this thesis will contribute to one day making this a reality.

## Notes

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- <sup>1</sup> Angus Fraser, *The Gypsies* (Oxford: Blackwell Publishers, 1992), 1.
- <sup>2</sup> Barry A. Fisher, “No roads lead to Rom: the fate of the Romani people under the Nazis and in post-war restitution,” *Whittier Law Review* 20 (1998): 516-519, <https://heinonline.org/HOL/P?h=hein.journals/whitlr20&i=523>; C. R. Sridhar, “Historical Amnesia: The Romani Holocaust,” *Economic and Political Weekly* 41, no. 33 (2006): 3569, <http://www.jstor.org/stable/4418585>.
- <sup>3</sup> Riccardo Armillei, Nikki Marczak and Panayiotis Diamadis, “Forgotten and Concealed: The Emblematic Cases of the Assyrian and Romani Genocides,” *Genocide Studies and Prevention: An International Journal* 10, no. 2 (2016): 106, <http://dx.doi.org/10.5038/1911-9933.10.2.1404>; Fisher, “No roads lead to Rom,” 525; Sridhar, “Historical Amnesia,” 3569.
- <sup>4</sup> Fisher, “No roads lead to Rom,” 513-515; Donald Kenrick and Grattan Puxon, *Gypsies Under the Swastika* (Hertfordshire: University of Hertfordshire Press, 2009), xiii; Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford University Press, 2000), vii; Sybil Milton, “Holocaust: The Gypsies,” in *Century of Genocide: Critical Essays and Eyewitness Accounts*, eds. Samuel Totten, William Parsons and Israel W. Charny (New York: Routledge, 2004), 161.
- <sup>5</sup> Gabrielle Tyrnauer, “‘Mastering the Past’: Germans and Gypsies,” in *Gypsies: An Interdisciplinary Reader*, ed. Diane Tong (New York: Routledge, 2013), 97.
- <sup>6</sup> Armillei et al., “Forgotten and Concealed,” 98; Ian Hancock, “The Romani Genocide: Resistance and Restitution” (Harvard University Press, forthcoming, used with permission from author), 14.
- <sup>7</sup> Hancock, “The Romani Genocide: Resistance and Restitution,” 14.
- <sup>8</sup> David Cohen, “Transitional Justice in Divided Germany after 1945,” in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 2006), 59.
- <sup>9</sup> International Center for Transitional Justice (ICTJ), “What is Transitional Justice?” published January 1, 2009, <https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf>.
- <sup>10</sup> Ruti Teitel, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* 16 (2003):70, <https://www.qub.ac.uk/Research/GRI/mitchell-institute/FileStore/Fileupload,757186,en.pdf>
- <sup>11</sup> ICTJ, “What is Transitional Justice?”
- <sup>12</sup> Ian Hancock, *We are the Romani People* (Hertfordshire: University of Hertfordshire Press, 2002), xx; Donald Kenrick, *The A-Z of the Gypsies (Romanies)* (United Kingdom: Scarecrow Press, 2007), xxxvii.
- <sup>13</sup> Fraser, *The Gypsies*, 10; Ian Hancock, “On Romany Origins and Identity” (Austin: The Romani Archives and Documentation Centre, 2006), 5-34, [http://www.geocities.ws/romani\\_life\\_society/indexpics/HistoryOrigins.pdf](http://www.geocities.ws/romani_life_society/indexpics/HistoryOrigins.pdf); Gabrielle Tyrnauer, “The Gypsies of Europe: From Persecution to Genocide,” in *Ethnicity, Immigration and Psychopathology*, eds. Ihsan Al-Issa and Michel Tousignant (New York: Plenum Press, 1997), 258-259.
- <sup>14</sup> Fraser, *The Gypsies*, 10-47; Hancock, “On Romany Origins and Identity,” 5-7; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii; Kenrick and Puxon, *Gypsies Under the Swastika*, 2; Tyrnauer, “The Gypsies of Europe,” 258-259.
- <sup>15</sup> Fisher, “No roads lead to Rom,” 517; Hancock, “On Romany Origins and Identity,” 34; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii; Tyrnauer, “The Gypsies of Europe,” 259.
- <sup>16</sup> Fraser, *The Gypsies*, 127; Lewy, *The Nazi Persecution of the Gypsies*, 2; Kenrick and Puxon, *Gypsies Under the Swastika*, 3; Tyrnauer, “The Gypsies of Europe,” 260-261.
- <sup>17</sup> Ian Hancock, “Introduction,” in *The Gypsies of Eastern Europe*, eds. David Crowe and John Kolsti (London: Routledge, 1991), 4-5; Lewy, *The Nazi Persecution of the Gypsies*, 2; Michael Zimmerman, “The National Socialist ‘Solution of the Gypsy Question,’” in *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies*, ed. Ulrich Herbert (New York: Berghahn Books, 2000), 186-187.
- <sup>18</sup> Hancock, “Introduction,” 3-4; Kenrick and Puxon, *Gypsies Under the Swastika*, 8-9.
- <sup>19</sup> Armillei et al., “Forgotten and Concealed,” 103; Fraser, *The Gypsies*, 290-315; Helen O’Nions, *Minority Rights Protection in International Law: The Roma of Europe* (New York: Routledge, 2016), 4; Zimmerman, “The National Socialist ‘Solution of the Gypsy Question,’” 186-187.
- <sup>20</sup> Hancock, *We are the Romani People*, xx.

- <sup>21</sup> Fisher, "No roads lead to Rom," 516; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii; Kenrick and Puxon, *Gypsies Under the Swastika*, 3; Lewy, *The Nazi Persecution of the Gypsies*, 2.
- <sup>22</sup> Fraser, *The Gypsies*, 46; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii; Kenrick and Puxon, *Gypsies Under the Swastika*, 3; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>23</sup> O'Nions, *Minority Rights Protection in International Law*, 3-4; Armillei et al., "Forgotten and Concealed," 104.
- <sup>24</sup> Fraser, *The Gypsies*, 25-26; Hancock, "The Romani Genocide: Resistance and Restitution," 15-16; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii.
- <sup>25</sup> Fraser, *The Gypsies*, 291-292; Hancock, "The Romani Genocide: Resistance and Restitution," 16; O'Nions, *Minority Rights Protection in International Law*, 4-6; Zimmerman, "The National Socialist 'Solution of the Gypsy Question,'" 187.
- <sup>26</sup> Hancock, *We are Romani People*, xix-xx; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxvii.
- <sup>27</sup> Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxviii; Kenrick and Puxon, *Gypsies Under the Swastika*, 2-3; Lewy, *The Nazi Persecution of the Gypsies*, 2; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>28</sup> Armillei et al., "Forgotten and Concealed," 103-104; Fisher, "No roads lead to Rom," 517; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxviii; Kenrick and Puxon, *Gypsies Under the Swastika*, 4; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>29</sup> Armillei et al., "Forgotten and Concealed," 104; Fisher, "No roads lead to Rom," 517; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxviii; Kenrick and Puxon, *Gypsies Under the Swastika*, 4; Lewy, *The Nazi Persecution of the Gypsies*, 2.
- <sup>30</sup> Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxviii; Kenrick and Puxon, *Gypsies Under the Swastika*, 4; Lewy, *The Nazi Persecution of the Gypsies*, 2.
- <sup>31</sup> Fraser, *The Gypsies*, 304; Kenrick, *The A-Z of the Gypsies (Romanies)*, xxxviii.
- <sup>32</sup> Fisher, "No roads lead to Rom," 518; Fraser, *The Gypsies*, 88-123; Kenrick and Puxon, *Gypsies Under the Swastika*, 6-7; Lewy, *The Nazi Persecution of the Gypsies*, 2.
- <sup>33</sup> Fisher, "No roads lead to Rom," 518-519; Kenrick and Puxon, *Gypsies Under the Swastika*, 6-7; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>34</sup> Kenrick and Puxon, *Gypsies Under the Swastika*, 6.
- <sup>35</sup> Fisher, "No roads lead to Rom," 518-519; Kenrick and Puxon, *Gypsies Under the Swastika*, 6-7; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>36</sup> Fisher, "No roads lead to Rom," 518-519.
- <sup>37</sup> Fisher, "No roads lead to Rom," 519-520; Sridhar, "Historical Amnesia," 3569.
- <sup>38</sup> Fisher, "No roads lead to Rom," 517; Kenrick and Puxon, *Gypsies Under the Swastika*, 5-6; Tyrnauer, "The Gypsies of Europe," 259.
- <sup>39</sup> Lewy, *The Nazi Persecution of the Gypsies*, 10-14.
- <sup>40</sup> Hancock, "Introduction," 5.
- <sup>41</sup> Fraser, *The Gypsies*, 129.
- <sup>42</sup> Armillei et al., "Forgotten and Concealed," 104; Fraser, *The Gypsies*, 129-169; Kenrick and Puxon, *Gypsies Under the Swastika*, 8.
- <sup>43</sup> Armillei et al., "Forgotten and Concealed," 104.
- <sup>44</sup> Fisher, "No roads lead to Rom," 518.
- <sup>45</sup> *Ibid.*, 519.
- <sup>46</sup> Marilyn B. Brewer, "The psychology of prejudice: Ingroup love and outgroup hate?" *Journal of Social Issues* 55, no. 3 (1999): 429-442, <https://dx.doi.org/10.1111/0022-4537.00126>.
- <sup>47</sup> Nancy Carter et al., "The use of triangulation in qualitative research," *Oncology Nursing Forum* 41, no. 5. (2014):545, <https://dx.doi.org/10.1188/14.ONF.545-547>.
- <sup>48</sup> Natasha S. Mauthner and Andrea Doucet, "Reflexive accounts and accounts of reflexivity in qualitative data analysis," *Sociology* 37, no. 3 (2003): 415-418, <https://dx.doi.org/10.1177/00380385030373002>.
- <sup>49</sup> Adrienne Rich, *Blood, Bread and Poetry: Selected Prose 1979-1985* (New York: Norton, 1986), 162, cited in Diane Tong, "Introduction," in *Gypsies: An Interdisciplinary Reader*, ed. Diane Tong (New York: Routledge, 2013), x.
- <sup>50</sup> Ian Hancock, "Responses to the Porrajmos: The Romani Holocaust," in *Is the Holocaust Unique?*, ed. Alan S. Rosenbaum (Oxford: Westview Press, 1996), 59.

## Chapter Two

### Towards an Understanding of the Romanies' Suffering during the Holocaust

“The Gypsy question is a racial question for us today. In the same way as the National Socialist state has solved the Jewish question, it will also have to settle the Gypsy question once and for all. The race biological research on Gypsies is an unconditional prerequisite for the *Final Solution of the Gypsy Question*.”<sup>1</sup>

In order to analyse the marginalisation of the Romanies as victims, it is necessary to first establish an understanding of their suffering during the Holocaust. In 1933, Romanies constituted a small minority of approximately 26 000 – 30 000 people, making up 0.05% of the German population.<sup>2</sup> Despite their small numbers, they were already being treated as a menace to German society and faced hostility, both from the authorities and the population.<sup>i</sup> When the Nazi regime took control, they desired a racially pure state devoid of foreign elements, and created a political and social climate that stressed law, order and stable social relations. The Romanies, who had darker complexions and were stereotyped as inherently asocial and criminal were thus regarded as a threat to this new society and targeted by the Nazis from the outset.<sup>3</sup>

The Nazi response the “Gypsy question” – as they termed it – took a number of forms and this chapter will outline them more or less chronologically.<sup>ii</sup> Since the persecution of the Romanies often resulted in their deportation to concentration camps, there will also be a section on their treatment and fate in these camps.<sup>iii</sup> Finally, the chapter will conclude by situating the Romanies' suffering within the framework of racial persecution, genocide and the Holocaust.

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<sup>i</sup> During the Weimar republic, German states often referred to Romanies as a nuisance or a plague that had to be combatted and issued regulations to this regard. See Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford University Press, 2000), 4-10 Michael Zimmerman, “The National Socialist ‘Solution of the Gypsy Question,’” in *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies*, ed. Ulrich Herbert (New York: Berghahn Books, 2000), 190.

<sup>ii</sup> A complete discussion of National Socialist policies against the Romanies, and the treatment they suffered at both the local, regional and national level, is however beyond the scope of this chapter. As such, only the policies singled out as significant by the literature will be dealt with, but it should be noted that the Romanies suffered even more injustices than those mentioned in this section.

<sup>iii</sup> It should be noted that while some of these camps were not located in Germany, they were still a German project and thus form part of this discussion.

## Continued Harassment and Control

Laws created during the Weimar Republic already enabled the Nazi regime to implement discriminatory policies against the Romanies and provided a basis for them to build on.<sup>4</sup> For example, in March 1933, a co-ordinating body of German states approved a policy statement on the “struggle against the Gypsy plague”, which was first drafted in 1929. Although this did not automatically lead to a uniform national policy, many states enacted the suggested laws and regulations, with the 1926 Bavarian Law for Combatting the Gypsies, Vagrants and Work-Shy often serving as a model.<sup>5</sup> These regulations were intensified in the years that followed, resulting in Romanies across different German states being subjected to a range of controls and harassment.<sup>iv</sup>

## Forced Sterilisation

As much as existing regulations enabled the Nazi regime to persecute Romanies, new laws that affected them were also introduced. One of the firsts was the Law for the Prevention of Hereditarily Diseased Offspring (Sterilisation Law), adopted in July 1933, that required the forced sterilisation of all those deemed hereditarily ill, in order to stop them reproducing and passing on their ‘defective genes’.<sup>6</sup> Forced sterilisation was not a new concept in the age of eugenics,<sup>v</sup> however the Nazi regime applied it to an extreme measure. The total number of forced sterilisations prior to 1939 is estimated at between 300 000 and 400 000, of which one-half to two-thirds were women.<sup>7</sup>

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<sup>iv</sup> These measures included special identity cards with photos and fingerprints, forbidding travelling in “hordes”, limiting travel to routes designated by the police, issuing licences for itinerant trade only to those with a permanent address, preventing foreign Romanies from entering Germany and expelling those already in the country, sending Romanies without proof of employment to workhouses and forced labour camps, forcing German Romanies to become sedentary so police could better monitor and control them, and staging raids both in Romani camps and in the homes of sedentary Romanies. See Lewy, *The Nazi Persecution of the Gypsies*, 17-20; Sybil Milton, “Antechamber to Birkenau: The Zigeunerlager after 1933,” in *The Holocaust and History: The Known, the Unknown, the Disputed and the Reexamined*, eds. Michael Berenbaum and Abraham J. Peck (Indianapolis: Indiana University Press, 1998), 388-389; Michael Zimmermann, “The National Socialist ‘Solution of the Gypsy Question’: Central Decisions, Local Initiatives, and Their Interrelation,” *Holocaust and Genocide Studies* 15, no. 3 (2001): 413, <https://doi.org/10.1093/hgs/15.3.412>.

<sup>v</sup> Sterilisation for eugenic purposes was endorsed and carried out in a number of countries. The 1933 Law for the Prevention of Hereditarily Diseased Offspring was in fact based in part on the American Model Eugenic Sterilisation Law. See Lewy, *The Nazi Persecution of the Gypsies*, 39.

On the surface, the law made no provision for sterilisation on racial grounds, however in practice it was used to persecute not only those with physical and mental disorders, but also as a tool in the Nazi's quest for a racially pure society.<sup>vi</sup> Under this law, Romanies ran a threefold greater risk of being forcibly sterilised, as they were frequently classified as having "innate feeble-mindedness", a justification that was broadly applied by prejudiced officials without proof of mental deficits. Furthermore, amendments were made to the law that accepted asocial conduct as proof of hereditary disease, variously called "moral mental retardation" and "disguised mental retardation". This provided officials with even more power to target Romanies, as they carried the label of inherent asociality simply by virtue of them being part of the Romani population.<sup>8</sup> When looking at available figures, "innate feeble-mindedness" or "hereditary mental retardation" was the most frequent justification for forced sterilisation.<sup>9</sup> In 1937 the chairman of the Kiel genetic health court,<sup>vii</sup> Dr Burman, even stated that feeble-mindedness had become "*the* question of eliminative racial care."<sup>10</sup> An early estimate – based on extrapolations from local and regional statistics and thus not able to completely account for all forced sterilisations of Romanies – suggests that 500 Romanies were forcibly sterilised between 1933 and 1939, already indicating a higher percentage of forced sterilisation among the Romanies than for the population as a whole.<sup>11</sup>

At the outbreak of World War II, it was ordered that applications for sterilisations only be submitted in the "most urgent" cases<sup>viii</sup> and forced sterilisations declined drastically between 1939 and 1945. In contrast, the Romanies experienced a sharp rise in forced sterilisations, especially from 1943 onwards. This is due in large part to the fact that those exempted from deportation to Auschwitz<sup>ix</sup> had to submit to sterilisation or risk the same fate. It should also be noted that significant numbers of Romanies were sterilised in the different concentration camps they were confined in, often as part of sterilisation experiments.<sup>12</sup>

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<sup>vi</sup> 500 black children were also sterilised in secret in 1937. See Lewy, *The Nazi Persecution of the Gypsies*, 40.

<sup>vii</sup> Any officials, and especially medical professionals, were required by the law to report cases of hereditary illness and submit an application for the sterilisation of the individual. Special genetic health courts created under this law would then decide the person's fate. See Lewy, *The Nazi Persecution of the Gypsies*, 39.

<sup>viii</sup> The reasons for this included the need to preserve medical and administrative manpower for the war effort, conflicts within the Nazi administration regarding the application of the law, the move towards the euthanasia programme and the considerable unrest that had developed among the population regarding the scope and implementation of the policy. See Lewy, *The Nazi Persecution of the Gypsies*, 41; Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge: Harvard University Press, 1988), 114-117.

<sup>ix</sup> Will be discussed in more detail further on in the section

Gisela Bock contends that from the inception of the Sterilisation Law, Romanies were targeted as part of a racial war.<sup>13</sup> With the second wave of forced sterilisations from 1939 onwards, it indeed became clear that the Nazi regime intended to eliminate the Romanies' ability to reproduce<sup>x</sup> and thus render this group extinct within a generation.<sup>14</sup> Once again, it is difficult to determine the exact number of Romanies sterilised during this time, although estimates suggest that 2000 to 2500 Romanies were sterilised between 1939 and 1945.<sup>15</sup> Thus, in total, an estimated 10% of Romanies in Germany were forcibly sterilised during the Third Reich.<sup>16</sup>

### Nuremberg Race Laws

The Nazi regime's quest for a racially pure society was further enforced by the 1935 Nuremberg Race Laws. Although primarily aimed at Jews, authoritative commentary on these laws by Wilhelm Stuckart and Hans Globke of the Ministry of Interior, made it clear that Romanies also constituted a racially distinctive minority with "alien blood": "The only people in Europe who have consistently been considered racial aliens are the Jews and the Gypsies [...]The same principles that apply to the racial categorisation of Jews of mixed blood must also apply to the categorisation of other aliens of mixed blood."<sup>17</sup> Romanies were consequently subjected to the Nuremberg Race Laws, which included prohibition of sexual union or marriage between those classified as German and members of "alien races". Furthermore, marriages between "inferior people" that would be detrimental to the hereditary health of the nation, were also forbidden.<sup>18</sup> In addition, Romanies were deprived of their German citizenship and the associated rights.<sup>19</sup>

### The Role of Public Opinion

From the mid-1930s onwards, there was a clear escalation of anti-Romani agitation from the press, the public, academics and local officials. In the climate of the Third Reich – where racial purity was aggressively promoted – established racial prejudices against the Romanies as

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<sup>x</sup> Romanies were the only group targeted in their entirety for forced sterilisation. For Romani victims, it was one of the gravest injustices they suffered at the hands of the Nazi regime. Fertility is a major asset in the Romani community and the inability to bear children led to feelings of shame and exclusion, impacted relationships, and meant that victims would not have children to support them in their old age. Furthermore, it was not just a personal tragedy, but was detrimental to the entire community, as Romani traditions and the Romani language are passed on verbally from generation to generation. With forced sterilisation, cultural continuity and the survival of this already marginal group was severely threatened. See Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hertfordshire: The University of Hertfordshire Press, 2011), 60-62 and 141.

asocial criminals were expressed more openly and more vehemently than ever before.<sup>20</sup> Saul Friedländer argues that during the 1930s, the majority of Germans – although taking some pleasure in witnessing the degradation of Jews – did not advocate for the extreme implementation of anti-Jewish measures, such as the expulsion or physical annihilation of Jews.<sup>21</sup> However, in the case of the Romanies, public opinion was closely aligned with Nazi policy and demands for a radical solution or a final solution of the “Gypsy problem” came from all quarters of society.<sup>22</sup> Michael Stewart concurs with this assessment, positing that Nazi rule provided thousands of people – civil servants and ordinary citizens alike – to turn their private agendas against this socially isolated minority into state policy.<sup>23</sup> Therefore, both Lewy and Stewart maintain that the intensification of anti-Romani policy from the mid-1930s onwards – to which this thesis now turns – needs to be understood as largely a response to public opinion and pressure from below.<sup>24</sup>

### *Zigeunerlager*

From 1935, municipal governments and local welfare offices exerted pressure on German police to confine a growing number of German Romanies in municipal “Gypsy camps” (*Zigeunerlager*). Although there are limited references to *Zigeunerlager* in literature on the Holocaust, local case studies have emerged which shed more light on this aspect of the Romanies’ persecution.<sup>25</sup> These camps were in essence special internment camps that combined elements of protective custody concentrations camps and embryonic ghettos. They were created by municipal authorities with the aim of ridding their respective cities of unwanted Romanies, and held entire families, including women and children. They had no national legal basis such as executive decrees, and were operated as local authorities saw fit, as well as being funded by municipal authorities and local welfare offices.<sup>26</sup>

Once again, this was not a new concept, but had been suggested for years. First proposed in 1929, a camp for “Gypsies and asocial exhibitors” was established in Cologne in 1935, and by 1937 between 500 and 600 Romanies were forced to live in this camp under poor conditions. This camp served as a model for similar camps created in Düsseldorf, Frankfurt, Essen, Hamburg, Magdeburg, Stettin, Kiel, Freiburg im Breisgau, Fulda, Hannover and other German cities between 1933 and 1939.<sup>27</sup> The largest *Zigeunerlager* was that of Berlin-Marzahn, located on the site of an old sewage dump adjacent to a cemetery – which both violated Romani cultural taboos – with deplorable living and sanitary conditions. The creation of this camp was initiated

by the desire to make Berlin “Gypsy-free” in the runup to the 1936 Olympic Games, but would become a permanent site of incarceration for Romanies living and arriving in Berlin.<sup>28</sup>

The *Zigeunerlager* throughout Germany initially had varying degrees of security and control. They were guarded by either the SS, the gendarmerie, or city police, and in some Romanies had more freedom of movement than others. After World War II broke out however, the character of these camps changed, and they evolved from municipal internment camps to forced labour camps due to increased need for labour. They would later become assembly centres for the systematic deportation of Romanies to concentration camps, ghettos and killing centres.<sup>29</sup> It is also crucial to note that these *Zigeunerlager* enabled officials to subject Romanies to physical assessments, forced sterilisations, and racial and genealogical registration – which led to a loss of their German citizenship under the Nuremberg Laws.<sup>30</sup> The *Zigeunerlager* therefore have to be seen not only as local initiatives driven by racial prejudice, but also, as argued by Von dem Knesebeck, “an early onset of the gradual registration, physical control and elimination of ‘Gypsies’.”<sup>31</sup>

### The Racial Hygiene and Population Biology Research Unit

As the racial persecution against Romanies intensified – and especially after the Nuremberg Laws which used racial criteria were enacted – it became increasingly necessary to determine who counted as a “Gypsy” and how they would be racially distinguished from the rest of the population. As such, 1936 also saw the establishment of the Racial Hygiene and Population Biology Research Unit (*Rassenhygienische und Bevölkerungsbiologische Forschungsstelle* or RHF).<sup>32</sup> Headed by Dr Robert Ritter, the unit was tasked with registering “Gypsies, part-Gypsies and Gypsy-like itinerants” in Germany through systematic genealogical and genetic research, in order to provide the data necessary to formulate a national Reich “Gypsy” Law.<sup>xi</sup> Furthermore, Ritter and his associates also embarked on a systematic study of the “Gypsy problem” that aimed to illustrate that criminal and asocial behaviour was hereditary among

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<sup>xi</sup> To collect their data, investigators toured cities and the countryside, educational institutions, prisons, concentration camps and *Zigeunerlager*. They interrogated individuals about their family history, as well as taking blood samples, fingerprints, photographs and anthropometric measurements. Individuals who refused to cooperate were threatened with arrest and incarceration in concentration camps. Furthermore, the RHF were also able to draw on the files of the Central Office for Gypsy Affairs in Munich, which had been collecting information on Romanies since the Weimar Republic, as well as the Nazi Racial Policy Office which had begun to compile an “asocials catalog” in 1934. See Lewy, *The Nazi Persecution of the Gypsies*, 45; Milton, “Antechamber to Birkenau,” 389.

