

The *Porrajmos*: A Biopolitical and Transnational Perspective

by

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Abstract

How can we offer a comprehensive, comparative, and transnational history of the *Porrajmos* which deeply understands the cumulative nature of the persecution of the so-called ‘Gypsies’ in Germany, Austria and Switzerland between 1870 and 1945?

Until recently, the genocide of the Gypsies under the National Socialist regime was a neglected topic in Holocaust historiography often overshadowed by the systematic suffering of European Jewry. Over the last thirty years, a surge of historical literature has addressed the motivations behind the discriminatory mistreatment of the Gypsies and has called for their recognition as victims of Nazi genocide. This has raised a greater awareness of the *Porrajmos*, allowing it to become a subject that is increasingly studied and understood in its own right. Yet an overarching history of the *Porrajmos*, which closely analyses the continuities and ruptures in government policies implemented against the Gypsies before and during the Nazi era, is sorely-needed. Current scholarly works have also overlooked the transnational dimensions of the systematic persecution and genocide of Europe’s Gypsies. By critically assessing archival material, sourced from German, Austrian, and Swiss repositories, and deploying Michel Foucault’s analysis of ‘biopolitics’, this thesis offers a transnational history of the *Porrajmos* which carefully examines the development of anti-Gypsy policy in Central Europe between 1870 and 1945.

This thesis has two central points. Firstly, it asserts that there was a clear shift in Germany’s biopolitical management of Gypsies. During the *Kaiserreich* period, the authorities employed liberal biopolitical practices against Gypsies that aimed at their assimilation and gradual absorption within the dominant sedentary culture. After Adolf Hitler’s rise to power, however, this continuity ruptured. The Nazis implemented increasingly radical policies directed towards the racial destruction of Gypsies through their deportation and sterilisation. This gradually

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culminated in genocide and saw, in Foucauldian terms, the transition from biopolitics to thanatopolitics.

Secondly, this study argues that a Central European framework for dealing with the 'Gypsy Question' was evident from 1931 onwards through the utilisation of the International Criminal Police Commission. Alongside their involvement in this international crime-fighting organisation, Austria, and Switzerland too pursued biopolitical courses of action against their Gypsy populations. Only Nazified Austria, however, made the leap with Germany into thanatopolitics. Switzerland, by contrast, maintained their earlier citizen/foreigner distinction and looked to sedentarisation, rather than expulsion and murder, for their Gypsy citizens. Even though the *Porrajmos* has been widely ignored by Holocaust scholars, this thesis offers new methods and knowledge for understanding and recognising the Gypsy persecution as a genocide with its own historical origins and dynamic.

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I certify that this thesis does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed: Charissa Kurda 14/12/2020

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Abbreviations and Glossary

Ahnenerbe	Ancestral Heritage (an institute created by Heinrich Himmler for research on the 'Germanic race')
Anschluss	Annexation of Austria by Germany in 1938
Antiziganismus	Antigypsyism (hostility or discrimination directed specifically at Romani people)
Einsatzgruppe	Special task force of the Security Police and SD
Gau	One of forty-two territorial divisions of the Nazi party
Gauleiter	The Nazi party official heading a Gau
Generalgouvernement	General Government (a part of German-occupied Poland)
Gestapo	Geheime Staatspolizei (Secret State Police)
Hilfswerk für die Kinder der Landstrasse	Relief Organisation for the Children of the Open Road
ICPC	Internationale kriminalpolizeiliche Kommission (International Criminal Police Commission, known today as Interpol)
Jenische	Yenish, Gypsy-like itinerants (predominantly found in Switzerland)
Kaiserreich	The Imperial State of Germany
Kripo	Kriminalpolizei (Criminal Police) – Criminal Investigation Department
Landfahrer	Nomadic travellers
Mischlinge	Persons of mixed ancestry, termed as 'half-breeds' by the Nazis
NSDAP	Nationalsozialistische Deutsche Arbeiter Partei (National Socialist German Workers Party)
NSV	Nationalsozialistische Volkswohlfahrt (National Socialist People's Welfare Organisation)
OKW	Oberkommando der Wehrmacht (High Command of the Armed Forces)
Ordnungspolizei	Order Police (regular uniformed police force)
Ostland	German name for the occupied Baltic states

Ostmark	The name given to Austria after its annexation in 1938
Porrajmos	Romani genocide
Rechtsstaat	Constitutional State
Reichsführer-SS	Himmler's official title as head of the SS
Reichsgesetzblatt	German Law Gazette
RHF	Rassenhygienische und bevölkerungsbiologische Forschungsstelle (Racial Hygiene and Demographic Biology Research Unit)
RKPA	Reichskriminalpolizeiamt (Reich Criminal Police Office)
RSHA	Reichssicherheitshauptamt (Reich Main Security Office)
Reichszentrale zur Bekämpfung der Zigeunerunwesens	Central Office for Combatting the Gypsy Nuisance
SA	Sturmabteilung (Storm Detachment), the paramilitary organisation of the Nazi party
SD	Sicherheitsdienst (Security Service), the Nazi party's intelligence service
SS	Schutzstaffel, major paramilitary organisation under the Third Reich
Sipo	Sicherheitspolizei (Security Police)
Sonderkommando	Special detachment
Volksgemeinschaft	A German expression meaning the 'people's community'
Warthegau	The western part of Poland annexed to Germany
Wehrmacht	The armed forces during the Third Reich
Zigeunerbuch	'Gypsy book', a publication written by Alfred Dillmann in 1905
Zigeunermischlinge	Gypsies of mixed ancestry
Zigeunerzentrale	Central Office for Gypsy Affairs

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Gypsies, like the Jews, were persecuted for racial reasons. All Gypsies that could be found were deported to Auschwitz, without consideration for their profession or trade, whether they had fixed domiciles or not...As a 17-year-old girl, I was arrested...and taken to Auschwitz... It was dreadful. The people sat motionless on their plank beds and just stared at us. I thought I was dreaming. I thought I was in hell...I left the camp ill and am still sick today. I would like to remove the prisoner number tattooed on my lower left forearm...I have noticed that people stare at this tattooed number and often make malicious and vicious comments, thus always reminding me of the hellish camp experiences...

- Elisabeth Guttenberger, a Survivor of Auschwitz.¹

Elisabeth Guttenberger was only one of the countless Gypsies who were arrested and deported to Auschwitz Birkenau. Although she had survived this ‘hellish camp experience’, many were not as fortunate, as thousands of Gypsies were murdered because their very existence was thought to threaten the Nazis’ design to racially re-shape Europe. To understand how this dynamic played out historically, the history of this sociologically and racially imagined group needs to be written, even as the role of the category itself in their persecution is acknowledged. During the period that this thesis examines, there is a discrepancy between the ethnic designations and the political / sociological descriptions of peripatetic populations, characterised as ‘Gypsies’.

¹ Elisabeth Guttenberger’s story has been published in: *Memorial Book: The Gypsies at Auschwitz-Birkenau*, ed. & rev. Auschwitz-Birkenau State Museum and Documentation and Cultural Center of German Sinti and Roma in Heidelberg, vol. 2, K.G. Saur, Munich, London, New York, and Paris, 1993, pp.1497 – 1503. Her published testimony in the *Memorial Book* was reedited by Sybil Milton to include additional material from Guttenberger’s earlier account, see S Milton, “Holocaust: The Gypsies” in S Totten (ed.), *Genocide in the Twentieth Century: Critical Essays and Eyewitness Accounts*, Garland Publishing Inc., New York, and London, 1995, pp.255 – 259.

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Thus, in this thesis, several groups will be included under the term ‘Gypsy’, which should be read throughout in silent quotation marks. Not because this term denotes an existing social or racial category, but because it was under this category that a disparate subsection of society was targeted by biopolitical measures that saw them imprisoned, sterilised, separated from their families, forced into labour camps, and ultimately murdered. Although the Roma and Sinti were at the centre of this process, measures against ‘Gypsies’ also included numerous people outside of these two communities. As such, the thesis, retains the broad category used at the time without endorsing the connotations it carries, now or then.

According to Sybil Milton, the largest group of those labelled Gypsies in Germany were the Sinti and their descendants, while the core group living in Austria were the Roma and their descendants. Another linguistic subgroup of the Sinti were the Lalleri, who resided primarily in Burgenland. In Switzerland, the historically predominant group were known as the *Jenische* (Yenish). Alongside and indeed intermingled with these groups and their families, however, were several other traveller communities in Central Europe, many of whom could not claim heritage other than that of a German, Austrian or Swiss citizen who lived peripatetically. So too, numerous Roma, Sinti and Yenish who became sedentary were no longer considered to be ‘Gypsies’, particularly prior to 1933, and were not treated by the state as such. The following seeks to capture the experience of all of those victimised as ‘Gypsies’ in the nineteenth and early twentieth centuries, including, but not limited to the communities now self-identifying as Roma and Sinti. Accordingly, the terms ‘Sinti’ and ‘Roma’ will only be used in cases where they are specifically cited from secondary sources.²

² S Milton, “Hidden Lives: Sinti and Roma Women” in E Roberts Baer and M Goldenberg (eds.), *Experience and Expression: Women, the Nazis and the Holocaust*, Wayne State University Press, Detroit, 2003, pp.53 – 55.

It is difficult to know the precise figures for the size of the Gypsy populations in Europe, as there is no reliable data available.³ Historian, Henry Friedlander, has estimated that by 1933, approximately 30,000 to 35,000 Gypsies were living in Germany, who primarily belonged to the Sinti group, representing only 0.05 percent of the German population. In Austria, too, their population was quite small, as approximately 8,000 Roma and 4,000 Sinti resided in Austria, while around 8,000 of these individuals dwelled in the Burgenland.⁴ The number of Yenish people who lived in Switzerland during this period is unknown; however, the current population is roughly between 30,000 and 35,000.⁵

Notwithstanding the more than sixty years that have passed since the end of World War Two, there is surprisingly little scholarship addressing the persecution of Gypsies by the Nazis. Ground-breaking works by Michael Zimmermann and Guenter Lewy, among others, initiated a short debate around the origins and motivations of anti-Gypsy policy,⁶ but a deeper understanding of Gypsy mistreatment before and during the Nazi era is still required; one which offers an overarching, transnational history of what Ian Hancock has called the *Porrajmos* (the Devouring).⁷ The following argues that uncovering this history might profitably be undertaken via the theoretical framework of ‘biopolitics’, as originally understood by Michel Foucault, a

³ For current figures of Gypsy populations residing in Europe, see S Tebbutt, “Sinti and Roma: From Scapegoats and Stereotypes to Self-Assertion” in S Tebbutt (ed.), *Sinti and Roma: Gypsies in German-Speaking Society and Literature*, Berghahn Books, New York, 1998, p.x.

⁴ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, The University of North Carolina Press, Chapel Hill and London, 1995, p.248; E Thurner, *National Socialism and Gypsies in Austria*, The University of Alabama Press, Tuscaloosa, and London, 1998, p.36. Similar figures have been confirmed by Hans-Joachim Döring, see HJ Döring, *Zigeuner im Nationalsozialistischen Staat*, Kriminalistik Verlag, Hamburg, 1964, p.18.

⁵ T Meier, “The Fight Against the Swiss Yenish and the ‘Children of the Open Road’ Campaign”, *Romani Studies* 5, vol.18, no.2, 2008, p.103.

⁶ G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, Christians, Hamburg, 1996.

⁷ Ian Hancock, a Romani scholar, terms the fate of the Romani people living under National Socialism the *Porrajmos*, meaning the devouring, see I Hancock. “Responses to the Porrajmos (The Romani Holocaust)” in A Rosenbaum (ed.), *Is the Holocaust Unique?: Perspectives on Comparative Genocide*, Westview Press, USA, 1996, p.58.

concept which has hitherto only been applied largely to the Jewish experience under Nazism.⁸ Via a Foucauldian analysis of Antiziganism, this thesis demonstrates how the biopolitical persecution of the Gypsies began with a series of assimilative and deterrent regulations employed throughout the *Kaiserreich* and gradually radicalised to policies of extermination during the Third Reich. This shift, the following argues, marked a transition from sociologically inflected biopolitics to biologically racist thanatopolitics – a racial politics of death.

In assessing the cumulative radicalism of Central European Antiziganism, this thesis also explores the transnational context of anti-Gypsy policies. Following the path first charted by Jennifer Illuzzi's comparative study of Germany and Italy, the following compares and contrasts the Antiziganism of the state in Germany to that in Austria and Switzerland.⁹ By critically analysing newly uncovered documents sourced from the German, Swiss and Austrian archives, and deploying Foucault's theoretical framework, this thesis will attempt to offer a new sense of the origins and nature of the *Porrajmos* within a transnational context. The thesis also investigates whether a specifically German or broader Central European approach to combatting an ostensible *Zigeunerplage* (Gypsy plague) was evident between 1870 and 1945. It does so by assessing the interactions between Germany, Switzerland, and Austria in the development of German Gypsy policy, noting the differing policy trajectories of each nation and explaining the political grounds for the differences in their biopolitical approaches.

Navigating the Origins of the Gypsy Persecution:

While scholarship concerned with the treatment of Gypsies in Imperial Germany is a relatively new field, the explanation for the severe anti-Gypsy measures that arose within this

⁸ For examples of a thanatopolitics framework applied to the European Jewry under Nazism see, R Esposito, *Bios: Biopolitics and Philosophy* (trans T Campbell), University of Minnesota Press, Minneapolis, 2008 and JA Mbembé, (trans L Meintjes) "Necropolitics", *Public Culture*, vol.15, no.1, 2003, pp.11-40.

⁹ J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*, Palgrave Macmillan, New York, 2014.

period remains contested among historians.¹⁰ Scholars such as Gilad Margalit, Wolfgang Wippermann, and Marion Bonillo have suggested that the persecution was racially motivated.¹¹ Pointing to the fear and antipathy whipped up by popular fiction, the media, and in scientific discourse, they argue that the image of the criminal Gypsy had a decisive influence on the state policies and police attitudes. Furthermore, these historians have concluded that attitudes and regulations against Gypsies during the *Kaiserreich* period were a prelude to the Gypsies' persecution in Nazi Germany. For them, the ideologies expressed in the works of Heinrich Grellmann, Richard Liebich, Cesare Lombroso, and Alfred Dillmann laid the foundation for the racial mistreatment of Gypsies under the Third Reich.¹²

By contrast, others, like Leo Lucassen, Guenter Lewy, Angelika Albrecht, Rainer Hehemann and Herbert Heuss, have more compellingly argued that prior to Nazi Germany, anti-Gypsy policies depended on systemic economic, political and social circumstances, rather than racial attitudes.¹³ This analysis highlights instead the focus on Gypsies' peripatetic

¹⁰ See too Charissa Kurda, "Gypsy Hysteria in Nineteenth-Century Germany: A Biopolitical Response", in T Kehoe and M Pickering (eds.), *Fear in the German-Speaking World, 1600 – 2000*, Bloomsbury Academic, London, 2020, pp.87-122, pp.89-91.

¹¹ Other scholars who have supported this position include Angus Bancroft, Angus Fraser, Ian Hancock, Joachim Hohmann, Donald Kenrick, Grattan Puxon, and Michael Schenk and, see their respective works: A Bancroft, *Roma and Gypsy-Travellers in Europe*. Ashgate Publishing Ltd., England, 2005; A Fraser, *The Gypsies*, Blackwell Publishers, Oxford, 1992; I Hancock, "The 'Gypsy' stereotype and the sexualisation of Romani women" in V Glajar (ed.), *Gypsies in Literature and Culture*, Palgrave-Macmillan, Basingstoke, 2000; J Hohmann, *Geschichte der Zigeunerverfolgung in Deutschland*. Campus Verlag, Frankfurt, 1988; D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*, Sussex University Press, London, 1972; M Schenk, *Rassismus gegen Sinti und Roma: Zur Kontinuität der Zigeunerverfolgung innerhalb der deutschen Gesellschaft von der Weimar Republik bis in die Gegenwart*, Peter Lang, Frankfurt am Main, 1994.

¹² G Margalit, *Germany and its Gypsies* the University of Wisconsin Press, Wisconsin, 2002, W Wippermann, *Wie die Zigeuner: Antisemitismus und Antiziganismus im Vergleich*, Elefanten Press, Berlin, 1997; M Bonillo „Zigeunerpolitik“ im Deutschen Kaiserreich 1871 – 1918, Peter Lang, Frankfurt am Main, 2001; H Grellmann, *Dissertation on the Gypsies, being an historical enquiry, concerning the manner of life, economy, customs, and conditions of these people in Europe, and their origin*, (Trans. M Raper), Elmsley, London, 1787; R Liebich, *Die Zigeuner in ihrem Wesen und in ihrer Sprache*, Leipzig, Brockhaus, 1863; C Lombroso, *Der Verbrecher in anthropologischer, ärztlicher und juristischer Beziehung*. Trans. M. Fränkel, Richter, Hamburg, 1887 – 90; A Dillmann, *Zigeuner-Buch*, Dr Wild'sche Buchdruckerei, Munich, 1905.

¹³ A Cottaar, L Lucassen, and W Willems, *Gypsies and Other Itinerant Groups*; Lewy, G. *The Nazi Persecution of the Gypsies*, Macmillan Press Ltd., Great Britain, 1998; L Lucassen, "A Blind Spot: Migratory and Travelling Groups in Western European Historiography", *International Review of Social History*, vol. 38 no. 2, 1993, pp.209-235; Lucassen, L. "Eternal Vagrants? State Formation, Migration and travelling Groups in Western Europe, 1350 – 1914" in J Lucassen and L Lucassen (eds.), *Migration, Migration History, History: Old Paradigms and New Perspectives*, Peter Lang, Bern, 1997; L Lucassen, *Die Zigeuner: die Geschichte eines polizeilichen Ordnungsbegriffes im Deutschland, 1700 – 1945*, Böhlau, Köln, 1996; A Albrecht, *Zigeuner in Altbayern 1871 –*

lifestyle, which was considered a danger to public order and the safety of German citizens. Hehemann and Heuss, for example, asserted that *Kaiserreich* authorities employed assimilative measures against the Gypsies because they believed that their integration into sedentary communities and correction of their vagrant lifestyle was possible.¹⁴

Additionally, Lewy and Albrecht have argued that policy towards the Gypsies assumed a sociological definition of what constituted a Gypsy, rather than a biological one. The legal definition of the term ‘Gypsy’, established at the Munich Conference in 1911, stressed that anti-Gypsy action was to be taken against those who lived and behaved like Gypsies, with a heavy emphasis on their appearance, employment, demeanour and nomadic lifestyle as determining factors, and not on account of their ostensible ethnicity, race or tribal affiliation.¹⁵ As Lucassen convincingly suggests, the Gypsy persecution prior to 1933 should be understood as a by-product of the growing linkage between the poor relief system and the processes of state formation. The reorganisation of this system, based on the principle of residency (*Heimatprinzip*), in his opinion, ‘not only created a class of itinerant people who were permanently excluded’ but also brought about a widespread increase in vagrancy, begging and criminality, which required swift action by local authorities.¹⁶ As a result, the police force was permitted to exercise administrative power over Gypsies and vagrants, by implementing

1914: *Eine sozial, wirtschafts und verwaltungsgeschichte Untersuchung der bayerischen Zigeunerpolitik*, Kommission für Bayerische Landesgeschichte, Munich, 2002; R Hehemann, *Die „Bekämpfung des Zigeunerunwesens“*, HAAG + Herchen Verlag, Frankfurt am Main, 1987; H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study” in T Acton, (ed.) *Scholarship and the Gypsy Struggle*, University of Hertfordshire Press, Hertfordshire, 2000.

¹⁴R Hehemann, *Die „Bekämpfung des Zigeunerunwesens“*, pp.243-285; H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study”, pp. 52–68.

¹⁵G Lewy, *The Nazi Persecution of the Gypsies*, pp.4–14; A Albrecht, *Zigeuner in Altbayern 1871 – 1914*: pp.33-37, 161–176.

¹⁶ L Lucassen, “‘Harmful Tramps’: Police Professionalization and Gypsies in Germany, 1700 – 1945”, *Crime, History and Societies*, 1997, vol.1, no.1, p.35; L Lucassen, “Eternal Vagrants? State Formation, Migration and travelling Groups in Western Europe, 1350 – 1914”, pp.229–331 & L Lucassen, “Between Hobbes and Locke: Gypsies and the Limits of the Modernisation Paradigm”, *Social History*, vol.33, no.4, 2008, Pp. 423 - 441.

policies which focused on their systematic registration, assimilation and restriction of movements in order to eradicate their peripatetic lifestyle.