Romanies and that they were an inferior race.<sup>33</sup> By 1943, the RHF had catalogued between 20 000 and 30 000 individuals in Germany and occupied Austria.<sup>34</sup>

The RHF classified individuals by going back three generations – as compared to two for Jews – and dividing them into five categories. These ranged from Z (*Zigeuner*, denoting “pure Gypsy”) to NZ (*Nicht-Zigeuner* or “non-Gypsy”), with ZM+, ZM and ZM- in between (for *Zigeunermischling*, or “part-Gypsy”, with the plus and minus indicating whether Romani blood dominated or not). If two of a person’s eight great-grandparents were even part-Romani, they were classified as *Zigeunermischling* and thus a target for persecution. Criteria for classification as a Romani was thus twice as strict as those for Jews.<sup>35</sup> In January 1940, Ritter reported:

We have been able to establish that more than 90% of so-called native Gypsies are of mixed blood... Further results of our investigations have allowed us to characterize the Gypsies as being a people of entirely primitive ethnological origins, whose mental backwardness makes them incapable of real social adaptation... The Gypsy question can only be solved when the main body of asocial and good-for-nothing Gypsy individuals of mixed blood is collected together in large labour camps and kept working there, and when the further breeding of this population of mixed blood is stopped once and for all.<sup>36</sup>

With the RHF, we see how prejudice and subjective impressions were dressed up as “science”, which was then used as justification for the racial persecution of the Romanies. The collaboration of “racial scientists” and the security apparatus was in fact one of the defining features of the persecution of the Romanies.<sup>37</sup> As noted by Miriam Novitch: “The central role played by the German ‘scientists’ and ‘racial experts’ must be understood, because they were as responsible for the genocide of the Gypsies as were the members of the Einsatzgruppen who murdered them with bullets or the SS men in the death camps who murdered them with gas.”<sup>38</sup>

### Centralisation of Persecution: The Reich Criminal Police Office

As mentioned, the data collected by the RHF was to be used as a basis for a national Reich “Gypsy Law”. Although discussions around the creation of such a law continued into the late 1930s, it never materialised.<sup>xii</sup> Nevertheless, the racial persecution of the Romanies became

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<sup>xii</sup> Lewy argues that this is due in part to the Nazi regime’s desire to maintain their freedom of action, as a law would have defined what could or could not legally be done to the Romanies, thus constraining the actions of the regime to some degree. In the absence of a law, “anything that was not explicitly forbidden would be allowed.” See Lewy, *The Nazi Persecution of the Gypsies*, 87.

more centralised and a uniform national policy was to a large degree achieved after Hitler appointed Heinrich Himmler as head of the unified German police in June 1937.<sup>xiii</sup> The police force was restructured into the Order Police and the Security Police, which included the Gestapo and the newly renamed Reich Criminal Police Office (RKPA). According to RKPA chief Arthur Nebe, it was responsible for protecting the state from criminals as well as asocial individuals, while also preserving the purity of the German race.<sup>39</sup> The RKPA conveyed rules for enforcing anti-Romani policy – based on decrees issued by the Ministry of Interior, Himmler, or the RKPA itself and heavily influenced by the work of the RHF – to their subordinate local agencies. The authority of the police force, which had always been on the forefront of the persecution of Romanies, was henceforth consolidated and the Romanies' situation worsened even further in the ensuing years.<sup>40</sup>

### The Fundamental Decree Concerning the Preventative Combating of Crime by the Police

On 14 December 1937, the Ministry of Interior issued the Fundamental Decree Concerning the Preventative Combating of Crime by the Police.<sup>41</sup> This gave police the right to take certain individuals into preventative custody, including professional or habitual criminals, “common threats”, as well as those “who, without being professional and habitual criminals, endanger the general public by their asocial conduct.”<sup>42</sup> In April 1938, the RKPA issued implementing guidelines for this Decree that defined as asocial any person who was seen as unwilling to adapt to the life of the community, including beggars, prostitutes, alcoholics, the “work-shy” and “Gypsies”.<sup>xiv</sup> Thus the entire Romani population was posited as an example of asocial elements, putting them at even greater risk for persecution.<sup>43</sup>

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<sup>xiii</sup> This effectively combined the SS with the police force, giving Himmler control over the Third Reich's entire apparatus of repression. See Lewy, *The Nazi Persecution of the Gypsies*, 26-27.

<sup>xiv</sup> In the case of Romanies, self-employment (instead of working for wages) was seen as sufficient proof of asociality, as was the removal of permits for itinerant trade. Furthermore, Himmler confirmed in a circular that preventative custody was to be used primarily against asocials without a permanent address or stable source of income. Romanies had to sign a declaration that they understood that if they left their place of residence they would be sent to a concentration camp. See Donald Kenrick and Grattan Puxon, *Gypsies Under the Swastika* (Hertfordshire: University of Hertfordshire Press, 2009), 22; Lewy, *The Nazi Persecution of the Gypsies*, 26-35; Zimmermann, “The National Socialist ‘Solution of the Gypsy Question,’” 194.

The Decree mandated that preventative custody was to be served in concentration camps for an unlimited period of time. Consequently, there was a rise in the arrest of Romanies – both men and women – who were then deported to concentration camps<sup>xv</sup> such as Buchenwald, Dachau, Sachsenhausen, Lichtenburg, Mauthausen and Ravensbrück. The arrests even included individuals who were already detained in *Zigeunerlager*.<sup>44</sup> “Operation Work-Shy” especially targeted “vagrants, beggars, Gypsies and Gypsy-like itinerants if they have not demonstrated a readiness to take up regular employment or have a criminal record”<sup>45</sup> and resulted in the arrest of approximately 1000 Romanies between 13 and 18 June 1938.<sup>46</sup>

### The Decree for Combating the Gypsy Plague

With a draft circulating since March 1938, the Decree for Combating the Gypsy Plague was issued in the name of Himmler on 8 December 1938.<sup>47</sup> It called for “the solution of the Gypsy problem based on the inner characteristics of that race,”<sup>48</sup> which Lewy posits as the first time a decree directed at the Romanies made explicit reference to race.<sup>49</sup> According to Michael Zimmermann, this Decree “marked the definitive transition from a Gypsy policy aimed at the *removal* of ‘aliens to the community’ (*Gemeinschaftsfremde*) to a persecution *sui generis*.”<sup>50</sup> This is of course not to say that racial persecution of Romanies had not been present before this date, but that this decree served to formalise it. The implementing instructions issued in March 1939 further clarified the racial basis of the Decree: “The aim of the measures taken by the state must be the racial separation once and for all of the Gypsy race from the German nation, then the prevention of racial mixing and finally the regulation of the conditions of life of the racially pure Gypsies and the part-Gypsy.”<sup>51</sup>

Most notably, the Decree ordered that all sedentary and non-sedentary “Gypsies and Gypsy-like itinerants” above the age of six had to be registered with the Reich Central Agency for Combating the Gypsy Plague<sup>xvi</sup> and classified into three racial groups on the basis of expert opinion – namely the RHF. Romanies were also to be issued special colour-coded identity

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<sup>xv</sup> It should be noted that Romanies were already being deported to concentration camps before this, such as the case of 400 Bavarian Romanies who were arrested and deported to Dachau in July 1936. However, minimal attention has been paid to the subject of Romanies incarcerated in the different Nazi concentration camps, both before and during the war. See Milton, “Antechamber to Birkenau,” 392-393.

<sup>xvi</sup> In May 1938 Himmler ordered that the Munich Central Office for Gypsy Affairs be moved to Berlin and incorporated into the RKPA as the Reich Central Agency for Combating the Gypsy Plague. See Kenrick and Puxon, *Gypsies Under the Swastika*, 22-23; Von dem Knesebeck, *The Roma Struggle for Compensation*, 41; Zimmermann, “Central Decisions, Local Initiatives, and Their Interrelation,” 414-415.

cards. The police were also to determine whether affected persons qualified for preventative custody on the basis of asocial conduct.<sup>52</sup> On a bureaucratic level, the Decree abolished and overrode all existing state regulations concerning Romanies, and existing laws and police orders were to be aligned with the Decree. Furthermore, the Decree mandated that every police headquarters was to have a separate department for “Gypsy affairs”, with one or more persons specifically responsible for the “Gypsy question”.<sup>53</sup>

While the Decree included many provisions that were already in place, it solidified Himmler and the RKPA’s authority regarding the “solution of the Gypsy question” and made it clear that it was a programme of racial persecution. Furthermore, as a result of this Decree, the large-scale registration of Romanies – which had long been attempted – was achieved to a greater extent than ever before, creating an unparalleled database.<sup>54</sup> This registration of Romanies was of crucial importance to the Nazi regime as a foundation for their plans to “solve the Gypsy question”.<sup>55</sup> Once the numbers were known it would “become possible to adopt further measures [...] The Gypsy problem must be understood and solved on a national scale.”<sup>56</sup> With the issuing of this Decree and the runup towards it, the official rhetoric around the “Gypsy Question” also increasingly made use of the term “final solution”,<sup>xvii</sup> foreshadowing the eventual fate of the Romanies.<sup>57</sup> As such, Hancock contends that “final resolution, as formulated by Himmler in that *Decree for Basic Regulations to Resolve the Gypsy Question as Required by the Nature of Race* meant that preparations were to begin for the complete extermination of the Sinti and Roma throughout Nazi-occupied Europe.”<sup>58</sup> The significance of this Decree in terms of the genocide of the Romanies should thus not be overlooked.

## Mass Deportation

As has been shown, by the end of 1930s the Nazi regime’s approach towards the Romanies had hardened, both as a response to public opinion and as a result of Himmler, the RKPA and the RHF’s obsession with “solving the Gypsy question”. Sybil Milton argues that “in 1938 and 1939, the Nazi ideological obsession with Gypsies became almost as strident and aggressive

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<sup>xvii</sup> The first use of the term “solution” with regards to Romanies in an official document, is suggested to have been a March 1936 memorandum regarding the preparation of a national Reich Gypsy Law. The memorandum noted the difficulties of achieving “a total solution to the Gypsy problem on a national or international level.” See Ian Hancock, “1938” (paper presented at International Seminar on Applying the Lessons of the Holocaust: 1938-2008, *Kristallnacht* Seventy Years Later, Paris, November 18, 2008), 25, <https://www.natt.org.uk/grthm/bigger-picture-holocaustlessons.php>; Milton, “Antechamber to Birkenau,” 392.

as the campaign against Jews.”<sup>59</sup> As radical as the treatment of Jews and Romanies up until this point had been, it still did not fulfil the aims of the Nazi regime, for whom exclusion was only the first step to the “final solution” of making Germany free of Jews and Romanies.<sup>60</sup>

On 21 September 1939 Reinhard Heydrich, head of the Security Police and Himmler’s right-hand man, organised a conference on racial policy. Under discussion was the deportation by rail of Jews and the remaining Romanies in Greater Germany (including recently annexed areas) to the part of Poland later known as the General Government.<sup>61</sup> In preparation for the deportation Heydrich issued the Compulsory Settlement Decree on 17 October 1939, which forbade Romanies not already in camps from leaving their place of residence and put a freeze on their mobility. Non-compliance would be punished with incarceration in a concentration camp. Furthermore, from 25 to 27 October, “Gypsies and *Zigeunermischlinge*” were to be counted by local police authorities.<sup>xviii</sup> The RKPA<sup>xix</sup> would then issue the necessary arrest orders and those apprehended were to be kept in special collection camps until their final deportation.<sup>62</sup>

A first attempt, in October 1939, to deport Berlin Romanies to Poland failed due to the collapse of the Nisko deportation scheme.<sup>xx</sup> However, the freeze on mobility was not lifted and on 27 April 1940 Heydrich announced that the first deportation of 2 500 Romanies to the General Government would occur by mid-May.<sup>63</sup> The RKPA exceeded its quota and a total of 2 800 Romanies were deported to the General Government commencing in late May 1940. Their destinations varied – one transport stopped in the middle of the countryside and the Romanies were left there to fend for themselves, some were sent to ghettos, others to camps, and the majority were concentrated into forced labour columns in the General Government and worked to death. Many tried to return to Germany and were sent to concentration camps if they were caught. An estimate of the death rate among the Romanies deported is only available for

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<sup>xviii</sup> This process was greatly facilitated by the data collected several months earlier under the 1938 Combating the Gypsy Plague Decree.

<sup>xix</sup> On 27 September 1939, the Security Police and the SD were combined under Heydrich into the Reich Main Security Office (RSHA), with the RKPA now constituting Office V of the RSHA. Where the RKPA had initially been concerned with “combating the Gypsy plague” internally, with the onset of the war they also became fervently involved with the deportation of Romanies to camps and ghettos outside of Germany. See Lewy, *The Nazi Persecution of the Gypsies*, 27; Von dem Knesebeck, *The Roma Struggle for Compensation*, 42; Zimmermann, “The National Socialist ‘Solution of the Gypsy Question,’” 194-195.

<sup>xx</sup> For more information on this, see Lewy, *The Nazi Persecution of the Gypsies* 68-69; Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: University of North Carolina Press, 1995), 261.

Hamburg, according to which 80% of deportees died – a chilling indication of the possible fate suffered by the rest.<sup>64</sup> The deportation of May 1940 was the first instalment in a scheme to deport the total estimated 30 000 Romanies in Greater Germany within one year. However, further deportations planned by the RKPA for 1940 – and lobbied for by local administrations and grassroots groups – were not carried out for a number of reasons.<sup>xxi</sup> Deportation would only resume after the invasion of the USSR in June 1941. By then, the war had made mass expulsion less feasible, and the Nazi regime moved to a more radical stage of the final solution of both the Jewish and the “Gypsy” question.<sup>65</sup>

### The Auschwitz Decree

Already in 1940, certain Nazi officials regarded mass expulsion as simply a geographical change and not the proper solution for the “Gypsy question”. More drastic measures were proposed, such as this 1939 statement by Dr Johannes Behrendt of the RHF: “All Gypsies should be treated as hereditarily sick; the only solution is elimination. The aim should be the elimination without hesitation of this defective population.”<sup>66</sup> This genocidal rhetoric was further emphasised by Joseph Goebbels’ assertion in 1942 that “Jews and Gypsies should be exterminated unconditionally.”<sup>67</sup> The calls for physical extermination as a final solution – that had circulated and heightened since the end of the 1930s<sup>xxii</sup> – were answered when Himmler signed the infamous Auschwitz Decree on 16 December 1942, whereby the remaining Romanies in Germany were to be dispatched to Auschwitz-Birkenau.<sup>68</sup> According to Erika Thurner, this Decree “can be seen as the final stage of the final solution of the Gypsy Question. The decree served as the basis for their complete extermination [...] The concentration camp for Gypsy families at Auschwitz-Birkenau was foreseen as their final destination.”<sup>69</sup>

On 15 January 1943 a meeting took place between representatives of the RKPA, RHF, RSHA, SD, and Race and Settlement Main Office to discuss this Decree. Although minimal attention has been paid to this meeting, it was recently argued by Karola Fings to be reminiscent of the

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<sup>xxi</sup> This included the administration of the General Government opposing the enforced presence of Jews and Romanies in their area as an untenable situation in the long run, the fact that transport was needed for the war effort, the argument that the classification of Romanies was not yet complete, and the fact that the deportation of Jews was prioritised to make their lodgings available to ethnic Germans returning from the Baltic states. See Friedlander, *The Origins of Nazi Genocide*, 262; Kenrick and Puxon, *Gypsies Under the Swastika*, 29; Lewy, *The Nazi Persecution of the Gypsies*, 76-77; Zimmermann, “Central Decisions, Local Initiatives, and Their Interrelation,” 416-417

<sup>xxii</sup> In addition to the examples already mentioned, it should also be noted that a 1937 SS memo recommended the mass drowning of Romanies by towing them out to sea and sinking the boats. See Hancock, “1938,” 25.

Wannsee conference where the practical implementation of the “Final Solution of the Jewish Question” was discussed.<sup>70</sup> Subsequently, on 29 January 1943, the RKPA sent out instructions for implementing the 1942 Auschwitz Decree. “Mixed-blood Gypsies, Rom-Gypsies, and Gypsies of Balkan blood origin” were to be deported to Auschwitz-Birkenau. This applied to entire families regardless of the degree of mixed blood.<sup>71</sup> The instructions also exempted certain persons from deportation.<sup>xxiii</sup> These exemptions have especially received focus in Holocaust literature – by authors such as Bauer, Mais and Lewy – as proof that the Nazi regime did not plan to exterminate the Romanies as part of a programme of racial persecution.<sup>72</sup> However, Kenrick and Puxon state that “these exemptions compare with similar arrangements for Jews.”<sup>73</sup> Crucially, authors such as Fings, Fisher, Fraser, Friedlander and Zimmermann also illustrate that while exemptions applied in theory, in practice they were frequently disregarded by prejudiced officials.<sup>74</sup> To quote Friedlander: “In the end, the drive to exterminate triumphed.”<sup>75</sup> In addition, Fings highlights that Romanies who were not deported to Auschwitz-Birkenau were still subject to persecution and the ever-present threat of deportation. Of further significance, is that they had to submit to sterilisation as a prerequisite for exemption, ensuring the disappearance of this group within one generation. It was thus simply extermination postponed.<sup>76</sup> For the majority of those deported to Auschwitz, their racial persecution at the hands of the Nazi regime culminated in their deaths.

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<sup>xxiii</sup> The following persons were to be exempted: (1) racially pure Sinti and Lalleri Gypsies; (2) Gypsy Mischlinge who are good Mischlinge in the Gypsy sense and (...) are added to individual racially pure Sinti Gypsy clans and to Lalleri Gypsy clans deemed to be racially pure; (3) Gypsy-like persons who are married to persons of German blood; (4) socially integrated Gypsy-like persons who already had stable employment and a fixed residence before the general registration of the Gypsies; (5) Gypsy-like persons who are exempted from the regulations applying to Gypsies by order of the Reich Criminal Police Department; (6) Gypsy-like persons who are still in military service or were discharged from military service during the current war after being injured or decorated; (7) Gypsy-like persons whose removal from work deployment is declined by the relevant Armament Inspectorate or by the Labor Office because of the importance of this work to the war effort; (8) spouses and the dependent children of the Gypsy-like persons listed above under 3-7; (9) Gypsy-like persons whose placement in the Gypsy camp is to be suspended for the time being for special reasons, in the opinion of the relevant Kripo district office; and (10) Gypsy-like persons who can prove possession of foreign citizenship. See Karola Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies? New Research Findings Regarding 15 January 1943 and the Auschwitz Decree,” *Dapim: Studies on the Holocaust* 27, no. 3 (2013): 181, <https://doi.org/10.1080/23256249.2013.852766>.

## Suffering Continued: Romanies in German Concentration Camps

An understanding of the Romanies' suffering will not be complete without a discussion of their fate in German concentration camps. By no means a novel creation, concentration camps would become synonymous with the Nazi regime.<sup>77</sup> Under the control of Himmler and the SS, the camps targeted various victim groups and had multiple purposes that constantly evolved and overlapped.<sup>78</sup> As noted by Wolfgang Sofsky: "The camps changed from a locus of political repression into an instrument of racial-ethnic social policy, a dumping ground to which the SS dragged anyone it considered noxious or superfluous."<sup>79</sup>

Death was an element of the camps from the start. Systematic mistreatment, torture, malnutrition, overcrowding, diseases and abysmal medical care were widespread in the camps, and conditions only worsened from year to year. Camp inmates were also subjected to forced labour,<sup>xxiv</sup> medical experiments and murder.<sup>80</sup> As the Nazi regime adopted a policy of mass annihilation from 1941, gas chambers, shootings and lethal injections became some of the common methods employed at concentration camps,<sup>81</sup> while extermination camps<sup>xxv</sup> were constructed for the specific purpose of mass murder.<sup>82</sup> Sofsky estimates that two-thirds of concentration camp inmates<sup>xxvi</sup> did not survive.<sup>83</sup>

Romanies were imprisoned in virtually all the concentration camps established by Germany across Europe.<sup>84</sup> As inmates, they were exposed to all the abhorrent conditions in the camps that were mentioned above. Exacerbating their circumstances, was their position in the camp hierarchy. "Asocials", under which the Romanies were usually classified,<sup>xxvii</sup> stood near the

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<sup>xxiv</sup> Forced labour became a crucial component of the camps. The motives behind it was plentiful. It was seen as a useful way of occupying prisoners, driving down the costs of the camps by having prisoners perform the labour, as well as a tool for reforming prisoners. From the late 1930s, camp inmates were increasingly seen as a renewable labour source that could be used to strengthen Germany's economy and contribute to the war effort. In the Nazi regime's policy of mass murder, extermination by work also featured largely. One of the key aims of forced labour throughout however, was to humiliate and harm camp inmates. See Nikolaus Wachsmann, *KL: A History of the Nazi Concentration Camps* (London: Little, Brown, 2015), 157-168 and 418-419.

<sup>xxv</sup> Except for Auschwitz-Birkenau and Majdanek, which were hybrids between an extermination camp and a concentration/labour camp, the extermination camps of Chelmno, Sobibor, Treblinka and Belzec operated separately from the concentration camp system and are not seen as concentration camps, but as killing centres. See Wachsmann, *KL: A History of the Nazi Concentration Camps*, 292-294.

<sup>xxvi</sup> This number excludes the deaths in the extermination camps of Auschwitz-Birkenau, Chelmno, Sobibor, Treblinka and Belzec. See Wolfgang Sofsky, *The Order of Terror: The Concentration Camp* (Princeton: Princeton University Press, 2013), 43.

<sup>xxvii</sup> In the camp classification system, Romanies sometimes wore a brown triangle, but they were mostly required to wear the black triangle designating "Asocials". See Lewy, *The Nazi Persecution of the Gypsies*, 172; Sofsky, *The Order of Terror*, 118.

bottom of the hierarchy. As a result, they faced contempt from fellow prisoners, were unlikely to gain influential positions as Kapos<sup>xxviii</sup> and the resultant benefits, endured particularly terrible living conditions, and were subjected to extreme violence by the SS who dismissed them as parasites.<sup>85</sup> Worsening their situation, was the predominant role that racial criteria also played in the camp hierarchy. Along with Slavic inmates and Jews, Romanies were classified as sub-human and targeted by prejudiced SS guards because of so-called “genetic inferiority”.<sup>86</sup> In addition, Romanies were often singled out to be the victims of medical experiments carried out in the camps.<sup>xxix</sup>

The discussion would be incomplete without a focus on Auschwitz-Birkenau, which was the final destination for many Romanies from Germany. Already on 26 September 1942, three months before the Auschwitz Decree, 200 Romanies were transferred from Buchenwald to Auschwitz-Birkenau to construct what would become known as the “Gypsy camp” (officially BIIE).<sup>87</sup> The first large transport of German Romanies arrived at Auschwitz-Birkenau on 26 February 1943. Over the following months, it is estimated that up to 14 000 Romanies from Greater Germany (including Austria) were deported to Auschwitz-Birkenau. The arriving Romanies were not subjected to selection upon arrival but were sent directly to BIIE.<sup>88</sup> The conditions in BIIE were atrocious and marked by overcrowding, undernourishment, abuse and a lack of sanitation. As a result, disease was soon widespread and with almost no medical care the numbers of dead and dying increased each day. Romanies were once again targeted for medical experiments and<sup>xxx</sup> sick inmates were sent to the gas chambers to stop the spread of epidemics such as typhus.<sup>89</sup>

Much has been written about the fact that BIIE was a family camp where Romani families were allowed to live together. Arguments by authors like Lagnado and Dekel, as well as Lewy,

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<sup>xxviii</sup> Kapos was the term for concentration camp inmates who were put in control over other inmates and fulfilled some functions of the SS. See Wachsmann, *KL: A History of the Nazi Concentration Camps*, 122-124.

<sup>xxix</sup> For example, in Dachau they were used as human guinea pigs to test the potability of seawater, as well as in experiments with malaria. In Buchenwald, a new anti-typhus vaccine was tested exclusively on Romanies. Romani women, men and children were the victims of sterilisation experiments in Ravensbrück, most of which were performed without anaesthesia. In Sachsenhausen, serological studies were conducted on Romanies with the stated aim of gaining insight into racial differences. See Lewy, *The Nazi Persecution of the Gypsies*, 172-179.

<sup>xxx</sup> Dr Mengele, who was appointed as the chief physician of BIIE, is notorious for his experiments on identical twin children, which also involved killing the children to perform autopsies on them. An estimated 20 pairs of Romani twins, if not more, fell victim to his experiments. Furthermore, Romani women were subjected to the sterilisation experiments conducted by Dr Clauberger, where corrosive liquid was injected into their uteruses without anaesthesia. See Karl Bonhoeffer, "The Fate of the Gypsies at Auschwitz Birkenau," *Medicine and Global Survival* 2, no. 2 (1995): 95, <https://www.ipnw.org/pdf/mgs/2-2-bonhoeffer.pdf>; Lewy, *The Nazi Persecution of the Gypsies*, 158-162; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 436-438.

suggesting that this was an indication that Romani inmates were treated more humanely and were privileged above other inmates,<sup>90</sup> have however been challenged. Hancock, along with Zimmermann, argues that rather than being a humanitarian motive, family camps were created because the Nazi regime had previous experience of Romanies becoming completely unmanageable when separated from their family.<sup>91</sup> Furthermore, Romani survivors have noted how the overcrowded family camp and their treatment in Auschwitz-Birkenau violated Romani customs.<sup>xxx1</sup> This in turn eroded the basis of authority and respect upon which Romani daily life and the family structure is built. Being forced to live together during this humiliating time was especially degrading to the Romanies, and survivors have expressed the belief that this was deliberately planned by the Nazi authorities.<sup>92</sup>

The conclusion of the Romanies' plight in Auschwitz-Birkenau would come in 1944. Between April and July, around 3 500 Romani inmates were deported to concentration camps in Germany. Most of these were men selected for slave labour.<sup>93</sup> On 16 May 1944, there was an attempt to liquidate BIIe, which involved murdering the remaining 6000 Romanies. However, the Romani inmates resisted – arming themselves with whatever implements they could – and the liquidation was postponed.<sup>94</sup> However, less than three months later, BIIe was liquidated in order to make space for the transports of Hungarian Jews. On 2 August 1944, the approximately 2 900 Romanies who still remained – mostly women, children and sick or elderly men – were sent to their deaths in the gas chambers.<sup>95</sup>

It has been argued by authors such as Lewy, Wachsmann and Bauer that when the Romanies were transported to Auschwitz-Birkenau in 1943, no decision had yet been made regarding their fate and that the deportation was not part of a plan to exterminate them. The fact that they were not immediately murdered is posited as further evidence.<sup>96</sup> Furthermore, the fact that they were murdered in gas chambers is portrayed as a response to the need for space and a method for controlling epidemics.<sup>97</sup> However, Zimmermann counters this by arguing: “This was a death sentence – although one that was not proclaimed as such and which thus allowed those responsible to suggest that they were not accountable for the Gypsies' predictable deaths.”<sup>98</sup> In the end, the Nazi regime's “final solution of the Gypsy question” involved murdering the Romanies with gas and incarcerating them in life-threatening conditions.

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<sup>xxx1</sup> For example, there is a strong separation between male and female spheres, especially when a woman is pregnant or menstruating. Similarly, the naked body is seen as shameful, and nudity in front of the other sex is especially taboo. For a more detailed account, see Von dem Knesebeck, *The Roma Struggle for Compensation*, 57-60.