Scholarship in the field of *Antiziganismus* (antigypsyism) has recently embraced a systems-based approach that links the development of the modern bureaucratic state with the increased prejudice and marginalisation of the Gypsies. Instead of rooting the nineteenth-century Gypsy persecution in the later exceptions of fascism, recent research by Jennifer Illuzzi has sought to explore how a modern nation-state committed to the liberal concept of equality before the law in fact sanctioned a pernicious criminalisation of the Gypsy population and deliberately placed their lives outside the law by the state and its apparatus.¹⁷ Illuzzi develops this framework by utilising Giorgio Agamben's reworking of the concept of biopolitics. Following Carl Schmitt, Agamben stresses the importance of sovereign power, arguing that the sovereign both produces and dominates bare life (*zoé*), separating it from political existence (*bíos*).¹⁸ For Agamben, it is the sovereign who decides which life is considered 'valuable' versus 'not worth living'.¹⁹ Agamben calls the figure that lives in this 'state of exception' the *homo sacer* (the sacred man); a being 'who is simply set outside human jurisdiction without being brought into the realm of divine law'.²⁰ Illuzzi argues that Gypsies in the *Kaiserreich* offer a paradigmatic example of the *homo sacer*. In her opinion, emerging policing techniques and administrative control during the *Kaiserreich*, coupled with increasing pressure for executive officials to devise effective solutions for combatting the ostensible 'Gypsy plague' caused the Gypsies to be gradually pushed into a juridical 'state of exception' which tied their existence to the sovereign and positioned them 'as outside of the realm of law and justice'.²¹

¹⁷ J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*, Palgrave Macmillan, New York, 2014, pp.14–18.

¹⁸ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, Stanford, 1998.

¹⁹ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.142.

²⁰ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.82.

²¹ J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*, p. 24; J Illuzzi, "Negotiating the 'State of Exception': Gypsies' encounter with the judiciary in Germany and Italy, 1860-1914"; *Social History*, vol. 35, no.4, 2010, p.421.

While Illuzzi's thesis breaks new ground by reconceptualising the historical mechanisms undergirding the Gypsy persecution, her analysis of Agamben's theory misses the disciplinary mechanisms of sovereign power exercised by grassroots authorities within the *Kaiserreich* - features that are far more pronounced in Michael Foucault's model of biopolitics. Illuzzi has argued that the bureaucracy purposively sought to push citizen Gypsies into a foreign category – a 'state of exception' – where the protections of the *Rechtsstaat* (constitutional state) was denied to them. Throughout the late nineteenth century, however, regulations against the Gypsies mirrored the state's decentralised power structures, as the following will demonstrate. Notwithstanding several attempts from *Kaiserreich* bureaucrats to coordinate a national approach to the 'Gypsy question' (*Zigeunerfrage*), policies remained strictly within the jurisdiction of local and state authorities.²² Archival material revealing that authorities purposely refrained from imposing 'exceptional laws' against citizen Gypsies creates another difficulty for Illuzzi's analysis. Marion Bonillo and Matthew Fitzpatrick have each pointed out that casting out domestic Gypsies, either juridically or physically, from society was deliberately avoided by authorities, as doing so would violate their constitutional rights.²³ Supporting this, Constantine too states that the system of transferring vagrants and beggars into workhouses was not exclusively applied to Gypsies on racial grounds, but was a more general regulation compatible with the tenets of the *Rechtsstaat*.²⁴ These realities render the core of Agamben's theory inoperative for Gypsies living under the *Kaiserreich*. As is argued in more detail below, rather than turning to Agamben, a more Foucauldian approach might prove more useful for explaining the nature of Antiziganist policy.

²²J Illuzzi, *Gypsies in Germany and Italy, 1861 - 1914*, pp.99–100; M Fitzpatrick, *Purging the Empire: Mass Expulsions in Germany, 1870 - 1914*, Oxford University Press, Oxford, 2015, p.184.

²³ M Bonillo, *Zigeunerpolitik im Deutschen Kaiserreich: 1871 – 1918*, pp.104,111,126; M Fitzpatrick, *Purging the Empire*, pp.181–184,204.

²⁴S Constantine, "Particularities of Persecution. The Policing of Gypsies in Saxony 1871 - 1914", *Immigrants and Minorities: Historical Studies in Ethnicity, Migration and Diaspora*, vol. 32, no.1, 2013, pp.40–41.

Recent Scholarship on the Nazi Persecution of the Gypsies:

Before National Socialism, the biopolitical management of the Gypsies was chiefly centred on incorporating disciplinary and regulatory mechanisms which sought to integrate domestic Gypsies into sedentary communities and deport foreign ones from Reich territory. After Hitler assumed power in 1933, this continuity ruptured, and the Gypsy persecution progressively transformed from policies of assimilation to their eventual mass murder. While the cumulative nature of the treatment of the Gypsies under the NSDAP has not been exhaustively researched, over the last twenty years, interest in the history of the *Porrajmos* has significantly increased, and historians have attempted to explain how the Nazi regime applied a systematic policy of extermination to the Gypsies within its borders.

Current scholarship on the Third Reich centres on three key points of contention: whether the persecution of the Gypsies under the National Socialism was motivated by racial or social reasons, whether the Nazi treatment of the Gypsies paralleled that of European Jewry and whether the systematic extermination of the Gypsies in Hitler's Germany constitutes a crime of genocide. Exclusivists, such as Guenter Lewy, Gilad Margalit, Yehuda Bauer and Steven Katz have all asserted that the Nazis implemented increasingly harsh measures against the Gypsies in order to control their alleged 'asociality' and criminality.²⁵ Accordingly, they argue that the Nazis viewed the Gypsies as merely a social irritant upon the community, rather than a racial problem. Hence, for them, the Nazi motives for persecuting Gypsies were not analogous to those targeting the Jews. Both Lewy and Margalit contend that the progressively severe treatment of the Gypsies was a result of the Nazi regime's fight against crime, as the

²⁵ G Lewy, G. *The Nazi Persecution of the Gypsies*, pp.218–228; G Margalit, "The Uniqueness of the Nazi persecution of the Gypsies", *Romani Studies* 5, vol.10, no.2, 2000, pp.185-210; Y Bauer, *Rethinking the Holocaust*, Yale University Press, New Haven, 2001, p.66; Y Bauer, and S Milton, "Correspondence: 'Gypsies and the Holocaust'", *The History Teacher*, vol.25 no.4, 1992, p.514; S Katz, "Genocide in the 20th Century: Quantity and Interpretation: Issues in the Comparative Historical Analysis of the Holocaust", *Holocaust and Genocide Studies*, vol.4, no.2, 1989, pp.141–145.

state had pledged to provide security and public order for their people. Consequently, they argue, Gypsies were targeted for incarceration and deportation to concentration camps primarily because they were classified as asocials and criminals who endangered public safety.²⁶ Thus, in their opinion, Nazi policies continued to emphasise social criteria which focused on restricting their itinerant lifestyle and freedom of movement, rather than racial criteria based on hereditary factors. In addition to this, both Bauer and Lewy insist that a systematic plan for Gypsy annihilation did not exist, and that Hitler himself showed extraordinarily little interest in the Gypsy problem.²⁷ Bauer even alleges that ‘the Gypsies were simply not important enough for the Nazis to be dealt with centrally. Hitler never mentions them. In Nazi eyes they were no ideological problem or threat. They were an irritant, they were treated contemptuously as a plague.’²⁸

Furthermore, exclusivists have argued that ‘racially pure Sinti and Lalleri Gypsies’ were excluded from the process of Nazi radicalisation, as Himmler tried to save those he considered ‘racially pure Gypsies’, owing to their alleged Aryan descent, by exempting them from deportation to Auschwitz and other restrictive regulations. While scholarship on the field of comparative genocide has reached the conclusion that all genocides are distinctive in their own categories, exclusivists deny Gypsy inclusion in the Holocaust, emphasising that it should be viewed as a ‘uniquely unique’ experience applicable to only the Jews.²⁹

²⁶ G Margalit, *Germany and its Gypsies*, p.161; G Lewy, *The Nazi Persecution of the Gypsies*, pp.224–228.

²⁷ Y Bauer, *Rethinking the Holocaust*, p.66; Y Bauer, and S Milton, “Correspondence: ‘Gypsies and the Holocaust’”, p.514–515; G Lewy, *The Nazi Persecution of the Gypsies*, pp.218–228; S Katz, “Genocide in the 20th Century: Quantity and Interpretation: Issues in the Comparative Historical Analysis of the Holocaust”, pp.141–145.

²⁸ Y Bauer, and S Milton, “Correspondence: ‘Gypsies and the Holocaust’”, p.514.

²⁹ G Lewy, *The Nazi Persecution of the Gypsies*, pp.218–228; S Katz, “Genocide in the 20th Century: Quantity and Interpretation: Issues in the Comparative Historical Analysis of the Holocaust”, pp.141–145; Y Bauer, *Rethinking the Holocaust*, p.66; Y Bauer, and S Milton, “Correspondence: ‘Gypsies and the Holocaust’”, p.514–515; Y Bauer, „Zigeuner“, in E Jäckel, P Longerich, and JH Schoeps, (eds.), *Enzyklopädie des Holocaust. Die Verfolgung und Ermordung der europäischen Juden*, vol. 3, Argon, Berlin, 1993, pp.1630–1634, here pp. 1632, 1634; G Lewy, “Himmler and the ‘Racially Pure Gypsies,’” *Journal of Contemporary History* vol.34, no.2, 1999, pp.201–214.

Contrasting with the exclusivist paradigm, others, specifically Henry Friedlander, Michael Burleigh, Wolfgang Wippermann, Sybil Milton, Ian Hancock, Michael Zimmermann, Detlev Peukert, Donald Kenrick and Gratton Puxon, have argued more convincingly that Gypsies were the targets of a genocidal campaign, primarily because their ostensibly ‘alien’ blood presented a threat to the health of the *Volksgemeinschaft* (people’s community). They also maintain that while there is evidence suggesting that Himmler ordered certain types of Gypsies to be exempted from his Auschwitz decree; in reality, these instructions were only theoretical, as most Gypsies were incarcerated, deported and killed regardless of their racial status.³⁰ Furthermore, even though the Nazis considered the Gypsy problem as secondary to the ‘Jewish Question’, Zimmermann and Milton assert that the persecution of the Gypsies was gradually radicalised by the Nazi ‘grassroots’ towards a policy of extermination, primarily because their membership to a biologically determined group linked Gypsy criminality to a hereditary predisposition. This suggests that even if Hitler was not instrumental to the demonisation of the Gypsies, that does not rule out genocide, as the intent behind policy, thought and action of the NSDAP government progressively culminated in the annihilation of the Gypsies.³¹ In agreement with this, Burleigh and Wippermann posit that despite the ‘different specificities’ between the Nazi treatment of Gypsies and Jews, these groups were

³⁰ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*; M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991; S Milton, “Gypsies and the Holocaust”, I Hancock, “Responses to the Porrajmos (The Romani Holocaust)”; Hancock, I. “Romanies and the Holocaust: A Re-Evaluation and Overview”, in Stone, D (ed.) *Historiography of the Holocaust*, Palgrave, New York, 2004, pp.383-396; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*; M Zimmermann, „Die nationalsozialistische Verfolgung der Juden und ‘Zigeuner’. Ein Vergleich-überlegungen zur Diskussion um das Mahnmal für die Ermordeten Sinti und Roma”, *Zeitschrift für Geschichtswissenschaft*, vol. 52, no.1, pp.50-71; D Peukert, *Inside Nazi Germany: Conformity, Opposition and Racism in Everyday Life*, Yale University Press, New Haven, 1987; D Kenrick, and G Puxon, *The Destiny of Europe’s Gypsies*.

³¹ M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*; M Zimmermann, „Der nationalsozialistische Genozid an den Zigeunern und der Streit zwischen ‚Intentionalisten‘ und ‚Funktionalisten‘“ in C Jansen, L Niethammer and B Weisbrod, (eds.) *Von der Aufgabe der Freiheit. Politische Verantwortung und bürgerliche Gesellschaft im 19. Und 20. Jahrhundert. Festschrift für Hans Mommsen zum 5 November 1995*, Akademie Verlag, Berlin, 1995, pp.413-426; S Milton, “‘Gypsies’ as Social Outsiders in Nazi Germany” in *Social Outsiders in Nazi Germany*, R Gellately, and N Stoltzfus (eds.), Princeton University Press, Princeton and Oxford, 2001.

both ‘persecuted for the same reasons’; that is to say, to achieve a racial utopia cleansed of unwanted elements. Crucial to achieving this goal, in their opinion, was the activities of Nazi racial scientists, anthropologists and medical doctors.³²

A more recent publication in the field of the Holocaust studies, namely *Beyond the Racial State* by Devin Pendas, Mark Roseman and Richard Wetzell rejects Burleigh and Wippermann’s ‘racial state’ paradigm by offering a revisionist view of Nazi policymaking. They contend that racial science had a relatively minor impact upon the logic and mechanisms underpinning the escalation of Nazi violence. Wetzell claims that ‘there is little evidence to show that [racial scientists] played any significant role in the shaping and radicalisation of Nazi anti-Semitic policy’. Instead, he continues, the initiative for mass murder ‘clearly came from the Nazi leadership’.³³ In his analysis, Wetzell does not necessarily diminish the complicity of racial scientists who provided expert racial assessments or performed medical experiments on prisoners interned in concentration camps. He does, however, assert that their ‘competing conceptions of race and hereditary’ often resulted in a changing set of conflicts and controversies which, in his opinion, made the creation of a coherent racial framework impossible.³⁴

While this may or may not apply to the treatment of European Jewry living under National Socialism, Michael Zimmermann and others have shown that it is hardly applicable to the Gypsy case. They assert that a crucial aspect of the Nazi state’s discrimination and marginalisation of the Gypsies lay in the close reciprocal action between state power and racial

³² M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, p.305.

³³ R Wetzell, “Eugenics, Racial Science, and Nazi Biopolitics: Was There a Genesis of the “Final Solution” from the Spirit of Science” in D Pendas, M Roseman, and R Wetzell, (eds.), *Beyond the Racial State: Rethinking Nazi Germany*, Cambridge University Press, Cambridge, 2017, p. 165.

³⁴ R Wetzell, “Eugenics, Racial Science, and Nazi Biopolitics: Was There a Genesis of the “Final Solution” from the Spirit of Science” pp.168–169.

science.³⁵ As the following makes clear, together with his research associates, Robert Ritter provided the theoretical underpinnings and scientific legitimisation for racial doctrines targeting Gypsies. He developed a racial hierarchy which placed ‘racially pure’ Gypsies at the top, while Gypsy ‘half-castes’ (*Mischlinge*) – a group with varying proportions of Gypsy blood – were ranked as especially ‘inferior’ and ‘asocial’.³⁶ According to this classification system, Gypsy *Mischlinge* were constructed as a threat to the racial purity of the German *Volksgemeinschaft* requiring stringent biopolitical regulations, including sterilisation and expulsion. Additionally, Friedlander rightly points out that the research of Ritter and his associates was utilised by the Reich Criminal Police Office (*Reichskriminalpolizeiamt*, or *RKPA*), as a valuable tool for translating eugenic and biologically racist theory into practices of persecution and exclusion.³⁷ In agreement with this, Zimmermann asserts that this ongoing co-operation saw to the emergence of a ‘scientific-police’ complex which grew between the two agencies. Consequently, this allowed the Racial Hygiene and Demographic Biology Research Unit (*Rassenhygienische und bevölkerungsbiologische Forschungsstelle*, or RHF) and RKPA to exert significant influence upon the direction of anti-Gypsy policy and implement increasingly radical initiatives to resolve the ostensible *Zigeunerfrage*.³⁸

Since most historians have confirmed the racial dimensions of the NSDAP’s anti-Gypsy policy, the widely-held view among scholars in the field of Holocaust studies is that the treatment of the Gypsies under the Nazi regime should, similarly to that of European Jewry, be recognised as a crime of genocide. Milton, for example, declares that the Gypsies were co-

³⁵ See M Zimmermann, *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, Franz Steiner Verlag, Stuttgart, 2007.

³⁶ According to Ritter’s work based on ‘blood percentages’, a Gypsy was regarded as a Gypsy *Mischlinge* if they had one or two grandparents who were each one-quarter ‘Gypsy by blood’. Only people with four grandparents were classified as ‘racially pure’ Gypsies, BA Berlin R165/181, „Einteilung der Zigeuner nach rassischen Gesichtspunkten“.

³⁷ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, pp.293–294.

³⁸ M Zimmermann, “The National Socialist ‘Solution of the Gypsy Question:’ Central Decisions, Local Initiatives, and their Interrelation”, *Holocaust and Genocide Studies*, vol.15 no.3, 2001, pp.414–416.

victims of a single process of genocide, known as the Holocaust, as alongside Jews the Gypsies were subjected to a consistent and exclusive policy of extermination based on heredity.³⁹ Here one of the major difficulties within this field becomes apparent, namely that when assessing the position of other victim groups within the Third Reich the scholarship has become mired in comparisons with the paradigmatic experience of European Jewry. Milton's contention that the Gypsies were part of a single process of Nazi genocide, for example, is problematic, because it fails to acknowledge the differing dynamics of the Jewish and Gypsy persecutions.

To overcome this issue, the Gypsy genocide might usefully be referred to as the *Porrajmos*: a separate and unique process of genocide which occurred simultaneously with the Jewish genocide, known as the Holocaust. By using the term *Porrajmos*, introduced by the Romani scholar Ian Hancock, historians will be able to understand the individuating circumstances surrounding the Gypsy genocide in the broader context of the Nazi Regime.⁴⁰ It will further provide a meaningful historical framework for approaching the longer term origins of the Gypsy genocide and genocide historiography – one which goes beyond problematic comparison and conflation.

Assessing just what constitutes a genocide has also proved historiographically controversial. Pursuant to the ideas of Raphael Lemkin, who first coined the term 'genocide' in 1943,⁴¹ on December 9, 1948, the United Nations defined genocide as

any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;

³⁹ Y Bauer, and S Milton, "Correspondence: 'Gypsies and the Holocaust'", pp.515–516. S Milton, "Gypsies and the Holocaust", pp.375–379; S Milton, "'Gypsies' as Social Outsiders in Nazi Germany", p.227.

⁴⁰ I Hancock, "Responses to the Porrajmos (The Romani Holocaust)", p.58.

⁴¹ D Moses, "Raphael Lemkin, Culture and the Concept of Genocide" in D Moses and D Bloxham (eds.), *The Oxford Handbook of Genocide Studies*, Oxford University Press, Oxford, 2010. p.22.

- (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 group.⁴²

As central as this definition is to the field of genocide studies, the most controversial feature of the UN Convention of Genocide is linked to the issue of intent, which requires a determined policy of extermination in order to constitute a crime of genocide.⁴³ Some historians, such as Guenter Lewy, contend that the premise for recognising genocide is the premeditated intention and explicit programme for the destruction of a specific group. Lewy maintains that since there is no substantial evidence which proves that the Nazis devised a long-term, overarching plan to the murder of the Gypsies; thus, their annihilation does not constitute a crime of genocide.⁴⁴ He states:

In order to establish the commission of the crime of genocide, an “intent” to destroy a group “as such” in whole or in part must be present. Hence, in my view, the various deportations of Gypsies to the East and their deadly consequences do not constitute acts of genocide...these acts of murder were not part of a plan to destroy the Gypsy people as such. Whatever the moral depravity and criminality of these deeds, they do not constitute genocide within the meaning of the genocide convention. Neither do they represent genocide in terms of other revisionist definitions of genocide, practically all of which affirm that any mass killings, to be considered genocide, must be part of a

⁴² F Chalk, and K Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies*, Yale University Press, New Haven and London, 1990, p.10.

⁴³ Following in the work of Michael Zimmermann and others, this thesis opts to use the UN definition of genocide, notwithstanding its later codification, see M Zimmermann, “Jews, Gypsies and Soviet Prisoners of War: Comparing Nazi Persecutions”, in R Stauber and R Vago (eds.), *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007, pp. 31 – 53.