Overall, an estimated 23 000 Romanies were incarcerated in Auschwitz-Birkenau, of which almost two-thirds were from Greater Germany. Of these, approximately 20 000 died: 32 were shot trying to escape, 13 600 fell victim to the appalling conditions in the camp and between 5 600 and 6 500 were murdered in the gas chambers.<sup>xxxii</sup> As such, at least 85% of the Romanies deported to Auschwitz-Birkenau perished there, illustrating that it was indeed a death sentence.<sup>99</sup> The small number that survived Auschwitz also did not necessarily escape death. Many of them died doing forced labour, in death marches, in other concentration camps, and in the Dirlewanger Unit<sup>xxxiii</sup> on the front lines of the war.<sup>100</sup> As can be seen from this section, the German Romanies' deportation to German concentration camps resulted in even more suffering, while for many it led to their deaths. The camps thus have to be seen as a central component of their plight at the hands of the Nazi regime.

## Conclusion

This chapter provided a broad overview of the plight of the Romanies in Germany at the hands of the Nazi regime from 1933 until 1944. Built on the foundation provided by centuries of anti-Romani prejudice and oppression, and encouraged by public opinion and local authorities, the Nazi regime's approach towards Romanies evolved from harassment and exclusion, to forced sterilisation, incarceration, expulsion and mass murder. By the time the Third Reich was defeated, around 75% of Romanies in Germany<sup>xxxiv</sup> had perished as a result of this persecution.<sup>101</sup> However, to create a true understanding of this suffering, it needs to be situated within the framework of racial persecution, genocide and the Holocaust.

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<sup>xxxii</sup> As is the case with most data concerning the Romanies' persecution during the Holocaust, sources differ on the exact numbers and the data is incomplete.

<sup>xxxiii</sup> The SS Sonderkommando Dirlewanger, also called a suicide troop, was a special military unit that consisted of conscripted and volunteer concentration camp inmates. They were used to fight in the most dangerous places on the front line against the Red Army. See Lewy, *The Nazi Persecution of the Gypsies*, 179-180.

<sup>xxxiv</sup> As noted before, total Romani deaths under the Nazi regime are difficult to accurately calculate. Available sources indicate between 21 500 and 25 000 Romanies in the German Reich perished. Some sources include Austria, while others do not. See Konnilyn Feig, "Non-Jewish Victims in the Concentration Camps," in *A Mosaic of Victims*, ed. Michael Berenbaum (New York: New York University Press, 1990), 168; Lewy, *The Nazi Persecution of the Gypsies*, 221-222; Brenda Davis Lutz and James M. Lutz, "Gypsies as Victims of the Holocaust," *Holocaust and Genocide Studies* 9, no. 3 (1995): 349, <https://heinonline.org/HOL/P?h=hein.journals/holgen9&i=352>.

There have long been debates regarding whether or not the Romanies were racially persecuted by the Nazi regime. Bauer, Katz and Lewy all argue to varying degrees that “asociality” rather than race was the decisive factor in their persecution.<sup>102</sup> This focus on the asocial label ascribed to Romanies by the Nazi regime disturbingly seems to accept the Nazi regime’s classification of Romanies. Furthermore, it ignores the fact highlighted by Julia von dem Knesebeck that “indiscriminate ascription of characteristics such as criminality and ‘asociality’ to an ethnic group was a form of racial persecution in itself.”<sup>103</sup>

In order to recognise the Romanies’ suffering as racial persecution, Von dem Knesebeck further notes that it is important to understand Hitler and the Nazi regime’s interpretation of race. It was not confined to its scientific meaning but was rather used as a tool against anybody who was “different” and threatened their vision of an “ideal nation” – whether on the basis of ethnicity, religion or even illness.<sup>104</sup> Furthermore, Wolfgang Wipperman outlines the two variants of racism in National Socialist Germany, which both victimised Romanies. Ethnic (racial-biological) racism targeted Romanies as a foreign race. On the other hand, with social (racial-hygienic) racism, social prejudices developed into racial pseudo-science. Consequently, attributes such as criminal and asocial were posited as hereditary traits, and social discrimination thus transformed into racial discrimination.<sup>105</sup>

Of interest next, is categorising their suffering as genocide. Katz claims that “in the end, it was only Jews and the Jews alone who were the victims of a total genocidal onslaught in both intent and practice at the hands of the Nazi murderers.”<sup>106</sup> Lewy, along with Bauer and Katz, argues that there was no clear intent on the part of the Nazi regime to annihilate the Romani people, and thus it was not a genocide. He claims that only their forced sterilisation can be considered acts of genocide,<sup>107</sup> thus contradicting himself by showing that there was indeed intent to eradicate the Romani people. It also raises the question of how many “acts of genocide” a group has to suffer before being classified as victims of genocide? Nevertheless, this chapter has comprehensively illustrated that the Nazi regime saw the Romanies as a racial threat to their “ideal society” that had to be removed, and used progressively more radical “solutions” to achieve this. As argued by Huttenbach:

In retrospect, the central ingredients for a formula of genocide, for the complete extermination of the Gypsies, were all in place: an ideology which deprived them of the basic right to life; a process of law by edict, which subjected them to totalitarian rule; a hypothetical plan to deport them abroad, and a more concrete one to isolate them from the citizenry by segregating them in prison-like compounds, deprived of all civil rights; and a technology of physical mutilation that would deny them progeny and a link with the biological future, by literally destroying the unconceived next generation. Thus, a skeletal blueprint for the genocide of Gypsies by the racial architects.<sup>108</sup>

Townsend notes that “genocide is both an emotive and contested concept” with scholars continuously proposing their own definitions. The 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide has however become the authoritative definition of genocide.<sup>109</sup> According to the Convention:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another.<sup>110</sup>

It is clear that the Nazi persecution of the Romanies included the actions described in (a), (b), (c) and (d) and thus constitutes genocide according to the Convention. Furthermore, authors such as Hancock, Friedlander, Milton, Tyrnauer and Zimmermann unequivocally agree with the classification of Romanies as victims of genocide.<sup>111</sup> Finally, in 1997 Bundestag President Roman Herzog asserted:

The genocide against the Roma and Sinti was carried out with the same motive of racial madness, the same intention and the same will of deliberate and final destruction, as that against the Jews. Throughout the entire area under National Socialist influence they were systematically murdered, family-by-family, from small children to the elderly.<sup>112</sup>

This comparison with the fate of the Jewish nation under the Nazi regime has been a subject of heated contestation.<sup>113</sup> Central to the debate are not only the issues of racial persecution and genocide discussed above, but also disagreements regarding the definition of the Holocaust. While Lewy and Katz define it as the mass murder of Jews exclusively,<sup>114</sup> Milton argues that:

Nazi genocide, popularly known as the Holocaust, can be defined as the mass murder of human beings because they belonged to a biologically defined group. Heredity determined the selection of the victims. The Nazi regime applied a consistent and inclusive policy of extermination - based on heredity – only against three groups of human beings: the handicapped, Jews, and Gypsies [...] Members of these groups could not escape their fate by changing their behaviour or belief. They were selected because

they existed, and neither loyalty to the German state, adherence to fascist ideology, nor contribution to the war effort could alter the determination of the Nazi regime to exterminate them.<sup>115</sup>

The debate regarding the definition of the Holocaust is ongoing, often resulting in a distinction being made between the Jewish holocaust or *Shoah* (catastrophe in Hebrew) and Romani holocaust or *O (Baro) Porrajmos* (The [Great] Devouring in Romani).<sup>116</sup> This distinction can serve two functions depending on the author and the reader. It can further entrench the separation of the Romanies' persecution from the Holocaust as a whole. Alternatively, it is also an act of agency on the part of the Romanies that recognise that their suffering is not simply a footnote but constitutes a significant event on its own. As emphasised by Hancock: "To name something is to own it, and for too long Roma have been otherized as a corollary to the Jewish Holocaust. The word has given an identity and a name for the most tragic event in Romani history, and moves it from the collective into the particular."<sup>117</sup>

Although respectful of Romanies' right to name their own suffering, this thesis uses the term Holocaust for a variety of reasons. First, because it agrees with Milton's definition and regards Romanies as victims of the Holocaust, along with authors such as Benno Müller-Hill, Henry Friedlander and Robert Proctor.<sup>118</sup> Second, because the term Holocaust remains dominant in the literature on National Socialism and this thesis hopes to contribute to this literature. Most importantly, however, this thesis aims to highlight the Romanies' marginalisation as victims of the Holocaust. In order to do so, it thus needs to situate their suffering firmly within the framework of the Holocaust.

In conclusion, the society envisioned by the Nazi regime had no place for a minority who they classified not only as an "inferior race", but also portrayed as carrying the genes for criminality and asociality in their "alien blood". The "Gypsy question" – which had always been a racial question – was met by demands for a "Final Solution". The Nazi regime's programme of racial persecution turned to genocide, resulting in the Romanies becoming victims of the Holocaust.

## Notes

<sup>1</sup> Adolf Würth of the RHF, 1938, cited in Ian Hancock, "1938" (paper presented at International Seminar on Applying the Lessons of the Holocaust: 1938-2008, *Kristallnacht* Seventy Years Later, Paris, November 18, 2008), 4, <https://www.natt.org.uk/grthm/bigger-picture-holocaustlessons.php>.

<sup>2</sup> Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford University Press, 2000), 15; Sybil Milton, "Holocaust: The Gypsies," in *Century of Genocide: Critical Essays and Eyewitness Accounts*, eds. Samuel Totten, William Parsons and Israel W. Charny (New York: Routledge, 2004), 161.

<sup>3</sup> Lewy, *The Nazi Persecution of the Gypsies*, 15.

<sup>4</sup> Barry A. Fisher, "No roads lead to Rom: the fate of the Romani people under the Nazis and in post-war restitution," *Whittier Law Review* 20 (1998): 519-520, <https://heinonline.org/HOL/P?h=hein.journals/whitlr20&i=523>; Angus Fraser, *The Gypsies* (Oxford: Blackwell Publishers, 1992), 257; Lewy, *The Nazi Persecution of the Gypsies*, 17; C. R. Sridhar, "Historical Amnesia: The Romani Holocaust," *Economic and Political Weekly* 41, no. 33 (2006): 3569, <http://www.jstor.org/stable/4418585>; Gabrielle Tyrnauer, "The Fate of the Gypsies in the Holocaust," in *The Widening Circle of Genocide*, ed. Israel W. Charney (New Brunswick: Transaction Publishers, 1994), 226.

<sup>5</sup> Lewy, *The Nazi Persecution of the Gypsies*, 9-17; Sybil Milton, "Antechamber to Birkenau: The Zigeunerlager after 1933," in *The Holocaust and History: The Known, the Unknown, the Disputed and the Reexamined*, eds. Michael Berenbaum and Abraham J. Peck (Indianapolis: Indiana University Press, 1998), 387-389.

<sup>6</sup> Riccardo Armillei, Nikki Marczak and Panayiotis Diamadis, "Forgotten and Concealed: The Emblematic Cases of the Assyrian and Romani Genocides," *Genocide Studies and Prevention: An International Journal* 10, no. 2 (2016): 106, <http://dx.doi.org/10.5038/1911-9933.10.2.1404>; Fisher, "No roads lead to Rom," 521; Lewy, *The Nazi Persecution of the Gypsies*, 38-39; Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge: Harvard University Press, 1988), 96; Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hertfordshire: The University of Hertfordshire Press, 2011), 29.

<sup>7</sup> Lewy, *The Nazi Persecution of the Gypsies*, 39-40; Proctor, *Medicine under the Nazis*, 106-109; Von dem Knesebeck, *The Roma Struggle for Compensation*, 36.

<sup>8</sup> Fisher, "No roads lead to Rom," 521; Lewy, *The Nazi Persecution of the Gypsies*, 39-41; Von dem Knesebeck, *The Roma Struggle for Compensation*, 36-37.

<sup>9</sup> Lewy, *The Nazi Persecution of the Gypsies*, 41; Proctor, *Medicine under the Nazis*, 107

<sup>10</sup> Proctor, *Medicine under the Nazis*, 107. Original emphasis.

<sup>11</sup> Lewy, *The Nazi Persecution of the Gypsies*, 41; Michael Zimmermann, "The National Socialist 'Solution of the Gypsy Question': Central Decisions, Local Initiatives, and Their Interrelation," *Holocaust and Genocide Studies* 15, no. 3 (2001): 421, <https://doi.org/10.1093/hgs/15.3.412>.

<sup>12</sup> Lewy, *The Nazi Persecution of the Gypsies*, 41; Von dem Knesebeck, *The Roma Struggle for Compensation*, 36-37.

<sup>13</sup> Gisela Bock, *Zwangssterilisation im Nationalsozialismus*, 8, cited in Von dem Knesebeck, *The Roma Struggle for Compensation*, 36.

<sup>14</sup> Karola Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies? New Research Findings Regarding 15 January 1943 and the Auschwitz Decree," *Dapim: Studies on the Holocaust* 27, no. 3 (2013): 174, <https://doi.org/10.1080/23256249.2013.852766>; Lewy, *The Nazi Persecution of the Gypsies*, 41; Von dem Knesebeck, *The Roma Struggle for Compensation*, 36-37.

<sup>15</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 190; Michael Stewart, "The Other Genocide," in *Multi-Disciplinary Approaches to Romany Studies: Selected Papers from Participants of Central European University's Summer Courses 2007-2009*, eds. Michael Stewart and Márton Rövid (Budapest: Central European University Press, 2010), 173; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 421.

<sup>16</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 133.

<sup>17</sup> W. Stuckart and H. Globke, *Kommentare zur deutschen Rassengesetzgebung* (C. H. Beck, München, 1936), 55-56, cited in Von dem Knesebeck, *The Roma Struggle for Compensation*, 37.

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- <sup>18</sup> Fisher, "No roads lead to Rom," 521; Lewy, *The Nazi Persecution of the Gypsies*, 42-43; Milton, "Antechamber to Birkenau," 389; Von dem Knesebeck, *The Roma Struggle for Compensation*, 37; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>19</sup> Lewy, *The Nazi Persecution of the Gypsies*, 42-43; Milton, "Antechamber to Birkenau," 389.
- <sup>20</sup> Lewy, *The Nazi Persecution of the Gypsies*, 49; Stewart, "The Other Genocide," 187-188.
- <sup>21</sup> Saul Friedländer, *Nazi Germany and the Jews*, 324, cited in Lewy, *The Nazi Persecution of the Gypsies*, 49.
- <sup>22</sup> Lewy, *The Nazi Persecution of the Gypsies*, 49-52.
- <sup>23</sup> Stewart, "The Other Genocide," 187.
- <sup>24</sup> Lewy, *The Nazi Persecution of the Gypsies*, 49; Stewart, "The Other Genocide," 187-188.
- <sup>25</sup> Milton, "Antechamber to Birkenau," 391; Sybil Milton, "Gypsies and the Holocaust," *The History Teacher* 24, no. 4 (1991): 378. <https://www.jstor.org/stable/494697>.
- <sup>26</sup> Lewy, *The Nazi Persecution of the Gypsies*, 20-21; Milton, "Antechamber to Birkenau," 391; Stewart, "The Other Genocide," 188-189; Von dem Knesebeck, *The Roma Struggle for Compensation*, 39.
- <sup>27</sup> Fisher, "No roads lead to Rom," 521; Lewy, *The Nazi Persecution of the Gypsies*, 20-22; Milton, "Antechamber to Birkenau," 391-392; Von dem Knesebeck, *The Roma Struggle for Compensation*, 39-40.
- <sup>28</sup> Lewy, *The Nazi Persecution of the Gypsies*, 22; Von dem Knesebeck, *The Roma Struggle for Compensation*, 39.
- <sup>29</sup> Lewy, *The Nazi Persecution of the Gypsies*, 23; Milton, "Antechamber to Birkenau," 391; Von dem Knesebeck, *The Roma Struggle for Compensation*, 39.
- <sup>30</sup> Milton, "Antechamber to Birkenau," 391; Stewart, "The Other Genocide," 188; Von dem Knesebeck, *The Roma Struggle for Compensation*, 39.
- <sup>31</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 39.
- <sup>32</sup> Fraser, *The Gypsies*, 258; Lewy, *The Nazi Persecution of the Gypsies*, 43; Milton, "Holocaust: The Gypsies," 164.
- <sup>33</sup> Fraser, *The Gypsies*, 258; Lewy, *The Nazi Persecution of the Gypsies*, 43-47; Milton, "Antechamber to Birkenau," 389-399; Milton, "Holocaust: The Gypsies," 164; Tyrnauer, "The Fate of the Gypsies," 228.
- <sup>34</sup> Lewy, *The Nazi Persecution of the Gypsies*, 45; Milton, "Antechamber to Birkenau," 389-390; Tyrnauer, "The Fate of the Gypsies," 228; Von dem Knesebeck, *The Roma Struggle for Compensation*, 41.
- <sup>35</sup> Fraser, *The Gypsies*, 260; Lewy, *The Nazi Persecution of the Gypsies*, 44; Sridhar, "Historical Amnesia," 3570.
- <sup>36</sup> Ritter, 1940, cited in Fraser, *The Gypsies*, 259-260.
- <sup>37</sup> Fraser, *The Gypsies*, 261; Lewy, *The Nazi Persecution of the Gypsies*, 49; Milton, "Holocaust: The Gypsies," 165; Tyrnauer, "The Fate of the Gypsies," 228; Von dem Knesebeck, *The Roma Struggle for Compensation*, 40.
- <sup>38</sup> Miriam Novitch, 1981, cited in Tyrnauer, "The Fate of the Gypsies," 228.
- <sup>39</sup> Lewy, *The Nazi Persecution of the Gypsies*, 86-87; Milton, "Antechamber to Birkenau," 392; Von dem Knesebeck, *The Roma Struggle for Compensation*, 41; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>40</sup> Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: University of North Carolina Press, 1995), 258; Von dem Knesebeck, *The Roma Struggle for Compensation*, 41-42; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>41</sup> Friedlander, *The Origins of Nazi Genocide*, 258; Lewy, *The Nazi Persecution of the Gypsies*, 25; Von dem Knesebeck, *The Roma Struggle for Compensation*, 42; Zimmermann, "The National 'Socialist Solution of the Gypsy Question,'" in *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies*, ed. Ulrich Herbert (New York: Berghahn Books, 2000), 193.
- <sup>42</sup> Lewy, *The Nazi Persecution of the Gypsies*, 25.
- <sup>43</sup> Friedlander, *The Origins of Nazi Genocide*, 258; Lewy, *The Nazi Persecution of the Gypsies*, 25-26; Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" 193-194.
- <sup>44</sup> Fisher, "No roads lead to Rom," 522; Lewy, *The Nazi Persecution of the Gypsies*, 30-31; Milton, "Antechamber to Birkenau," 393; Milton, "Gypsies and the Holocaust," 378-379; Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" 194.
- <sup>45</sup> Lewy, *The Nazi Persecution of the Gypsies*, 30.
- <sup>46</sup> Donald Kenrick and Grattan Puxon, *Gypsies Under the Swastika* (Hertfordshire: University of Hertfordshire Press, 2009), 22; Lewy, *The Nazi Persecution of the Gypsies*, 29-31; Milton, "Antechamber to Birkenau," 393.

- <sup>47</sup> Kenrick and Puxon, *Gypsies Under the Swastika*, 23; Lewy, *The Nazi Persecution of the Gypsies*, 52; Milton, "Antechamber to Birkenau," 393; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>48</sup> Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>49</sup> Lewy, *The Nazi Persecution of the Gypsies*, 36.
- <sup>50</sup> Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 414.
- <sup>51</sup> Kenrick and Puxon, *Gypsies Under the Swastika*, 24.
- <sup>52</sup> Kenrick and Puxon, *Gypsies Under the Swastika*, 23-24; Lewy, *The Nazi Persecution of the Gypsies*, 52-53; Milton, "Antechamber to Birkenau," 393; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 415.
- <sup>53</sup> Ian Hancock, "Gypsy History in Germany and Neighbouring Lands: A Chronology Leading to the Holocaust and Beyond," in *The Gypsies of Eastern Europe*, eds. David Crowe and John Kolsti (London: Routledge, 1991), 18; Kenrick and Puxon, *Gypsies Under the Swastika*, 24; Lewy, *The Nazi Persecution of the Gypsies*, 53-54; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 415.
- <sup>54</sup> Lewy, *The Nazi Persecution of the Gypsies*, 53-54.
- <sup>55</sup> Kenrick and Puxon, *Gypsies Under the Swastika*, 24; Lewy, *The Nazi Persecution of the Gypsies*, 54.
- <sup>56</sup> *Ausführungsanweisung*, March 1, 1939, *Mitteilungsblatt des Reichskriminalpolizeiamtes* 2, no. 4 (april 1939): cols. B58-60, cited in Lewy, *The Nazi Persecution of the Gypsies*, 54.
- <sup>57</sup> Hancock, "1938," 25; Lewy, *The Nazi Persecution of the Gypsies*, 52.
- <sup>58</sup> Hancock, "1938," 4.
- <sup>59</sup> Milton, "Antechamber to Birkenau," 393
- <sup>60</sup> Friedlander, *The Origins of Nazi Genocide*, 259; Kenrick and Puxon, *Gypsies Under the Swastika*, 26.
- <sup>61</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 193; Hancock, "1938," 26; Hancock, "Gypsy History," 18; Kenrick and Puxon, *Gypsies Under the Swastika*, 26; Lewy, *The Nazi Persecution of the Gypsies*, 67-68.
- <sup>62</sup> Friedlander, *The Origins of Nazi Genocide*, 261; Hancock, "Gypsy History," 18; Kenrick and Puxon, *Gypsies Under the Swastika*, 26; Lewy, 68; Von dem Knesebeck, *The Roma Struggle for Compensation*, 43.
- <sup>63</sup> Friedlander, *The Origins of Nazi Genocide*, 261; Lewy, *The Nazi Persecution of the Gypsies*, 72; Milton, "Gypsies and the Holocaust," 380.
- <sup>64</sup> Friedlander, *The Origins of Nazi Genocide*, 262; Kenrick and Puxon, *Gypsies Under the Swastika*, 27-29; Lewy, *The Nazi Persecution of the Gypsies*, 73-80; Milton, "Gypsies and the Holocaust," 381; Sridhar, "Historical Amnesia," 3570; Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" 195.
- <sup>65</sup> Friedlander, *The Origins of Nazi Genocide*, 262; Kenrick and Puxon, *Gypsies Under the Swastika*, 29; Lewy, *The Nazi Persecution of the Gypsies*, 76-77; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 416-417.
- <sup>66</sup> Hancock, "Gypsy History," 18; Sridhar, "Historical Amnesia," 3571.
- <sup>67</sup> Henry R. Huttenbach, "The Romani Porrajmos: The Nazi Genocide of Gypsies in Germany and Eastern Europe," in *The Gypsies of Eastern Europe*, eds. David Crowe and John Kolsti (London: Routledge, 1991), 35-37, cited in Fisher, "No roads lead to Rom," 524.
- <sup>68</sup> Fisher, "No roads lead to Rom," 524; Friedlander, *The Origins of Nazi Genocide*, 292; Von dem Knesebeck, *The Roma Struggle for Compensation*, 43.
- <sup>69</sup> Thurner, 1987, 3, cited in Hancock, "1938," 18.
- <sup>70</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 174; Lewy, *The Nazi Persecution of the Gypsies*, 141.
- <sup>71</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 181; Lewy, *The Nazi Persecution of the Gypsies*, 141; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 420.
- <sup>72</sup> Lewy, *The Nazi Persecution of the Gypsies*, 225; Ian Hancock, "Responses to the Porrajmos: The Romani Holocaust," in *Is the Holocaust Unique?*, ed. Alan S. Rosenbaum (Oxford: Westview Press, 1996), 57.
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- <sup>74</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 182; Fisher, "No roads lead to Rom," 524; Fraser, *The Gypsies*, 265; Friedlander, *The Origins of Nazi Genocide*, 292-294; Zimmermann, "Central Decisions, Local Initiatives, and Their Interrelation," 420.

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- <sup>75</sup> Friedlander, *The Origins of Nazi Genocide*, 294.
- <sup>76</sup> Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?" 191.
- <sup>77</sup> Nikolaus Wachsmann, *KL: A History of the Nazi Concentration Camps* (London: Little, Brown, 2015), 6-10.
- <sup>78</sup> *Ibid.*, 5-15.
- <sup>79</sup> Wolfgang Sofsky, *The Order of Terror: The Concentration Camp* (Princeton: Princeton University Press, 2013), 33.
- <sup>80</sup> Lewy, *The Nazi Persecution of the Gypsies*, 167; Sofsky, *The Order of Terror*, 43; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 157-171 and 209-219.
- <sup>81</sup> Sofsky, *The Order of Terror*, 39; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 242-270.
- <sup>82</sup> Sofsky, *The Order of Terror*, 39; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 289-294.
- <sup>83</sup> Sofsky, *The Order of Terror*, 43.
- <sup>84</sup> Lewy, *The Nazi Persecution of the Gypsies*, 171; Milton, "Gypsies and the Holocaust," 376.
- <sup>85</sup> Lewy, *The Nazi Persecution of the Gypsies*, 174; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 149-151.
- <sup>86</sup> Sofsky, *The Order of Terror*, 119; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 236.
- <sup>87</sup> Friedlander, *The Origins of Nazi Genocide*, 292; Milton, "Holocaust: The Gypsies," 170.
- <sup>88</sup> Friedlander, *The Origins of Nazi Genocide*, 292; Israel Gutman and Michael Berenbaum, *Anatomy of the Auschwitz Death Camp* (Indiana: Indiana University Press, 1998), 450; Lewy, *The Nazi Persecution of the Gypsies*, 149-157; Milton, "Holocaust: The Gypsies," 170; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 416.
- <sup>89</sup> Karl Bonhoeffer, "The Fate of the Gypsies at Auschwitz Birkenau," *Medicine and Global Survival* 2, no. 2 (1995): 95, <https://www.ipnw.org/pdf/mgs/2-2-bonhoeffer.pdf>; Lewy, *The Nazi Persecution of the Gypsies*, 153-162; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 436-462.
- <sup>90</sup> Lucette M. Lagnado and Sheila Cohn Dekel, *Children of the Flames: The Untold Story of the Twins of Auschwitz*, 82 cited in Hancock, "Responses to the Porrajmos," 48; Lewy, *The Nazi Persecution of the Gypsies*, 152-157.
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- <sup>92</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 57-59.
- <sup>93</sup> Lewy, *The Nazi Persecution of the Gypsies*, 162-163; Wachsmann, *KL: A History of the Nazi Concentration Camps*, 463.
- <sup>94</sup> Bonhoeffer, "The Fate of the Gypsies at Auschwitz Birkenau," 95; Lewy, *The Nazi Persecution of the Gypsies*, 163; Milton, "Holocaust: The Gypsies," 170-171.
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- <sup>97</sup> Lewy, *The Nazi Persecution of the Gypsies*, 221.
- <sup>98</sup> Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" 203.
- <sup>99</sup> Lewy, *The Nazi Persecution of the Gypsies*, 166; Milton, "Holocaust: The Gypsies," 170-171; Von dem Knesebeck, *The Roma Struggle for Compensation*, 44; Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" 203.
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- <sup>102</sup> Yehuda Bauer, "Whose Holocaust?" *Midstream* (November 1980): 42-46, cited in Hancock, "Responses to the Porrajmos," 46; Steven T. Katz, "'Genocide in the 20th Century' Essay: Quantity and Interpretation – Issues in the Comparative Historical Analysis of the Holocaust," *Holocaust and Genocide Studies* 4, no. 2 (1989): 142,

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<sup>103</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 10.