⁴⁴ G Lewy, *The Nazi Persecution of the Gypsies*, pp.222–223.

more encompassing program of extermination directed against an entire group of people.⁴⁵

Several historians have objected to Lewy's extreme position, insisting that Lewy's emphasis on an intentional plan for destruction becomes quite problematic when examining the origins of genocide through Hans Mommsen's functionalist lens.⁴⁶ Ian Hancock, for example, rightly points out:

There is no evidence that Jews or any other targeted group were intended to be eradicated from the face of the earth....no document has been identified specifically expressing the intent to exterminate every Jew or Gypsy on the planet. That being the case, such statements as Katz's.... or Lewy's are revisionist and subjective and cannot be used to distinguish the fate of Jews from the fate of Romanies.⁴⁷

Contrary to Lewy's sense of the *Porrajmos* as a by-product of the Holocaust, this thesis demonstrates that the moves towards the total eradication of the Gypsies is best explained as gradualist, or what is known in Holocaust scholarship as a 'functionalist' interpretation. For decades, Holocaust literature has been divided into two opposing schools of thought characterised as 'intentionalists' and the 'functionalists'.⁴⁸ The former draw attention to the

⁴⁵ G Lewy, G. *The Nazi Persecution of the Gypsies*, pp.222–223.

⁴⁶ Historians who champion this point of view include: Michael Zimmermann, Sybil Milton and Ian Hancock. See M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, M Zimmermann, "Jews, Gypsies and Soviet Prisoners of War", Y Bauer, and S Milton, "Correspondence: 'Gypsies and the Holocaust'", S Milton, "Gypsies and the Holocaust", *The History Teacher*, vol.24, no.4, 1991; I Hancock, "Response to the *Porrajmos*: The Romani Holocaust".

⁴⁷ I Hancock, "Downplaying the *Porrajmos*: The Trend to Minimise the Romani Holocaust. A Review of Guenther Lewy, *The Nazi Persecution of the Gypsies*" *Journal of Genocide Research*, vol.3, no.1, 2001, p.122.

⁴⁸ Historians who argue an intentionalist line include: Lucy Dawidowicz in L Dawidowicz, *The War Against the Jews 1933 – 1945*, Holt, Rinehart and Winston, United States of America, 1975; Gerald Fleming in G Fleming, *Hitler and the Final Solution*, Oxford University Press, Great Britain, 1986; and Klaus Hildebrand in K Hildebrand, *The Foreign Policy of the Third Reich*, B.T. Batsford Ltd: London, United Kingdom, 1973. By contrast, scholars who argue a functionalist line of argument include: Karl Schleunes in K Schleunes, *The Twisted Road to Auschwitz: Nazi Policy towards German Jews 1933 – 1939*, University of the Illinois Press, United States of America, 1970; Hans Mommsen in H Mommsen, *From Weimar to Auschwitz*. Princeton University Press, Princeton, 1991; Martin Broszat in M Broszat, *The Hitler State*, Longman Group Ltd. London, and New York, 1981; Raul Hilberg in R Hilberg, *The Destruction of the European Jews*, Quadrangle Books Inc. Chicago, 1961

intention of the National Socialists and they stress the centrality of ideology, arguing that the decision to annihilate European Jewry followed a carefully constructed plan with long-term ideological origins. ‘Intentionalists’ also argue that Hitler was the architect of the Holocaust, and that without his leadership and personal ideological outlook, the extermination of the Jews would not have occurred.⁴⁹ Functionalists, however, de-centred Hitler’s long term decisionism as the cause of the Holocaust and place more emphasis on Nazi structures and institutions. They consider the ‘grassroots’ of the German bureaucracy as having taken much of the initiative to carry out fundamental decisions leading to the ‘Final Solution,’ in an attempt to outmanoeuvre each other by pursuing increasingly radical policies. Furthermore, the ‘functionalists’ emphasise that there was a ‘twisted road to Auschwitz’, with the genocide of the Jews being the outcome of ‘cumulative radicalisation’.⁵⁰

With regard to the *Porrajmos*, while there is suggestive evidence that ‘Hitler was directly involved and informed of most killing operations’, Milton similarly argues that others besides Hitler, specifically Robert Ritter, Heinrich Himmler and Reinhard Heydrich, were largely responsible for the fate of the Gypsies.⁵¹ While Hitler issued the Nuremberg and Sterilisation Laws, the Nazi bureaucracy was primarily in charge of the biological

and Christopher Browning in C Browning, *The Path to Genocide*. Cambridge University Press, United Kingdom, 1992.

⁴⁹ D Stone, “Biopower and Modern Genocide” in D Moses (ed.), *Empire, Colony, Genocide*, Berghahn Books, 2008, p.163; L Dawidowicz, *The War Against the Jews 1933 – 1945*; G Fleming, *Hitler and the Final Solution*, K Hildebrand, *The Foreign Policy of the Third Reich*.

Z Bauman, *Modernity and the Holocaust*, Polity Press, Cambridge, 1989, p.105; O Bartov, “Social Outcasts in War and Genocide: A Comparative Perspective” in *Social Outsiders in Nazi Germany*, R Gellately, and N Stoltzfus (eds.), Princeton University Press, Princeton and Oxford, 2001, p.306; G Eley, “Ordinary Germans, Nazism and Judeocide” in G Eley (ed.), *The ‘Goldhanger Effect’: History Memory and Nazism – Facing the German Past*, The University of Michigan Press, USA, 2000, pp.157–158; A Jones, *Genocide: A Comprehensive Introduction*, 3rd edn, Routledge, London and New York, 2017.

⁵⁰ K Schleunes, *The Twisted Road to Auschwitz: Nazi Policy towards German Jews 1933 – 1939*; H Mommsen, *From Weimar to Auschwitz*; C Browning, *The Path to Genocide*; D Stone, “Biopower and Modern Genocide”, p. 163; Z Bauman, *Modernity and the Holocaust*, p.105,

⁵¹ In some cases, she notes, such as the euthanasia program, they needed higher authorisation from Hitler in order to implement policies of mass murder. See Milton’s work for more evidence on Hitler’s involvement in decisions regarding mass killings. S Milton, “Holocaust: The Gypsies” pp.170 & 227–228; S Milton, “‘Gypsies’ as Social Outsiders in Nazi Germany”, p.226.

administration of its citizenry.⁵² Through the mobilisation of German medical practitioners too, the state was able to shape the type of life they wished to produce, and to eliminate those who threatened their racial designs.⁵³ Milton makes clear that, while the majority of Nazi policies towards the Gypsies were racially motivated, their total eradication was a result of ‘cumulative radicalisation’ with a gradual evolution towards killing operations.⁵⁴ She argues that ‘when emigration or expulsion was no longer feasible but before the killings commenced, the Nazis instituted the deportation of Jews and Gypsies as a means of exclusion’.⁵⁵ This suggests that when expulsions from German territory became an insufficient solution to the *Zigeunerfrage*, the Nazi bureaucracy radicalised their measures through transportation to concentration and death camps.

Zimmermann, too, offers a structuralist interpretation of origins of the *Porrajmos*, arguing that Nazi Gypsy policy was frequently polycentric, as the interactions between executive agencies and local authorities sometimes radicalised the persecution, and often disrupted its escalation.⁵⁶ He argues that, ‘the paradoxical conflict between local initiatives to expel the Gypsies and government attempts to settle them was given new impetus, as centre and periphery mutually intensified the decision-making process’.⁵⁷ In agreement with this, Friedlander believes that the T4 euthanasia program served as a foundation for the Gypsy annihilation:

The success of the euthanasia policy convinced the Nazi leadership that mass murder was technically feasible, that ordinary men and women were willing to kill large

⁵² On the advice of Frick and the Nazified Reich doctors, see I Kershaw, *Hitler 1889 – 1936: Hubris*, Allen Lane, London, 1998, pp.563-565.

⁵³ D Stone, “Biopower and Modern Genocide”, pp.166–167.

⁵⁴ S Milton, ““Gypsies” as Social Outsiders in Nazi Germany”, p.226; M Zimmermann, “Jews, Gypsies and Soviet Prisoners of War”, p.42.

⁵⁵ S Milton, “Holocaust: The Gypsies”, p.227.

⁵⁶ M Zimmermann, “The National Socialist ‘Solution of the Gypsy Question’: Central Decisions, Local Initiatives, and their Interrelation”, p.412.

⁵⁷ M Zimmermann, “The National Socialist ‘Solution of the Gypsy Question’: Central Decisions, Local Initiatives, and their Interrelation”, pp.422–423.

numbers of innocent human beings, and that the bureaucracy would co-operate in such an unprecedented enterprise.⁵⁸

In line with Zimmermann, Friedlander and Milton, this thesis argues that the moves towards the total eradication of the Gypsies was the outcome of the interaction between orders from above and initiatives from below, the gradual then explosive development of a state killing system as well as a result of a series of wartime circumstances, under which expulsion and deportation were no longer thought to be sufficient options.

Biopolitics as a Framework for the *Porrajmos*:

The works of Zimmermann, Milton and others offer a useful framework for understanding the nature and escalation of anti-Gypsy policy in the Third Reich and confirm the Gypsy persecution as a crime of Nazi genocide. To buttress this understanding of the *Porrajmos* and offer an intellectual apparatus for its genesis, this thesis draws upon the biopolitical approach of Michel Foucault, rather than those of Giorgio Agamben or Roberto Esposito, both of whom have approached Nazi genocide and its legacy in distinctive ways.

Michel Foucault challenged the ‘juridico-discursive’ model of power by positioning life as being at the core of political order. In his opinion, the ancient right for the sovereign to ‘take life or let live’ was supplanted by a regularisation of ‘power to foster life or disallow it to the point of death’.⁵⁹ For Foucault, biopolitics is ‘a technology of power’ which had appeared during the eighteenth century. The object of biopolitics was ‘to administer, optimise and multiply [life], subjecting it to precise controls and comprehensive regulations’.⁶⁰ That is to say, for Foucault, biopolitics regulates and controls the life of the state’s social body by nurturing the type of life it wishes to produce.

⁵⁸ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.284.

⁵⁹ M Foucault, *History of Sexuality: Volume 1: An Introduction*, Pantheon Books, New York, 1978, p.138.

⁶⁰ M Foucault, *History of Sexuality: Volume 1: An Introduction*, p.137.

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Foucault explained how this state control over life evolved into two intertwined forms of power. The first he termed as the *anatomo-politics of the human body*, which was ‘centred on the body as a machine: its disciplining, the optimisation of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility’ as well as ‘its integration into systems of efficient and economic controls’.⁶¹

The second, formed somewhat later, Foucault referred to as the *biopolitics of population*, which:

focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and *regulatory controls*.⁶²

For Foucault, these techniques of biopower were embedded in all levels of the social body and employed by various structures of the state, including administrative, educational, law enforcement and medical institutions. Foucault acknowledged, though, that biopower also acts as an instrument ‘of segregation and social hierarchisation’ which guaranteed ‘relations of domination and effects of hegemony’.⁶³ Crucially, Foucault asserted that the care of life is grounded in disciplinary mechanisms of power. Rather than merely punishing or condemning actions through repressive or violent means, he contended that disciplinary power also operates as a regulatory and normative apparatus for fashioning productive forms of life. In *Discipline and Punishment*, he wrote:

⁶¹ M Foucault, *History of Sexuality: Volume 1: An Introduction*, p.139.

⁶² M Foucault, *History of Sexuality: Volume 1: An Introduction*, p.139.

⁶³ M Foucault, *History of Sexuality: Volume 1: An Introduction*, p.141.

the development of the disciplines marks the appearance of elementary techniques belonging to a quite different economy: mechanisms of power which, instead of proceeding by deduction, are integrated into the productive efficiency of the apparatus from within, into the growth of this efficiency and into the use of what it produces. For the old principle of “levying-violence”, which governed the economy of power, the disciplines substitute the principle of “mildness-production-profit.”⁶⁴

It was this manner of administering the population that was arguably manifested in the treatment of the Gypsies living in Imperial and Weimar Germany, as the state’s executive authorities employed a set of legal restrictions and stiff regulatory mechanisms designed to eradicate itinerancy and coerce citizen Gypsies to conform to the dominant culture of the sedentary state. In strict accordance with the precepts of the *Rechtsstaat*, citizen Gypsies were targeted by strict assimilative measures, while foreign Gypsies, on the other hand, were expelled from Germany. As a result, the nomadic culture of the Gypsies was disrupted, criminalised, and stigmatised.

Foucault asserted that biopolitics displaces sovereign power to shape individual bodies and populations via disciplinary and regulatory mechanisms. In *the History of Sexuality*, Foucault argued that:

Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilised for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital.⁶⁵

⁶⁴ M Foucault, *Discipline and Punish: The Birth of the Prison*, Vintage Books, New York, 1977, p.219.

⁶⁵ M Foucault, *The History of Sexuality: Volume 1: An Introduction*, p.137.

Simply put, when the notion of racial purity supplants that of social struggle, the dissemination of power shifts from safeguarding the sovereign and sovereignty towards the defence of a society viewed through the prism of biology. At this moment, according to Foucault's theory, 'state racism' is born.⁶⁶ In *Society Must be Defended*, he argued that this state racism focuses on the biological purity of the social body and compliance with the norms of that society. Its primary function, he continued, is to introduce 'a break into the domain of life that is under power's control: the break between what must live and what must die'.⁶⁷ State racism works to establish:

the appearance within the biological continuum of the human race of races, the distinction among races, the hierarchy of races, the fact that certain races are described as good and that others, in contrast, are described as inferior: all this is a way of fragmenting the field of the biological that power controls.⁶⁸

That is to say, state racism creates a racial hierarchy that divides the populations into 'superior' and 'inferior' races which are brought under state control. The stigmatising effect of this fragmentation of biological groups is that individuals who do not meet the biopolitical criteria of an ethnically homogenous society are considered to be 'racial enemies' of the state and are excluded from the body politic. Thus, according to Foucault, a discursive shift engenders a political shift.

The administration of the biological was radicalised in Hitler's Germany once the Nazis 'biologised' social concerns regarding gender, crime, poverty, itinerancy, birth rate and other social issues.⁶⁹ The radicalisation of eugenics and *Rassenhygiene* (racial hygiene) in Nazi

⁶⁶ M Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans D Macey), Penguin Books, London, 2004, p.61

⁶⁷ M Foucault, *Society Must Be Defended*, p.254-255.

⁶⁸ M Foucault, *Society Must Be Defended*, p.255.

⁶⁹ R Proctor, *Racial Hygiene: Medicine Under the Nazis*. Harvard University Press, London, 1988, p.287.

ideology, coupled with rapid shifts in criminal biological discourse, led to the promulgation of biologically racist policies towards the Gypsies soon after Hitler seized power. The Nuremberg Laws of 1935 are notable examples of legislation that re-defined precisely who belonged to the national community. These decrees deprived Gypsies of German citizenship and prohibited marriage and sexual relations between Gypsies and ‘citizens of German or kindred blood’.⁷⁰ As Nazi racial scientists, such as Robert Ritter, scientifically legitimised asociality as a biological condition, the Gypsies were racially categorised as ‘degenerates’ belonging to an ‘alien race’; an insidious internal enemy that ostensibly threatened the health of the German *Volk*. Thus, in the eyes of the Nazi state, the Gypsies required subjection to extensive biopolitical measures, designed to stop their reproduction.⁷¹

It should be emphasised that biopolitical regulations targeting German Gypsies in the early years of Nazism were not limited to controlling their biological processes. To halt Gypsy itinerancy and combat ostensibly rising crime rates, the Nazis continued to reinforce stringent police surveillance and harsh assimilative measures towards citizen Gypsies, which included their internment in concentration camps. It is possible to discern, that is, a clear period of transition from social to racial policies, during which the two overlapped and existed side by side.

Prior to the Second World War, the Nazi biopolitical management of the Gypsies aimed to not only create a racial hierarchy which deemed the Gypsies as an ostensible biological threat to the blood purity of the German *Volk*, but to also eradicate specific behaviours, such as

⁷⁰ „Reichsbürgergesetz vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, Vol 1. C. Beck, Munich, 1936, p.31; „Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, pp. 36-37.7

⁷¹ W Feldscher, *Rassen und Erbpflege im Deutschen Recht*, Deutscher Rechtsverlag, Berlin, 1943, pp.26–28, 46, 93,117; R Ritter, „Zur Frage der Rassenbiologie und Rassenpsychologie der Zigeuner in Deutschland“ in *Reichsgesundheitsblatt*, (22), Berlin, 1938, pp.425–62; BA Berlin, R 73, Nr. 14005, R Ritter, „Arbeitsbericht“, p. 7.

itinerancy, which were considered unacceptable in a sedentary society. Appreciating this gradualism not only offers a fresh perspective upon the existing historiography, but it also shows a more accurate understanding of the complex and ad-hoc nature of Nazi policymaking towards the Gypsies, conceived as a response to changing social, economic, and political circumstances, rather than as part of the Nazis' 'master plan' to dominate Europe. Furthermore, it confirms the Foucauldian notion that both disciplinary power and biopower were mutually supportive technologies of power that permeated and underpinned Nazi society and policies.⁷²

From Foucault's perspective, as racism is gradually inscribed 'in the mechanisms of the state', the normalisation of racialised society and the exclusion of those deemed as biological enemies becomes apparent.⁷³ By making a clear distinction between a homogenous self and a heteronomous alterity, he suggested, state racism is able to operate as a discourse that normalises and centralises power to mobilise populations against races that are deemed as an internal and external threat to the purity and health of the populace. He maintained that it was:

a racism that society will direct against itself, against its own elements and its own products. This is the internal racism of permanent purification, and it will become one of the basic dimensions of social normalisation.⁷⁴

A striking illustration of this Foucauldian concept was evident in the Nazi persecution of the Gypsies after the outbreak of the Second World War. With the intent to achieve a racially ordered empire which safeguarded the health of the national community, the Nazis employed increasingly ruthless biopolitical measures to 'cleanse' the German empire of 'diseased races' that ostensibly threatened the biological health of the nation. As a result, thousands of citizen

⁷² M Foucault, *Society Must Be Defended*, p.259.

⁷³ M Foucault, *Society Must Be Defended*, p.254.

⁷⁴ M Foucault, *Society Must Be Defended*, p.62.

Gypsies faced systematic expulsion from German soil while those who remained within the Reich's borders were gradually excluded from all spheres of everyday life and subjected to increasingly radical forms of racial oppression.

Foucault further argued that the turn to a murderous biopolitics was facilitated by state racism, with the combination of German medicine and racial discourse offering the tools for a program of racial purification designed to control, nurture and protect the type of life they wished to produce.⁷⁵ As the program for racial purification was radicalised it became increasingly murderous. This is what Foucault refers to as the transition from biopolitics to thanatopolitics.⁷⁶

For Foucault, the second function of racial discourse within biopolitics was to 'justify the murderous function of the state' which is a 'precondition for exercising the right to kill'.⁷⁷ Such racism, he continues, transforms the relation of war into a 'biological' struggle for life in general which seeks the elimination of those alleged to be degenerate, inferior or abnormal in order to strengthen and purify the life of those who belonged to the body politic:

the more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more I – as species rather than individual – can live, the stronger I will be, the more vigorous I will be. I will be able to proliferate.⁷⁸

Foucault points out, however, that state racism did not only focus on the destruction of other races; it also intended to 'expose its own race to the absolute and universal threat of

⁷⁵ M Foucault, *Society Must Be Defended*, p.256.

⁷⁶ M Foucault, *Society Must Be Defended*, pp.256-260.

⁷⁷ These 'killings', Foucault clarifies, are not limited to murder, but also encompass other forms of indirect murder, such as 'exposing someone to death, increasing the risk of death for some people, or quite simply, politics death, expulsion, rejection and so on', see M Foucault, *Society Must Be Defended*, p. 256.

⁷⁸ M Foucault, *Society Must Be Defended*, p. 255.

death'.⁷⁹ This exposure to universal death was, in Foucault's opinion, the only way that the Nazis could truly constitute Germans as the 'superior' race and achieve its ultimate regeneration once other racial defects within the *Volk* had been annihilated:

War will be seen not only as a way of improving one's own race by eliminating the enemy race (in accordance with the themes of natural selection and the struggle for existence), but also as a way of regenerating one's own race. As more and more of our numbers die, the race to which we belong will become all the purer.⁸⁰

Whereas Foucault juxtaposed sovereign power and biopolitics, making a distinction between them, Agamben insists on their inherent connection. Agamben's understanding of sovereignty is distinctly Schmittian: it is the sovereign who determines the 'state of exception' and defines the limits of the judicial order, which is both internal and external to the rule of law. As 'bare life' is also exempted from the political domain, for Agamben, it is the concealed foundation of politics and the 'hidden point of intersection' between sovereignty and biopower: 'the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power'.⁸¹ Crucial to this secret bond between bare life and sovereign power was violence.

To illuminate how bare life was bound within the political sphere of power and exposed to an unconditional threat of death, Agamben draws on the enigmatic figure of the *homo sacer* (sacred man) described as

the originary figure of life taken into the sovereign ban and preserves the memory of the originary exclusion through which the political dimension was first constituted. The political sphere of sovereignty was thus constituted through a double exclusion, as an

⁷⁹ M Foucault, *Society Must Be Defended*, p.259.

⁸⁰ M Foucault, *Society Must Be Defended*, p.257.

⁸¹ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.6.

excrescence of the profane in the religious and of the religious in the profane, which takes the form of a zone of indistinction between sacrifice and homicide. *The sovereign sphere is the sphere in which is it permitted to kill without committing homicide and without celebrating a sacrifice and sacred life – that is, life that may be killed but not sacrificed – is the life that has been captured in this sphere.*⁸²

That is to say, revoked of his legal status and excluded from the political realm, the *homo sacer* also remains within the juridical order and faces the potential of being killed under the sovereign's order. Agamben claims that a continued 'state of exception' existed in the Nazi state under Hitler's rule:

The entire Third Reich can be considered a state of exception that lasted twelve years. In this sense, modern totalitarianism can be defined as the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system.⁸³

Yet Agamben views modern biopolitics in the Third Reich essentially as thanatopolitics: a radicalised version of biopolitics, a 'catastrophic endpoint of a political tradition that originates in Greek antiquity and leads to the National Socialist concentration camps'.⁸⁴ More specifically, he sees Hitler's appointment of Brandt and Buhler as plenipotentiaries for euthanasia as having implied that 'the sovereign decision on bare life comes to be displaced from strictly political motivations and areas to a more ambiguous terrain in which the physician and the sovereign seem to exchange roles'.⁸⁵ In other words, the

⁸² G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.83.Emphasis in the original.

⁸³ G Agamben, *State of Exception*, (trans K Attell), The University of Chicago Press, Chicago and London, 2005, p.2.

⁸⁴ T Lemke, "A Zone of Indistinction: A Critique of Giorgio Agamben's Concept of Biopolitics", *Outlines. Critical Practice Studies*. vol. 7, no.1, 2005, p.4,8.

⁸⁵ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.143.

integration of medicine and politics signifies for Agamben the point at which there is a shift in sovereign power, with Hitler's authorisation of the euthanasia 'mercy killings' showing how the position of sovereignty is exchanged: instead of the *Führer*, the physician becomes the sovereign who decides which life is considered to be valuable or non-valuable. Agamben concludes:

Euthanasia is situated at the intersection of the sovereign decision on life that may be killed and the assumption of the care of the nation's biological body...Euthanasia signals the point at which biopolitics necessarily turns into thanatopolitics.⁸⁶

According to Mika Ojakangas and Thomas Lemke, one of the strengths of Agamben's work is that he provides the juridico-discursive concept of power which is lacking in Foucault's analysis of biopolitics.⁸⁷ His focus on the position of the sovereign certainly explains how the power to kill was transferred from the *Führer* to his physicians. Moreover, Andrey Makarychev and Alexandra Yatsky point out Agamben's theory of biopolitics is a valuable conceptual tool for the study of nationalism and nation-building. For them, Agamben's biopolitics can be viewed as a 'national-building tool based on standards and norms of inclusion and exclusion' which defines those who belong to the 'imagined community' and ostracises those deemed as unwanted and 'do not fit the biopolitical standards', determined by the state.⁸⁸ However, Lemke correctly identifies the core problem of Agamben's thesis: namely that 'Agamben's concept of biopolitics remains inside the ban of sovereignty; it is blind to all the mechanisms operating beneath or beyond the law'.⁸⁹ That is to say, Agamben takes an excessively legalistic approach which heavily accentuates the concealed interrelation between sovereign power and bare life.

⁸⁶ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.142.

⁸⁷ T Lemke, "A Zone of Indistinction: A Critique of Giorgio Agamben's Concept of Biopolitics", pp.3-4; M Ojakangas, "Impossible Dialogue on Bio-Power: Agamben and Foucault", *Foucault Studies*, vol.2, 2005, pp.11-17.

⁸⁸ A Makarychev, and A Yatsky, "Biopolitics and National Identities: Between Liberalism and Totalization" *Nationalities Papers*, vol.45, no.1, 2017, p.4.

⁸⁹ T Lemke, "A Zone of Indistinction: A Critique of Giorgio Agamben's Concept of Biopolitics", p.10.

He fails to address the ‘relational, decentralised and productive aspect of power’ – features which are more evident in Foucault’s model of state racism.⁹⁰ Furthermore, Agamben’s claim of the hidden bond between bare life and sovereignty tends to focus solely on a narrow juridico-institutional framework which illuminates the political mechanisms between the rule and the exception, and characterises the relationship between biopower and sovereignty. As a result, his thesis lacks historical perspective or context and he ‘operates with a conception of history that does not bring forth anything new, but is uniform and unidirectional’; unlike the Foucauldian model, which embraced both historical and political conceptions of sovereign power.⁹¹

According to Lemke, an additional problem with Agamben’s theory is that his analysis is ‘limited to those without legal rights, such as the refugee or the asylum seeker’.⁹² Lemke argues that the approach to biopolitics needs to encompass *all* life and ‘those who are confronted with social processes of exclusion’ regardless of their citizenship status.⁹³ This becomes especially important when examining German and Austrian approaches prior to Nazism and Switzerland’s role in the *Porrajmos*, where they did not employ thanatopolitical sanctions with the intent to root out their own citizenry, but rather, they chose to close their borders to Gypsies and expel any who were apprehended on the grounds that they were illegal non-citizen aliens.

Agamben’s reading of biopolitics fails to differentiate between these various forms of biopolitics. This creates difficulties in determining patterns of continuity and change. By insisting that liberalism is authoritarian, and that liberalism is synonymous with authoritarianism, Agamben flattens out the difference between levels and types of oppression

⁹⁰ T Lemke, “A Zone of Indistinction: A Critique of Giorgio Agamben’s Concept of Biopolitics”, pp.5-10; M Foucault, *Society Must be Defended*, pp.255-259.

⁹¹ J Oskala, “Violence and the Biopolitics of Modernity” *Foucault Studies*, No.10, 2010, P. 34 - 36.

⁹² T Lemke, “A Zone of Indistinction: A Critique of Giorgio Agamben’s Concept of Biopolitics”, p.10.

⁹³ T Lemke, “A Zone of Indistinction: A Critique of Giorgio Agamben’s Concept of Biopolitics”, p.10.

and ignores the epistemic framework, ontology and teleology that underpins the drive towards social or racial homogenisation.⁹⁴ Foucault, by contrast, makes clear that there is a biopolitics that is intrinsic to liberalism; an art of government that deals with ‘managing the dangers and mechanisms of security/freedom, [and] the interplay of security/freedom which must ensure that individuals or the community have the least exposure to danger’.⁹⁵ This liberal governmentality and these liberal exclusionary policies, however, had different aims and intents to that of Nazism, and were not necessarily an early version of later Nazi forms of repression.⁹⁶ The focus of this study on the shifts in biopolitical interventions in Germany, Austria, and Switzerland highlights the transition from liberal biopolitics to Nazi thanatopolitics, and seeks to show how important such distinctions are. For these reasons, this thesis employs Foucault’s analysis to explain the unfolding of the *Porrajmos* rather than Agamben’s.

For his part, Roberto Esposito does not accept the explanations of either Foucault or Agamben as sufficient. He argues that Foucault’s theory of state racism does not offer an underpinning logic for Nazi biopolitics. He also contends that both Foucault and Agamben’s heavy emphasis on sovereignty as the catalyst for the shift from biopolitics to thanatopolitics is incorrect.⁹⁷ In contrast to these two philosophers, Esposito does not see the difference of the Nazi regime as lying with the reconceptualisation of sovereignty or in the category of modern totalitarianism by means of the ‘state of exception’.⁹⁸ Instead, he investigates how biopolitics fosters a life ‘nourished by the deaths of others’ by accentuating the concept of ‘immunisation’ – an idea that was introduced but not deeply explored in Foucault’s thesis. Drawing upon

⁹⁴ G Agamben, *Homo Sacer: Sovereign Power and Bare Life*.

⁹⁵ Foucault, M. *The Birth of Biopolitics: Lectures at the Collège de France 1978 – 1979*, (trans G Burchell), Palgrave Macmillan, New York, 2008, p.66.

⁹⁶ See Fitzpatrick, M. “A State of Exception? Mass Expulsions and the German Constitutional State, 1871 – 1914”, *The Journal of Modern History*, vol.85, no.4, 2013, p.800.

⁹⁷ R Esposito, *Bios: Biopolitics and Philosophy*,

⁹⁸ T Lemke, *Biopolitics: An Advanced Introduction*, New York University Press, New York, and London, 2011, p. 90

Lifton's classic description of the Nazi state as a 'biocracy', Esposito argues that the immunity paradigm demonstrates how the Nazis attempted to 'cure' life from illness, degeneration, and death. He states:

What the immunitary paradigm adds is the recognition of the homeopathic tonality that Nazi therapy assumes. The disease against which the Nazis fight to death is none other than death itself. What they want to kill in the Jew and in all human types life isn't life, but the presence in life of death: a life that is already dead because it is marked hereditarily by an original and irremediable deformation; the contagion of the German people by a part of life inhabited and oppressed by death...In this case, death became both the object and the instrument of the cure, the sickness and its remedy...It strengthened its own immunitary apparatus to the point of remaining victim to it.⁹⁹

For Esposito, the racial and exterminatory policies employed under National Socialism followed an extreme form of immunitarian logic. The Nazis viewed 'diseased' races as a manifestation of death because they were considered to be 'life unworthy of life'. Killing this 'life unworthy of life', he argues, performed a double function for the Nazis: it eliminated ostensibly diseased races that threatened the regeneration of the German *Volk* and immunised them from death, thereby strengthening and protecting their race. Esposito states, however, that this attempt to immunise and regenerate life through death resulted in its negation through an 'auto-immune' reaction, heralding the transition from biopolitics to thanatopolitics:

It is only immunisation that lays bare the lethal paradox that pushes the protection of life over into its potential negation. Not only, but it also represents in the figure of the

⁹⁹ R Esposito, *Bios: Biopolitics and Philosophy*, pp.137–138.

autoimmune illness the ultimate condition in which the protective apparatus becomes so aggressive that it turns against its own body...leading to its death.¹⁰⁰

Esposito's paradigm shares important features with that of Foucault. Both discuss the superimposition of life and death and agree on the annihilatory potential of biopolitics. With the 'Other' posited as a biological entity capable of contaminating the body politic and bearing a lethal stain that destroys racial purity, both concur that sanctioned segregation, isolation, and eventual extermination was viewed as a defensive mechanism by the Nazi state, which saw these as necessary for the fostering of 'valuable' life.¹⁰¹ To be sure, Esposito's immunity paradigm holds promise, considering that it focuses greater attention on the historical techniques of forced sterilisation, abortion, and genocidal projects to halt the reproduction of a population. He further offers a broad reconfiguration of the relationship between Foucauldian sovereignty and biopolitics, as well as reproductive politics, which minimises the role of the law and understands life as a process which is dynamically in flux.¹⁰²

As this thesis will show, however, situating biopolitics squarely within a framework of immunity does pose challenges when tracing the historical developments of biopower. By strongly accentuating 'scientific' discourse and the biocratic elements of the Nazi dictatorship, Esposito's framework overlooks the bureaucratic mechanisms of Nazi policy-making which demonstrate the 'cumulative radicalisation' that culminated in the *Porrajmos*.¹⁰³ In particular, it misses the polycratic rivalry between agencies, such as the *Ahnenerbe* (Ancestral Heritage) Office of the SS, the RKPA and the RHF which, as this thesis shows, saw an endless power

¹⁰⁰ R Esposito, *Bios: Biopolitics and Philosophy*, p.116.

¹⁰¹ M Foucault, *Society Must Be Defended*, p.255-257; R Esposito, "Community, Immunity, Biopolitics", (trans M Russo) *Política Común*, Vol.3, 2012.

¹⁰² P Deutscher, *Foucault's Futures: A Critique of Reproductive Reason*, Columbia University Press, New York, 2017, pp.114-118.

¹⁰³ On 'cumulative radicalisation' see H Mommsen, "Cumulative Radicalisation and Progressive Self-Destruction as Structural Determinants of the Nazi Dictatorship", in I Kershaw and M Lewin (eds.), *Stalinism and Nazism: Dictatorships in Comparison*, Cambridge University Press, Cambridge, 1997, pp.75-87.

struggle to dictate the direction and discourse of Nazi Gypsy policy. This rivalry saw the RKPA and RHF develop ever more radical initiatives for resolving the ‘Gypsy Question’, as a way of consolidating the power of the grassroots. This facilitated what has been termed by Hans Mommsen as a type of ‘bureaucratic chaos’ which led to the disorderly implementation of Gypsy policy and the ‘cumulative radicalisation’ of biopolitical measures which ultimately ended in genocide.¹⁰⁴ This decentralised operation of power more closely approximates the ‘governmentality’ suggested by Foucauldian thanatopolitics. Rather than viewing the distribution of biopower within a hierarchical, top-down system, Foucault correctly argues it can be distributed in the capillaceous structures of society, such as the police force, local officials, schools, and medical organisations.¹⁰⁵ As a result, the authority to kill was replicated not only within state organs and security apparatuses, but it was also unleashed through the entire social body.¹⁰⁶ For this reason, the Foucauldian framework of biopolitics can best be applied to the *Porrajmos*, as it most closely replicates the processes by which Gypsies were identified, excluded, combatted and eventually murdered; all in the interest of protecting and immunising life.¹⁰⁷ By intricately linking governmentality with the capillaries of biopolitics, Foucault also shows how power operated at the ‘grassroots’ level and was dispersed across several authoritative agencies, rather than merely through autocratic leadership. The *Porrajmos* was, this line of analysis reveals, a result of a dynamic ‘cumulative radicalisation’ in Nazi Germany, inflamed by a biopolitical impulse to safeguard and immunise ‘valuable life’.

Current Trends in the Transnational History of the European Gypsies:

¹⁰⁴ H Mommsen, “Cumulative Radicalisation and Progressive Self-Destruction as Structural Determinants of the Nazi Dictatorship”, pp.75-87.

¹⁰⁵ For more on the capillaries of biopower and thanatopolitics, see M Foucault, *Discipline and Punishment*, p. 198, M Foucault, *Society Must Be Defended*, p.259.

¹⁰⁶ Foucault, M. *Society Must be Defended*, p.259.

¹⁰⁷ Understood as Aryan, see Chapter 11: Nation and Race of A Hitler, *Mein Kampf*, (trans R Mannheim), Houghton Mifflin, Boston, 1943.

Exploring the treatment of Gypsies in other European countries besides Germany is still a relatively new development. Recently, historians have started to investigate how several states across Europe had developed their own policies and methods for dealing with their respective Gypsy populations long before the Nazis seized power. Donald Kenrick and Grattan Puxon were among the first to offer a pan-European perspective of the Gypsy persecution in their 1972 publication titled *The Destiny of Europe's Gypsies*. By tracing the long history of Gypsy persecution and oppression in European society, Kenrick and Puxon concluded that 'deeply rooted prejudices' against Gypsies played a crucial role in their treatment under Nazi-occupied areas of eastern and western Europe.¹⁰⁸ Since then, a wealth of historical works have emerged offering further details of how Gypsies were persecuted by individual nation states throughout Europe. Cases of antiziganist discrimination and stigmatisation have been documented in Austria, Belarus, Bulgaria, Croatia, Czechoslovakia, France, Great Britain, Hungary, Italy, Netherlands, Poland, Romania, Russia, Sweden, Switzerland, Ukraine, and Yugoslavia.¹⁰⁹ Certainly, these national studies have made important contributions to the

¹⁰⁸ D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*.

¹⁰⁹ For a detailed discussion on the national and international history of the European Gypsies see D Crowe, *A History of the Gypsies of Eastern Europe and Russia*, St. Martin's Griffin, New York, 1996; D Crowe, and J Kolsti, *The Gypsies of Eastern Europe*, 2nd edn, Routledge, London, and New York, 2015; R Stauber and R Vago, *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007; *Roma and Sintí: Under-studied Victims of Nazism*, Symposium Proceedings, Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum, 2002; A Weiss-Wendt, *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York and Oxford, 2013; For Belarus see, W Wippermann, "Nur eine Fußnote? Die Verfolgung der sowjetischen Roma: Historiographie, Motive, Verlauf" in Meyer, K. and Wippermann, W. (eds.), *Gegen das Vergessen: der Vernichtungskrieg gegen die Sowjetunion 1941-1945*, Haag, Herchen, Frankfurt am Main, 1992, pp.75-90; For Bulgaria see E Marushiakova and V Popov, "The Bulgarian Gypsies. Searching their Place in the Society", *Balkanologie*, vol.4, no.2, 2000, pp.1-16; For Croatia see, E Marushiakova, and V Popov, *Gypsies in the Ottoman Empire: A Contribution to the History of the Balkans*, University of Hertfordshire Press, Paris and Hatfield, 2001; S Trubeta, "'Gypsiness', Racial Discourse and Persecution: Balkan Roma During the Second World War", *Nationalities Papers*, vol.31, no.4, 2003, pp.495-514; For Czechoslovakia see C Donert, *The Rights of the Roma: The Struggle for Citizenship in Postwar Czechoslovakia*, Cambridge University Press, Cambridge, 2017; J Kalvoda "The Gypsies of Czechoslovakia", *Nationalities Papers*, vol.19, no.3, pp.269-296, 1991; For France see I About, "Underclass Gypsies. An Historical Approach on Categorisation and Exclusion in France in the Nineteenth and Twentieth Centuries", in M Stewart (ed.) *The Gypsy 'Menace'. Populism and the New Anti-Gypsy Politics*, Hurst, London, 2012; S Fogg, "Assimilation and Persecution: An Overview of Attitudes Towards Gypsies in France" in A Weiss-Wendt (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, London, 2013; MC Hubert, "The internment of Gypsies in France" in D Kenrick (ed.) *The Gypsies during the Second World War. 2, In the shadow of the swastika*, University of Hertfordshire Press, Paris and Hatfield, 1999; For United Kingdom See D Cressy, *Gypsies: An English History*, Oxford University Press, Oxford, 2018; D Mayall, *English Gypsies*

history of Gypsy populations that were harassed and oppressed throughout Europe. With the exception of Jennifer Illuzzi's comparative study of exclusionary policies implemented against Gypsies in Germany and Italy between 1861 and 1914, however, there are few works that attempt to draw these cases of persecution together in a transnational study that explicitly compares and contrasts the direction of anti-Gypsy policymaking.¹¹⁰

One partial exception comes with Michael Zimmermann's edited book *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*. Rather than regarding the systematic murder of the Gypsies in Hitler's Germany as a unique historical event, this book placed the Nazi extermination of the Gypsies squarely within a wider framework of discriminatory policies enforced throughout eastern and western Europe. Owing to the conflicting racial theories and categorisations of Gypsy, itinerant and sedentary populations, as well as the differing degrees of Nazi fanaticism and patterns of

and State Policies, University of Hertfordshire Press, Paris and Hatfield, 1995; For Hungary see E Kállai, *The Gypsies/The Roma in Hungarian Society*, Teleki László Foundation, Budapest, 2002; D Crowe, "The Gypsies in Hungary" in D Crowe and J Kolsti (eds.) *The Gypsies of Eastern Europe*, M.E. Sharpe, Armonk, 1991; G Feher, *Struggling for Ethnic Identity: The Gypsies of Hungary*, Human Rights Watch, New York, 1993; For Italy see J Illuzzi, *Gypsies in Germany and Italy, 1861-1914*; For Netherlands see L Lucassen "The power of definition. Stigmatisation, minoritisation and ethnicity illustrated by the history of gypsies in the Netherlands", *Netherlands' Journal of Social Sciences*, vol. 27, no.2, 1991, pp.80-91; L Lucassen "Gypsy Research and Gypsy Policy in the Netherlands (1850-1970) in a Comparative Perspective" in M Zimmermann (ed.), *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, Franz Steiner Verlag, Stuttgart, 2007; For Poland see J Ficowski, *The Gypsies in Poland. History and Customs*, Interpress Publishers, Warsaw, 1989; For Romania see V Achim, *The Roma in Romanian History*, Central European University Press, Budapest, and New York, 1998; D Crowe "The Gypsy historical experience in Romania" in D Crowe and J Kolsti (eds.) *The Gypsies of Eastern Europe*, M.E. Sharpe, Armonk, 1991; For Russia see D Crowe, *A History of the Gypsies of Eastern Europe and Russia*, St. Martin's Griffin, New York, 1996; M Holler, *Der nationalsozialistische Völkermord an den Roma in der besetzten Sowjetunion (1941-1944)*, Dokumentations- und Kulturzentrum Deutscher Sinti und Roma, Heidelberg, 2009; M Zimmermann "The Soviet Union and the Baltic States 1941-1944: the massacre of the Gypsies" in D Kenrick (ed.) *The Gypsies during the Second World War 2, In the Shadow of the Swastika*, University of Hertfordshire Press, Hatfield and Paris, 1999; For Sweden see M Nelson and J Rogers, "'Lapps, Finns, Gypsies, Jews and Idiots.' Modernity and the Use of Statistical Categories in Sweden", *Annales de démographie historique*, no.1, 2003, pp.61-79, For Ukraine see O Belikov, "Gypsies of Ukraine during the Second World War", *Science, Religion, Society*, no.4, 2002, pp.64-73; M Tyaglyy, "Nazi Occupation Policies and the Mass Murder of the Roma in Ukraine" in A Weiss-Wendt, (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York and Oxford, 2013.