<sup>104</sup> *Ibid.*, 45

<sup>105</sup> Wippermann, "Auserwählte Opfer?" 28, cited in Von dem Knesebeck, *The Roma Struggle for Compensation*, 46.

<sup>106</sup> Katz, "'Genocide in the 20th Century,'" 145.

<sup>107</sup> Lewy, "Gypsies and Jews under the Nazis," 397.

<sup>108</sup> Henry R. Huttenbach, "The Romani Porajmos: The Nazi Genocide of Europe's Gypsies," *Nationalities Papers* 19, no. 3 (1991): 373, <https://doi.org/10.1080/00905999108408209>.

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<sup>110</sup> Andrew Woolford and Stefan Wolejszo, "Collecting on Moral Debts: Reparations for the Holocaust and Pořajmos," *Law & Society* 40, no. 4 (2006): 879, <http://www.jstor.org/stable/4623350>.

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<sup>112</sup> Roman Herzog, 1997, cited in Nadine Blumer, "From Victim Hierarchies to Memorial Networks: Berlin's Holocaust Memorial to Sinti and Roma Victims of National Socialism" (PhD dissertation, University of Toronto, 2011), 71, <http://hdl.handle.net/1807/31694>.

<sup>113</sup> Bauer and Milton, "Correspondence," 513-521; Hancock, "Responses to the Porrajmos"; Katz, "'Genocide in the 20th Century,'" 141-145; Lewy, *The Nazi Persecution of the Gypsies*, 224-228.

<sup>114</sup> Bauer and Milton, "Correspondence," 515; Lewy, "Gypsies and Jews under the Nazis," 399.

<sup>115</sup> Bauer and Milton, "Correspondence," 515-516.

<sup>116</sup> Ian Hancock, "The Nazi Genocide of the Roma: Reassessment and Commemoration, edited by Anton Weiss-Wendt," *Canadian Journal of History* 50, no. 3 (2015): 586, <https://muse.jhu.edu/article/604693/summary>

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<sup>118</sup> Bauer and Milton, "Correspondence," 515-516.

## Chapter Three

### The Marginalisation of Romanies as Victims of Racial Persecution, Genocide and the Holocaust

“Forgetting the extermination is part of the extermination itself”<sup>1</sup>

Having provided an overview of the Romanies’ persecution at the hands of the Nazi regime, this chapter aims to establish whether Romanies were subsequently marginalised as victims of racial persecution, genocide and the Holocaust during the transitional justice process that followed. It will thus examine their marginalisation in terms of retributive justice and reparations – both material and symbolic. In addition, it will also consider possible reasons for this marginalisation. As the focus of this thesis is on their experience in the Federal Republic of Germany in particular, this chapter will limit the discussion to the issues of retributive justice and reparations on the part of the German state, while keeping in mind that it only represents part of the Romanies’ marginalisation. Any discussion of cases prior to the reunification of Germany in 1990, will exclude mention of the German Democratic Republic (East Germany). This is because the Federal Republic of Germany (henceforth Germany)<sup>i</sup> has since its inception “emphasised its status as the sole legal successor to previous German states”<sup>2</sup> and thus the successor of Nazi Germany.

#### Retributive Justice

Retributive justice involves holding perpetrators accountable for their actions by punishing them. This can take the form of criminal sanctions such as imprisonment, the death penalty, fines, property forfeiture and so forth, imposed as a result of prosecution.<sup>3</sup> Retributive justice played a significant role in the aftermath of the Third Reich and was implemented in a number of ways. Initially outside forces – namely the Allied occupying powers France, the United Kingdom, the United States and the Soviet Union – imposed, guided and supervised the reckoning of past injustices in Germany. The four powers co-operated in terms of the

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<sup>i</sup> To be clear, from this point onwards Germany and German will be used to refer to West Germany pre-1990 and reunified Germany post-1990.

prosecution of top-ranking Nazi Officials at the International Military Tribunal at Nuremberg.<sup>ii</sup> They also separately conducted trials of war criminals in their respective occupation zones.<sup>4</sup> However, of interest to this section is the retributive justice pursued by the judiciary of Germany.

Control Council Law No. 10 of 10 December 1945 delegated the occupying powers with the right to establish German tribunals, which would handle crimes committed by Germans against other Germans. From 1946 onwards German courts, under the supervision of the occupying powers, started prosecuting individuals for their involvement in Nazi crimes. By 1950, they had convicted 5 288 persons. However, these convictions rarely dealt with the most serious crimes<sup>iii</sup> and as a result the sentences were very light.<sup>5</sup> It was only after 1950 that German prosecutors came to terms with the more serious crimes and the Nazi regime's machinery of death. By that time the number of prosecutions had slowed dramatically.<sup>iv</sup> In the first five years after the war, four times more individuals were convicted than in the four decades thereafter. By 1996, around 6 500 individuals had been convicted, with 5 570 cases still pending. Overall, 106 178 individual cases had been investigated during this time. Consequently, Germany had a significantly low conviction rate of 6.4%.<sup>6</sup>

An in-depth analysis of how many of those convicted were charged with crimes against Romanians is beyond the scope of this thesis. However, a discussion of cases in Germany against individuals who played a major part in the persecution of the Romanians, will shed some light on how justice was often denied. Paul Werner – Arthur Nebe's deputy in the RKPA – was investigated by the public prosecutor in Stuttgart in 1961 for his role in ordering the deportation of Romanians to Auschwitz-Birkenau. The case was halted on 9 December 1963 and Werner

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<sup>ii</sup> It should be noted that not a single Romani was called to testify at the Nuremberg trials on behalf of their people. Even though their genocide was included in the indictment, it became no more than a footnote to the trials, due to a lack of evidence and minimal effort on the part of the prosecutors. See Barry A. Fisher, "No roads lead to Rom: the fate of the Romani people under the Nazis and in post-war restitution," *Whittier Law Review* 20 (1998): 516-527, <https://heinonline.org/HOL/P?h=hein.journals/whitlr20&i=523>; Ian Hancock, "1938" (paper presented at International Seminar on Applying the Lessons of the Holocaust: 1938-2008, *Kristallnacht* Seventy Years Later, Paris, November 18, 2008), 8, <https://www.natt.org.uk/grthm/bigger-picture-holocaustlessons.php>.

<sup>iii</sup> Only 228 convictions dealt with capital offences. See David Cohen, "Transitional Justice in Divided Germany after 1945," in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 2006), 83.

<sup>iv</sup> There are multiple reasons for this, including the statute of limitations on lesser crimes that expired in 1950, the changing political climate, amnesty laws, the Allied forces instituting reductions in sentences and early releases, the government's desire to move on from the Nazi past and public perception that the most serious Nazi criminals had been brought to account and the past had thus sufficiently been "dealt with". See Cohen, "Transitional Justice in Divided Germany," 83-84.

was cleared of any wrongdoing. According to the court, Werner's participation in the promulgation of the Auschwitz Decree could not be proven. Furthermore, the court maintained that those who ordered the deportation of Romanies to concentration camps could not have predicted the high probability of death.<sup>7</sup> With this judgement, the court not only absolved Werner of responsibility for the suffering and deaths of Romanies, but also trivialised and misrepresented the treatment they suffered at the hands of the Nazi regime.

In October 1948, an inquiry into the actions of Dr Robert Ritter was initiated by the public prosecutor of Frankfurt as a result of a complaint filed by the Bavarian State Commissioner on request from Romani victims. Having undergone the denazification process,<sup>v</sup> Ritter was serving as the principal youth physician in the city's Municipal Health Service.<sup>8</sup> The victims' principal claim against Ritter was that in his capacity as head of the Racial Hygiene and Population Biology Research Unit (RHF), his research and actions had played an instrumental role not only in the forced sterilisation of large numbers of Romanies, but also the deportation of thousands to concentration camps. The victims considered him partially responsible for the suffering and death the Romanies endured. Furthermore, he was also accused of cruelty and physical injury in the course of his examinations.<sup>9</sup> The investigation lasted almost two years, during which dozens of witnesses were interviewed. In August 1950 the case was closed on the grounds that the evidence did not point to an indictable offence. Ritter claimed that he did not intend for Romanies to die and had in fact tried to protect them from unfair and inhumane treatment at the hands of Nazi "fanatics".<sup>10</sup> In addition, he maintained that he supported sterilisation only in accordance with the 1933 Law for the Prevention of Hereditarily Diseased Offspring. The Romanies sterilised under this law, he argued, were limited to a group inclined towards criminal behaviour, and it was thus justified.<sup>11</sup>

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<sup>v</sup> Initiated by the Allies, the denazification process was a form of lustration aimed at purging Germany of Nazism by removing Nazi members from public institutions and freeing the political, economic, educational and cultural spheres from Nazi ideology. It took a number of different forms in the four occupation zones, but was scaled down when it became seen as impractical and turned over to German tribunals. In Germany, denazification was viewed unfavourably and pursued with minimal fervour. The vast majority of individuals who were screened were either exonerated or classified merely as "followers". In 1951 laws were passed that ended the denazification process and reinstated many officials who had lost their jobs. Those that were imprisoned only served short terms. As noted by John Hertz: "What had begun as a rather foolish incrimination of the entire population turned into wholesale exemptions and finally wholesale exoneration. Denazification in the end meant not purge but rehabilitation." For a detailed discussion, see Cohen, "Transitional Justice in Divided Germany".

As shown in Chapter Two, the work of Ritter and the RHF was a fundamental part of the racial persecution of the Romanies by the Nazi regime, and Ritter himself advocated for sterilisation and incarceration to “solve the Gypsy problem”. Furthermore, Romanies were sterilised on the basis of racial motives, which was illegal even under the 1933 Law. Gilad Margalit notes that despite this, the prosecution accepted Ritter’s arguments, and in doing so distorted his key role in the Nazi regime and concealed his crimes. Even more disconcerting, their acceptance of Ritter’s stance also portrayed the forced sterilisation of Romanies under the 1933 Law as a legitimate and legal method of combating crime. Consequently, physicians who performed these sterilisations could also escape indictment and the sterilisation of Romanies in essence became an unpunishable crime.<sup>12</sup> Ritter escaped punishment and died a free man on 15 April 1951.<sup>13</sup> Despite their justified efforts, the Romanies were denied the opportunity to see him held accountable for his central role in their persecution and genocide.

Other members of the RHF – such as Eva Justin, Sophie Ehrhardt, Adolf Würth – were also accused by Romani victims of being accessories to the mass murder and forced sterilisation of the Romanies. Similar to Ritter’s case, the investigations against them were terminated on the grounds that no indictable offences could be determined.<sup>14</sup> Central to this interpretation by the courts was the prevailing legal doctrine at the time<sup>vi</sup> that up to 1943 the deportation of Romanies to concentration camps was a form of “preventative crime fighting” and was not based on their racial identity. As the RHF concluded their research on the Romanies before 1943, Ritter and others argued that they had thus not been participants in the programme of racial persecution, which was readily accepted by the courts. Furthermore, they also claimed that they had simply been engaged in scientific research and were unaware that their research would be used as a basis for the Auschwitz Decree and the subsequent murder and forced sterilisation of thousands of Romanies.<sup>15</sup> As shown in Chapter Two, the racial assessments undertaken by the RHF were already being used before 1943 as the basis for racial persecution of the Romanies. Furthermore, as noted by another German court in a separate case: “Subjecting persons to a compulsory racial examination represented an unlawful exercise of state power based on National Socialist racial teachings, an impermissible invasion of an individual’s most basic personal rights.”<sup>16</sup> However, as posited by both Lewy and Margalit, the prosecutors seemed to ignore these facts. By closing the investigations, the courts not only absolved the perpetrators of their responsibility for the direct implications of their actions, but

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<sup>vi</sup> This will be discussed in detail further on in the chapter

also excluded the RHF from the list of criminal organisations that shaped the Nazi policy towards the Romanies.<sup>17</sup> In addition, they excused the RHF's deeds and dismissed the devastating impact it had on the Romanies.

On 3 May 1989, the last enquiry concerning the activities of the RHF was concluded with the case of Ruth Kellerman, who was also not indicted.<sup>vii</sup> However, the prosecutor was far more critical of the RHF and its personnel than had previously been the case. He rejected the argument that they had simply been conducting scientific research. Rather, he concluded that the RHF's activities were undertaken on the premise that *Zigeunermischlinge* represented a problem that had to be solved. Furthermore, he stated that they knew their racial assessments were used to send Romanies to concentration camps and bring about their forced sterilisation, and that they were also aware of the high death rate of Romanies in Auschwitz-Birkenau.<sup>18</sup> This change in attitude unfortunately came too late for Romanies, for whom justice had been denied multiple times in the preceding decades.

In addition to the cases highlighted thus far, a large number of RKPA officials involved in "Gypsy affairs" and members of the RHF were investigated, but none were brought to trial. In other cases investigated by German courts, crimes against Romanies played only a minor role.<sup>19</sup> Although some perpetrators were held accountable, such as an SS block leader in BIIe Ernst-August König<sup>viii</sup> and physicians who conducted medical experiments on Romani concentration camp inmates,<sup>20</sup> the failure to prosecute major figures such as Ritter illustrates the German judicial system's disregard for the Romanies as victims. This disregard was in large part influenced by the negative perception of Romanies that still prevailed in post-Nazi Germany and was reflected in the hostile attitude against them in the judicial system.<sup>ix</sup> During Ritter's investigation, for example, the testimonies of Romani witnesses was considered too unreliable to support a verdict. To support this view, "scientific" evidence – both preceding the Nazi regime and from the RHF itself – was presented that claimed to prove Romanies could not

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<sup>vii</sup> By that point the statute of limitations had expired concerning offences related to her work at the RHF. See Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford University Press, 2000), 213.

<sup>viii</sup> He was sentenced to life imprisonment for only three killings and committed suicide in his cell. See Lewy, *The Nazi Persecution of the Gypsies*, 208.

<sup>ix</sup> Of importance here is also the fact that due to the failed denazification process, Germany's judicial system was inherited from the Third Reich without any significant changes in personnel. As such, the bureaucrats in the judicial system not only retained their own prejudices but also identified with the defendants. Gilad Margalit, "The Justice System of the Federal Republic of Germany and the Nazi Persecution of the Gypsies," *Holocaust and Genocide Studies* 11, no. 3 (1997): 343, <https://doi.org/10.1093/hgs/11.3.330>.

distinguish between reality and fantasy.<sup>21</sup> Thus, the very research they were objecting to was used to deny them justice.

In conclusion, the Germany's track record regarding retributive justice was inadequate overall, but especially in the cases concerning Romani victims. Major figures involved in the persecution of the Romanies escaped punishment. During the course of the investigations, instead of denouncing the treatment of the Romanies at the hands of the Nazi regime, their persecution was rather justified and trivialised. Instead of condemning prejudice against the Romanies, the judicial system maintained it. As such, retributive justice was largely denied to the Romanies and they were consequently marginalised as victims of racial persecution, genocide and the Holocaust.

### Material Reparations

Reparative justice aims to acknowledge and redress the wrongs committed against victims through reparations – both material and symbolic. Material reparations can take many different forms including financial compensation, rehabilitation, restitution of property, aid and so forth.<sup>22</sup> In response to Jewish claims for reparations and restitution – which had started appearing even before the Nazi regime's defeat – laws covering the restitution of property and compensation for personal injury or property damage were established in the American occupation zone, and later adapted to the British and French zones.<sup>23</sup> This initial attempt at reparations was however flawed and it was shortly replaced with Germany's own material reparations programme for victims of the Nazi regime, which involved both financial compensation<sup>x</sup> and restitution of property. However, for the purpose of this thesis, this section will focus exclusively on the financial compensation component.<sup>xi</sup>

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<sup>x</sup> Although reparations is the preferred term in transitional justice, the German government uses the term compensation. In this thesis, these two terms are thus used interchangeably.

<sup>xi</sup> Romanies who were deported to Auschwitz-Birkenau were usually successful in claiming restitution and compensation for confiscated property and assets. However, many others who were deported to concentration camps prior to the Auschwitz Decree were never reimbursed and Romanies were subjected to prejudice and challenges during the claims process. For a detailed discussion, see Fisher, "No roads lead to Rom," 534; Sybil Milton, "Holocaust: The Gypsies," in *Century of Genocide: Critical Essays and Eyewitness Accounts*, eds. Samuel Totten, William Parsons and Israel W. Charny (New York: Routledge, 2004), 173; Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hertfordshire: The University of Hertfordshire Press, 2011), 195-219.

Soon after it was formed, the government of the Federal Republic of Germany expressed their intent to pay reparations for the crimes of the Nazi regime. As the official successor of the Third Reich, it inherited its moral and financial debts. At the same time, paying reparations was also a way to combat Germany's pariah status and demonstrate contrition on the part of Germany, thus enabling them to reintegrate into the international system.<sup>24</sup> On 27 September 1951, Chancellor Konrad Adenauer stated: "In our name unspeakable crimes have been committed and demand compensation and restitution, both moral and material, for the persons and properties of the Jews who have been so seriously harmed."<sup>25</sup> To this end, he initiated the process of reparations by inviting the State of Israel and a representative of the world Jewry to enter into negotiations with Germany. Consequently, representatives from 23 Jewish organisations formed the Conference on Jewish Material Claims against Germany (known as the Claims Conference). Negotiations with Israel and the Claims Conference culminated in the signing of the Luxembourg Agreement on 10 September 1952. According to this agreement, Germany was to pay DM 3 billion to the State of Israel and DM 450 million to the Claims Conference.<sup>26</sup> As can be seen, from the very start Romanians were excluded from reparations. This is illustrated in Chancellor Adenauer's statement which focused exclusively on Jewish victims and the fact that Germany only entered into negotiations with representatives of Jewish victims. Furthermore, bloc payments such as those made to Israel and the Claims Conference were not even considered for other victims of Nazi persecution such as the Romanians.<sup>27</sup>

The Luxembourg Agreement also required Germany to establish a federal compensation law. Consequently, the Supplementary Law for the Compensation of Victims of National Socialist Persecution was passed on 1 October 1953, the first nation-wide, unifying compensation law. However, it was hastily drafted and inherently flawed, leading to it being completely revised and edited. This resulted in the 1956 Federal Law for Compensation of Victims of National Socialist Persecution, passed on 29 July 1956 and retrospectively valid from 1 October 1953. The initial deadline for applications was 1 October 1957, but this was subsequently extended to 1 April 1958. Commonly referred to as the BEG,<sup>xii</sup> it was the main legal provision for compensation in Germany in the 1950s and 1960s.<sup>28</sup> According to the first paragraph of the BEG, a person who "for reasons of political opposition to National Socialism or for reasons of race, religious faith or ideology was persecuted by National Socialist terror acts [and] in consequence thereof, has suffered loss of life, bodily injury or injury to health, loss of liberty,

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<sup>xii</sup> This is the German acronym for the law, which is titled *Bundesgesetz zur Entschädigung für Opfer der Nationalsozialistischen Verfolgung* or *Bundesentschädigungsgesetz* for short.

loss of or damage to property, loss of capital resources, or damage to his career or economic advancement” is entitled to compensation.<sup>29</sup> This compensation could be in the form of one-off payments, re-training or re-education grants, pensions, or medical treatment. In the case of deceased victims, their descendants were entitled to pensions if the deceased had contributed to the family income.<sup>30</sup>

As victims of racial persecution at the hands of the Nazi regime, the Romanies should have unequivocally qualified for compensation under the BEG. However, for many years compensation claims by Romani victims were denied on the basis that the Nazi policies enacted against them were valid policing and security measures, rather than racial persecution.<sup>31</sup> Already in 1950,<sup>xiii</sup> Otto Küster – the State Commissioner for Compensation in the State of Württemberg-Baden and later a Federal Supreme Court judge – advised compensation authorities that “investigation into the validity of restitution claims made by Gypsies and Gypsies of mixed blood [...] concluded that, for the most part, the group in question was not persecuted and interned on racial grounds, but rather due to its asocial and criminal behaviour.”<sup>32</sup> This view was widely maintained by not only the compensation authorities who denied the Romanies’ claims, but also by the courts<sup>xiv</sup> who rejected the appeals made by Romani victims against negative compensation decisions. To substantiate their argument, they pointed to the fact that policing measures had been employed against Romanies before 1933 and the Nazi policies were thus only a continuation of existing police measures.<sup>33</sup> Instead of questioning the racist and prejudiced nature of both the pre- and post-1933 anti-Romani measures, the German authorities justified them. Furthermore, they separated these measures from Nazi ideology, thus misrepresenting the persecution of the Romanies by the Nazi regime. In addition, to validate their decisions, authorities would refer to the justifications provided by Nazi authorities of the individual in question being “asocial”, “work-shy”, or “criminal”, as well as to Nazi-era research on the Romanies. Instead of scrutinising whether these justifications were valid or rather a pretext for racial persecution, they accepted them at face value, thus deferring to the perpetrators instead of the victims. Moreover, courts would use the very same officials who were involved in the deportations to act as “expert witnesses”.<sup>34</sup> Thus,

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<sup>xiii</sup> This was in the context of restitution and compensation laws enforced in the American, British and French occupation zones.

<sup>xiv</sup> There were exceptions. For example, the Frankfurt Higher District Court was one of the few courts that from early on declared Romanies had been victims of racial persecution since the Nuremberg Race Laws of 1935 stripped them of their rights as German citizens. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 114-115

as can be seen, the classification of “asocial” imposed on Romanies was used to victimise them twice over.

There was however a common understanding that Romanies who had been sent to concentration camps after Himmler’s Auschwitz Decree of December 1942 could be considered victims of racial persecution. This legal doctrine would be solidified by a landmark ruling by the Federal Supreme Court in 1956. It concluded that all the measures preceding the Auschwitz Decree had not been racially motivated but were rather a radicalisation of policing measures that had existed since the Weimar Republic.<sup>35</sup> Employing the language of the Nazi regime, the court argued that “despite the appearance of racial-ideology points of view, it was not race as such that formed the grounds for the measures taken, but the Gypsies’ antisocial characteristics, which had given reason even earlier to subject members of this people to special restrictions.”<sup>36</sup> The court maintained that racial persecution of the Romanies had only been initiated with the 1942 Auschwitz Decree, and thus compensation was limited to those Romanies who had been deported and detained subsequent to 1 March 1943 when the Decree was implemented.<sup>37</sup>

Although this ruling meant that compensation authorities were now obligated to pay compensation for Romanies confined after this date, overall it was a major setback for Romani victims. This is because those who had been detained, forcibly sterilised, and discriminated against before 1943 were now officially excluded from receiving compensation. When taking into consideration the fact that persecution of Romanies started in at least 1933, and that the vast majority who were deported to Auschwitz did not survive, it meant that the greater part of surviving Romanies in Germany were denied compensation for their suffering.<sup>38</sup> By accepting only part of the Romanies’ persecution as compensation-worthy, the authorities refused to acknowledge that the Nazi regime’s measures against the Romanies built upon each other as part of a programme of racial persecution. In the case of Jewish victims, all measures prior to the “Final Solution” were seen as precursory and compensated.<sup>39</sup> Von dem Knesebeck further notes that, contrary to Jewish victims, Romanies were not *prima facie* regarded as victims of racial persecution, but rather had to prove that they were not “asocial” and that their persecution had been unjust.<sup>40</sup>

In 1963, the Federal Supreme Court revised its decision<sup>xv</sup> and acknowledged that the 1940 deportations to Poland had been *partly* racially motivated. Furthermore, it was agreed that Himmler's 1938 Decree for Combating the Gypsy Plague served as a preparatory measure for the "final solution of the Gypsy Question".<sup>41</sup> The accepted starting date for racial persecution of the Romanies was consequently shifted to 8 December 1938.<sup>xvi</sup> This decision was reflected in the Final Federal Compensation Law of 14 September 1965, which also extended the application deadline to 31 December 1969.<sup>42</sup>

Although more Romanies could now apply for compensation, it was only a slight improvement and Romanies still faced challenges. First of all, the responsibility to open new claims or re-open cases as a result of this ruling was placed on the victims, while compensation authorities made no effort on their part. Many Romanies who had been intimidated by previous rulings, were uninformed about the changes, or had become resigned, did not pursue their cases.<sup>43</sup> Furthermore, since the ruling argued that racial motivations had played a *partial* role but had not been the *decisive* factor, the racial persecution of Romanies as a group was still being downplayed.<sup>44</sup> Finally, the revised date of 8 December 1938 as the initiation of racial persecution, still excluded those who had been persecuted, expelled and interned before this date.<sup>45</sup>

It would take almost twenty years for the racial motivations behind the Romanies' suffering to be even slightly acknowledged by the German authorities and for a portion of Romani victims to become eligible for compensation. However, one crucial aspect of their persecution would still be disregarded for years to come. The forced sterilisation of Romanies was not just an unpunishable crime, but was also not initially accepted as grounds for compensation.<sup>46</sup> The 1933 Law for the Prevention of Hereditarily Diseased Offspring was not considered a typical National Socialist law, because similar laws were in force in democratic countries at the time.