¹¹⁰ J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*.

hostilities towards Gypsies in other areas of Europe, Zimmermann concludes that Nazi policies towards the Gypsies were not consistently implemented across Europe.¹¹¹

Zimmermann's book broke important new ground in analysing the continuities and discontinuities of German policy within a wider European trajectory. A difficulty with it, however, is that an overtly comparative viewpoint was largely absent. Indeed, most authors primarily focus on exploring the development of anti-Gypsy policies within a single nation state. Distinctive links with simultaneously occurring German Gypsy policies were rarely made, creating difficulties in discerning whether the persecution of Europe's Gypsies was part of a wider, international framework.¹¹² To offer a transnational history of the *Porrajmos* that makes clear connections between anti-Gypsy policies implemented in the German-speaking areas of Europe, this thesis will also determine whether the synchronous persecution of the Gypsy populations living in Austria and Switzerland followed a biopolitical agenda that aligned with that of Germany. Only by assessing the interactions and co-developments of anti-Gypsy policies within central Europe between 1870 and 1945, does it become possible to determine whether a centralised, transnational approach to the so-called *Zigeunerfrage* existed.

The Austrian treatment of the Gypsies serves as a compelling illustration of a wider persecution in German-occupied Europe, though scholarship within this field is quite limited.¹¹³ As Florian Freund, Gerhard Baumgartner and Erika Thurner have all argued, once

¹¹¹ Zimmermann, M. „Zigeunerpolitik und Zigeunerdiskurse im Europa des 20. Jahrhunderts eine Einführung“, in Zimmermann, M. (ed.), *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, Franz Steiner Verlag, Stuttgart, 2007, pp.13-70.

¹¹² Zimmermann, M. *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*.

¹¹³ Initial studies on the topic was conducted by Slema Steinmetz; Erika Thurner and Michael Zimmermann, see S Steinmetz, *Österreichs Zigeuner im NS-Staat*, Europa-Verlag, Steinmetz, 1966; E Thurner, *National Socialism and Gypsies in Austria*; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*. Other works on the subject include: G Baumgartner and F Freund, *Roma Politik in Österreich/Roma Policies in Austria*, Cultural Association of Austrian Roma, Parliamentary Group of the Party of European Socialists at the European Parliament, Wien and Brussels, 2005; C Mayerhoffer, *Dorfzigeuner. Kultur und Geschichte der Burgenland-Roma von der Ersten Republik bis zur Gegenwart*, Picus, Wien, 1987; F Freund, *Oberösterreich und die Zigeuner. Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, Oöla, Linz, 2010; E Klamper, “Persecution and Annihilation of Roma and Sinti in Austria, 1938-1945”, *Journal of the Gypsy*

Austria became part of the Third Reich, the local Nazi administration swiftly imposed a radicalisation of anti-Gypsy policy, particularly for those living in the Burgenland province. For them, this reflected a culmination of existing discriminatory legislation and deep-rooted hostilities towards the Gypsies that preceded the Nazi assumption of power.¹¹⁴ Over the years, research has shifted away from the fate of the Gypsies in Nazified Austria and instead has primarily focused on uncovering the origins of Antiziganist prejudice and persecution in Austria by examining their treatment under the Habsburg monarchy, which followed a similar pattern of persecution to that of German Gypsies.¹¹⁵ A recent journal article by Tara Zahra, for example, claims that in the years leading up to the First World War, the Gypsies living in Austria Hungary were targets of increasing criminalisation, resulting from the mass migrations to Europe. To control mobility, she asserts, the Habsburg officials sought to forcibly deport foreign Gypsies from Habsburg territory or ‘civilise’ and sedentarise citizen Gypsies via assimilative measures. More crucially, she argues that the war saw to the push for more draconian measures to be implemented against the Gypsies, as the Habsburg authorities attempted to solve the ‘Gypsy question’ via forcible internment.¹¹⁶ This body of literature certainly assists in establishing links of continuity between the treatment of Gypsies under the Habsburg Empire and Nazi-occupied Austria, and further recognises Austrian complicity in the Nazis’ crimes against the Gypsies. Greater attention, however, must be paid to drawing

Lore Society, vol.3, no.2, 1993, pp.55-65; S Milton, “Sinti and Roma in Twentieth-Century Austria and Germany”, *German Studies Review*, vol.23, no.2, 2000, pp.317-331; U Mindler, „Die Kriminalisierung und Verfolgung von Randgruppen in der ersten Hälfte des 20. Jahrhunderts am Beispiel der österreichischen ‚Zigeuner‘“, in S Bachhiesl and SM Bachhiesl (eds.), *Kriminologische Theorie und Praxis. Geistes- und naturwissenschaftliche Annäherungen an die Kriminalwissenschaft*, LIT, Wien 2011.

¹¹⁴ F Freund, “Genocidal Trajectory: Persecution of Gypsies in Austria, 1938-1945” in A Weiss-Wendt, (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York and Oxford, 2013, pp.44-71; E Thurner, “Nazi and Postwar Policy against Roma and Sinti in Austria”, in Stauber, R. and Vago, R. (eds.) *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007, pp.55-68.

¹¹⁵ See S Davis, “Competitive Civilizing Missions: Hungarian Germans, Modernization, and Ethnographic Descriptions of the *Zigeuner* before World War 1”, *Central European History* 50, 2017, pp.6-33.

¹¹⁶ T Zahra “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics and Internment in the Habsburg Empire” *American Historical Review*, June 2017, pp.702-726.

meaningful connections with German policies implemented prior to the *Anschluss*, as well as placing the Austrian treatment of the Gypsies within a broader European movement for resolving the ostensible *Zigeunerplage*.

While the situation in Austria shows that the denigration of the Gypsies significantly intensified as a result of National Socialism, the treatment of this group under a non-Nazi European state, such as Switzerland, becomes an important comparative case. Research concerning Switzerland's role in the *Porrajmos* is still quite scarce.¹¹⁷ One of the darkest chapters in Swiss history that has recently come to light was the 1926 government-supported campaign called, *Hilfswerk für die Kinder der Landstrasse* ('Relief Organisation for the Children of the Open Road), in which *Jenische* children were forcibly taken away from their families and institutionalised in order to have their itinerant behaviours corrected.¹¹⁸ Other studies have also emerged which examine the deeper causes of Gypsy prejudice and oppression in Switzerland prior to the Nazi ascension to power, with Franz Egger's 1982 article 'Der Bundesstaat und die fremden Zigeuner' as an important representative work. He posits that the lack of cultural understanding of Gypsies raised suspicions about their wandering lifestyle which saw them stigmatised as criminals. Egger correctly argues that in Switzerland the 'Gypsy

¹¹⁷ Current works which examine the Swiss persecution of the Gypsies include: T Huonker and R Ludi, *Roma, Sinti und Jenische Schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, Chronos Verlag, Zürich, 2001; R Ludi, "Swiss policy towards Roma and Sinti refugees from National Socialism: Defensive walls instead of asylum" in D Kenrick (ed.) *The Gypsies During the Second World War. 3, The Final Chapter*, University of Hertfordshire, Paris and Hatfield, 2006, pp.119-132; F Egger, "Der Bundesstaat und die fremden Zigeuner in der Zeit von 1848 bis 1914", *Studien und Quellen*, no.8, 1982, pp.49-74; T Huonker, *T Fahrendes Volk – Verfolgt und verfemt. Jenische Lebensläufe*, Limmat Verlag, Zürich, 1987; T Huonker, "Zur Geschichte der Anerkennung von Roma, Sinti und Jenischen als Opfergruppen des Holocaust sowie als Volksgruppen in Deutschland, Österreich und der Schweiz", in BC Schär, and B Ziegler, (eds.), *Antiziganismus in der Schweiz und in Europe. Geschichte, Kontinuitäten, und Reflexionen*, Chronos Verlag, Zürich, 2014; T Meier, "Zigeunerpolitik und Zigeunerdiskurs in der Schweiz, 1850-1970" in M Zimmermann (ed.) *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, Franz Steiner Verlag, Stuttgart, 2007; I Hancock, "Romani Victims of the Holocaust and Swiss Complicity" in R Brooks (ed.) *When sorry isn't enough. The controversy over apologies and reparations for human injustice*, New York University Press, New York, 1999.

¹¹⁸ The Yenish people are an itinerant group descended from Roma who live mostly in Switzerland and neighbouring parts of Germany, France, and Austria. T Meier, "The Fight Against the Swiss Yenish and the 'Children of the Open Road' Campaign", p.103.

question' was intricately linked with citizenship, as those who could not prove their resident status were driven out of Swiss territory. In an attempt to resolve the issue of Gypsies being pushed back and forth between international borders, he contends that the Swiss spearheaded a European initiative to naturalise their Gypsy populations, though this failed.¹¹⁹

Thomas Huonker's 1998 report *Roma, Sinti, Jenische* is another important study which examines Swiss anti-Gypsy policies before, during and after the Second World War. He too argues that Switzerland was a forerunner in developing a European framework for dealing with the Gypsies shortly after the turn of the twentieth century. In his opinion, this continued after the establishment of the International Criminal Police Commission (ICPC) in 1923 – a transnational organisation headquartered in Vienna that was dedicated to curtailing criminal activities committed by various individuals, including Gypsies. After the Nazis infiltrated the ICPC, Huonker insists that its networks, logistics and structure was used to further their racial and political agenda which ended in mass murder. Thus, he concludes, Switzerland was complicit in the Nazi atrocities committed against European Gypsies.¹²⁰

This scholarship has shown how Switzerland's anti-Gypsy policies acted, in some ways, as a model for the rest of Europe. Switzerland's leading role in co-ordinating international action against the Gypsies was consolidated through their co-operation with the ICPC. As this thesis shows, however, more extensive research on specific ICPC policies targeting the Gypsies is still needed. Even though Huonker has made a good case for the Swiss conducting the efforts for an international solution to the Gypsy problem, he makes little mention of Austria's role in the matter. Given that the ICPC was headed by the Austrian police

¹¹⁹ F Egger, „Der Bundesstaat und die fremden Zigeuner in der Zeit von 1848 bis 1914“, pp.49-74.

¹²⁰ T Huonker, „Roma, Sinti, Jenische Strukturen, Haltungen, Entwicklungen in der Schweiz vor, während und nach dem 2. Weltkrieg. Unabhängige Expertenkommission Schweiz - 2. Weltkrieg Forschungsmandat Huonker, Stand Teilbericht 22. Oktober 1998“ in T Huonker, and R Ludi, *Roma, Sinti, Jenische Schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, zunächst als Teilbericht zum Flüchtlingsbericht, Publikationen der Unabhängigen Expertenkommission Schweiz - 2. Weltkrieg, Chronos Verlag, Zürich, 2001, pp.73-75

force and based in Vienna, this thesis shows that it would be prudent to investigate whether Austria was an equally decisive force behind the Antiziganism of the ICPC and furthermore, if this policing organisation was used as a vehicle for pushing Austria's national anti-Gypsy policies – a trend certainly evident after the ICPC was Nazified in 1938. To assess the role of Austria and Switzerland in the ICPC, this thesis will not only trace the origins of a Central European solution to the supposed *Zigeunerfrage*, but it will also assess whether the Austrian and Swiss biopolitical strategies for dealing with this group were closely influenced by those of Germany.

Chapter Outline:

The central aims of this thesis are twofold. Firstly, it demonstrates the extent and limits of differing biopolitical approaches to the persecution of the Gypsy populations living in Germany, Switzerland, and Austria between 1870 and 1945. It asserts that a concrete shift in the biopolitical treatment of German Gypsies occurred once eugenicist elements were firmly inscribed in Nazi ideology and policy. During the Third Reich, exclusionary policies targeting the Gypsies were increasingly based on racial and biological criteria, rather than social ones, for the purpose of ensuring the biological improvement of the 'Aryan' master race. Ultimately, this culminated in genocide which saw the transition from biopolitics to thanatopolitics. Notwithstanding that Austria and Switzerland, too, pursued biopolitical courses of action against their Gypsy populations, this thesis argues that only Nazified Austria made the switch to thanatopolitics with Germany, as Switzerland maintained their earlier liberal biopolitical strategies which aimed at controlling Gypsy itinerancy and movement.

Secondly, this thesis shows that a transnational, biopolitical approach to the so-called *Zigeunerfrage* existed during this period as a result of key activities and antiziganist discourse within the ICPC. By critically analysing materials sourced from a number of German, Swiss

and Austrian archives, and deploying a Foucauldian analysis, this thesis will examine the similarities and differences between the biopolitical campaigns waged at local, national and international levels against the European Gypsies which culminated in their mass murder.

Chapter One focuses on how the *Kaiserreich* response to an ostensible *Zigeunerplage* in the late nineteenth century saw the beginnings of a discernibly liberal biopolitical persecution. To combat the perceived threat of Gypsy itinerancy and to safeguard the safety of its citizenry, grassroots authorities enforced disciplinary and regulatory provisions, designed to sedentarise the Gypsy population, and criminalise nomadism. German-born Gypsies were subjected to strict police surveillance and severe policies of assimilation, while foreign Gypsies faced expulsion from the empire's borders. Alongside the increased biopolitical intervention of the German state governments, this chapter will also examine the bureaucratic efforts to build a national approach for dealing with the Gypsies. Although this resulted in failure, a regime of control continued to be enforced against this peripatetic group with exceptional vigour. Consequently, the lives of Gypsies were disrupted, and it was increasingly impossible to lead a nomadic lifestyle.

Chapter Two investigates the development of local and national biopolitical policies targeting German Gypsies between 1914 and 1933. As this is an area that has remained largely unexplored by scholars, this chapter attempts to offer an overarching history of the Gypsy persecution in Germany. It asserts that after the outbreak of the First World War, anti-Gypsy regulations were mostly a continuation of policies implemented under Imperial Germany which placed a heavy emphasis on social, rather than racial, criteria. Additionally, Bavaria continued its role as a forerunner of anti-Gypsy policy during the Weimar Republic, facilitating the development of two key initiatives designed to eradicate Gypsy itinerancy from German society. The first was the creation of a special Gypsy law with severe biopolitical characteristics, such as the incarceration of those without regularly paid work into forced labour

camps, in order to coerce Gypsies towards adopting a sedentary lifestyle. The second was the call for uniform anti-Gypsy measures between the German states which culminated in the establishment of a federal headquarters for Gypsy affairs in Munich. As a result, this chapter will prove that a partial centralisation of national Gypsy policy was achieved by the end of the Weimar Republic.

Chapter Three draws attention to anti-Gypsy policies enacted outside of Germany and probes the origins of a Central European approach to the Gypsy question prior to Nazism. It aims to analyse the explicit connections between the biopolitical, anti-Gypsy legislation promulgated by Swiss, Austrian, and German authorities. Furthermore, it examines how the difficulties in state policymaking and migration control inspired several initiatives to coordinate an international solution to the Gypsy question before 1933. While the Swiss and German attempts for universal co-operation resulted in failure, after the creation of the ICPC in 1923, transnational action towards the Gypsies was finally met with success. With the support of Switzerland and Czechoslovakia, Austria led the push to create an international framework for controlling the European Gypsies, indicating that a partially transnational approach to the *Zigeunerfrage* was achieved prior to the rise of National Socialism.

Chapter Four provides a contextual background to Nazi biopolitics by exploring the deeper connection between biopolitics and biological racism and offering a brief history of how eugenic sterilisations in Nazi Germany came to include Gypsies. It will show how eugenic theories and criminal biological discourse operated as the main tool for re-creating racial discourse and transforming the national body envisioned by the Nazi biostate after 1933. By critically evaluating the works of key racial scientists, such as Robert Ritter, it will show that the racial image of the Gypsies was heavily underpinned by eugenic thinking and criminal biological discourse. Rather than being viewed as merely a social nuisance, by the Nazi era, Gypsies were deemed as a 'degenerative threat' to society, whose reproduction must be stopped

at all costs because of their alleged inherent criminality and asociality. New case studies will confirm that eugenic sterilisations of Gypsies were performed both inside and outside the legal boundaries of Nazi law. Most crucially, it will be shown that legal proposals to sterilise the Gypsies preceded Hitler's rise to power. Even though these initiatives did not gain enough legislative support, this chapter will affirm that they indicate the deeper origins of the NSDAP's biopolitical, racial persecution of Gypsies.

In keeping with the central theme of transnationalism, Chapter Five considers whether the biological racism that fuelled Nazi ideology and eugenic policies targeting the Gypsies were exclusive to Germany. It demonstrates that both Austria and Switzerland adopted eugenic principles and opted to implement population policies intended to prevent the 'degeneration' of the future population and to improve the 'quality' of its citizenry. After the annexation of Austria in 1938, the Austrian approach towards eugenics and population control quickly fell into line with those of Hitler's Germany and as a result, numerous Gypsies were subjected to eugenic sterilisation, particularly in Nazi-occupied concentration camps. Switzerland, on the other hand, never implemented a national sterilisation policy, although government-supported eugenicist programmes, such as *Kinder der Landstrasse* emerged as a vehicle for 'correcting' the behaviours of *Jenische* children. By assessing the development of scientific thinking and eugenic measures targeting Swiss and Austrian Gypsies, this chapter offers a new Central European context for the history of Germany's Gypsy persecution and further offers a broader understanding of eugenics movements and population policies that emerged throughout Central Europe.

Chapters Six, Seven and Eight explain how, under the National Socialist regime, policies towards the Gypsies radicalised from their assimilation to their eventual mass murder. Chapter Six investigates how the Foucauldian notion of 'state racism' was inscribed into the power mechanisms of the Nazi biostate which initiated a eugenic re-ordering of German

society, and a racial persecution of the Gypsies. Denounced as a biological threat to the health of the *Volksgemeinschaft*, the Gypsies were subjected to a series of racist Nazi policies, including the Nuremberg Laws of 1935, on the grounds of their putative asociality and ‘foreign blood’. Alongside this administration of the biological, the Nazis continued to employ older behaviour-based provisions against Gypsies in order, it was claimed, to attack crime and vagrancy at its root. This chapter will assert that in the pre-war period of National Socialism, the biopolitical management of Gypsies gradually progressed from social to racial policies, although during this period the two approaches significantly overlapped and existed side by side. The promulgation of Himmler’s 1938 decree, however, marked the moment in which the biopolitical strategies for dealing with the Gypsies were centralised and hardened into biological racism, signalling the beginning of a severe racial persecution.

Chapter Seven assesses whether the Nazi treatment of the Gypsies after the outbreak of the Second World War was an exemplary illustration of Foucauldian ‘state racism’. In particular, it examines the role of Robert Ritter and the racial researchers in entailing and maintaining a system of racial identification that allowed for an increasingly biopolitical approach to the ‘Gypsy Question’. For the first time, citizen Gypsies were victims of the Nazi government’s plan for the systematic ethnic cleansing of ‘alien races’ who threatened their racial empire. Those Gypsies who remained within the Reich were subjected to severe racial policies, designed to ensure their total exclusion from the *Volksgemeinschaft*. This chapter will demonstrate how this radical shift in Nazi anti-Gypsy policy arguably served as an important foundation for later decisions regarding the *Zigeunerfrage* which eventually culminated in genocide.

Chapter Eight investigates how the Nazi biopolitical management of the Gypsies transitioned from the care of life to the administration of death. It argues that the Gypsy persecution should be recognised as a crime of genocide, which was a result of the ‘cumulative

radicalisation' of Nazi anti-Gypsy policy. The systematic Gypsy deportations to Auschwitz were significantly influenced by the polycratic nature of the Nazi bureaucratic system, manifested in the rivalries between different 'grassroots' agencies. This murderous turn towards genocide arguably signifies the point at which Nazi anti-Gypsy biopolitical policy was transformed into thanatopolitics. Additionally, this chapter will explain how the chaotic implementation of Himmler's Auschwitz decree in 1942 and the Nazi decision to liquidate the Gypsy family camp at Auschwitz illustrates thanatopolitics at work, as the 'power to kill' was dispersed among the entire social body, functioning on several levels and in numerous directions. The result was the *Porrajmos*: a separate genocide which occurred simultaneously with the Jewish genocide but operated under its own unique conditions.