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<sup>xv</sup> This revision was based on documentation that the Federal Supreme Court argued had not been available to them in 1956. However, the court had simply not been motivated enough to search for these documents, as they had been used by the Frankfurt and Cologne Higher District Courts. In fact, the revision was in large part a result of the efforts of Dr Franz Calvelli-Adorno, a judge of the Frankfurt Higher District Court and president of the Frankfurt Senate. Working with the United Restitution Organisation, a legal aid society, he wrote a comprehensive article outlining the racial persecution of the Romanies and endorsing their right to compensation. Acting as a lobbyist for the Romanies, Calvelli-Adorno was highly critical of the Federal Supreme Court's 1956 ruling. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 124-126

<sup>xvi</sup> Romanies who had been persecuted after this date could now claim compensation. Additionally, those who had previously been denied compensation for persecution after 8 December 1938 could re-open their cases. This included Romanies who had been compensated for imprisonment after 1943, but not before, who could now claim supplementary compensation. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 124

Although it was conceded that the Nazi regime had applied it too indiscriminately at times, in principle the law was argued to be valid and useful. As such, not only did the German government refuse to repeal this law, but it also meant that forced sterilisation under this law was not considered a National Socialist terror act per se. Consequently, it did not fall into the specifications of the BEG and victims were not eligible for compensation.<sup>47</sup>

Nevertheless, victims still applied, which entailed an arduous process. First of all, since the law had not been repealed, every victim had to prove that the decision of the genetic health court had been based on false premises in order to have the court decision revoked.<sup>xvii</sup> If they achieved this, they could then be regarded as a victim of National Socialist persecution. However, the loss of an individual's ability to have children, and the consequences thereof, was not sufficient grounds for compensation. The BEG specified that victims were only eligible for compensation if this persecution had led to physical damage to their health, which then resulted in at least a twenty-five percent reduction in their earning capacity. Psychological damage was not considered as an invariable consequence of forced sterilisation, and neither was its impact on earning capacity taken into account.<sup>48</sup> Furthermore, the claims process also required victims to undergo the same type of examinations that originally led to their sterilisations, thus forcing them to relive the trauma.<sup>49</sup> In the process of denying the Romanies' compensation for their forced sterilisation, the German authorities dismissed the severity of forced sterilisation and its consequences and once again marginalised the Romanies as victims of racial persecution and genocide.

This would be the precedent for more than three decades. Only in December 1980 did the German state concede that the 1933 Law had been a characteristic National Socialist injustice and that the forced sterilisation of Romanies had been part of the "Final Solution of the Gypsy Question." Henceforth, forced sterilisation became compensable, with a once-off payment of DM 5000 seen as adequate compensation for the lack of descendants.<sup>50</sup> In March 1988, sterilisation victims became eligible for monthly pensions under the Hardship Fund of the 1957 General War Consequences Law but only if they suffered long-term health damage as

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<sup>xvii</sup> The majority of Romanies were forcibly sterilised after 1939 without orders from genetic health courts, and often after being compelled to give consent. As such, they had no way of proving these decisions had been unjust in order to have them revoked. Paragraph 171 (3) of the BEG did make provisions for victims of forced sterilisation in cases where the decision had not been made by a genetic health court. However, to qualify, the person had to be classified as victim of National Socialist persecution as per Paragraph 1 of the BEG. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 137-142

established by a medical specialist. By the time forced sterilisation finally became compensable, many of the victims had already passed away.<sup>51</sup>

As this section has so far illustrated, much of the Romanies' suffering did not qualify as grounds for compensation. In addition to this exclusion, Romanies also faced other obstacles when trying to claim compensation. Firstly, the BEG restricted compensation to individuals who had been a resident within the German borders of 1937, had returned to the Western zones by 1947, and possessed German nationality. The German government stipulated that former German citizens who had been deprived of their citizenship pursuant to the Nuremberg Race Laws, would be re-granted German citizenship upon application. However, this principle was not generally applied in the case of Romanies – especially those with darker skins – who were not naturally assumed to be German citizens by the authorities. In cases where Romanies could not prove their German nationality, authorities would often argue that due to their heritage, upbringing and culture, they could not be considered as members of the German people, and they were consequently classed as stateless. By denying them their German citizenship due to existing prejudices, the authorities thus also prevented them from claiming compensation.<sup>52</sup>

Claimants were also required to present documentation – such as birth certificates, marriage certificates, medical history and so forth – a difficult feat for Romanies whose documents were seized by the Nazi regime and only released by the state archives in the 1980s.<sup>53</sup> The authorities also did not recognise “Gypsy marriages”, which meant that individuals could not claim compensation for the death of a spouse. The medical professionals who had to certify damage to their health had often been involved in the Nazi machinery and were less than sympathetic to the Romanies' cause. As such, their medical evaluations were rarely in favour of the Romanies' claims.<sup>54</sup> Furthermore, the claims process was complicated and lengthy, and the Romanies – many of whom were illiterate – had little knowledge on how to approach it and lacked a support system comparable to that of Jewish victims. As a result, they were not informed enough on the options available to them, the deadlines or the requirements.<sup>55</sup> For those that did manage to obtain compensation despite these numerous obstacles, it often went towards their litigation costs. It was also not uncommon for the German Social Welfare Department to deduct any prior welfare assistance from these compensation payments.<sup>56</sup>

Thus, for Romanies the compensation process more often than not resulted in denial and disappointment. This is despite immense effort – since the end of World War II – on the part of Romani activists to obtain compensation and acknowledgement of their victimhood. Examples of Romani organisations include the Committee of German Gypsies (founded in 1946) and the Association and Interest Community of German Citizens of Non-Jewish Faith who have been Racially Persecuted (established in 1956). However, their impact was limited as they faced hostility and could not gain access to the political arena.<sup>57</sup> In 1962 the Comité International Rom was established to assist Romanies with compensation claims. Regarded as the starting point of the international Romani civil rights movement, it nevertheless faced the same obstacles as previous organisations and lacked the necessary resources.<sup>58</sup> In the new political climate of the 1970s, however, Romani activism gained traction. Due in large part to the efforts of Romani organisations such as the Association of German Sinti (established in 1971) Romanies' status as forgotten victims and claims for compensation drew increasing attention.<sup>59</sup> In response, Germany established a fund of DM 100 million for non-Jewish victims that came into effect on 26 August 1981.<sup>xviii</sup> However, it still restricted compensation to those classified as victims under the BEG and thus continued to exclude Romanies persecuted before 1938. Furthermore, the compensation system remained flawed, overly bureaucratic and prejudiced.<sup>xix</sup> In addition, only those who have not yet received any compensation are eligible and prior welfare assistance could be deducted.<sup>60</sup>

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<sup>xviii</sup> It is formally known as the Directives on Payment to Persecuted Non-Jews to Compensate for Individual Hardships in the Context of Restitution. The fund is divided into two parts. DM 80 million is administered by the Cologne regional commissioner and earmarked for once-off payments of DM 5000 mainly to Romanies, Spanish Republican Resistance Fighters and non-Jewish victims who had emigrated from Eastern Europe after 1965. DM 20 million (known as the Compensation Disposition Fund) is administered by the Finance Ministry and allocated towards ongoing payments for victims who had suffered severe persecution and faced economic hardship. See Erich H. Loewy, "Making Good Again: Historical and Ethical Questions," in Pross, *Paying for the Past*, 166; Von dem Knesebeck, *The Roma Struggle for Compensation*, 230-231; Wolfe, *The Politics of Reparations and Apologies*, 127

<sup>xix</sup> The Cologne district commissioner, who administers 80% of the fund, stated in 1984 that Romanies were not persecuted on racial grounds, maintaining the problematic claim that had been revoked by the Federal Court 20 years previously. See Central Council of German Sinti and Roma, *45 years of civil rights work of German Sinti and Roma* (Heidelberg: Central Council of German Sinti and Roma, 2017), 46, [http://www.sintiundroma.de/uploads/media/Katalog\\_45\\_Jahre\\_Buergerrechtsarbeit.pdf](http://www.sintiundroma.de/uploads/media/Katalog_45_Jahre_Buergerrechtsarbeit.pdf).

Therefore, although the creation of this fund was a major success for Romani activists, their demands were only partially met. In response, they protested against the compensation practices and challenged the decisions made by compensation authorities.<sup>61</sup> At the forefront of Romani activism, from its establishment in 1982 up until the present, is the Central Council of German Sinti and Roma (Central Council).<sup>xx</sup> They not only assisted and represented Romani victims when it came to the filing of claims, but also brought about reassessments of denied claims through legal cases. In the late 1980s, the Central Council further documented 525 Romani victims who had not received adequate compensation despite severe persecution and damage to health. More recently, they also secured compensation – from the Swiss Bank Fund and the funds of the Foundation for Remembrance, Responsibility and Future – for Romani victims who had been subjected to forced labour.<sup>62</sup> This illustrates the crucial role played by Romani activists in confronting the unjust compensation process. If not for them, even less victims would have received the compensation due to them.

In 1986, the German Ministry of Finance issued a report which stated that “all those victimised by Nazism had been adequately compensated [...] the circle of those deserving compensation need not be further extended.”<sup>63</sup> According to this report, most Romanies had been considered under The General Act Regulating Compensation for War-Induced Losses of 5 November 1957 (*Allgemeines Kriegsfolgesgesetz* or AKG).<sup>xxi</sup> However, this assertion has been questioned by Van Törne as most Romanies filed their claims under the BEG and by the time they were denied the deadline for claims under the AKG had passed.<sup>64</sup> Further assertions that the 1981 Fund had adequately dealt with the problem of insufficient compensation, was also heavily criticized by opposition parties and Romani victim organisations. Despite this, the compensation laws were never changed.<sup>65</sup> Reuter maintains: “Even today, the system to compensate Sinti and Roma victims of the Nazi persecution remains inadequate. It is bureaucratic, petty and inhumane.”<sup>66</sup>

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<sup>xx</sup> A product of the Romani civil rights movement, the Central Council is an umbrella organisation that provides political representation for Romanies in Germany and which is federally- and provincially-funded. See Nadine Blumer, “From Victim Hierarchies to Memorial Networks: Berlin’s Holocaust Memorial to Sinti and Roma Victims of National Socialism” (PhD dissertation, University of Toronto, 2011), 111, <http://hdl.handle.net/1807/31694>.

<sup>xxi</sup> This Act provided for compensation of individuals who suffered damage to life, limb, or health as well as deprivation of freedom, but did not classify as victims under the BEG. See Federal Ministry of Finance, *Compensation for National Socialist Injustice: Indemnification Provisions* (Berlin: Federal Ministry of Finance Public Relations Division, 2018), 9, <https://www.bundesregierung.de/breg-de/service/publikationen/compensation-for-national-socialist-injustice-1529790>

The reparations programme in Germany, encompassing all payments made by the state, became known as *Wiedergutmachen*. Translated as “to make good again”,<sup>xxii</sup> it means more than just compensation, but also contains an element of atonement.<sup>67</sup> Germany has paid more reparations than any other country in history – close to €76 billion by 2017 – and is often lauded as being a reparations success story.<sup>68</sup> However, this section has illustrated that there was minimal effort on the part of the German state to “make good again” when it came to Romani victims. For decades the German authorities justified and misrepresented the Nazi regime’s treatment of the Romanies, in order to deny compensation to a significant number of victims.<sup>xxiii</sup> In so doing, they not only marginalised the Romanies as victims of racial persecution, but also disregarded a major aspect of their genocide and their suffering during the Holocaust. It took the concerted efforts of Romani activists to bring attention to this marginalisation and ensure more victims received what was due to them. By the time these changes came about however, it was too late for many victims. Throughout the process, Romanies were subjected to the same prejudice they suffered at the hands of the Nazi regime. In 1977, Grattan Puxon wrote:

How a total price can be put on the persecution I do not know. But presuming that it should be a sum relative to the very large amounts paid to Israel, I would maintain the *Romani* people are due to receive about £30 million. And that is not such a mammoth figure these days. Divided up among three million Romani children in Europe today it would work out at £10 a head — enough for a few school books.<sup>69</sup>

Forty years later, Hancock remarked: “We are still waiting for the school books.”<sup>70</sup>

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<sup>xxii</sup> This term has been labelled problematic, as many crimes of the Nazi regime could never be “made good again”, no matter the amount of compensation involved. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 3

<sup>xxiii</sup> Since compensation files were archived separately in each state and organised alphabetically by name, a comprehensive analysis of a specific victim group is impossible. As such, there is no data on the exact number of Romanies who were denied compensation. Furthermore, there is also no way of knowing how many Romanies did not file claims due to the obstacles mentioned in this section. However, when taking into account that Romanies persecuted before 1938 were denied compensation and that many victims died before being able to take advantage of amendments, it can be concluded that a significant number were denied compensation. This being said, what is of importance to this thesis is not simply the number of Romani victims who did not receive compensation, but more specifically the process through which they were denied and the precedent this created. See Von dem Knesebeck, *The Roma Struggle for Compensation*, 107

## Symbolic Reparations

In addition to material reparations, victims' suffering can also be acknowledged and addressed through symbolic reparations. This includes the renaming of public spaces, public apology and atonement, commemorative events or memorialisation. Symbolic reparations carry considerable meaning and serve to confront the past, shape narratives, recognise the injustice suffered by victims, and provide assurances of non-repetition.<sup>71</sup> With regards to Germany, David Art argues that "in no other country has the remembrance of a past atrocity become so politically salient, so institutionalized in elite political discourse, so much a part of both popular and public discourse."<sup>72</sup> Michael Bodeman similarly observes that "it must be a historically unique phenomenon that a people has decided to commemorate its own crimes."<sup>73</sup>

However, this "culture of contrition" was not present from the start. In the immediate post-war years, public memorialisation took the form of each group of victims remembering their own fate, as was the case with former concentration camp inmates erecting makeshift memorials. The German state, in its desire to move on from the Nazi past and absolve the German population from collective guilt, were largely indifferent to memorialisation efforts. Sites that served as reminders of the past were often either destroyed or reutilized.<sup>74</sup> From the 1960s however, public interest in the past was re-awakened.<sup>xxiv</sup> Coupled with debates between political elites on how to deal with the past, this marked a turning point in Germany's attitude and resulted in the proliferation of memorial sites from the 1980s onwards.<sup>75</sup> However, throughout Germany's struggle to come to terms with their past, Romanies were once again marginalised as victims. This section will elaborate on this issue by discussing the delayed acknowledgement, commemoration and memorialisation of Romanies' suffering, as well as the neglect of this topic in the German education system.

The dominant narrative in Germany that Romanies had for the most part been persecuted due to their behaviour and not their race also deprived them of symbolic reparations, since there was no acknowledgement or commemoration of their suffering. Furthermore, the justification and misrepresentation of the Nazi regime's actions, as well as the enduring prejudice, precluded any assurance that this persecution would not be repeated. While the suffering of Jewish

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<sup>xxiv</sup> This was in part due to the trials of Adolf Eichmann as well as Auschwitz SS guards, popular films and television shows about the Holocaust, and the student movement's emphasis on confronting the Nazi past. See David Art, *The Politics of the Nazi Past in Germany and Austria* (Cambridge: Cambridge University Press, 2006), 56-66.

victims was acknowledged by Germany from the start, the Romanies would wait almost 40 years for official acknowledgement that they were victims of racially-driven genocide.<sup>76</sup> In April 1980 a highly-publicized hunger-strike – which included former Romani prisoners – was organized by the Association of German Sinti and the Society for Endangered Peoples at the former Dachau concentration camp. Their demands included recognition of the Romani genocide, reparations and an end to continued discrimination. This led to a statement by Chancellor Helmut Schmidt in 1982 that “the Sinti and Roma were inflicted with severe injustice by the National Socialist dictatorship. They were persecuted on racial grounds. These crimes are to be considered an act of genocide.”<sup>77</sup>

Although the racially-driven genocide of the Romanies was eventually acknowledged, an awareness of this persecution needs to be widely disseminated to the public in order to shape narratives and adequately confront the past. One way of achieving this is through education. As noted by a 2015 OSCE report: “Teaching about the Roma and Sinti genocide in public education is essential to ensure that future generations are aware of the plight of the Roma and Sinti during the Second World War. It exposes the crimes committed under National Socialism against Roma and Sinti, ensures the recognition of the Roma and Sinti genocide and promotes non-discrimination and counters racial prejudice.”<sup>78</sup> In 1978, state legislation highlighted the need to cover the National Socialist period in classrooms. Consequently, although the different states have autonomy regarding their school curricula, National Socialism and the Holocaust are mandatory topics.<sup>79</sup> However, a 2002 report by the Open Society Institute noted that Romani activists regarded the school curricula as inadequate when it came to information provided about Romanies, their history and their victimisation during the Holocaust. Varying from school to school, Romani history was afforded only one hour per month to two days per year. Furthermore, textbooks continued to promote stereotypes.<sup>80</sup> Recent years have seen an increased effort on the part of international organisations, such as the Council of Europe, to promote the teaching of the Romani genocide, train educators, and provide teaching material.<sup>81</sup> Nevertheless, as of 2015, only seven out of sixteen states in Germany indicated that the Romani genocide was taught as part of the section on National Socialism and the Holocaust. Out of these, a mere three states also discuss the topic as part of civic education, political culture or other courses.<sup>82</sup> Thus, instead of recognising the injustice suffered by Romanies during the Holocaust, the majority of school curricula in Germany marginalises them as victims.

An awareness of the Romanies' persecution can also be spread through commemoration. However, this was also delayed. In 1979, a commemoration ceremony at the former Bergen-Belsen concentration camp was the first public event honouring the plight of Romani victims. Attended by German parliamentarians, foreign dignitaries, community leaders, activists and survivors, it was nevertheless not the result of efforts by the German state, but rather organised by the Association of German Sinti, the Society for Endangered Peoples and the World Union of Gypsies.<sup>83</sup> Despite this landmark event, exclusion continued. For example, in 1985 the President of the Jewish Central Council, Werner Nachman, repeatedly refused to allow Romanies to participate in the commemoration ceremony of the liberation of Bergen-Belsen. The mayor of Darmstadt, Günther Metzger, also told the Central Council of German Sinti and Roma that it had "insulted the honour" of the memory of the Holocaust by wishing to be associated with it.<sup>84</sup> In 1995, the Federal Government of Germany finally institutionalised a yearly commemoration ceremony<sup>xxv</sup> for Sinti and Roma victims.<sup>85</sup> Finally, on 27 January 2011, 66 years after the end of the Holocaust, a Romani survivor for the first time addressed the German parliament on International Holocaust Remembrance Day, placing much-needed local and international attention on Romani victims of the Holocaust.<sup>86</sup>

In addition to official acknowledgement and commemoration, memorialisation is also a central part of symbolic reparations. As a form of collective remembrance, memorial sites aim to not only provide closure and acknowledgement to victims and their loved ones, but also to educate broader society, establish a historical record and confront the past.<sup>87</sup> Arthur Danto wrote: "We erect monuments so that we shall always remember and build memorials so that we shall never forget."<sup>88</sup> However, Young does not make this common distinction between monuments as celebratory and memorials as mournful. Furthermore, he does not restrict memorials only to structures. Rather he treats all sites of memory as memorials, while monuments are seen as a subset of memorials in the form of material objects built to memorialise a person or event.<sup>89</sup> In

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<sup>xxv</sup> It is held in the final December session of the Bundesrat, in reference to Himmler's December 1942 Auschwitz Decree, but no official name has been given to the ceremony, thus still indicating a measure of non-recognition. It is also now customary for the Central Council of German Roma and Sinti to hold ceremonies – attended by German politicians – at former concentration camps or other memorial sites in the vicinity of Berlin following the parliamentary commemoration ceremony. See Blumer, "From Victim Hierarchies to Memorial Networks," 114-115; Organization for Security and Co-operation in Europe (OSCE), *Teaching about and Commemorating the Roma and Sinti Genocide: Practices within the OSCE Area* (Warsaw: OSCE, 2015), 15, <https://www.osce.org/romasintigenocide?download=true>.

accordance with this view, this thesis regards all sites of remembrance as memorials, including plaques, museums, renamed streets or sites, and monuments.

As with acknowledgement and commemoration, memorialisation was also delayed. The first memorial in Germany which commemorated Romanies as victims of National Socialism was inaugurated at the former Neuengamme concentration camp in 1965. Romanies were included, alongside other victims, on the commemorative wall which holds 18 plaques listing the different nations whose victims were incarcerated in Neuengamme.<sup>90</sup> However, this memorial was an exception and it would take 15 years before Romanies were included in another memorial for victims of National Socialism – namely the Dachau Concentration Camp Memorial Site. It was established in 1965 along with a documentation centre that also contained commemorative plaques. However, a plaque for the Romanies was only added in 1980 after it was brought to Dachau on the occasion of the hunger strike.<sup>91</sup> Similarly, an inscription for Romanies was only added to the Bergen-Belsen memorial in 1982, although it was already constructed in 1947.<sup>92</sup> Only eight other memorials inaugurated in the 1980s commemorated Romani victims. Two memorial stones and two memorial plaques were dedicated specifically to Romani victims, while Romanies were mentioned alongside other victims in four other memorials. It should be noted however, that all these were the result of civic initiatives and the Romani civil rights movement, rather than effort on the part of the German state.<sup>93</sup>

The situation would improve in the following decades, with the inauguration of 49 memorials in the 1990s and 40 memorials since 2000 that commemorate Romani victims in some form. The Documentation and Cultural Centre of German Sinti and Roma<sup>xxvi</sup> has provided the first systematic overview of memorial sites in Europe which commemorate Romani victims. According to their list, there are 103 sites in Germany today which specifically note the Romanies' suffering during the Third Reich. While some of them are dedicated solely to Romani victims, others commemorate Romanies along with other victims.<sup>94</sup> This is a tremendous improvement, but it should be emphasised that the majority of these memorial sites were inaugurated more than 40 years after the fall of the Third Reich and that many victims were thus no longer alive to witness it. Furthermore, of crucial importance is the fact that 34 of them were initiated by Romani civil rights organisations, most notably the Association of

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<sup>xxvi</sup> A specialist centre established by the Central Council, the Documentation and Cultural Centre of German Sinti and Roma also opened the first permanent exhibition in 1997 that is dedicated solely to the genocide of the Romanies during the Holocaust. It is situated in Heidelberg and continues to play a crucial role as a site of commemoration and education. See Central Council of German Sinti and Roma, *45 years of civil rights work*, 54.

German Sinti and Roma. Another 36 were the result of civic initiatives on the part of students, churches, artists, citizens and so forth, while Romani civil rights organisations and civil society co-operated in the case of 6 other sites.<sup>xxvii</sup> The Documentation and Cultural Centre of German Sinti and Roma lists only 9 memorials initiated by German authorities,<sup>xxviii</sup> of which the Memorial to the Sinti and Roma of Europe Murdered Under the Nationalist Socialist Regime (henceforth Sinti/Roma Memorial) is the first and only memorial initiated by the Federal Government.<sup>95</sup> Thus, while an in-depth analysis of all memorial sites commemorating Romani victims is beyond the scope of this thesis, a discussion of the Sinti/Roma Memorial will shed some light on the issues around official memorialisation of Romani suffering on the part of the German state.

In 1989, a petition for a memorial in Berlin to Jewish victims of the Holocaust emerged. This was immediately challenged by Romani activists,<sup>xxix</sup> who demanded inclusion in this memorial as Romanies were also victims of the Holocaust and excluding them would indicate a hierarchy of victims. Their demands were ignored, as in 1992 the Ministry of Interior decided to erect separate memorials for the two victim groups. With the rejection of a shared memorial, Romani activists then demanded at least a shared memorial site, which would also not materialise.<sup>96</sup> Following years of debates and deliberations, the questions regarding unified Germany's first national Holocaust memorials were settled in a special session of parliament on 25 June 1999. The Bundestag officially approved construction of a central Holocaust Memorial for Jewish victims and "separate memorials for all other victims of the National Socialist crimes against humanity."<sup>97</sup> Designed by Peter Eisenman, it was inaugurated in 2005 as The Memorial to the Murdered Jews of Europe (henceforth the Jewish Memorial). It has, however, become known as the "Holocaust Memorial", subliminally affirming the narrative that Jews were the only victims of the Holocaust, and thus establishing a victim hierarchy as was feared. Consisting of 2711 concrete stellae of varying heights that cover 19 000 m<sup>2</sup> and represent tombstones, the memorial also has an underground information centre containing exhibitions and personal documents of victims.<sup>98</sup>

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<sup>xxvii</sup> For 18 sites no information was provided regarding the initiators and for three sites no information was provided regarding the inauguration date.

<sup>xxviii</sup> These authorities are the City of Cologne, the District Representation of Cologne-Bickenau, the City of Magdeburg, the City of Nuremberg, the City of Reutlingen, the City of Sindelfingen, and the City of Würzburg.

<sup>xxix</sup> Especially the Central Council of German Sinti and Roma.

Although approved at roughly the same time, the Sinti/Roma Memorial took years to materialise. This delay was due to a number of factors. Firstly, there were objections to the proposed location by several Federal and Municipal politicians.<sup>xxx</sup> Secondly, there were fervent debates regarding an appropriate inscription for the memorial and whether the term *Zigeuner* or “Gypsy” should be included.<sup>99</sup> Furthermore, there were disputes about the number of deaths to be noted. The German government argued for 100 000, while the Romanies argued that it was at least 500 000, but probably higher.<sup>100</sup> When the construction of the memorial finally got underway, there were further delays due to budgeting, technical difficulties and a lack of co-operation from Berlin officials.<sup>101</sup> In an interview the designer, Dani Karavan, expressed:

With my project they treated it in such a way that I came close to believing it was some kind of racism. They didn't care about what was being done, which materials were to be used, which firm would do the work [...] It was impossible to accept what they did [...] They changed the concept. The entrance was supposed to be from the side of the Reichstag, but there is a bus stop. Which is why we changed the location of the entrance. Can you imagine, you can't move a bus stop for the main entrance to a memorial for the Sinti and Roma?! I told them, if it were Jews, you would move the bus stop in one week. I can say that because I am a Jew. But they don't care about the Sinti and Roma.<sup>102</sup>

Due to these delays, the memorial only broke ground in 2008 and was eventually inaugurated on 24 October 2012.<sup>103</sup> Since almost 70 years had passed since the end of the Holocaust, few victims were still alive to witness it. It is located at the originally designated site, a clearing in Tiergarten park between the Reichstag and the Brandenburg Gate. It consists of a round reflective pool with a triangular stone stele in the centre, to represent the triangle Romanies were forced to wear in the concentration camps. A single flower is placed on the stele. When it withers, it sinks into the depths of the pool to be replaced with a new one, symbolising a never-ending ritual of remembrance.<sup>104</sup> Around the edge of the pool an extract<sup>xxx</sup> from the poem “Auschwitz” by Italian Romani Santino Spinelli is inscribed in German and English. The pool is surrounded by stepping-stones engraved with the names of concentration camps and ghettos Romanies were interned in. The sounds of a violin, recorded by German Sinto Romeo

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<sup>xxx</sup> They rather suggested it be moved to Marzahn, an outer suburb of Berlin, arguing that this site had historical ties as the location of the *Zigeunerlager* in Berlin. Furthermore, they were wary of Berlin becoming inundated with historical markers of Germany's dark past. See Blumer, “From Victim Hierarchies to Memorial Networks,” 12.