Chapter Nine asserts that a centralised European framework for combatting the ostensible *Zigeunerplage* continued to intensify after Hitler had seized power. This chapter offers new insights by closely comparing the national developments in anti-Gypsy biopolitical policies in Switzerland, Austria, and Germany, as well as investigating how the Nazification of the ICPC influenced the international direction for dealing with the Gypsies. It will demonstrate that after the *Anschluss* in 1938, Austrian anti-Gypsy policy rapidly radicalised and strictly aligned with the Nazis' biologically racist doctrines. The Swiss treatment of Gypsies, by contrast, continued to be based on social motivations and was not as radical as their German and Austrian counterparts. Once the ICPC fell firmly into the hands of the Nazis, this organisation was used, to some extent, as a policing instrument for achieving Hitler's racially pure empire. In this way, this chapter will maintain that Switzerland and Austria were complicit in the Nazi atrocities towards the European Gypsies and a centralised, transnational approach to the 'Gypsy Question' was reinforced after the Nazis infiltrated the ICPC.

1. Antiziganism in late 19th and early 20th Century Germany

Known collectively by the press, politicians, and ordinary people as ‘Gypsies’ (a translation of the catchall term used in German, *Zigeuner*), this itinerant group were one of the most feared and mistrusted in Germany prior to World War One.¹ By the end of the nineteenth century, Gypsies were commonly viewed as a criminal sub-population believed to pose a serious threat to German public safety, and their nomadic tendencies were likened to a plague (*Zigeunerplage*). The increasing presence of this peripatetic group coupled with the perceived failure of bureaucratic efforts to control their behaviours initiated the beginnings of a push for a discernibly biopolitical persecution of Gypsies; that is, the administrative regulation of a population so as to optimise, modify, and control life processes.²

This approach to the administration of life can certainly be seen in the *Kaiserreich* regulatory and disciplinary mechanisms that targeted Gypsies and were designed to protect the German citizenry from their putative criminality. Measures of expulsion were enacted against foreign Gypsies found inside Germany, while entry was refused to foreign Gypsies trying to enter Reich territory. Domestically, assimilative regulations were implemented against Gypsies with German citizenship in order to end their itinerancy. Efforts to sedentarise the Gypsy population included preventing the issuance of itinerant trading licenses to travelling workers; the incarceration of convicted Gypsies into workhouses; the forced removal of Gypsy children from their parents; the collection of biometric data (photos, fingerprints, descriptions of bodily features) and mandatory reporting and registration to local officials. It was hoped such policies

¹ See too C Kurda, “Gypsy Hysteria in Nineteenth-Century Germany: A Biopolitical Response”, in T Kehoe and M Pickering (eds.), *Fear in the German-Speaking World, 1600 – 2000*, Bloomsbury Academic, London, 2020, pp.87-122.

² M Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans Macey, D), Penguin Books, London, 2004, pp.246–247; M Foucault, *History of Sexuality: Volume 1: An Introduction*, Pantheon Books, New York, 1978, pp.136-137.

would disrupt Gypsy nomadic culture by further criminalising and stigmatising it, resulting ultimately in its disappearance.³

Tracing the Roots of Antiziganism:

In the wake of the supposed ‘appearance’ of Gypsies in Europe at the beginning of the fifteenth century, numerous apocryphal accounts emerged which intended to explicitly classify these ‘visitors’ to Europe and determine their origins. Given the unclear and often clearly fictitious nature of these accounts, it is unsurprising that one of the most important debates associated with recent Gypsy scholarship is concerned with the need to offer an authentic and accurate representation of Gypsy origins and culture. Some historians, such as Angus Fraser, Ian Hancock and Thomas Acton, have argued that Gypsies were an ethnic group, which was historically shaped by comparisons to sedentary others in Europe who saw the Gypsies as a unified group of outsiders.⁴ Others, namely Leo Lucassen, Wim Willems and Anne-Marie Cottaar, have rightly argued that the idea of the Gypsies as a unified group is incorrect. Their identity was primarily shaped by their travelling occupations, such as hawking, peddling and trading, and their increasing marginalisation from sedentary European communities forced them to develop distinctive cultural traits to ensure their survival.⁵

Despite the clear lack of broader societal knowledge about their culture, Gypsies have traditionally been branded with recurrent images as work-shy parasites, criminals, and romantic

³A Albrecht, *Zigeuner in Altbayern 1871 – 1914: Eine sozial, wirtschafts und verwaltungsgeschichte Untersuchung der bayerischen Zigeunerpolitik*, Kommission für Bayerische Landesgeschichte, Munich, 2002; M Fitzpatrick, *Purging the Empire: Mass Expulsions in Germany, 1870 - 1914*, Oxford University Press, Oxford, 2015; T Zahra, “‘Condemned to Rootlessness and Unable to Budget’: Roma, Migration Panics and Internment in the Habsburg Empire” *American Historical Review*, June 2017, pp.702-726.

⁴ A Fraser, *The Gypsies*, Blackwell Publishers, Oxford, 1992; I Hancock, “The ‘Gypsy’ stereotype and the sexualisation of Romani women” in V Glajar (ed.), *Gypsies in Literature and Culture*, Palgrave-Macmillan, Basingstoke, 2000; T Acton, “Modernity, Culture and ‘Gypsies’: Is There a Scientific Method for Understanding the Representation of ‘Gypsies’? And Do the Dutch Really Exist?” in N Saul and S Tetbutt (eds.), *The Role of the Romanies: Images and Counter Images*, Liverpool University Press, Liverpool, 2004.

⁵ L Lucassen, *Die Zigeuner: die Geschichte eines polizeilichen Ordnungsbegriffes im Deutschland, 1700 – 1945*, Böhlau, Köln, 1996, p.8 and 177; A Cottaar, L Lucassen, and W Willems, *Gypsies and Other Itinerant Groups*, Macmillan Press Ltd., Great Britain, 1998.

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outcasts. As a result, Gypsies were regarded with a mixture of fascination, fear, suspicion, and alienation. According to Gilad Margalit, German chroniclers from the fifteenth and sixteenth centuries have typically described the Gypsies as ‘vagrant people, black in appearance, dirty, clad in rags, and wandering without purpose or aim throughout the country...[they] lived by pick pocketing, thievery, robbery, palm reading, witchcraft and magic’.⁶

While some sought to criminalise them, other German literary works produced in the seventeenth century had romanticised the Gypsy nomadic lifestyle as free from moral constraints and responsibility. The 1670 picaresque novels, *Die Lebensbeschreibung der Ertzbetrügerin und Landstörtzerin Courasche* and *Der seltsame Springinsfeld* by Hans Jakob Christoffel von Grimmelshausen, are two well-known examples in this vein.⁷ Kirsten Martins-Heuß confirms this romanticisation in her summary of the mythical character of the Gypsy: ‘A Gypsy is a dark person, always travelling, work-shy, living for the day without any plans, indulging in sensual pleasures. He delights the population with his artistic offerings.’⁸ This romantic motif was highly popularised because it arguably reflected a stark contrast to German society: The Gypsies attained a state of freedom that the Germans did not have. At the same time, the vagrant lifestyle of the Gypsies ‘drew the suspicion and hostility of their sedentary hosts’.⁹ Their traditional itinerant professions as peddlers, musicians, actors, crafters, animal traders, fortune tellers and healers were believed even into the twentieth century to serve as a cloak for petty crime, such as begging and stealing, as a passage from Alfred Dillmann’s *Zigeunerbuch* makes clear:

Aside from begging, [committing] crimes of hunting, [using] fields, forests, and pastures, spreading dangerous epidemics, [using] fire precariously and their jugglery,

⁶G Margalit, *Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002, p.8

⁷ HJC von Grimmelshausen, *Die Lebensbeschreibung der Ertzbetrügerin und Landstörtzerin Courasche*, Felsecker, Nuremberg, 1670; HJC von Grimmelshausen, *Der seltsame Springinsfeld*, Reclam, Stuttgart, 1976.

⁸ K Martins-Heuß, *Zur mythischen Figur des Zigeuners*, Hagg Herchen, Frankfurt am Main, 1983, p.93.

⁹ G Lewy, *The Nazi Persecution of the Gypsies*, p.10.

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these people are very inclined to thievery. Here opportunistic theft and shoplifting play a roll, as does planned larceny through counterfeiting.... Alongside this are dishonest horde trading....and the swindling of money for the healing of “cursed” cattle and for assurances regarding the ascension of troubled souls.¹⁰

By the late nineteenth century, many of those that had been branded as Gypsies had successfully assimilated into their environment by holding regular employment in ordinary trades or intermarrying with German partners. Some, however, still followed a nomadic lifestyle, which clashed with the values held by their sedentary host societies and engendered continuous friction between the two populations.¹¹ As a result, the Gypsies were not only viewed as a nuisance to rural communities, but their nomadic way of life was criminalised, leading German authorities to conclude that their mere presence posed a danger to public safety. As Dillmann argued: ‘the “Gypsy plague” from which we are now suffering is characterised by the fact that a large number of bands of Gypsies and Gypsy individuals, who...endanger public safety by their vagrant lifestyle’.¹²

Tales of Gypsy hordes threatening rural communities with property abuse, begging, stealing and violent clashes had also begun to manifest in the local press. An example of this can be seen in the *Münchner Neueste Nachrichten* from 1900, which reported:

for years Gypsy gangs have made their presence felt though a true plague. The true Gypsies [*echten Zigeuner*] ...have almost disappeared and in their place, gangs have appeared, who live as vagabonds and generate terror [*den Schrecken*] towards peasants.

¹⁰ A Dillmann, *Zigeuner-Buch*, Dr Wild'sche Buchdruckerei, Munich, 1905, p.6.

¹¹ There is no statistical material available to confirm the exact figures of Gypsies that had assimilated to their German community versus those who continued their peripatetic lifestyle. For more on this, see Lewy, G. *The Nazi Persecution of the Gypsies*, p.14 and J Illuzzi, *Gypsies in Germany and Italy, 1861-1914*, p.14.

¹² A Dillmann, *Zigeuner-Buch*, p.6.

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Under the guise of professions, these gangs live by begging, fortune-telling, divination, cheating and stealing.¹³

This hysteria suggests that Germany's rural population felt exposed and unprotected against the threat ostensibly posed by the Gypsies and their nomadic behaviour - which, as Ian Hancock points out, were often the result of discrimination and poverty.¹⁴ Thus, the authorities were urged by the press to effectively deal with the 'Gypsy plague' that was allegedly terrorising local residents.

The government response to an ostensible *Zigeunerplage* (Gypsy plague) initiated a 'biopolitical' persecution of the Gypsies. As their nomadic lifestyle was increasingly perceived as a threat to German public safety, *Kaiserreich* officials made several attempts to protect, control and optimise the type of life they wished to produce via regulatory mechanisms designed to disrupt and discipline the lives of citizen Gypsies. Foreign and 'stateless' Gypsies who could not prove their citizenship, by contrast, faced expulsion from German soil. As a result, the Gypsies were deemed as an undesirable element of *Kaiserreich* society and their itinerant way of life was heavily criminalised and stigmatised.

The Racial Construction of the Gypsy Image:

The state's security apparatus was crucial to the regulation of Gypsies. This regulation sought to address the anti-Gypsy sentiment of German rural populations. In particular, the police operated as an instrument of the state, protecting its citizens from the putative threat of nomadism, by categorising, criminalising, and monitoring itinerant groups known as Gypsies. However, the definition of 'Gypsy' remained ambiguous, meaning that their categorisation was

¹³ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 2, *Münchener Neueste Nachrichten*, 1900.

¹⁴ 'Forbidden to do business with shopkeepers, the Roma have had to rely upon subsistence theft to feed their families; and thus stealing has become part of the stereotype.' See I Hancock, "Introduction" in D Crowe and J Kolsti (eds.), *The Gypsies of Eastern Europe*, 2nd edn, Routledge, London, and New York, 2015, pp.3-10.

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often a complicated and confusing process for authorities.¹⁵ Although an authoritative, legal definition of ‘Gypsy’ did not emerge until the Munich Conference in 1911, racial theorists and anthropologists repeatedly attempted to construct a stable list of characteristics of Gypsies prior to it. This thinking was important to their later racial categorisation and deteriorating status in German society.

Heinrich Grellmann offered one of the first attempts. In his *Dissertation on the Gipsies*, Grellmann consolidated the concept of the asocial Gypsy, whose lifestyle was an inversion of sedentary norms. Crucial to Grellmann’s thesis was crystallising contrasting Gypsy stereotypes: he glamourised their putatively exotic beauty and alterity and simultaneously described them as ‘cruel’ and ‘savage’ people, whose profound laziness increased their ‘propensity to stealing and cheating’.¹⁶ He placed his assessment in nineteenth century criminal biology writings, asserting that Gypsies were descendants of the lowest and most despised inhabitants of society, and could only reach a higher degree of civilisation ‘through careful guidance’.¹⁷

Grellmann’s treatise made a considerable impact on the scientific construction of the Gypsy image. Many German scholars at the time adopted his criminalised archetype.¹⁸ One of

¹⁵ Both Illuzzi and Lucassen have discussed the ‘fuzzy’ image of the Gypsies and its impact upon the implementation of anti-Gypsy policy. Before the late eighteenth century, the category ‘Gypsy’ was often used as a derogatory term which applied to those who led a nomadic lifestyle, including vagabonds, travellers, and beggars. Though nomadism and criminality were increasingly viewed as central attributes of ‘Gypsy’ character, after the unification of the Reich, the police faced the problem of distinguishing between ‘foreign’ and ‘native’ Gypsies, as the ‘homelessness’ of the Gypsies often prevented them from obtaining official identification papers. Fitzpatrick argues that “‘Gypsy’ was an organizing concept used for the categorizing and policing of a subaltern social segment perceived as having a particular mode of social transgression in common rather than a stable description of a recognizable ethnic or national community’. See J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*, Palgrave Macmillian, New York, 2014, pp.51–52, L Lucassen, ‘Eternal Vagrants? State Formation, Migration and travelling Groups in Western Europe, 1350 – 1914’, M Fitzpatrick, *Purging the Empire: Mass Expulsions in Germany, 1870 – 1914*, p.180.

¹⁶ H Grellmann, *Dissertation on the Gipsies, being an historical enquiry, concerning the manner of life, economy, customs, and conditions of these people in Europe, and their origin*, (Trans. M Raper), Elmsley, London, 1787, pp.22,66-67.

¹⁷ H Grellmann, *Dissertation on the Gipsies*, p.80.

¹⁸ While several scholars have praised the cultural importance of Grellmann’s thesis, including August Pott, Martin Block & Hermann Arnold, many have critiqued the originality of his portrayal of the Gypsies. Willems points out that Grellmann’s image of the Gypsy was heavily fabricated, and borrowed from the texts of previous writers, whose ideas derived from earlier chronicles. For further information about the reception of Grellmann’s thesis see AF Pott, *Die Zigeuner in Europa und Asien: Ethnographisch-linguistische Untersuchung, vornehmlich*

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the first was Richard Liebich who similarly labelled Gypsies criminals.¹⁹ But in contrast to Grellmann, Liebich was harsher and believed that the Gypsies' lifestyle was an immutable, inborn trait. As a result, he argued that, 'to a certain degree, the [Gypsy] lifestyle becomes innate [which] can neither be totally forgotten, nor completely suppressed'.²⁰ Liebich's belief illustrates the early origins of the claims of Gypsies' intrinsic, biological inferiority.

There were others with similar views, most notably Cesare Lombroso who argued in *L'uomo delinquente (Criminal Man)* that criminality was a biological condition, identified by specific 'signs of degeneration'. Although he paid little attention to Gypsies, Lombroso nonetheless viewed them as a 'living example of a whole race of criminals'.²¹ While many other contemporary scholars initially rejected Lombroso's thesis, Nazi criminal biologists, such as Robert Ritter, adopted his idea of inherited moral defects and applied them during the Third Reich.²²

Civilian police chief, Alfred Dillmann, further contributed to developing a negative image of Gypsies. In his 1905 *Zigeunerbuch*, Dillmann associated Gypsies with crime, claiming they often committed crimes under the guise of trading professions.²³ In contrast to Liebich and Lombroso, however, Dillmann viewed Gypsies' criminality as a socially

ihrer Herkunft und Sprache, nach gedruckten und ungedruckten Quellen, Heynemann, Halle, 1844, pp.14–15; M Block, *Zigeuner. Ihr Leben und ihre Seele, dargestellt auf Grund eigener Reisen und Forschungen*, Bibliographisches Institut, Leipzig, 1936, p.24; H Arnold, *Die Zigeuner: Herkunft und Leben im deutschen Sprachgebiet*. Walter-Verlag AG Olten, Breisgau, 1965, p.253; W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, Routledge, Great Britain, 1997, pp.301–302.

¹⁹ Referring to them as a 'plague', Liebich characterised the Gypsies as work-shy, lazy, and careless, and believed that their travelling lifestyle was sustained through criminal practices. Begging, Liebich argued, was 'ensconced in [the Gypsies'] nature' and was considered to be the most common of their criminal tendencies, as it provided a major source of income, though the Gypsies were also known to commit crimes of robbery and document forgery, See R Liebich, *Die Zigeuner in ihrem Wesen und in ihrer Sprache*, Leipzig, Brockhaus, 1863, pp.3, 28,72,78,80 and 107.

²⁰ R Liebich, *Die Zigeuner in ihrem Wesen und in ihrer Sprache*, pp.3,28,72,78,80 and 107.

²¹ Influenced by the work of Charles Darwin, Lombroso claimed that the 'born criminal' could be identified as a distinctive anthropological type which could be recognized by specific physical characteristics, or 'signs of degeneration'. In addition to physical stigma, the 'born criminal' possessed moral abnormalities, manifested in 'asocial' behavior, such as the usage of slang and a lack of 'moral sense', see C Lombroso, *Der Verbrecher in anthropologischer, ärztlicher und juristischer Beziehung*. (trans. M. Fränkel), Richter, Hamburg, 1887 – 90; C Lombroso, *Die Ursachen und die Bekämpfung des Verbrechers*. (trans. H. Kurella,) Bermuhler, Berlin, 1902.

²² R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 - 1945*, The University of Carolina Press, Chapel Hill, NC, 2000.

²³ A Dillmann, *Zigeuner-Buch*, Dr Wild'sche Buchdruckerei, Munich, 1905, p.6.

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influenced behavioural trait, rather than being biological. He nevertheless maintained the dangers of a mixed German and Gypsy gene pool as a ‘source of mutual degradation of German and Gypsy blood’.²⁴ Hermann Aichele, too, depicted the Gypsies as ‘uncultured’ beings who ‘belonged to the lowest economic class’, and were compelled to live as social parasites at the expense of the host community.²⁵ In his study, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs* (1912), he argued that their peripatetic lifestyle was a result of the intrinsic ‘lack of intellectual capacity of the uncivilised’.²⁶ Concurring with Dillmann, Aichele labelled Gypsies using the racial-anthropological term ‘half-breeds’ (*Mischlinge*), and argued that racially pure Gypsies were rare amongst Germans.

While these were certainly racist attitudes during the empire, biopolitical regulations targeting undesirable Gypsy behaviours—itinerancy and vagrancy—were more important. Such behaviours were often likened to the biological in the press, which continuously equated criminality with Gypsy itinerancy. The media often exaggerated their criminality, paralleling the suspicion, fear, and mistrust of Gypsies in regular society. In August 1903, for example, the *Neue Bayerische Landeszeitung* stated:

The Gypsies are for us a true menace. The farmers, who are situated in the outdoor fields, must always live in fear, that hordes of dangerous riffraff are stealing something...The question arises whether the State authorities are truly incapable of handling the Gypsy plague.²⁷

²⁴ A Dillmann, *Zigeuner-Buch*, p.5 - 6.

²⁵ H Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*, Dissertation, University of Tübingen, Stuttgart, 1911, pp.7 and 35.

²⁶ H Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*, p.25.

²⁷ Other references of Gypsy criminality are also mentioned, as the newspaper article states: ‘in some parts of the country, mysterious aliens move in hordes up to 100 from place to place. In addition, many are heavily stealing, begging [engaging in] fraudulent horde trade and sometimes have substantial sums of money. Our country’s population is suffering greatly.’ BayHStA MInn 66436, „Die Zigeunerplage”, *Neuen Bayerische Landeszeitung*, No. 191, 26. August 1903.