<sup>xxx</sup> “Pallid face / dead eyes / cold lips / Silence / A broken heart / without breath / without words / no tears”. This is the English translation inscribed around the edge of the pool. However, the information brochure offers a different translation. See Talitha Hunnik, “Wandering Memories: Marginalizing and Remembering the Porrajmos,” (Master's Dissertation, Utrecht University, 2015), 64.

Franz, echoes around the clearing. Instead of an information centre, the glass panels that enclose the memorial site outline – once again in German and English – the chronology of the genocide of the Romanies during the Third Reich. The word *Zigeuner* or “Gypsy” is included where contextually relevant.<sup>105</sup> According to these panels, “as many as 500 000” Romanies were victims of genocide, but “the precise number is probably impossible to determine.”<sup>106</sup> On the far left and far right of the panels are concrete plaques with Spinelli’s poem engraved in its original Romani dialect, followed by translations in German, English and standardised Romani. On the far end of the memorial site four more glass panels display the quotes from Roman Herzog and Helmut Schmidt in German and English.<sup>107</sup>

Although a memorial now officially exists, the delay in its creation illustrates how Romanies were marginalised when it came to memorialisation. This marginalisation is especially present in the denial to include Romanies in the same memorial – or even memorial site – as Jewish victims. Furthermore, the memorial is not without its issues. While racial persecution and genocide of the Romanies is acknowledged, the term Holocaust is not used in the information panels.<sup>108</sup> It has also been noted that in contrast to the highly visible Jewish Memorial, the Sinti/Roma Memorial is concealed by trees and the panels, and easy to pass by without noticing. This could be argued to be illustrative of the overall marginalisation of Romanies in Holocaust memorialisation.<sup>109</sup> Furthermore, the fact that the majority of the text at the memorial is only in German and English, with minimal inclusion of standardised Romani, raises the question of how accessible it is to the Romani community. Put differently, is the memorial for them or about them? Finally, it should be noted that 500 000 is considered the *maximum* number of victims, rather than minimum. Hancock highlighted this as the first aspect of the memorial he noticed, wondering whether there is an agenda behind downplaying the number of deaths.<sup>110</sup>

In conclusion, this section has illustrated the acknowledgement, commemoration and memorialisation of the Romanies’ suffering in the Holocaust was delayed for decades. This delay can in part be attributed to Germany’s initial dissociation with memorialising its past. However, it also becomes clear that Romanies were continuously being disregarded while the German state was actively confronting its role with regards to Jewish suffering. Furthermore, there was, and still is, a reluctance to explicitly associate Romanies’ persecution with the Holocaust. When acknowledgement, commemoration and memorialisation eventually did occur, it was the result of efforts and campaigns from the Romani community, and not the

initiative of the German state. Finally, until today, there is no concerted effort to disseminate an acknowledgement of the Romani genocide to the wider public through education. As such, similar to the cases of retributive justice and material reparations, when it came to symbolic reparations Romanies were once again marginalised as victims of racial persecution, genocide and the Holocaust.

### Reasons for this Marginalisation

Understanding Romanies' marginalisation as victims also requires an inquiry into the possible reasons behind it. In order to explain the exclusion of Romanies from reparations programmes, Woolford and Wolejszo turn to a critical victimology approach, which takes into account the power relations inherent in ascriptions of victimhood and the role of material conditions in determining the success of victims' efforts for acknowledgement.<sup>111</sup> The authors illuminate the complicated nature of victimhood, by comparing Romani and Jewish efforts to obtain reparations. They argue that a lack of group organisation and political openings as well as unfavourable social conditions, contributed to the exclusion of Romanies from reparation programmes. Jewish victims of the Holocaust had the support of the worldwide Jewish diaspora and, more importantly, the newly-established State of Israel in 1948, which constructed the notion of a Jewish nation and interlinked Holocaust reparations with state-building. The State of Israel thus became the political embodiment of the Jewish nation and was able to be an actor in the international arena, where interactions take place between states, not individuals.<sup>112</sup> As such, Jewish victims had a 'legitimate' representative for their claims against Germany. Furthermore, they also grouped themselves into formidable organisations such as the World Jewish Congress, which was already documenting Nazi crimes and discussing the issue of reparations while World War II was still ongoing.<sup>113</sup> Similarly, Jewish victims also collaborated to establish the Claims Conference, which was able to significantly exploit political openings such as Germany's desire to rebrand itself post-WWII.<sup>114</sup>

In contrast, the Romanies lacked this group organisation. They were too focused on simply trying to rebuild their lives and survive in a post-Nazi Germany that still discriminated against them and had little sympathy for their plight. Furthermore, they did not have the same resources or capabilities to document their suffering. While this chapter has illustrated the presence and efforts of Romani organisations, it was also noted that initial attempts at group organisation failed to make an impact. A co-ordinated Romani civil rights movement only emerged in the 1960s and only gained traction in the 1970s, at which time Jewish victims had already taken

ownership of the victim narrative. More significantly, the Romanies hold little power in the political arena, being a historically marginalised minority group with no state sponsor.<sup>115</sup> Hancock holds a similar view to Woolford and Wolejszo, arguing that the minimal recognition of the Romanies' suffering compared to the Jews is due to a few possible reasons. Firstly, they come from poorer backgrounds. Secondly, the Romani diaspora consist of small self-contained communities with minimal political influence and a lack of means to successfully lobby. Furthermore, the Romanies lack a nation-state that serves as a representative and a safe haven. Finally, they did not have the opportunity to promote awareness or organise prolonged campaigns for justice, as they were caught up in a cycle of struggling to survive – which is still the case for many Romanies today.<sup>116</sup>

Thus, while both groups suffered atrocities at the hands of the Nazi regime, it was ultimately the Jewish victims who succeeded in claiming reparations and being afforded the status of victims.<sup>xxxii</sup> Consequently, Jewish suffering during the Holocaust had become a sacred narrative, and all other suffering was argued to pale in comparison, thus establishing a victim hierarchy.<sup>117</sup> Milton argues that the German bureaucracy encouraged this focus on Jewish victimisation, as the excessive anti-Semitism could be blamed on Hitler and his followers, thus restricting the blame for the Holocaust to a relatively small group. However, a discussion on the persecution and genocide of the Romanies, would highlight how deeply “ordinary” German bureaucrats, scientists and policemen were involved in the Nazi regime’s extermination machine. This would thus implicate a far larger segment of German society, threatening the German government’s avoidance of the collective guilt rhetoric.<sup>118</sup>

The silence around Romanies’ persecution during the Holocaust has also been examined by looking at the relationship Romanies have with their past. Authors such as Quintana and Floyd, Fonseca, Clendinnen, Yoors, Cohn, and Stewart, portray Romanies as a people “without a history” who live in the present, have no tradition of commemoration, and even actively forget their difficult past in order to survive.<sup>119</sup> It has also been argued that Romanies avoided talking about the Holocaust because of its association with death and misfortune. Additionally, there was a sense of shame and a loss of dignity attached to their experiences during the Holocaust, which is posited as a possible explanation for victims’ silence.<sup>120</sup> In the words of Hancock: “Our people are traditionally not disposed to keeping alive the terrible memories from our

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<sup>xxxii</sup> This is not to suggest that Romani victims lacked agency and thus they are to blame for their own marginalisation. Rather, this discussion highlights factors that constrained their efforts for recognition.

history – nostalgia is a luxury for others.”<sup>121</sup> Furthermore, it is also suggested that Romanies were not as active as Jews in commemorating their experiences because they relate to it differently. While the Holocaust is an unparalleled atrocity in Jewish history, for Romanies it was simply another – albeit extreme – chapter in their history of persecution.<sup>122</sup> As noted by Romani activist and sociologist Nicu Fortuna: “The Jews were shocked and can remember the year, date and time it happened. The Roma shrugged it off. They said, ‘Of course I was deported. I’m Roma; these things happen to a Roma.’”<sup>123</sup>

However, recent scholarship has also highlighted how the act of remembrance is influenced by one’s social environment. Authors such as Lemon and Trumpener challenge the view that Romanies do not want to remember, rather suggesting that their memories have not been afforded a place in European society that continues to marginalise and stereotype them.<sup>124</sup> As argued by Lemon: “Public Romani monuments are lacking not out of some cultural aversion to recollection [...] but because Roma have only rare access to the media technologies that broadcast memory and mourning and do not control the architectural boards and educational systems that display and reproduce them, that perform them.”<sup>125</sup> Furthermore, until recently, Romanies’ history and memories were transmitted orally from generation to generation. As such, it did not conform to mainstream forms of Holocaust remembrance such as memoirs and testimonies – or to the convention of written history – and was thus disregarded. It should also be noted that the programme of forced sterilisation meant that many Romani victims did not have descendants to which they could relate their memories, which meant their history died with them. As such, an examination of Romanies’ relationship with their past also raises the question of whether they were afforded the “right to memory”.<sup>126</sup> This discussion is perhaps best summarised by Young’s observation that “memory is never shaped in a vacuum.”<sup>127</sup>

Finally, it is crucial to note that one of the primary reasons for Romanies’ marginalisation as victims, was the fact that prejudice against Romanies did not cease with the fall of the Third Reich, and Romanies did not possess the necessary capacity to challenge it.<sup>xxxiii</sup> As this chapter has comprehensively illustrated, German authorities concurred with the Nazi regime’s stance on Romanies and used it to deny them retributive justice and compensation. This hostile environment was also not conducive to acts of commemoration or memorialisation, which explains in part not only the delay in symbolic reparations, but also Romani victims’ hesitance to talk about their past.<sup>128</sup> The uninterrupted prejudice and hostility towards Romanies on the

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<sup>xxxiii</sup> Woolford and Wolejszo’s discussion on power relations and material conditions can be applied here as well.

part of German authorities and society, is perhaps best illustrated in this excerpt of a letter from the compensation authority in Düsseldorf:

If one were to compensate these Gypsies, who are an inherently asocial section of society, which has never added anything to the well-being of the *Volksgemeinschaft* (community), for their self-inflicted incarceration [...] one would have to expect, in my opinion, the animosity of broad sections of society. Expellees and victims of bombing, the unemployed and pensioners on benefits, as well as all tax payers, will have no sympathy for taxes paid through great sacrifice to be spent in such an economically irresponsible manner. Especially as it is clear how the greater part of this money will be spent.<sup>129</sup>

## Conclusion

In 1950, as the German state started denying compensation payments to Romani victims, medical genealogist Professor Montandon commented: “Everyone despises Gypsies, so why exercise restraint? Who will avenge them? Who will complain? Who will bear witness?”<sup>130</sup> This statement summarises the Romanies’ experience of transitional justice in Germany. As this chapter has shown, when seeking retributive justice, their treatment at the hands of the Nazi regime was trivialised, misrepresented and justified, while those who advocated for and facilitated this treatment escaped justice. Similarly, when claiming material reparations for their suffering, the Nazi regime’s classification of them as “asocial” and “criminal” was used to deny a large part of victims their deserved compensation, thus victimizing them twice over. Once again, their persecution was misrepresented and justified as crime prevention rather than racial persecution and genocide. It would take decades – and the dedicated efforts of Romani activists and organisations – for Germany to correct this injustice and acknowledge the racially-driven genocide of Romanies. Even then, commemoration and memorialisation were delayed and Romanies are not explicitly acknowledged as victims of the Holocaust *per se*, nor is learning about their fate mandatory in the German education system. As such, this chapter has conclusively illustrated how Romanies in Germany have been marginalised as victims of racial persecution, genocide and the Holocaust. Following from this, it can be concluded that the transitional justice process in the aftermath of the Third Reich did indeed fail them as victims.

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<sup>3</sup> Jura L. S. Augustinavicius, "A Case for Alternative Mechanisms of Justice," *Undergraduate Transitional Justice Review* 1, no.3 (2010): 197-199, <http://ir.lib.uwo.ca/undergradtjr/vol1/iss3/1>; M. Cherif Bassiouni, "Searching for peace and achieving justice: The need for accountability," *Law and Contemporary Problems* 59, no. 4 (1996): 19-22, <https://www.jstor.org/stable/1192187>.

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<sup>5</sup> Cohen, "Transitional Justice in Divided Germany," 82-83.

<sup>6</sup> Cohen, "Transitional Justice in Divided Germany," 83; Elster, *Closing the Books*, 54; Devin O. Pendas, "Seeking justice, finding law: Nazi trials in postwar Europe," *The Journal of Modern History* 81, no. 2 (2009): 354-355, <https://doi.org/10.1086/598922>.

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<sup>10</sup> Lewy, *The Nazi Persecution of the Gypsies*, 210; Margalit, "The Justice System," 336.

<sup>11</sup> Margalit, "The Justice System," 341-342.

<sup>12</sup> *Ibid.*, 341-342.

<sup>13</sup> Lewy, *The Nazi Persecution of the Gypsies*, 210; Margalit, "The Justice System," 336.

<sup>14</sup> Lewy, *The Nazi Persecution of the Gypsies*, 210-212; Sybil Milton, "Holocaust: The Gypsies," in *Century of Genocide: Critical Essays and Eyewitness Accounts*, ed. by Samuel Totten, William Parsons and Israel W. Charny (New York: Routledge, 2004), 173-174.

<sup>15</sup> Lewy, *The Nazi Persecution of the Gypsies*, 212; Margalit, "The Justice System," 337.

<sup>16</sup> Lewy, *The Nazi Persecution of the Gypsies*, 211.

<sup>17</sup> Lewy, *The Nazi Persecution of the Gypsies*, 211; Margalit, "The Justice System," 337-339.

<sup>18</sup> Lewy, *The Nazi Persecution of the Gypsies*, 212-213

<sup>19</sup> *Ibid.*, 209

<sup>20</sup> *Ibid.*, 208

<sup>21</sup> Fulbrook, *Reckonings*, 252-253; Lewy, *The Nazi Persecution of the Gypsies*, 210; Margalit, "The Justice System," 340.

<sup>22</sup> Augustinavicius, "A Case for Alternative Mechanisms of Justice," 203; International Center for Transitional Justice (ICTJ), "Reparations," accessed 10 November 2018, <https://www.ictj.org/our-work/transitional-justice-issues/reparations>; Stephen Peté and Max Du Plessis, "Reparations for Gross Violations of Human Rights in Context," in *Repairing the Past? International Perspectives on Reparations for Gross Human Rights Abuses*, eds. Stephen Peté and Max du Plessis (Oxford: Intersentia, 2007), 13-15.

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<sup>24</sup> Woolford and Wolejszo, “Collecting on Moral Debts”, 889-891.

<sup>25</sup> United States Department of Justice, “German Compensation for National Socialist Crimes,” 61

<sup>26</sup> Elster, *Closing the Books*, 55; United States Department of Justice, “German Compensation for National Socialist Crimes,” 61; Woolford and Wolejszo, “Collecting on Moral Debts”, 879.

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<sup>32</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 112.

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<sup>38</sup> Fisher, “No roads lead to Rom,” 531-532; Milton, “Holocaust: The Gypsies,” 173; Puxon, “Forgotten Victims,” 24; Von dem Knesebeck, *The Roma Struggle for Compensation*, 118.

<sup>39</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 119.

<sup>40</sup> *Ibid.*

<sup>41</sup> Fisher, “No roads lead to Rom,” 532-533; Lewy, *The Nazi Persecution of the Gypsies*, 203-204; Pross, *Paying for the Past*, 54-55; Von dem Knesebeck, *The Roma Struggle for Compensation*, 122-123.

<sup>42</sup> Federal Ministry of Finance, *Compensation for National Socialist Injustice*, 8; Milton, “Holocaust: The Gypsies,” 173; Fisher, “No roads lead to Rom,” 533; Pross, *Paying for the Past*, 55; United States Department of Justice, “German Compensation for National Socialist Crimes,” 62; Von dem Knesebeck, *The Roma Struggle for Compensation*, 123-124.

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<sup>124</sup> Lemon, *Between Two Fires*, 167-168; Van Baar, "From Time-Banditry to the Challenge of Established Historiographies," 153-157.

<sup>125</sup> Lemon, *Between Two Fires*, 167.

<sup>126</sup> Kapralski, "The Holocaust in the Memory of the Roma," 115-117; Anna Marie Reading, "The European Roma: An Unsettled Right to Memory," in *Public Memory, Public Media and the Politics of Justice*, eds. P. Lee and P. N. Thomas (Basingstoke: Palgrave Macmillan, 2012), 130-132.

<sup>127</sup> Young, *The Texture of Memory*, 2.

<sup>128</sup> Reading, "The European Roma: An Unsettled Right to Memory," 132; Stewart, "Remembering without commemoration," 571.

<sup>129</sup> Stadt Düsseldorf, Amt für Wiedergutmachung, Abt. V/1, an Innenminister NRW, 12.4.1950, betr. Haftentschädigung für Zigeuner, HStA Düsseldorf, Bestand NW 114, WGM allgemein, NW 114 Nr. 35, Haftentschädigung, cited in Von dem Knesebeck, *The Roma Struggle for Compensation*, 168.

<sup>130</sup> Montandon, cited in Hancock, "1938," 28.

## Chapter Four

### Continued Romaphobia as a Consequence of Marginalisation

“The effects of historical discrimination and persecution do not end with the act itself, but continue to negatively affect the people persecuted as ‘gypsies’ in their economic, social and psychological lives.”<sup>1</sup>

Chapter Three highlighted how one of the main reasons for the marginalisation of Romanies during the transitional justice process in Germany, was continued prejudice and discrimination which they had little capacity to challenge. Of interest to this chapter however, is how this marginalisation then in turn also inadvertently reinforced Romaphobia. This term refers to the distinct type of racist ideology directed at those perceived as Romanies or “Gypsies”. It is a complex social phenomenon and includes, but is not limited to, violence, hate speech, marginalisation, discrimination, socio-economic exclusion, stereotyping, social stigma and dehumanization. Present in the discourses and actions of all spheres of society, it simultaneously perpetrates and justifies intolerance against Romanies as a group. Although this phenomenon has been present in Europe since the arrival of Romanies, efforts to name it<sup>i</sup> only started appearing in the late 20<sup>th</sup> century, becoming mainstream from the 2000s.<sup>2</sup> This chapter will provide a broad overview of the Romaphobia faced by Romanies in Germany<sup>ii</sup> from 1945 up until the present. It will then suggest how the continued Romaphobia can be linked to the Romanies’ marginalisation as victims.<sup>iii</sup>

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<sup>i</sup> Anti-Gypsyism, antiziganism, antigypsyism, anti-Romani racism and anti-Romaism are also common designations, with no consensus regarding the appropriate term. This thesis prefers Romaphobia, as it agrees that designations which include the pejorative concepts of “Gypsy” or *Zigeuner* are problematic. Furthermore, there are also arguments that the term Romaphobia better captures the fear, hostility, resentment and aversion that has become inherent in racism against Romanies. Romaphobia should be seen as a synonym for the other terms mentioned here. See Alliance Against Antigypsyism, *Antigypsyism – A Reference Paper* (N.p.: Alliance Against Antigypsyism, 2016), 6, [http://antigypsyism.eu/?page\\_id=17](http://antigypsyism.eu/?page_id=17); Aidan McGarry, *Romaphobia: The Last Acceptable Form of Racism* (London: Zed Books Ltd, 2017), 5; Annabel Tremlett, Vera Messing and Angéla Kóczé, "Romaphobia and the media: mechanisms of power and the politics of representations," *Identities* 24, no. 6 (2017): 645, <https://doi.org/10.1080/1070289X.2017.1380270>.

<sup>ii</sup> As in the previous chapter, Germany and German will refer to West Germany pre-1990 and reunified Germany post-1990.

<sup>iii</sup> This chapter does not argue that this is the sole cause of continued Romaphobia in Germany. Romaphobia is not monocausal and was present even before the Third Reich. For an in-depth study on Romaphobia see McGarry, *Romaphobia: The Last Acceptable Form of Racism*.

## Romaphobia Continued: An Overview from 1945 to the Present

The Romanies' persecution at the hands of the Nazi regime had left them physically weakened, traumatised, and in dire socio-economic conditions.<sup>3</sup> However, their plight was far from over. Romaphobia on the part of local German authorities, as well as society, resurfaced almost immediately. Often the same language and claims employed by the Nazi regime were reiterated, while there was little sympathy for the Romanies' plight.<sup>4</sup> As observed by the artist Otto Pankok: "Hitler has sunk, but the racial hatred has remained unchanged; to those who do not believe this, I recommend a walk, accompanied by a Gypsy, in the streets of a city."<sup>5</sup>

On 26 January 1946, for example, the Hannover criminal police complained to the military government that a situation of growing insecurity had been created in the rural areas due to the presence of Romanies, as well as "work-shy and asocial elements". They asked for permission to keep Romanies in custody until their identity could be established, maintaining that it was a matter of combatting crime rather than a racial issue. Their claim that "for Gypsies special measures are required, since according to experience the rate of crime among these people is especially high," nevertheless points to a continuation of prejudice inherited from the Nazi regime.<sup>6</sup> Similar reports from police existed in other parts of Germany, as did demands from citizens that measures be taken against Romanies. Although many German authorities were sympathetic to citizens' demands and still considered Romanies a "plague" to the German nation, they were wary of connotations with the Nazi regime and sought a new legal foundation on which to base their anti-Romani measures.<sup>7</sup> The Baden Department of the Interior ruled that Himmler's 1938 Decree for Combatting the Gypsy Plague could no longer be invoked, as it aimed to suppress Romanies on racial grounds. However, measures could be taken against "vagrants" who were accused of committing offences such as begging and vagrancy, fortune-telling, or not registering with the police. Consequently, to avoid comparison with Nazi racism, "vagrants" would become a euphemism for "Gypsies" in the authorities continued campaign against Romanies.<sup>8</sup>

In Bavaria, a special department dealing with "Gypsy questions" had been set up by 1946 in the criminal police headquarters in Munich. Known as the "Gypsy police", between 1947 and 1951 the department was subsequently renamed the Chamber for Gathering Information and Collecting Material about Vagrants (Central Office for Vagrants for short).<sup>9</sup> Despite its name change, the department continued to collect information on settled Romanies, which was beyond its mandate. It was in essence simply a continuation of the Munich Central Office for Gypsy Affairs. It not only used the files on individual Romanies collected by this office, both before and during the

Third Reich, but also accumulated new information on these individuals, irrespective of whether or not they had a criminal record. Even more concerning, it also employed personnel who had been involved in the Nazi regime's persecution of the Romanies and were now seen as "Gypsy experts".<sup>10</sup>

Among these was Rudolf Uschold, who had served in the Reich Main Security Office. In 1951, he published an article arguing that 70% of travellers living in Germany were *Zigeunermischlinge*, while 20% were "racially pure Gypsies", and that all "Gypsies" were extensively involved in crime and asocial activities. Although he conceded that the Nazi regime had made use of "radical" measures and "inhumane methods", he concluded that they had failed to "make a contribution toward a solution of the Gypsy problem." As such, he suggested the establishment of a central office for the entire Germany that would deal with the "Gypsy problem", a law against "asocials" and tougher controls on travellers – suggestions reminiscent of Nazi era policies. However, Uschold insisted that he was not discriminating against "Gypsies" but merely wanted to illustrate that the majority of them were asocial or given to criminal activity – once again bringing to mind Nazi beliefs.<sup>11</sup> Similar views were expressed in a 1954 article by Hans Eller, who had been involved in deportation from Bavaria as a member of the criminal police, and was also subsequently employed by the Central Office for Travellers. He not only attributed "asocial" and criminal behaviour to Romanies as a race, arguing that 60% were given to crime, but also denied that the Nazi regime's measures against Romanies constituted racial persecution, blaming the Romanies for their incarceration and deaths. Like Uschold, he also decried the fact that these measures had failed to solve the "Gypsy problem".<sup>12</sup> Thus, Romaphobia continued with the retaining of documents, personnel and beliefs from the Nazi era. Changing the name of the department did not change its purpose, which was the surveillance and control of Romanies.

In addition to the Central Office for Vagrants, Bavaria also enacted legislation against "vagrants" which in essence targeted Romanies. After the military government annulled the 1926 Bavarian Law for Combatting the Gypsies, Vagrants and Work-Shy in 1947, Bavarian authorities insisted on the necessity of such a law in order to curb the state-wide "plague of travelling people".<sup>13</sup> Consequently, in 1953 the Bavarian legislature approved the Decree on Vagrants. This legislation for the most part mirrored the measures of the 1926 Law, such as "travellers" needing permission to itinerate, own dogs or horses, or camp at specific sites, regular inspections, fingerprinting and residence restrictions. The only substantial change was that any specific reference to "Gypsies" was omitted in favour of the neutral term "vagrants". However, it was understood among officials that Romanies were still to be the target of this Decree. They approved of the spirit and substance

of the 1926 Law, but had to change the terminology in order to legitimise its measures under the new constitution and avoid direct association with Nazi-era racism.<sup>14</sup>

The Bavarian case is not an isolated example of continued Romaphobia, which was present among citizens and officials throughout Germany.<sup>15</sup> For example, in 1949, a number of conventions and work groups were held between the different regional states. Points of discussion included the establishment of a list of vagrants for the entire Germany as well as a central body for “fighting the criminal vagrant nuisance”. The Bavarian office was often seen as the model example. However, despite officials’ attempts, it would never regain the status it had during the Weimar and early Nazi period as the federal centre for the whole country. Nevertheless, it did inspire the establishment of similar “Vagrancy” offices within police departments of other states. They were tasked with the special registration and collection of information on “vagrants”, which in practice was aimed at Romanies.<sup>16</sup> There was also a drive on the part of the criminal police to adopt legislation similar to the 1953 Bavarian Decree on Vagrants in other states, or even on a federal level, although this never materialised.<sup>17</sup>

The examples above illustrate not only the continuation of Romaphobia, but also the central role the criminal police continued to play in the harassment of Romanies. A further example can be found in 1954 when the federal criminal police office ordered an increased level of control on the movement of vagrants, especially that of “Gypsies”. In the eyes of both society and officials, the Romanies were a matter for the criminal police.<sup>18</sup> This was affirmed by the German Conference of Mayors in 1954. During discussions on a new law intended to help refugees who had lost their homes during the war to move into permanent housing, the issue of finding housing for Romanies was brought up, as many lived in non-permanent structures on the outskirts of cities. They noted the difficulty involved – due to citizens not wanting Romanies in their neighbourhood – as well as the financial burden. Subsequently, it was decided that destitute Romanies were not a social issue, but rather a law and order issue. As such, the handling of Romanies was transferred from the welfare department of the German Conference of Mayors, to the law and order department, which maintained close ties with the federal criminal police office. A conscious decision was therefore made by German authorities to neglect Romanies and make them subject to harassment from the police.<sup>19</sup>

The extensive role played by the criminal police in measures concerning Romanies was closely related to the perception – on the part of both authorities and society – that Romanies were given to criminal activity. There was thus a clear perpetuation of Nazi-era beliefs and practices. In the 1950s this manifested itself in municipal policies of deterrence and eviction, while in the 1960s

authorities turned to control and probation. It needs to be unequivocally stated that the public opinion and policies regarding criminal activity of Romanies were not based on the actual behaviour of Romanies, but on prejudice. This became clear in the early 1960s when, for the first time since 1945, reliable statistical data on crime in Germany became available. It showed that only 0.09% of crimes were committed by “vagrants”.<sup>20</sup>

From the 1970s onwards, official policies against Romanies underwent some changes.<sup>iv</sup> There was more of a focus on integration and education, while rehabilitation also played a role. Furthermore, the 1953 Bavarian Decree on Vagrants was rescinded in 1970, while the Bavarian Central Office for Vagrants was also closed down.<sup>21</sup> Some “Vagrancy” departments, however, continued to conduct special registration of Romanies until the mid-1980s. Furthermore, the racial profiling of Romanies by police was only formally halted in most German states in the 1990s and continued in Bavaria until 2001.<sup>22</sup> Despite these official policy changes, police maintained discriminatory views and behaviour against Romanies, and continue to do so until the present day.<sup>23</sup> One of the most striking cases involved the murder of a police woman in Heilbronn in 2007. Police and the prosecution publicly announced that individuals from “the Sinti-Roma milieu” were the suspected culprits, without any evidence. It was widely covered in the press and led to the stigmatisation of Romanies in the public sphere. The investigation later found that the murder was carried out by members of a right-wing extremist group.<sup>24</sup> As recently as 2011, despite the ban on racial profiling, state prosecutors in Stuttgart and the Ludwigsburg police claimed the following about the suspects in a case of serial pickpocketing: “The Romani families belong to the ‘Kalderashi’ group [...] According to experts, the ‘Kalderashi’ are regularly involved in thefts in times of economic crises [...] Family members regard carrying out acts of theft of any kind as normal work that should even receive some form of recognition.”<sup>25</sup> Furthermore, cases of special registration still exist, although it is now aimed at those who “frequently change their place of residence”. This is a codeword for Romanies used by police, with “mobile ethnic minority” or “south-eastern Europeans belonging to a minority group” being other examples.<sup>26</sup>

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<sup>iv</sup> The statistical data no doubt played a role, as did the more liberal attitudes of this era. One of the biggest influences however was the rise of the Romani civil rights movement. At the hunger strike in Dachau, for example, continued discrimination and the files collected by the Bavarian Office for Vagrants were also points of contention. See Barbara Lochbihler, “Recognition of the Sinti and Roma genocide in Germany,” in *Countering Antigypsyism in Europe*, ed. by Guillermo Ruiz Torres, trans. Zoe Catsaras, Dirk Gebhardt and Saimir Mile (Brussels: The Greens/European Free Alliance in the European Parliament, 2017), 117, <https://www.greens-efa.eu/en/article/document/countering-antigypsyism-in-europe/>; Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hertfordshire: The University of Hertfordshire Press, 2011), 49 and 232.

The political arena would remain hostile towards Romanies even when former Nazi-era officials were no longer involved. For example, in 1990, with regards to the genocide of the Romanies, Wilhelm Schmidt of the People's Union Party publicly stated: "It is a pity that only so few were killed." He was taken to court for racist speech, but subsequently acquitted on appeal.<sup>27</sup> As recently as 2013, Romaphobia was explicitly promoted in a national- and state-level election campaign. The National Democratic Party of Germany (NPD) put up posters with the slogan "Money for Grandma, not for Sinti and Roma" and distributed flyers with the message "Stop the flood of gypsies!" alongside depictions of weapons. Although many criminal charges against the NPD were filed, authorities only intervened in a few cases. There were even reports of violence from right-wing extremists against Romanies who protested the posters.<sup>28</sup> The NPD thus employed anti-Romani propaganda for political gain, in the process not only encouraging Romaphobia but also illustrating that it still has political currency. After the 2017 election, the far-right Alternative for Germany (AfD) became the third-largest party in the Bundestag. The leader of this party, Alice Weidel, has been accused of stating in a 2013 e-mail that "we are overrun by culturally alien peoples such as Arabs, Sinti and Roma."<sup>29</sup> The party's presence in the Bundestag thus does not bode well for the elimination of Romaphobia in Germany.

Romaphobia is however not restricted to the political sphere. The media also plays a major role in maintaining and disseminating Romaphobia in the public discourse.<sup>30</sup> Articles about Romanies started appearing in the German press in 1947, but up until the 1960s they rarely discussed the fate of the Romanies during the Holocaust.<sup>31</sup> For the most part, German media coverage of Romanies has displayed a consistent trend of upholding stereotypes about Romanies and reproducing anti-Romani bias.<sup>32</sup> In a study of twelve German daily newspapers published between 1979 and 1991, Franz Hamburger found that articles on Romanies almost exclusively dealt with issues of social conflict and criminality. Furthermore, Romanies were presented as a collective group – united by their biological similarities – who were a threat to public order as a whole. Relying heavily on police reports, the articles also carried implicit suggestions that Romanies equalled criminals.<sup>33</sup> In 1992, two leading German newspapers labelled Romanies as "a pure disease" and "a serious plague".<sup>34</sup> Between 1997 and 2000, the Central Council for German Sinti and Roma filed between 30 and 45 complaints a year regarding defamatory press articles about Romanies.<sup>35</sup> More than a decade later, negative stereotypes are still being repeated by the German press, serving to reinforce the Romaphobia already present amongst the German public.<sup>36</sup>

The presence of Romaphobia in the sphere of public society has been illustrated by public opinion polls from the 1960s onwards which indicate a “constant, unchanging trend of rejection against Gypsies.”<sup>37</sup> For example, in a 1987 poll in Germany, 52% of respondents admitted to being prejudiced against Romanies, compared to an estimated 12% to 16% of the population having anti-Semitic attitudes.<sup>38</sup> A 1994 survey by the EMNID Institute indicated that an estimated 68% of the German population were prejudiced against Romanies and did not want them as neighbours.<sup>39</sup> A poll conducted in German schools in 1995, revealed that Romaphobia was even present among the younger generation: 38% of students in Western and 60.4% in Eastern Germany viewed Romanies in a negative light. In a 2001 policy study, the European Migration Centre noted a “pattern of continuing prejudice towards and exclusion of Sinti and Roma.”<sup>40</sup> This Romaphobia has not been reduced. According to a 2014 study by the University of Leipzig on right-wing tendencies in society, 55.4% of Germans would see it as a problem if Romanies lived near them, 47.1% think they should be banned from the city centres and 55.9% hold the belief that Romanies have criminal tendencies.<sup>41</sup>

The continued Romaphobia in German society has been acknowledged by the government as well. The Federal Anti-Discrimination Agency published a study titled “Between Indifference and Rejection: Population's Attitudes towards Sinti and Roma” in 2014. Their findings indicated that “derogatory stereotypes and the existence of prejudice can be found in all segments of the population.”<sup>42</sup> The term “Gypsy” was associated with itinerating, crime and begging, and only 6% of respondents reflected on the use of this term or rejected it. Private contact with Romanies was extremely rare, but despite this 31% of respondents expressed that “they could recognize members of this minority from their outer appearance and the way they behave - for example in a context of begging and appearing in groups.”<sup>43</sup> Furthermore, despite the presence of Romanies in Germany for centuries, and the fact that many Romanies have German citizenship, the group as a whole is labelled as ‘non-German’ and associated with migration. 22% of respondents even favoured deportation of Romanies. A third of respondents did not want Romanies living in their neighbourhood, while half of them believed Romanies inspired hostility due to their behaviour.<sup>44</sup> Although 81% of respondents were informed about the Romanies fate during the Third Reich, knowledge among younger respondents was shown to be decreasing. Furthermore, while the commemoration of the Romanies’ suffering is largely accepted, there is less endorsement of the view that Germany has a “historical responsibility” towards Romanies.<sup>45</sup> The study concluded:

Compared to the attitudes of the population towards other minorities (e.g. Muslim women and men, asylum seekers, citizens from Eastern Europe), the group of Sinti and Roma ranked lowest in the so-called ethnic hierarchy. There is no other group which continuously showed similar average values. They are met with the least degree of sympathy, they are least appreciated as neighbours, their lifestyle is considered to be extraordinarily different.<sup>46</sup>

Romaphobia among the public is not limited to negative attitudes, but also present in actions. For example, a stone memorial in Merseburg that commemorates Nazi deportations of Romanies was defiled seven times between December 2009 and January 2012.<sup>47</sup> On 16 October 2015, it was discovered that vandals had painted a large swastika and the word “vergasen” (meaning “to gas”) at the Sinti/Roma Memorial in Berlin.<sup>48</sup> At times, these actions involve physical violence. A prominent example is the case in August 1992, when a refugee settlement in the city of Rostock – that housed Romani and Vietnamese asylum-seekers – was the site of widely-supported arson attacks.<sup>49</sup> One of the perpetrators, a 16-year-old student, stated: “I wouldn't have cared if gypsies got burnt alive. Vietnamese would have been different, but Sinti and Roma? – Who cares?”<sup>50</sup> In another case, a camping site in Wildau, Brandenburg, where about 40 Romanies were settled was bombed with Molotov cocktails and set on fire on 30 July 2001.<sup>51</sup> More recently, 19 mobile homes in a settlement inhabited by Romanies in Gelsenkirchen were the targets of an arson attack in 2010.<sup>52</sup>

It is thus clear that Romanies have been, and still are, the victims of continued Romaphobia in Germany. It is not limited to the examples mentioned so far but is present in all sectors of society. Romanies are frequently rejected as tenants and face discrimination in the labour market when applying for jobs or offering their services.<sup>53</sup> In schools, Romani children face harassment and discrimination from fellow pupils as well as teachers.<sup>54</sup> The Open Society Institute notes that Romaphobia “makes itself felt in everyday life through the use of defamatory stereotypes and clichés in the media, lack of objective and comprehensive presentation of Sinti and Roma in history and school books, and the exclusion of Sinti and Roma from mainstream education, employment, housing and society in general.”<sup>55</sup>

Although there are national programmes which fund projects and activities by other organisations aimed at fostering the equal treatment of Romanies, the German government affirmed in 2011 that “there is no specific governmental programme addressing anti-gypsyism, racism and discrimination against Sinti and Roma in society.”<sup>56</sup> In 1995, upon signing the Framework

Convention of the Council of Europe for the Protection of National Minorities,<sup>v</sup> Germany officially recognised Sinti and Roma as one of its four autochthonous minorities. This was ratified in 1997 and became federal law, affording Sinti and Roma minority rights.<sup>57</sup> The granting of minority rights was a significant achievement and once again the result of dedicated efforts on the part of the Romani civil rights movement.<sup>58</sup> Unfortunately, this section has illustrated that for the most part Romanies are only afforded these rights in theory, while in practice discrimination and exclusion continues. Of further importance is the fact that minority rights are restricted to Romanies who are German citizens.<sup>59</sup> Although ethnic affiliation is by law not recorded in official statistics, estimates suggest that a significant proportion of Romanies<sup>vi</sup> living in Germany do not have citizenship and are thus not afforded minority rights.<sup>60</sup>

Among this group are reportedly hundreds of descendants of the Romani Holocaust victims who were denied citizenship upon return to Germany.<sup>61</sup> This is because, according to the German Citizenship Law up until 1 January 2000, citizenship was not automatically granted to individuals born within Germany, but only to those who had German parents. Thus, despite being born and raised in Germany, and having German ancestors, these individuals remain stateless and without minority rights protection because authorities had taken away their parents' citizenship.<sup>62</sup> Also included in this group are Romanies and their descendants who immigrated to Germany from the 1960s onwards. Many of them are refugees who fled persecution during the Yugoslav Civil Wars in the 1990s, as well as oppression and violence in former Communist bloc countries. Despite Germany's particular responsibility to the Romanies of Europe, it made no special allowances for Romani immigrants and asylums-seekers. Although German Citizenship Law now makes provision for naturalisation, it is an expensive and difficult process, and Germany still has the most stringent citizenship procedure in the EU.<sup>63</sup>

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<sup>v</sup> The Framework Convention contains a series of principles and rights that bind Germany to safeguard minority rights including: "the prohibition of discrimination, requirements for the promotion of effective equality, the maintenance and development of the essential elements of the particular identity of minorities, the right to use minority languages in private or public and to receive instruction in the minority language. Further responsibilities concern the right to effective participation in cultural, social and economic life and in public affairs and the prohibition of measures which cause forcible assimilation of persons belonging to national minorities." See Guillermo Ruiz Torres, Anna Striethorst and Dirk Gebhardt, *Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Germany in 2012 and 2013* (Budapest: Decade of Roma Inclusion Secretariat Foundation, 2014), 27-28, <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/2924/decade-monitoring-germany-2013.pdf>

<sup>vi</sup> In 2002, it was suggested that over half of Romanies in Germany do not have citizenship. See Open Society Institute EU Accession Monitoring Program, "The Situation of Roma in Germany," in *Monitoring the EU Accession Process: Minority Protection* (Budapest: Open Society Institute, 2002), Volume 1: 212, <http://miris.eurac.edu/mugs2/do/blob.pdf?type=pdf&serial=1038309633742>.

As such, a significant number of Romani refugees – many of whom have lived in Germany for decades - only have the status of “toleration” and thus limited access to rights. They face additional stigma and the constant threat of deportation.<sup>64</sup> In recent years, there has been a sharp increase in deportation of Romani refugees to their West Balkan countries of origin, after they were declared “safe countries” by the German government.<sup>vii</sup> This is despite reports by Human Rights Watch, Amnesty International and the US State Department that Romanies face discrimination and segregation, to the point of persecution, in all of these countries. It has elicited widespread condemnation and protests from the Romani community.<sup>65</sup> Most strikingly, Romani activist Hamze Bytyçi and the *BundesRomaVerband* interrupted the unveiling ceremony of the Sinti/Roma memorial to draw attention to this issue, noting: “It’s a beautiful grave, thanks a lot, but what about the suffering happening *now* of those kids uprooted from the country they call home after decades living here?”<sup>66</sup>

The widespread Romaphobia in Germany is deeply felt by Romanies. In a 2006 survey by the Central Council of German Sinti and Roma, 76% of respondents indicated that they were subject to hostility on various occasions, including at their workplace and in their neighbourhood. 44% faced discrimination when applying for a job and 54% when attempting to rent an apartment. 45.9% indicated that authorities have definitely registered their ethnic identity, while 31.7% stated that it had possibly happened to them.<sup>67</sup> Even minors are targets of Romaphobia. In a 2012 study on the Education Situation of German Sinti and Roma, 81% of respondents indicated personal experiences of discrimination at school.<sup>68</sup> As a result, to gain access to employment, housing, education and commercial services, and avoid stigmatisation, it is common for Romanies to conceal their ethnic identity and avoid speaking Romani in public.<sup>69</sup>

In conclusion, this section has illustrated how Romaphobia has continued unabatedly in the Germany from 1945 up until the today. It is not only present in all spheres of society, but also widely acceptable. Van Baar notes that “the Roma are the last minority in Europe that can be discriminated against without limit – shamelessly, and often without punishment.”<sup>70</sup> This sentiment is shared by McGarry in his book, which carries the title *Romaphobia: The Last Acceptable Form of Racism*.<sup>71</sup> Although the continued Romaphobia has many causes, this chapter now turns to the argument that the marginalisation of Romanies as victims during the transitional justice process, is partly to blame.

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<sup>vii</sup> These include Kosovo, Macedonia, Serbia, Bosnia and Herzegovina, Albania and Montenegro.

## Continued Romaphobia as a Consequence of Denied Retributive Justice

Retributive justice has several overlapping functions. First and foremost, it holds perpetrators formally accountable for the acts they committed against victims, thereby countering the culture of impunity under which perpetrators previously operated. It also serves to acknowledge the suffering undergone by victims and affirm that it was an intolerable injustice. Furthermore, it is also intended to act as a deterrent, not only for the individual perpetrator, but for society as a whole. By condemning these acts and showing that they are punishable, retributive justice aims to discourage their recurrence. In some cases, depending on the punishment, it can also remove offenders from public life and prevent them from gaining power again.<sup>72</sup>

Since a significant number of major figures who persecuted the Romanies were not held accountable for their acts, the culture of impunity was not broken. Rather than removing them from public life, many were allowed to retain a position of power over the Romanies. This is clear when looking at the continuity of personnel in the Central Office for Travellers. Thus, the former perpetrators could continue to disseminate their Romaphobia from the Nazi era, both in statements and in policies. Although an effort was made to break the association with Nazi racism, in essence there was clear continuity. By not holding perpetrators accountable, there was also a lack of acknowledgement that the acts they committed were wrong. Furthermore, neither the perpetrators nor society, were discouraged from committing these acts. Romaphobia was therefore not denounced, but rather allowed to continue unabatedly, without the fear of either punishment or judgement. Of even more concern, are the instances where Romaphobia was in fact justified and reinforced, as in the investigations against members of the RHF.

As a result, authorities officially continued to discriminate against Romanies until the 1980s and continue to unofficially do so today. In addition, political parties do not shy away from broadcasting Romaphobia and neither do the media. The German public is similarly not wary of expressing their Romaphobia, either through discriminating behaviour and statements, or even violence. It can therefore be argued that the retributive justice process in Germany implicitly and explicitly validated Romaphobia and can thus be seen as one of the causes of its continued presence and acceptability up until the present.

## Continued Romaphobia as a Consequence of Denied Material Reparations

Material reparations first of all seek to redress the wrongs committed against victims, through compensation for their suffering. It thereby addresses the socio-economic consequences of social injustice. However, through the payment of reparations, there is also an official acknowledgment of the injustice suffered by victims. Although not without its issues, such as how the loss of a loved one can ever be financially compensated, reparations are often the most direct and meaningful way to ensure justice for victims.<sup>73</sup>

A significant portion of Romani victims were denied reparations for decades and even when they eventually received payment, it was reduced through social welfare deductions. Furthermore, no block payment has ever been paid to Romanies. A 2005 report by the Economist observed that Romanies in Europe were “at the bottom of every socio-economic indicator: the poorest, the most unemployed, the least educated, the shortest-lived, the most welfare dependent, the most imprisoned and the most segregated.”<sup>74</sup> This does not mean to suggest that Romaphobia is the result of Romanies’ low socio-economic status. In fact, Romaphobia is rather one of its causes. As noted by the Alliance against Antigypsyism: “Antigypsyism is not the result of the poor living conditions many Roma have to live in, or the result of ‘how different they are’. The idea that promoting Roma integration is the main path to countering antigypsyism is a fallacy that misconstrues the origins and essence of antigypsyism. It inverts cause and effect.”<sup>75</sup>

Nevertheless, it should be noted that a higher socio-economic status would provide Romanies with more influence and capacity to demand that their rights be respected. As such, reparations could have played a role in addressing the socio-economic disadvantages faced by Romanies, putting them in a better position to challenge Romaphobia.<sup>viii</sup> As Hancock observes: “I do believe that the granting of monetary compensation following the Second World War would have helped the survivors reorient themselves, and that those reparations would have had a positive impact upon our efforts with repercussions reaching into the present day.”<sup>76</sup> Therefore, by denying them reparations, the socio-economic consequences of their persecution was not addressed and they remained in a disadvantaged position.

However, of particular concern here, is the process through which Romanies were denied reparation. The authorities continuously justified, misrepresented and trivialised the persecution

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<sup>viii</sup> This does not mean to suggest that the responsibility of eradicating Romaphobia lies with Romanies, but simply aims to highlight that due to their socio-economic status, many Romanies are powerless in the face of Romaphobia.

of the Romanies at the hands of the Nazi regime. Furthermore, they reinforced the racist belief that Romanies are inherently criminal and “asocial”. Instead of acknowledging that they suffered an injustice and denouncing Romaphobia, the reparations process once again validated it. As a consequence, Romanies continued to be associated with crime and social unrest and subjected to special registration, racial profiling and discrimination by the police. Despite a lack of proof, this stereotype persists to this day, as evidenced by polls and media articles discussed in this chapter. It can thus be argued that the reparations process is also partly to blame for the continued Romaphobia in Germany.

### Continued Romaphobia as a Consequence of Delayed Symbolic Reparations

Symbolic reparations serve to confront the past by acknowledging the suffering of the victims as well as the guilt of the perpetrators. Furthermore, it aims to provide closure to the victims and their loved ones as well as serving as an assurance of non-repetition. A crucial aspect of symbolic reparations is that it establishes a historical record, which serves to educate broader society and shape narratives. Commemorative events and memorial sites, especially, place the atrocity within the collective memory of society and ensure that it will not be forgotten, even when the victims and perpetrators have long since passed away.<sup>77</sup> Central to symbolic reparations is the logic of “never again”, which argues that the purpose of memorial culture is to put an end (once and for all) to such events.<sup>78</sup>

Symbolic reparations for the Romanies’ suffering was delayed for decades. In a context where authorities continued to justify the Nazi regime’s actions against them, there were no processes on the part of the state which established an accurate picture of their persecution and acknowledged that it was an injustice. As such, a distorted historical record of their fate under the Nazi regime was established by the Romaphobia-infused narrative of the authorities. This would turn influence the views of broader society, who was not informed about the link between Romaphobia and the Holocaust, and how discrimination can evolve into racial persecution and genocide. The message of “never again” was thus not imparted.

By the time the injustices suffered by the Romanies was finally acknowledged, commemorated and memorialised, it was too late to bring closure to many victims. Furthermore, the delay meant that a misleading picture of the Romanies’ fate had already become ingrained in wider society, as had Romaphobia. Thus, the symbolic reparations could not have the same efficacy of acknowledging injustice, influencing narratives and educating society as it would have had in the

immediate aftermath. It is also of crucial importance that the vast majority of memorial sites were initiated by Romani civil rights organisations and civil society. Thus, the fact that knowledge about the Romanies' fate is now more established within German society could very well be attributed to these groups, rather than being a result of efforts from the German state. Simultaneously, because the majority of memorial sites were not initiated by the German state, it can be argued that there is a lack of adequate acknowledgment of guilt, as well as minimal official attempts to confront the past. This could go some way towards explaining why Germany's historical responsibility towards Romanies is less accepted within German society. The German state's neglect when it comes to addressing Romani persecution during the Holocaust is also present in the education system. This could be argued to play a role in the fact that younger generations of Germans have less knowledge of Romanies' persecution, despite the increase in memorial sites.

In conclusion, due to the delay in symbolic reparations, Romaphobia was not challenged and put into perspective and its consequences did not form part of German society's collective memory or national narratives. As such, it remained widespread and acceptable. Even though this situation has improved somewhat, largely on account of Romani activism and civic initiatives, Romanies' persecution and its link with Romaphobia needs to form a central part of Holocaust memorial culture in Germany and deserves more attention from the German state. If not, it will fail to adequately shape narratives and might even fade back to obscurity.

## Conclusion

Through this chapter's overview of the continued Romaphobia in Germany from 1945 up until the present day, it became clear that Romaphobia has consistently been present in all spheres of society. This in turn was suggested to be linked to Romanies' marginalisation as victims during the transitional justice process. Each aspect of the transitional justice process is in different ways partly responsible for the continued Romaphobia in Germany. However, central to each is the fact that the Romanies' persecution – and the Romaphobia that fuelled it – was not acknowledged as an injustice. Consequently, because Romaphobia was not explicitly denounced, but rather justified and reinforced, it remained acceptable in German society. The transitional justice process thus also failed Romanies by not dismantling the root cause of their persecution, namely the racist ideology of Romaphobia

## Notes

<sup>1</sup> Alliance Against Antigypsyism, *Antigypsyism – A Reference Paper* (N.p.: Alliance Against Antigypsyism, 2016), 7, [http://antigypsyism.eu/?page\\_id=17](http://antigypsyism.eu/?page_id=17).

<sup>2</sup> Alliance Against Antigypsyism, *Antigypsyism – A Reference Paper*, 3-13; Aidan McGarry, *Romaphobia: The Last Acceptable Form of Racism* (London: Zed Books Ltd, 2017), 1-5; Valeriu Nicolae, “Towards a Definition of Anti-Gypsyism,” in *Roma Diplomacy*, eds. Valeriu Nicolae and Hannah Slavik (New York: The International Debate Education Association, 2007), 21-27; Annabel Tremlett, Vera Messing and Angéla Kóczé, “Romaphobia and the media: mechanisms of power and the politics of representations,” *Identities* 24, no. 6 (2017): 644-645, <https://doi.org/10.1080/1070289X.2017.1380270>; Wolfgang Wippermann, “The Longue Durée of Antiziganism as Mentality and Ideology,” in *Antiziganism: What's in a Word?: Proceedings from the Uppsala International Conference on the Discrimination, Marginalization and Persecution of Roma, 23-25 October 2013*, eds. Jan Selling, Markus End, Hristo Kyuchukov, Pia Laskar and Bill Templer (Cambridge: Cambridge Scholars Publishing, 2015), 2-6.