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Several scholars, including Grellmann, Liebich and Aichele, considered state intervention vital for shaping and optimising a sedentary population.²⁸ In response to the increasing calls to combat the ‘Gypsy nuisance’, these experts believed it was necessary to eradicate the Gypsies’ nomadic lifestyle by implementing strict regulations, such as assimilation, expulsion, surveillance and deterrence, which were to be carried out by the police. Although *Kaiserreich* bureaucrats and scholars alike debated the effectiveness of these biopolitical strategies, they were nonetheless utilised by authorities to tightly control the Gypsy population.²⁹

Grellman was a strong advocate for Gypsy assimilation. Even though he complained that Gypsies’ criminal behaviour was a burden to the state, he did not view expulsion as a suitable solution. It would only drive them into neighbouring countries. He believed instead that their peripatetic lifestyle could be corrected, and that they could be transformed into productive citizens through education. He therefore proposed ‘civilising’ them and integrating them through state intervention:

Let the state teach him and keep him in leading strings till the end is attained. If the root of this depravity lies so deep, in the first generation, that it cannot be removed immediately, a continuation of the same care will, in the second or this descent, be sure of meeting its reward. When [a Gypsy] has discontinued his Gypsy life, consider him with his fecundity and numerous families, who being reformed, are made useful citizens.³⁰

²⁸ H Grellmann, *Dissertation on the Gipsies*; R Liebich, *Die Zigeuner in ihrem Wesen und in ihrer Sprache*; H Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*.

²⁹ J Illuzzi, *Gypsies in Germany and Italy*; L Lucassen, ‘Harmful Tramps’: Police Professionalization and Gypsies in Germany, 1700 – 1945’ *Crime, History and Societies*, 1997, vol.1, no.1, pp.29-50; Albrecht, Angelika. *Zigeuner in Altbayern 1871 – 1914*.

³⁰ H Grellmann, *Dissertation on the Gipsies*, p.80.

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Economics provided the primary rationalisation for this biopolitical solution. Grellmann believed that civilising the Gypsies could be advantageous to the financial growth of the state by generating higher tax revenues.³¹

Not all scholars shared Grellmann's view that Gypsies could be transformed into useful citizens through assimilation. Owing to his belief that the Gypsies' manner of living was biologically determined, Liebich was strongly against their integration into German society and instead championed expulsion, tighter passport control and the interrogation of foreign Gypsies at border entry points. Once their genuine country of origin (*Heimat*) was ascertained, instead of mere border removal, Liebich recommended Gypsies be repatriated to their point of provenance to prevent their return.³² Although Liebich believed that expulsion was the only way to cleanse Germany of the 'Gypsy nuisance', his proposal was difficult to implement. In most cases, uncovering Gypsies' identity and returning them was almost impossible, and unwanted Gypsies were more often pushed onto neighbouring German states.³³

Given the difficulties associated with the deportation, some German scholars argued that assimilation remained the easiest path to making Gypsies sedentary, though its success depended on stringent regulation. One expert who particularly held this view was Aichele.³⁴ His systemisation of anti-Gypsy policy demonstrates how German executive administrators tried a range of biopolitical approaches to deal with Gypsy itinerancy. Described as the 'period of paternalism', prior to 1862, Aichele states that attempts were made by German governments to assimilate the Gypsies and integrate them into German society, with the intention that they could become 'orderly citizens', who conformed to a sedentary lifestyle. In the subsequent period (1862 – 1879), governments were motivated by individualism, in which domestic Gypsies could exercise the same rights of freedom of movement and trade (*Freizügigkeit und*

³¹ H Grellmann, *Dissertation on the Gypsies*, pp.80–81.

³² R Liebich, *Die Zigeuner in ihrem Wesen und in ihrer Sprache*, pp.107-110

³³ J Illuzzi, *Gypsies in Germany and Italy*, pp.137–138.

³⁴ H Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*, pp.8,62–70,101–102.

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Gewerbefreiheit) as other citizens. For Aichele, this sanction was a ‘baby-step’ towards fashioning the Gypsies into ‘an upstanding and civilised population’.

After the unification of Germany, Aichele argued, the increasing complaints of Gypsy ‘harassment’ caused the government to increase its control over Gypsy immigration, particularly through prohibiting the entry of foreign Gypsies into the German Reich. From 1879 onwards, measures against citizen Gypsies sharpened, as the *Kaiserreich* authorities implemented strict policies of legal control, which focused on the eradication of their vagrant lifestyle. In his opinion, a combined strategy of deterrence (*Abschreckung*) and corrective institutions (*Fürsorgeerziehung*) would most effectively encourage Gypsy assimilation. Local authorities were to survey and police them, as well as forcibly remove Gypsy children from ‘the harmful influence of [their] parents’.³⁵ From Aichele’s perspective, an interventionist biopolitical approach was required to correct Gypsies’ vagrancy and force them to ‘[remain] inside the limits of order’.³⁶

These ideas shaped policy in the *Kaiserreich* in the late nineteenth century. A suite of severe state regulations intended as a biopolitical intervention were implemented to disrupt and strictly control the lives of Gypsies and eradicate nomadism from German society. A racial image of the Gypsies certainly existed at this time, although it was not clearly dominant. Reinforced by scientific anthropological discourse, the Gypsies were often regarded as a criminal sub-population whose idleness and laziness hindered their ability to partake in regular (wage) labour. Their itinerancy was viewed with suspicion, as well as a burden to the regular population, and their professions as travelling traders, peddlers, craftsmen, and entertainers were often depicted as a pretext for begging and stealing. Though Wilhelmine scholars did not universally accept that Gypsies were innately criminal, the notion of Gypsy criminality as a

³⁵ H. Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*, pp.8,101–102.

³⁶ H. Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*, p.102.

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biological condition, as well as the ideas of ‘racial mixing’ eventually became the basis for anti-Gypsy racial doctrine.³⁷

Assimilation, Deterrence, and Expulsion in Bavaria:

Bavaria spearheaded the campaign against the Gypsies after the formation of the Empire in 1871, targeting itinerant bands that were accused of threatening the safety of its citizens. According to Angelika Albrecht, the Reich-wide economic crisis at the end of the 1870s significantly intensified Bavarian anti-Gypsy policy by creating high unemployment and leading to an influx of migrants, including itinerant workers. The increasing presence of travelling groups, such as Gypsies, in provincial communities led to increasing concern amongst rural Germans. The media and district officials issued several complaints about this ‘Gypsy plague’, reporting unchecked hordes roaming throughout the Reich, conspicuously begging, and stealing. Viewing their presence as a threat to their financial development and citizen safety, the Bavarian government sharpened its measures against them.³⁸ Expanding on the Bavarian ministerial decrees of 1867 and 1868, on January 12, 1871, the Bavarian interior ministry distributed a circular to the police and local authorities, ordering them to restrict the issuing of itinerant trading licenses to wandering bands of Gypsies, and to expel any Gypsies of non-German nationality found residing within Bavarian territory.³⁹ The directive stated that upon their entry into Bavarian State territory, Gypsies were:

to provide a reliable and complete proof of nationality (*Staatsangehörigkeit*) and place of origin (*Heimat*) regarding not only the group leader but also the accompaniment of

³⁷ L Lucassen, ‘‘Harmful Tramps’’: Police Professionalization and Gypsies in Germany, 1700 – 1945’.

³⁸ Albrecht provides a comprehensive overview of the decrees and issues concerned with Zigeuner and vagrancy prior to the unification of Germany, see A Albrecht, *Zigeuner in Altbayern 1871 – 1914*, pp.81–84; for additional media reports regarding an ostensible ‘Gypsy plague’ see R Hehemann, *Die „Bekämpfung des Zigeunerunwesens”*, pp.153–184.

³⁹ For a detailed analysis of the 1867 and 1868 edicts, see see A Albrecht, *Zigeuner in Altbayern 1871 – 1914*, pp.81–84; BayHStA Minn 66433 Ministerium des Innern an Regierungen Kamer des Innern, January 12, 1871.

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men, women and children and in cases when proof of these relations is found to be insufficient, they should be immediately sent over the state border (*Landesgrenze*).⁴⁰

Despite these measures, the Bavarian government argued that ‘large numbers of beggars, vagrants and Gypsies’ continued to threaten ‘public safety in rural areas’, which in turn could be resolved through tighter management by the security police and immigration authorities.⁴¹ To that end, a ministerial decree was issued on January 23, 1878, ordering the Bavarian police to scrutinise, ‘beggars, vagrants, Gypsies or otherwise questionable individuals’.⁴² Those who provided insufficient identification papers (*Ausweispapiere*) were subjected to further treatment by the local police authorities. Additionally, to assist with their investigations, the Bavarian police were strongly advised to acquire and utilise the ‘Central Police Journal’ (*Zentralpolizeiblatt*), which contained information about ‘dangerous or otherwise questionable individuals of any kind, in particular fraudsters, vagabonds [and] Gypsy bands’.⁴³ In 1881, the Bavarian Ministry continued its efforts to aid the process of repatriating foreign Gypsies back to their native country, while the official journal of the State Ministry from July 12, 1881, ordered that any Gypsy groups encountered by police were to be subjected to a thorough investigation in order to ascertain their personal information, such as their name, place of origin, occupation/trade, citizenship status and current residence – a measure reinforced on March 13, 1882.⁴⁴

At this point, government policies primarily targeted foreign Gypsies. In 1885, however, the biopolitical campaign against the ‘Gypsy plague’ intensified. Owing to the

⁴⁰ BayHStA Minn 66433 Ministerium des Innern an Regierungen Kamer des Innern, January 12, 1871.

⁴¹ The reports of increasing complaints and Bavaria’s recommendations for resolving these issues are mentioned in the introduction of the decree „Ministerialentschließung von 23. Januar 1878“ in W Höhne, *Die Vereinbarkeit der deutschen Zigeunergesetze und Verordnungen mit dem Reichsrecht insbesondere der Reichsverfassung*, Dissertation, Heidelberg University, Heidelberg, 1929, p.130.

⁴² „Ministerialentschließung von 23. Januar 1878“ in W Höhne, *Die Vereinbarkeit*, p.130.

⁴³ „Ministerialentschließung von 23. Januar 1878“ in W Höhne, *Die Vereinbarkeit*, p.130.

⁴⁴ BayHStA MA 5999, *Amstsblatt des K. Staatsministeriums des Innern* 12 July, 1881 „Bekanntmachung. Das Verfahren bei Ermittlung und Feststellung der Identität und Zuständigkeit von Personen unbekannter Herkunft betr. Kgl. Staatsministerium des Kgl. Hauses und des Aueßern, der Justiz und des Innern“; A Albrecht, *Zigeuner in Altbayern 1871 – 1914*, pp.87–88.

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accumulation of grievances from Bavarians concerning ‘Gypsy bands and... their dangerous wandering’, the Bavarian bureaucracy hardened its stance towards them, reinforcing existing measures to expel foreign Gypsies, and in a directive issued on April 11, 1885, implementing strict new policies against the German-born. This direction aimed to ‘purge (*säubern*) the land of wandering bands of Gypsies’ and ‘turn [domestic Gypsies] towards a sedentary lifestyle’.⁴⁵ To control them, the police were further authorised to conduct a thorough examination of bands they found in Bavarian territory. Those unable to prove their German citizenship or who lacked sufficiently convincing identification papers (*Legitimationspapiere*) were to be detained and held in police custody until they could be deported. Even those who were cleared were nonetheless kept under ‘stringent police surveillance’.⁴⁶ Additionally, to prevent itinerant trading, authorities were ordered to withdraw the trade licenses (*Wandergewerbscheine*) granted to travelling workers and to deny any new issuances. All Gypsy owned horses were inspected for possible disease and any infected were confiscated, presumably to restrict the movement of travelling bands of Gypsies.⁴⁷ To achieve both an assimilative and deterrent effect, this law also called for the prosecution of petty crime committed by Gypsies and decreed that convicted Gypsies were to be transferred to workhouses. In cases of incarceration, welfare establishments were instructed to remove Gypsy children from their families and place them into correctional reformatories (*Erziehungsanstalten*).⁴⁸ This decree not only reinforced the

⁴⁵ The full quote in the directive issued by the Interior Minister, Freiherr von Feilitzsch, reads ‚ohne zu erhebliche Belastung der Staatskasse das Land von den herumziehenden Zigeunerbanden dauernd zu säubern‘. (Without straining the Bavarian Treasury, to continually purge the State of wandering bands of Gypsies). A circular from the Chancellery to the Bavarian Interior Ministry on July, 1, 1886, revealed that another intent of the April 1885 decree was to turn the Gypsies towards a sedentary lifestyle, see BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 ‚Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner‘; BayHStA MA 5999 Der Reichskanzler (Reichsamt des Innern) an das K.B. Staatsministerium des Königl. Hauses und Äußern, Berlin, den 1. Juli 1886.

⁴⁶ BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 ‚Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner‘

⁴⁷ BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 ‚Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner‘

⁴⁸ It is also mentioned that police authorities were permitted to incarcerate Gypsies into workhouses for ‘the purpose of breaking up a Gypsy gang’, see BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 ‚Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner‘

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criminalisation of the Gypsies, but it also shows how the Bavarian authorities deliberately adopted a strongly interventionist and biopolitical approach towards eradicating nomadic elements from German society. Through the continued expulsion of foreign Gypsies from the empire, as well as the increasing assimilation and rigorous surveillance of domestic ones, Bavaria utilised regulatory mechanisms to disrupt and discipline the lives of Gypsies, and to coerce them into conforming to the state's dominant lifestyle, so as to halt societal fears of this peripatetic group.⁴⁹

Notwithstanding that these stringent biopolitical measures resulted in a general decrease in the number of foreign Gypsies and behavioural changes in domestic ones; the Bavarians were unable to completely eradicate the threat of vagrancy. On January 24, 1889, Bismarck enquired about whether the existing Bavarian regulations had been successful.⁵⁰ Although the Bavarian Interior Ministry responded in a letter from April 14, 1889, that they had not yet achieved a 'complete cleansing [*Säuberung*] of the empire', they believed that with 'constant and strict control and surveillance of Gypsy bands', as well as by implementing an 'energetic persecution of all perpetrated, comprehensible transgressions', they could achieve a 'further reduction' of foreign Gypsies and the 'improved behaviour' of German-born ones.⁵¹ In a ministerial resolution on October 5, 1889, Bavarian executive administrators declared that they would 'gradually reduce this scourge', and implement even stricter measures which intended to make an itinerant lifestyle impossible for Gypsies. The entry of foreign Gypsies into Reich territory was even more stringently prohibited and itinerant trading licenses for domestic Gypsies were again cancelled. In addition, police were required to ascertain the identity of current Gypsy residents and to monitor those who led a vagrant lifestyle through the

⁴⁹ BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 „Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner“

⁵⁰ BayHStA, MInn 66434, Der Reichskanzler (Reichsamt des Innern), Berlin den 24. Januar 1889.

⁵¹ BayHStA MInn 66434, Reichskanzler an MA 24.1.1889, Kammer des Innern an das Staatsministerium des Innern, München, den 14. April 1889.

collection of personal information, such as birth and health certificates, marriage licenses and military documents.⁵² While this decree primarily sharpened existing measures against the Gypsies, it demonstrates how the Bavarian state exercised increasing biopolitical control over the lives of the Gypsies to prevent the growth of nomadism and address the concerns regarding the so-called Gypsy plague.⁵³

The Creation of the *Zigeunerzentrale* and Dillmann's *Zigeunerbuch*:

Despite the conscious efforts of the Bavarian bureaucracy to tighten its control over the Gypsy population and eliminate their nomadic behaviour, the process of criminalisation proved more difficult to execute than authorities had thought. This resulted in an incomplete and unsatisfactory implementation of regulations by the police force, which not only led to the increasing frustration of authorities, but also caused growing criticism and hysteria from the public.⁵⁴ In August 1897, for example, the *Pfälzische Presse* reported on the ‘great nuisance and harassment of the Gypsy population, who are passing through government districts, begging and stealing’, raising the question of ‘whether the police authorities always pursued the correct method to effectively counter this threat to national security, which should not be underestimated’. It bluntly advised that ‘in the interest of public safety and the reassurance of a fearful population, especially in the rural areas, it seems necessary to target all Gypsies, whether domestic or foreign, with the full rigor of the law’ and demanded for the state to prosecute and scrutinise encountered groups of Gypsies, as well as confiscate their property,

⁵² BayHStA MA 5999, *Amtsblatt des K. Staatsministerium des Innern*, München, No. 28, 12. Oktober 1889 „Ministerialentschließung vom 5. Oktober 1889, die Handhabung der Sicherheitspolizei in Bezug auf Zigeuner“ In the October 5, 1889 decree, the following points report: ‚1. die Zahl der ausländischer Banden sich vermindert hat, und 2. die inländischen, wenn auch eine wesentliche Abnahme ihrer Zahl nicht allenthalben ist, doch schüchterner in ihrem Auftreten geworden sind‘. It further states ‚Wenn hiernach eine vollständige Säuberung des Landes noch nicht erreicht ist, so darf bei steter und fortgesetzter strenger Kontrolle und Ueberwachung der Zigeunerbanden und bei energischer Verfolgung aller durch sie verübten Uebertretungen doch allmählig eine weitere Minderung derselben und gleichzeitig eine bessere Zügelung ihres Auftretens erhofft werden.‘

⁵³ BayHStA MA 5999, *Amtsblatt des K. Staatsministerium des Innern*, München, No. 28, 12. Oktober 1889 „Ministerialentschließung vom 5. Oktober 1889, die Handhabung der Sicherheitspolizei in Bezug auf Zigeuner“.

⁵⁴ J Iluzzi, *Gypsies in Germany and Italy 1861 – 1914*, pp.28,51–55.

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including animals, to achieve ‘a cleansing of the region from Gypsy bands’.⁵⁵ Crucially, in terms of debates about just who Gypsies were, the *Augsburger Postzeitung* in 1895 urged that ‘in our complaints, we need not anxiously differentiate between real Gypsies and pseudo-Gypsies. Both hordes of pests are the same in their intention to unabashedly beg and brazenly steal.’⁵⁶

Pressure to stiffen Bavaria’s approach towards this ‘plague’ also emanated from political discussions within the Bavarian state assembly in 1898. The general opinion from parliamentary members was that police officials were not in a position where they could guarantee the safety and security of the population against small groups of Gypsies. One representative recalled a recent situation in Swabia, where a ‘dangerous horde’ of approximately one hundred Gypsies engaged in petty crime, stealing wood, chickens, hay, and straw from residents, and were subsequently found inhabiting a nearby farming property. Allegedly, it was only after the landlord’s firm disapproval that the authorities were summoned to the scene, which called into question the professionalism of law enforcement officers and whether they could actively prevent the occurrence of these types of ‘spectacles’. In response to this criticism, the Interior Minister Feilitzsch insisted that because of current legislation, the ‘Gypsy plague has diminished considerably’; however, he admitted that despite enacting the strictest regulations against this peripatetic group, the Bavarian government ‘cannot entirely dispose of the matter’, since most Gypsies are Bavarian subjects who cannot be deported under the Freedom of Movement Act (*Freizügigkeitsgesetz*).⁵⁷

To respond to the increasing demands from a fearmongering media, as well as to address the accusation of police inadequacy, in 1899 the civilian police chief, Alfred Dillmann, created a special central office for handling Gypsy affairs in Bavaria, called the

⁵⁵ BayHStA MInn 66435, *Pfälzische Presse* Nr. 225, am 15. August 1897.

⁵⁶ BayHStA MInn 66435, *Augsburger Postzeitung*, 16. März 1895.

⁵⁷ BayHStA MInn 66435, Kammer der Abgeordneten, Sitzung 295 vom 2. März 1898.