<sup>3</sup> Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford University Press, 2000), 199; Gilad Margalit, *Germany and Its Gypsies: A Post-Auschwitz Ordeal* (Wisconsin: University of Wisconsin Press, 2002), 57; John Perkins, “Continuity in modern German history? The treatment of gypsies,” *Immigrants & Minorities* 18, no. 1 (1999): 73, <https://doi.org/10.1080/02619288.1999.9974959>, 73.

<sup>4</sup> Lewy, *The Nazi Persecution of the Gypsies*, 199; Margalit, *Germany and Its Gypsies*, 56-58; Perkins, “Continuity in modern German history?” 73.

<sup>5</sup> Pankok, cited in Margalit, *Germany and Its Gypsies*, 58.

<sup>6</sup> Lewy, *The Nazi Persecution of the Gypsies*, 199-200.

<sup>7</sup> Lewy, *The Nazi Persecution of the Gypsies*, 200; Margalit, *Germany and Its Gypsies*, 58-63.

<sup>8</sup> Lewy, *The Nazi Persecution of the Gypsies*, 200; Perkins, “Continuity in modern German history?” 73-74; Julia von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany* (Hertfordshire: The University of Hertfordshire Press, 2011), 48.

<sup>9</sup> Lewy, *The Nazi Persecution of the Gypsies*, 201; Barbara Lochbihler, “Recognition of the Sinti and Roma genocide in Germany,” in *Countering Antigypsyism in Europe*, ed. by Guillermo Ruiz Torres, trans. Zoe Catsaras, Dirk Gebhardt and Saimir Mile (Brussels: The Greens/European Free Alliance in the European Parliament, 2017), 112, <https://www.greens-efa.eu/en/article/document/countering-antigypsyism-in-europe/>; Margalit, *Germany and Its Gypsies*, 65-66; Perkins, “Continuity in modern German history?” 74; Von dem Knesebeck, *The Roma Struggle for Compensation*, 47.

<sup>10</sup> Lewy, *The Nazi Persecution of the Gypsies*, 201; Lochbihler, “Recognition of the Sinti and Roma genocide in Germany,” 112; Margalit, *Germany and Its Gypsies*, 65-66; Perkins, “Continuity in modern German history?” 74; Von dem Knesebeck, *The Roma Struggle for Compensation*, 47.

<sup>11</sup> Lewy, *The Nazi Persecution of the Gypsies*, 201-202.

<sup>12</sup> Lewy, *The Nazi Persecution of the Gypsies*, 201-202; Perkins, “Continuity in modern German history?” 74-75.

<sup>13</sup> Lewy, *The Nazi Persecution of the Gypsies*, 200-201; Margalit, *Germany and Its Gypsies*, 64-66; Perkins, “Continuity in modern German history?” 74.

<sup>14</sup> Lewy, *The Nazi Persecution of the Gypsies*, 200; Lochbihler, “Recognition of the Sinti and Roma genocide in Germany,” 112; Margalit, *Germany and Its Gypsies*, 71-74; Perkins, “Continuity in modern German history?” 74; Von dem Knesebeck, *The Roma Struggle for Compensation*, 47-48.

<sup>15</sup> Margalit, *Germany and Its Gypsies*, 70-71; Von dem Knesebeck, *The Roma Struggle for Compensation*, 48.

<sup>16</sup> Margalit, *Germany and Its Gypsies*, 69-70; Open Society Institute EU Accession Monitoring Program, “The Situation of Roma in Germany,” in *Monitoring the EU Accession Process: Minority Protection* (Budapest: Open Society Institute, 2002), Volume 1: 149, <http://miris.eurac.edu/mugs2/do/blob.pdf?type=pdf&serial=1038309633742>; Central Council of German Sinti and Roma, *45 years of civil rights work of German Sinti and Roma* (Heidelberg: Central Council of German Sinti and Roma, 2017), 38, [http://www.sintiundroma.de/uploads/media/Katalog\\_45\\_Jahre\\_Buergerrechtsarbeit.pdf](http://www.sintiundroma.de/uploads/media/Katalog_45_Jahre_Buergerrechtsarbeit.pdf);

<sup>17</sup> Margalit, *Germany and Its Gypsies*, 76-77.

<sup>18</sup> Margalit, *Germany and Its Gypsies*, 76-77; Von dem Knesebeck, *The Roma Struggle for Compensation*, 48.

- <sup>19</sup> Margalit, *Germany and Its Gypsies*, 76-77.
- <sup>20</sup> Margalit, *Germany and Its Gypsies*, 81; Von dem Knesebeck, *The Roma Struggle for Compensation*, 48.
- <sup>21</sup> Lewy, *The Nazi Persecution of the Gypsies*, 202; Lochbihler, "Recognition of the Sinti and Roma genocide in Germany," 113; Von dem Knesebeck, *The Roma Struggle for Compensation*, 49.
- <sup>22</sup> Central Council of German Sinti and Roma, *45 years of civil rights work*, 38; Open Society Institute, "The Situation of Roma in Germany," 149.
- <sup>23</sup> Open Society Institute, "The Situation of Roma in Germany," 188-192;
- <sup>24</sup> Andrea Grunau, "Stereotyping of Roma continues in Germany," *DW*, April 7, 2012, <https://www.dw.com/en/stereotyping-of-roma-continues-in-germany/a-15865501>
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- <sup>31</sup> Margalit, *Germany and Its Gypsies*, 166.
- <sup>32</sup> Margaret Brearley, "The persecution of Gypsies in Europe," *American Behavioral Scientist* 45, no. 4 (2001): 596, <https://doi.org/10.1177/00027640121957367>; Markus End, "Subtle images of antigypsyism: An analysis of the visual perception of 'Roma,'" *Identities* 24, no. 6 (2017): 669, <https://doi.org/10.1080/1070289X.2017.1380265>; Open Society Institute, "The Situation of Roma in Germany," 153.
- <sup>33</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 48.
- <sup>34</sup> Brearley, "The persecution of Gypsies in Europe," 596.
- <sup>35</sup> Open Society Institute, "The Situation of Roma in Germany," 153.
- <sup>36</sup> Grunau, "Stereotyping of Roma continues in Germany."; Maximilian Popp, "Sinti, Roma and Racism: Report Blasts Berlin's Inaction," *Spiegel Online*, December 12, 2012, <http://www.spiegel.de/international/germany/report-german-government-fails-to-fight-racism-against-sinti-and-roma-a-872552.html>
- <sup>37</sup> Margalit, *Germany and Its Gypsies*, 151.
- <sup>38</sup> Von dem Knesebeck, *The Roma Struggle for Compensation*, 49.
- <sup>39</sup> Open Society Institute, "The Situation of Roma in Germany," 152; Von dem Knesebeck, *The Roma Struggle for Compensation*, 49.
- <sup>40</sup> Open Society Institute, "The Situation of Roma in Germany," 152.
- <sup>41</sup> Guillermo Ruiz Torres, Anna Striethorst and Dirk Gebhardt, *Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Germany in 2012 and 2013* (Budapest: Decade of Roma Inclusion Secretariat Foundation, 2014), 48, <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/2924/decade-monitoring-germany-2013.pdf>
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- <sup>44</sup> FADA, "Population's attitudes towards Sinti and Roma," 1-2; European Roma Rights Centre (ERRC), "Somewhere Between Indifference and Rejection: Sinti and Roma in Germany," accessed January 10, 2019, <http://www.errc.org/news/somewhere-between-indifference-and-rejection-sinti-and-roma-in-germany>
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- <sup>46</sup> FADA, “Population's attitudes towards Sinti and Roma,” 2.
- <sup>47</sup> Popp, “Sinti, Roma and Racism.”
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- <sup>51</sup> Open Society Institute, “The Situation of Roma in Germany,” 198.
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- <sup>55</sup> Open Society Institute, “The Situation of Roma in Germany,” 151
- <sup>56</sup> Torres et al., *Civil Society Monitoring*, 48.
- <sup>57</sup> Abdikeeva, “Living Apartheid?”; Central Council of German Sinti and Roma, *45 years of civil rights work*, 66; Open Society Institute, “The Situation of Roma in Germany,” 200-201; Torres et al., *Civil Society Monitoring*, 27.
- <sup>58</sup> Central Council of German Sinti and Roma, *45 years of civil rights work*, 66.
- <sup>59</sup> Open Society Institute, “The Situation of Roma in Germany,” 212; Torres et al., *Civil Society Monitoring*, 27.
- <sup>60</sup> Open Society Institute, “The Situation of Roma in Germany,” 212; Torres et al., *Civil Society Monitoring*, 27.
- <sup>61</sup> Open Society Institute, “The Situation of Roma in Germany,” 149.
- <sup>62</sup> Open Society Institute, “The Situation of Roma in Germany,” 213; Perkins, “Continuity in modern German history?” 77.
- <sup>63</sup> Open Society Institute, “The Situation of Roma in Germany,” 212-213.
- <sup>64</sup> Abdikeeva, “Living Apartheid?”; Open Society Institute, “The Situation of Roma in Germany,” 155; Torres et al., *Civil Society Monitoring*, 27.
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- <sup>66</sup> Ruth Schneider, “Berlin's Romani rabble-rouser,” *ExBerliner*, April 5, 2018, <http://www.exberliner.com/features/people/berlin-s-romani-rabble-rouser/>.
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<sup>73</sup> Augustinavicius, "A Case for Alternative Mechanisms of Justice," 198; International Center for Transitional Justice (ICTJ), "Reparations," accessed 10 November 2018, <https://www.ictj.org/our-work/transitional-justice-issues/reparations>; Kasapas, "Concept of Transitional Justice," 66-67.

<sup>74</sup> Cited in Hancock, "1938," 33.

<sup>75</sup> Alliance Against Antigypsyism, *Antigypsyism – A Reference Paper*, 3.

<sup>76</sup> Hancock, "1938," 9.

<sup>77</sup> Kris Brown, "Commemoration as symbolic reparation: New narratives or spaces of conflict?" *Human Rights Review* 14, no. 3 (2013): 275, <https://dx.doi.org/10.1007/s12142-013-0277-z>; Laurie Beth Clark, "Never again and its discontents," *Performance Research* 16, no. 1 (2011): 68-77, <https://doi.org/10.1080/13528165.2011.561677>; Brandon Hamber, Liz Ševčenko and Ereshnee Naidu, "Utopian dreams or practical possibilities? The challenges of evaluating the impact of memorialization in societies in transition," *International journal of transitional justice* 4, no. 3 (2010): 397-398, <https://doi.org/10.1093/ijtj/ijq018>; ICTJ, "Reparations"; James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993).

<sup>78</sup> Clark, "Never Again," 69.

# Chapter Five

## Conclusion

“The Roma have no geographic focus, they have no protector, they have no refuge. They are ignored because they are powerless. They are vulnerable wherever they go. What does that mean? If we are to build a world in which there is justice for all, where do we start? The answer is the Roma.”<sup>1</sup>

Through a qualitative analysis of selected literature on the subject, this thesis set out to answer the question: **Did the transitional justice process in the Federal Republic of Germany, in the aftermath of the Third Reich, fail Romanies as victims of racial persecution, genocide and the Holocaust?** The introduction laid the foundation for this analysis by discussing the pattern of prejudice and persecution that Romanies had been subjected to in since their arrival from India, which depicted them as inherently “asocial” and criminal. This was crucial in order to contextualise their subsequent persecution by the Nazi regime and illustrate that it was not a novel occurrence, but rather an intensification of previous measures, that built on the stigmatisation of Romanies due to their status as an outgroup in Europe. An overview of the Romanies’ suffering at the hands of the Nazi regime was subsequently provided, which also situated their experiences within the framework of racial persecution, genocide and the Holocaust. Following from this, the thesis analysed how their suffering was addressed during the transitional justice process in Germany following the fall of the Third Reich. It illustrated how retributive justice and material reparations were largely denied to Romanies while symbolic reparations were significantly delayed. As such, it concluded that Romanies were marginalised as victims during this process. This marginalisation was attributed to Romanies’ dire material conditions and limited political power, issues around remembrance, as well as continued anti-Romani prejudice – termed Romaphobia – which Romanies are once again not in a position to challenge. The thesis highlighted the continued presence of Romaphobia in Germany up until the present and suggested that it was not only a cause of the Romanies’ marginalisation, but also a consequence, by looking at the possible role each transitional justice mechanism played in reinforcing Romaphobia, rather than challenging it.

The thesis therefore now comes to three main conclusions. First and foremost, in answer to the research question, it concludes that the transitional justice process in the Germany, in the aftermath of the Third Reich, failed Romanies in two ways: It not only marginalised them as victims of racial persecution, genocide and the Holocaust, but also inadvertently reinforced the Romaphobia that informed their persecution, instead of confronting and putting an end to it. Second, the thesis argues that the Nazi regime's persecution of the Romanies should not be seen as an isolated incident. It was built on a foundation of Romaphobia that had been present in Europe for centuries due to the Romanies' status as an outgroup. While the extreme tactics of the Nazi regime ceased with the fall of the Third Reich, the Romaphobia that fuelled it did not. There is thus a clear continuation of anti-Romani attitudes from the pre-Third Reich era, through the Holocaust, and up until the present. As long as this Romaphobia persists, the notion of "never again" is not assured for the Romanies.

Last, but not least, this thesis posits that the situation faced by the Romanies in Germany serves as an illustration as to why atrocities need to be comprehensively addressed. It is not sufficient to only deal with the observable aftermath at a superficial level. Rather, if the society is to truly transform, the underlying root causes that produced the atrocities need to be confronted. The thesis thus demonstrates the need for wide-ranging transitional justice processes. At the same time, it also highlights how transitional justice processes can harm victims, instead of aiding them. As such, it serves as a warning that transitional justice is not a guaranteed remedy. Just because it exists in the aftermath of an atrocity, does not mean it is effective. It needs to be constantly re-evaluated and adjusted to ensure it is inclusive to all victims and adequately addresses the wrongs committed against them. Transitional justice is a human endeavour, and thus inherently flawed. It is our responsibility to learn from past mistakes and continuously strive to improve the ways in which we try and ensure history is not repeated.

It should however be noted that due to length restrictions, this thesis has its limitations. It only examined a fragment of the Romanies' suffering in the Holocaust. Romanies from across Europe were targeted by the Nazi regime and their allies. As the Third Reich extended their influence, Romanies were interned in concentration camps and became the victims of widespread systematic killings. In Poland, France, the Netherlands, Hungary, Romania, Czechoslovakia, Albania, Italy and Yugoslavia, Romanies were deported to death camps or summarily shot. Romanies were among the first to be killed in mobile gas vans at the Chelmnó extermination camp. In the Baltic states like Serbia, Croatia and German-occupied USSR,

Romanies were shot along with Jews by the mobile killing units known as *Einsatzgruppen*.<sup>2</sup> It is thus argued that proportion-wise their mortality rate is comparable to that of Jews.<sup>3</sup> The marginalisation of Romanies as victims is however not restricted to the Germany, which is another aspect the thesis was not able to touch on. A prime example is the Czech Republic, where 90% of the Romani population were murdered. Playing a central part in this, were the concentration camps of Lety and Hodonín.<sup>4</sup> As of 2008, the grounds of the Lety camp was the location for an industrial pig farm, while the Hodonín camp had been transformed into a popular holiday resort, with the last remaining barrack serving as a tuckshop. This situation is representative of the larger ambivalence towards the commemoration of the Romani genocide in the Czech Republic.<sup>5</sup> Furthermore, to this day, in countries such as Italy, Romania and the Slovak Republic, the genocide of the Romanies is largely an unwelcome topic.<sup>6</sup> As such, there are significant opportunities for further research into the topic of Romanies' marginalisation as victims of the Holocaust, especially when keeping in mind how Romanies have been relegated to the footnotes of Holocaust historiography.<sup>7</sup>

There is also a need to emphasise that Romaphobia is present throughout Europe, and often in more extreme forms than in Germany. In the Czech Republic, the far-right National Party made a proposition in 2009 for a “final solution to the Gypsy question”, using the exact same terminology as the Nazi regime.<sup>8</sup> In France, under the Sarkozy government, Romanies were widely targeted for expulsion.<sup>9</sup> During the communist era in Czechoslovakia, Romani women were involuntarily sterilised, a practice which continued unofficially in both the Czech Republic and Slovakia post-communism, with cases being documented as late as 2007.<sup>10</sup> Sweden also carried out involuntary sterilisation of Romani women until 1976, while in Hungary there were cases reported as recently as 2008.<sup>11</sup> In 2018, Italy's far-right interior minister called for a census to register Romanies and expel those without Italian citizenship, while Italian Romanies “unfortunately” had to be kept. This rhetoric cannot be dismissed, especially considering 82% of Italians have an unfavourable view of Romanies.<sup>12</sup> These examples highlight not only the pervasiveness of Romaphobia and thus the importance of addressing it, but also present further avenues of research.

This thesis has also touched on some broader conceptual issues that will continue to challenge researchers of mass atrocity. The narratives around classifying Romanies as victims of genocide and the Holocaust, highlight the emotive and complex nature of these concepts. More than 70 years after its end, there is still no consensus regarding either the definition or

supposedly unique character of the Holocaust.<sup>13</sup> We need to ask ourselves what purpose these debates serve in the broader context. Similarly, the concept and margins of genocide are continuously contested. In a world where “never again” has become “again and again”,<sup>14</sup> and 70 countries are at risk as of 2018 for mass killing, genocide or systematic violent repression,<sup>15</sup> we need to think about the possible repercussions of restrictive interpretations of genocide. As was the case with the Romanies, they can be utilised in a way that serves to harm rather than assist victims. To this end, Townsend argues that there lies value in taking a sociological – rather than legal – approach to the study of genocide, which is more focused on understanding what occurred, as well as how and why it came about.<sup>16</sup>

Furthermore, this thesis also draws attention to the issue of victim hierarchies. The fate of the Romanies was compared to that of the Jews for the purpose of contextualisation. In no way did this thesis wish to diminish the plight of Jewish victims. This thesis furthermore does not consider one victim group as more important or deserving of justice than another. However, it was shown how literature, narratives and actions have consistently ranked victims of the Holocaust. This thesis concurs with Hancock’s view that this creation of a “suffering olympics” is not productive and creates unnecessary tension.<sup>17</sup> We thus once again need to enquire what purpose is served by ranking victims of any atrocity.

In conclusion, this thesis forms part of “the gigantic task of dealing with man’s inhumanity to man.”<sup>18</sup> At its core, is the question that has been constant in human history: How could this happen and how do we stop it from happening again? In the quest to answer this question, the message imparted by this thesis is as relevant today as ever. The migrant crisis in Europe has led to a rise in right-wing populism and the Romanies, perpetually regarded as outsiders, are also feeling the effects of this. There has been an increase in Romaphobia in the media and politics, not only on the far-right, but even in the mainstream.<sup>19</sup> One of the ways to confront it is to create an understanding within society regarding the possible genocidal consequences of unabated Romaphobia. To do this, Romanies’ status as victims of racial persecution, genocide and the Holocaust needs to become entrenched within the collective memory and narrative. As such, challenging the marginalisation of Romanies as victims, is still a necessary task, even more than 70 years after their persecution. In the end, the plight of the Romanies can be summarised in this question posed by a Romani Holocaust survivor: “Our ashes mingled in the ovens – why should that be remembered separately today?”<sup>20</sup>

## Notes

<sup>1</sup> Raul Hilberg, 2002, cited in David M. Crowe, "The Roma and the Burden of Holocaust Memory," in *Zerstörer des Schweigens: Formen künstlerischer Erinnerung an die nationalsozialistische Rassen- und Vernichtungspolitik in Osteuropa*, eds. by Frank Grüner, Urs Heftrich, Felicitas Fischer von Weikersthal, Heinz-Dietrich Löwe and Böhlau Verlag Köln Weimar (Cologne: Böhlau Verlag, 2006), 3.

<sup>2</sup> Barry A. Fisher, "No roads lead to Rom: the fate of the Romani people under the Nazis and in post-war restitution," *Whittier Law Review* 20 (1998): 524-525, <https://heinonline.org/HOL/P?h=hein.journals/whitr20&i=523>; Sybil Milton, "Gypsies and the Holocaust," *The History Teacher* 24, no. 4 (1991): 379-382, <https://www.jstor.org/stable/494697>; C. R. Sridhar, "Historical Amnesia: The Romani Holocaust," *Economic and Political Weekly* 41, no. 33 (2006): 3570-3571, <http://www.jstor.org/stable/4418585>; Michael Zimmermann, "The National Socialist 'Solution of the Gypsy Question': Central Decisions, Local Initiatives, and Their Interrelation," *Holocaust and Genocide Studies* 15, no. 3 (2001): 417-418, <https://doi.org/10.1093/hgs/15.3.412>.

<sup>3</sup> Milton, "Gypsies and the Holocaust," 377; Sridhar, "Historical Amnesia," 3571.

<sup>4</sup> Huub van Baar, "The Way out of Amnesia? Europeanisation and the Recognition of the Roma's Past and Present," *Third Text* 22, no. 3 (2008): 373, accessed 16 May 2017, <http://www.tandfonline.com/doi/abs/10.1080/09528820802204854?journalCode=ctte20>

<sup>5</sup> *Ibid.*, 373-377.

<sup>6</sup> Riccardo Armillei, Nikki Marczak and Panayiotis Diamadis, "Forgotten and Concealed: The Emblematic Cases of the Assyrian and Romani Genocides," *Genocide Studies and Prevention: An International Journal* 10, no. 2 (2016): 113-114, <http://dx.doi.org/10.5038/1911-9933.10.2.1404>

<sup>7</sup> Gabrielle Tyrnauer, "'Mastering the Past': Germans and Gypsies," in *Gypsies: An Interdisciplinary Reader*, ed. Diane Tong (New York: Routledge, 2013), 97.

<sup>8</sup> Emma Townsend, "Hate speech or genocidal discourse? An examination of Anti-Roma sentiment in contemporary Europe," *Portal: Journal of Multidisciplinary International Studies* 11, no. 1 (2014): 1, <https://doi.org/10.5130/portal.v11i1.3287>

<sup>9</sup> *Ibid.*, 16.

<sup>10</sup> Townsend, "Hate speech or genocidal discourse?" 17-18; Renate van der Zee, "Roma women share stories of forced sterilisation," *Al Jazeera*, July 19, 2016, <https://www.aljazeera.com/indepth/features/2016/07/roma-women-share-stories-forced-sterilisation-160701100731050.html>.

<sup>11</sup> European Roma Rights Centre, "Coercive sterilisation of Romani Women," accessed January 10, 2019, <http://www.errc.org/cikk.php?cikk=3843>; European Roma Rights Centre, "Report Reveals that Romani Women Were Sterilised Against Their Will in Sweden," accessed January 10, 2019, <http://www.errc.org/roma-rights-journal/report-reveals-that-romani-women-were-sterilised-against-their-will-in-sweden>

<sup>12</sup> Sofia Bettiza, "'Treated like dogs': Italy's Roma minority on society's fringe," *BBC News*, June 29, 2018, <https://www.bbc.com/news/world-europe-44632472>.

<sup>13</sup> Alan S. Rosenbaum, "Introduction," in *Is the Holocaust Unique? Perspectives on Comparative Genocide*, ed. Alan S. Rosenbaum (Oxford: Westview Press, 1996), 1-7.

<sup>14</sup> Genocide Watch, "About Genocide," accessed January 10, 2019, <http://www.genocidewatch.org/genocide.html>.

<sup>15</sup> Minority Rights Group International, *Peoples Under Threat 2018* (London: Minority Rights Group International), 9-15, <https://peoplesunderthreat.org/wp-content/uploads/2018/06/Peoples-under-Threat-briefing-2018.pdf>

<sup>16</sup> Townsend, "Hate speech or genocidal discourse?" 3.

<sup>17</sup> Ian Hancock, "Romani Victims of the Holocaust and Swiss Complicity," in *When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Human Injustice*, ed. Roy L. Brooks (New York: New York University Press, 1999), 74, note 1.

<sup>18</sup> Herskovits, 1972, 93, cited in Andrew P. Lyons, "Westermarck and the Diverse Roots of Relativism," in *Historicizing Theories, Identities and Nations*, eds. Regna Darnell and Frederic W. Gleach (Nebraska: University of Nebraska Press, 2017), 161.

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<sup>19</sup> Julija Sardelic and Aidan McGarry, “How the refugee crisis is dealing another blow to Europe’s Roma,” *The Conversation*, March 20, 2017, <https://theconversation.com/how-the-refugee-crisis-is-dealing-another-blow-to-europes-roma-74000>

<sup>20</sup> Cited in Andrew Woolford and Stefan Wolejszo, “Collecting on Moral Debts: Reparations for the Holocaust and Pořajmos,” *Law & Society* 40, no. 4 (2006): 883, <http://www.jstor.org/stable/4623350>.

## New Rom

Who are we,  
Roma without Romanes  
who must read  
our own history  
in another tongue,  
follow the butterfly  
of our own being  
across maps of imagination  
trying to recreate  
the lost structure  
of our soul?

We are your children.  
You, who fought battles,  
traded metal, horses,  
dreams and tongues  
in order to survive;  
who told the Magnificent Lie  
and ended up in chains  
as galley slaves,  
deportees  
outlaws and brigands  
in ashes and lime.

If we learn Romanes  
from books and not  
our mother's breast  
it is only because the long cloak of assimilation  
the rubber stamp of jackboots  
and the mask of shame  
almost destroyed  
the butterfly's fragile wings.

If we travel in aeroplanes  
rather than *vurdon*  
it is because  
our journey has taken us  
so far apart.

We read the future  
from a fax machine  
and not a crystal ball.

If we reconstruct history  
from dust and ashes  
it is because this dust  
came from our own feet  
and the ashes from our own bones.<sup>1</sup>

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<sup>1</sup> Jimmy Story, "New Rom," in *The Roads of the Roma*, eds. Ian Hancock, Siobhan Dowd and Rajko Djurić, (Hertfordshire: University of Hertfordshire Press, 1998), 104-105.

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