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Zigeunerzentrale. Through the systematic collection and utilisation of biometric data, such as fingerprinting and photography, this center aimed to gather intelligence and coordinate actions against the Gypsies. The police were required to report itinerancy to the Gypsy headquarters and to collect information of known Gypsies, including photographs, identity papers, animal ownership, place of origin, registered birth, marriages, deaths, and any criminal transgressions.⁵⁸

Owing to the extensive statistical information that had been collected by the *Zigeunerzentrale*, a report from Dillmann, dated January 10, 1900, indicated that the process of expelling and prosecuting Gypsies was becoming much smoother.⁵⁹ In a second report, from January 21, 1902, Dillmann had assembled a list of specific cases of Gypsies who had been expelled by the police and those who were arrested for conducting criminal activity, such as murder, theft, fraud, begging and vagabondage.⁶⁰ Despite making ‘significant progress’ against the ‘Gypsy nuisance’, in May 1904, Dillmann admitted to the Bavarian Interior Ministry that their current system of surveillance for ‘controlling’ Gypsies was insufficient. Thus, he proposed to publish the identities and descriptions of Gypsies who had been reported to the Gypsy Headquarters and to circulate this among the police force.⁶¹

In 1905, this became the *Zigeunerbuch* (*Gypsy Book*). With the purpose of assisting in the ‘reduction of the Gypsy nuisance and the raising of public safety’, this book was used as a key policing tool for identifying and dealing with any Gypsies encountered in Bavarian territory. It contained detailed information about those classified as Gypsies, including their

⁵⁸BayHStA, MIInn 66435, „Bekämpfung des Zigeunerunwesens“ *Bayerische Gemeindezeitung*, 10 Mai, 1899, Nr. 14, 209 - 216. According to Illuzzi, Dillmann believed that the key to fighting the ‘Gypsy plague’ was ‘legibility’. That is, if the fingerprint of a Gypsy would match their name, age, physical description and place of origin, the authorities would have strong grounds for expelling and repatriating foreign Gypsies back to their ‘homeland’, thus creating a sedentary and upstanding society. See J Illuzzi, *Gypsies in Germany and Italy*, pp.55–56.

⁵⁹ BayHStA, MIInn 66435, Königl. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 10. Januar 1900.

⁶⁰ BayHStA, MIInn 66435, Königl. Polizeidirektion München an das kgl. Staatsministerium des Innern, den 21 Januar 1902

⁶¹BayHStA, MIInn 66436, Königl. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 13. Mai 1904

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names, personal details, criminal records, or behaviours (for example begging, theft or expired travelling trade licenses) and even photographs. Additionally, Dillmann specified the laws and administrative regulations affecting Gypsies, albeit these were mostly a reinforcement of existing stringent measures, and ordered for the police authorities to actively report on any Gypsy activity or arrests to the Munich headquarters.⁶² A closer analysis of the *Zigeunerbuch* indicates that itinerancy was heavily criminalised and prosecuted, and that Bavaria's anti-Gypsy policy was being guided towards an increasingly strict regime of control and surveillance. Dillmann's reasoning was simple; if officials had access to personal information of every Gypsy they encountered, their identity could be ascertained, the level of threat that they posed to other German citizens could be established, and the appropriate course of action could be determined. Furthermore, the increasing cooperation and exchange of intelligence with Württemberg officials demonstrate the initial attempts made by the Bavarian government to build a national biopolitical approach towards combatting the ostensible 'Gypsy plague'.⁶³ The *Zigeunerbuch* is arguably the most prominent pre-World War One example which shows the culmination of Bavaria's biopolitical management of Gypsies. Thus, Bavaria's strict surveillance measures for regulating Gypsies and eradicating the threat of vagrancy were widely adopted by other German states, as they also made attempts to coordinate action against their respective Gypsy populations.

Given their long history of close cooperation, Württemberg naturally followed Bavaria's approach to dealing with Gypsies, reflected in their regulations.⁶⁴ In 1905, Dillmann's *Zigeunerbuch* was adopted by Württemberg officials as a standardised policing

⁶² An English translation of Dillmann's 'sixteen points' can be viewed in M Fitzpatrick, *Purging the Empire: Mass Expulsions in Germany, 1870 - 1914*, pp.192–194; A Dillmann, *Zigeuner-Buch*, pp.8–14; The circulation of Dillmann's *Zigeunerbuch* to Bavarian police is confirmed in BayHStA MInn 59999 K. Staatsministerium des Innern an das K. Staatsministerium des Königlichen Hauses und des Aeussern, München, den. 7 Juni 1905.

⁶³ A Dillmann, *Zigeuner-Buch*, pp.10–14.

⁶⁴ For an extensive overview of regulations implemented against Gypsies in Württemberg, see H Aichele, *Die Zigeunerfrage mit besonderer Berücksichtigung Württembergs*; T Fricke, *Zwischen Erziehung und Ausgrenzung: zur württembergischen Geschichte der Sinti und Roma im 19. Jahrhundert*, Peter Lang, Frankfurt am Main, 1991 and W Höhne, *Die Vereinbarkeit der deutschen Zigeunergesetze*, pp.165–172.

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tool, and, much like Bavaria, their regulations reflected a stringent regime of deportation, surveillance, assimilation and restrictions of movement and trade. However, prior to this, rather than following a nationally coordinated approach, Württemberg's system for regulating Gypsies operated strictly at state and local levels. Württemberg's measures against foreign Gypsies matched those of Bavaria, as executive administrators continued their efforts to restrict Gypsy immigration to Reich territory. Instructions from November 29, 1877, revealed that identification papers for non-citizen Gypsies were not to be issued under any circumstances, while the refusal of foreign Gypsies into Württemberg territory was officially ordered on August 23, 1879.⁶⁵ On January 4, 1887, authorities were advised to immediately expel any foreign Gypsies found residing inland – a regulation reinforced on August 31, 1889, and again, in 1903.⁶⁶ As a result of sharpened conditions indicated in the 1888 agreement, on January 28, 1902, non-citizen Gypsies were legally denied issuances of itinerant trading licenses, which was reiterated again in 1904.⁶⁷

Württemberg's policies for citizen Gypsies were also in line with those of Bavaria, as regulations sought to turn Gypsies towards a sedentary lifestyle by imposing tight restrictions upon movement and trading, as well as increasing the surveillance and data collection on known Gypsies. Official instructions from February 11, 1903, mandated the scrutiny of papers of travelling groups of Gypsies, the prohibition of camping or living on streets or public places and the confiscation of horses diagnosed with infectious diseases.⁶⁸ Additionally, cooperation between Bavaria and Württemberg strengthened in an agreement from September 24, 1903, as

⁶⁵ Der Verfügung des Min d. I. und der Finanzen, betr. Die Ausführung des Titels 3 der GewO. vom 21 Juni 1868 über den Gewerbebetrieb im Umherziehen vom 29. November 1877, Erlaß des Min. d. I. vom 23. August 1879, in W Höhne, *Die Vereinbarkeit*, p.165.

⁶⁶ Erlaß des Min. D. I. vom 4. Januar 1887, Normalerlaß der Regierung für den Schwarzwaldkreis, betr. Die Belästigung der Bevölkerung durch herumziehende Zigeuner vom 31. August 1899 an die Oberämter, in W Höhne, *Die Vereinbarkeit*, p.166.

⁶⁷ Erlaß des Min. D. I. an die Oberämter, betr. Maßregeln gegen die Zigeuner vom 11. August, 1888, Erlaß des Min. d. I. vom 12 Juli 1904 In W Höhne, *Die Vereinbarkeit*, pp.166 and 171.

⁶⁸ Erlaß des Min. D. I. Betr. Maßregeln gegen die Zigeuner, vom 11. Februar 1903, in W Höhne, *Die Vereinbarkeit*, pp.168–171.

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it declared the appraisal of Gypsy intelligence concerned with the issuance of travelling papers and certificates. Furthermore, Württemberg solidified the disruption of the Gypsies' nomadic culture on January 22, 1905, with the strict prohibition of Gypsy travelling in 'hordes' (specified as more than one family group) and their immediate breakup by police authorities. In cases of fragmentation, Gypsies were to be placed into police custody (and generally transferred into workhouses), while any accompanied children faced separation from their families, and were placed into correctional reformatories.⁶⁹

The Prussian Response to an Ostensible 'Gypsy plague':

Beyond Bavaria and Württemberg, Prussia too expressed its concerns of Gypsy itinerancy and the state's desire to protect its citizenry from their alleged criminal activity. After the unification of the Reich, Prussian authorities had also begun to implement an increasingly harsh regime of biopolitical regulations against the Gypsies. Similarly to Bavaria, on October 23, 1870, the Prussian Interior Ministry issued a circular, which primarily targeted foreign Gypsies. It blocked their entry into Prussian territory 'whether or not they provided travel documents', prohibited authorities from issuing them with itinerant trading licenses and forcibly expelled those found without a valid permit across the state border – measures which were reiterated on October 31, 1883.⁷⁰

As Illuzzi and Fitzpatrick make clear, the deportation procedure of Gypsies was increasingly becoming an issue of jurisdiction for border officials.⁷¹ Since German-born Gypsies were granted basic protections by the state, which exempted them from deportation,

⁶⁹ Erlaß des Min. D. I. An die K- kreisregierungen, die K. Stadtdirektion Stuttgart und die K. Oberämter betr. Maßregeln gegen die Zigeuner, vom 24. September 1903, Verfügung des Min. D. I. Betreffend das Verbot des Zusammenreißen von Zigeunern in Horden, vom 22. Januar 1905, in W. Höhne, *Die Vereinbarkeit*, pp.168–171.

⁷⁰ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1, Zirkularerlaß des Innenministers vom 22. Oktober 1870, Bl. 9. A reference of the 1883 decree can be cited in GStAPK I.HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1, Zirkularerlaß des Innenministers vom 30. April 1886, Bl.119–127.

⁷¹ J Illuzzi, "Negotiating the 'State of Exception': Gypsies' encounter with the judiciary in Germany and Italy, 1860-1914"; *Social History*, vol. 35, no.4, 2010, p.421; M Fitzpatrick, *Purging the Empire*, pp.182–185.

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Prussian officials often found it increasingly difficult to expel Gypsies across the German border, resulting in repeated delays and complaints about ‘the prevalence of wandering bands of Gypsies’.⁷² In an attempt to resolve this problem, the Prussian Minister of the Interior, Robert von Puttkamer, advised Bismarck to coordinate national action against the Gypsies, which would improve and accelerate the process of deportation. Supporting his recommendation, Bismarck ordered Puttkamer to draft a decree, which would make a clear distinction between foreign and citizen Gypsies. This became official on April 30, 1886 and was divided into two segments.⁷³

The first section regularised the procedures concerned with the immigration of foreign Gypsies. It reinforced the 1870 and 1883 directives, and additionally ordered officials to identify foreign Gypsies by their ‘outward appearance’, though these external characteristics were not specified and depended upon the judgement of authorities. The second section of this circular defined domestic Gypsies as those ‘who have continued to reside in the territory of the German Reich and [have] temporarily abandoned their regular residence to roam Germany in great numbers’. As such, to ‘work towards a solution of public safety and safety from dangerous mobs’, the decree stated that domestic Gypsies would require more stringent regulation, that is, ‘turning [them] towards a sedentary lifestyle’.⁷⁴

Despite this distinction between foreign and domestic Gypsies, complaints about the ‘mischief’ caused by wandering bands of Gypsies continued. In an advisory statement from Bismarck to the Prussian Interior Ministry on July 1, 1886, Bismarck called for an ‘exceptional law’ (*Ausnahmegesetz*) for domestic Gypsies, which should exclude them from exercising their

⁷² GStAPK, I. HA Rep. 77, Tit. 423 Nr. 53 adh/2 Bd. 1, Bericht der Königl. Regierung in Minden an den Innenminister, vom 3. März 1885, Bl.106–109.

⁷³ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1 Erlaß des Innenministers an die Oberpräsidenten der preußischen Provinzen vom 22. Februar 1885, Bl.100-105; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1, Schreiben des preußischen Innenministers an den Reichskanzler vom 1. Mai 1885, Bl. 110 - 111; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1, „Zirkularerlaß des Innenministers vom 30 April 1886“, Bl.119–127.

⁷⁴ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 1, „Zirkularerlaß des Innenministers vom 30 April 1886“, Bl.119–127.

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legal rights to practice their traditional occupations. For constitutional reasons, namely, to preserve the Gypsies' rights to their freedom of movement and trade, this general ban could not be issued; however, Bismarck did propose a more stringent regime of control, which was officially enforced in a decree issued by Puttkamer on September 29, 1887.⁷⁵ The goal of this decree was simple; it intended to impose even stricter conditions for Gypsies wishing to obtain an itinerant trading license, to strongly discourage a vagrant lifestyle. The consequences for those attempting to obtain a travelling work permit without sufficient proof of German citizenship was expulsion – a requirement that was renewed on September 3, 1889.⁷⁶ Even in cases where Gypsies could prove their nationality, applicants for travelling permits were subjected to rigorous examination by police authorities, and were expected to have a permanent residence and sufficient finances to support their family – an instruction that was reiterated on December 8, 1892, and again on December 30, 1901.⁷⁷ Additionally, those Gypsies found guilty of 'vagrancy, begging, loss of residency' or other 'criminal' transgressions were subjected to harsh punishments, such as incarceration in workhouses and with their children institutionalised in correctional reformatories. Finally, to give Gypsy children a 'sedentary lifestyle', those under the age of fourteen were forbidden from itinerant trading and applicants were disqualified from obtaining a travelling work permit if their children did not regularly

⁷⁵ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53 adh/2 Bd. 1, Der Reichskanzlers (Reichsamt des Innern), Berlin den 1. Juli 1886, Bl.151–154; Der Reichskanzler an das Ministeriums des Innern, Berlin, den 12. März 1887 Bl. 174 – 175; Das Ministerium des Innern an den Reichskanzler Bismarck, Berlin, den 24. Juni 1887 Bl. 179 – 183; Das Ministerium des Innern „Erlaß des Innenministers vom 29. September 1887“, Berlin, den 29. September 1887, Bl.205–207.

⁷⁶ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53 adh/2 Bd. 1, Ministerium des Innern „Erlaß des Innenministers vom 29. September 1887“, Berlin, den 29. September 1887, Bl.205–207; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53, adh/2 Bd. 2, Der Reichskanzler an das Ministerium des Innern, 3. September 1889, Bl.36–37.

⁷⁷GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53 adh/2 Bd. 1, Ministerium des Innern „Erlaß des Innenministers vom 29. September 1887“, Berlin, den 29. September 1887, Bl.205–207; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 2, Erlaß des Innenministers vom 8. Dezember 1892. Bl.122–123; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd. 3 Zusammenfassung der Ergebnisse des Innenministers vom 30. Dezember 1901. Bl.107–108;

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attend school - a measure that was reinforced on October 23, 1889, and once more on May 1, 1904.⁷⁸

Despite these existing measures in place, the lack of an official characterisation of ‘Gypsies’ created difficulties for the police authorities to carry out arrests and expulsions.⁷⁹ Thus, government officials continuously reported on their plague-like presence in the *Reich*, and subsequently urged the executive authorities to devise new ‘preventative police measures’.

⁸⁰ This is exemplified in a missive, dated February 5, 1900, from the district president in Koblenz to the Prussian Interior Ministry. Declaring their presence as a ‘nuisance’, the governor reported on how his community lived in ‘great fear of Gypsy vengeance’ and how local inhabitants were rarely able to stop Gypsies from ‘begging, stealing and camping on foreign property’.

In addition to its fearmongering contents, his letter is instructive for understanding how the increasing presence of the Gypsies was a result of the core difficulties concerned with the execution of anti-Gypsy policy. He complained that small groups of Gypsies continued to enter the district, despite regulations to the contrary. He bemoaned that the fear of incurring costs for the transport and surveillance of Gypsies repeatedly resulted in ‘Gypsy dumping’; that is, pushing unwanted Gypsies over various state borders within the Reich and shifting the

⁷⁸ GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53 adh/2 Bd. 1, Ministerium des Innern „Erlaß des Innenministers vom 29. September 1887“, Berlin, den 29. September 1887, Bl.205–207; Erlaß des Innenministers vom 29. September 1887; Rundschreiben des preußischen Innenministers und des Kultusministers vom 23. Oktober 1889 in M Bonillo, M., „Zigeunerpolitik“ im Deutschen Kaiserreich 1871 – 1918, Peter Lang, Frankfurt am Main, 2001, pp.242–246; Preußische Ausführungsanweisung zur Gewerbeordnung, 1 May 1904 in W Höhne, *Die Vereinbarkeit*, pp.105–106.

⁷⁹ J Illuzzi, *Gypsies in Germany and Italy, 1861-1914*, p. 58

⁸⁰ Notwithstanding the urging from media and government officials to devise new policies for combatting the ‘Gypsy nuisance’, some provincial regions voiced their satisfaction and successful implementation of current anti-Gypsy measures. A report from Königsberg to the Prussian Interior Ministry, for example, indicated that the number of Gypsies living in the district were consistently low and declining; the largest presence being a Gypsy horde of approximately fifty in the Labiau area, while the smallest was a family of six in the Wehlau district. It further reported that those few German Gypsies who remained in the area were sedentary, as the families had obtained a permanent residence and their children were attending school regularly. Thus, the Königsberg Governor believed that current policy was effective, and that newer, more stringent measures against citizen Gypsies were not necessary. See GStAPK: I.HA Rep. 77 Ministerium des Innern. Tit. 423 Nr. 53 Adh. 1, Der königliche Regierungs-Präsident, an den Herrn Minister des Innern, Königsberg 23 Januar 1900, Bl.252–253; Der Polizei Präsident an den Herrn Minister des Innern, Berlin 6 Januar 1900, Bl.261.

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responsibility of identification, research, and repatriation onto police officials in neighbouring districts.

Moreover, the registration of Gypsies proved difficult, as, in his opinion, police forces were not equipped with the knowledge to clearly identify encountered Gypsies and their place of origin, as the papers they carried were often false. Finally, he protested that the district Gendarmes and police forces were greatly understaffed, given the increasing presence of Gypsies. As a solution, he advised strengthening the responsibilities of police authorities and for the government to implement even stricter measures against the Gypsies. He called for the prohibition of Gypsies camping in public places, the allocation of adequate employment and housing for Gypsies – to ensure their sedentariness - and he further suggested that itinerant trading licenses should be valid only in the district in which they were first issued.⁸¹

To resolve the increasing difficulties associated with implementing anti-Gypsy policy, in 1906, Prussia renewed its biopolitical approach to the so-called ‘Gypsy nuisance’ by releasing its *Anweisung zur Bekämpfung des Zigeunerunwesens* (Directions for the Combating of the Gypsy Nuisance) by the Interior Minister, Bethmann Hollweg. Offered as a complementing counterpart to Dillmann’s *Zigeunerbuch*, this circular publicised the legal measures used for dealing with both foreign and German-born Gypsies within Prussian territory. Crucially, this publication did not specify any new legal initiatives; rather, it reiterated existing anti-Gypsy policy. Nonetheless, Hollweg’s *Anweisung* arguably initiated a decisive step towards regularising Prussia’s biopolitical approach to dealing with the ‘Gypsy plague’.⁸²

As with Bavaria, rather than creating an exceptional legal framework for dealing with the Gypsies, Prussia favoured a stringent regulatory regime, which utilised vigorous methods of policing to continuously reinforce the expulsion of foreign Gypsies and the refusal of travel

⁸¹GSStAPK: I.HA Rep. 77 Ministerium des Innern. Tit. 423 Nr. 53 Adh. 1, Der Regierungs Präsident Koblenz an den Herrn Minister des Innern zu Berlin, den 5. Februar 1900, Bl.352–355.

⁸² *Ausweisung zur Bekämpfung des Zigeunerunwesens vom 17. Februar 1906*, Carl Henmans Verlag, Berlin 1906, pp.3 - 6

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permits to domestic ones. This included imposing heavy restrictions for obtaining itinerant trading licenses (such as: holding a permanent residence, being in possession of sufficient funds to support their family and making sure that their children of school age were sufficiently educated), energetic prosecution of legal infringements, particularly vagrancy, and strict police surveillance which targeted Gypsies, their children and their animals. The explanation for this intervention was to halt the nomadic lifestyle of the Gypsies, which was considered as a ‘burden on the population’.⁸³ In the hopes of building a Reich-wide solution to the ‘Gypsy question’, Prussia circulated its *Anweisung* to other German states. However, rather than following a nationally coordinated approach, several German states adopted aspects of Prussian policy and created their own initiatives for dealing with their respective fears of nomadic Gypsies.

One state that particularly followed this prototype was Saxony. On July 16, 1886, Saxony issued a circular which reiterated the Prussian distinction between foreign and domestic Gypsies. Adhering to the agreements of 1870 and 1872, this decreed the prohibition of entry for all non-national Gypsies to Saxony territory, and their expulsion if apprehended inside German borders, while the itinerant lifestyle of German-born Gypsies was to be prevented ‘by all legal means’.⁸⁴ Citizen Gypsies faced frequent harassment from police forces to ascertain their identity, while criminal activity was harshly prosecuted, often resulting in incarceration into workhouses. School attendance was declared mandatory for all school-age Gypsy children (not only those of convicted parents) and, if necessary, this was to be carried out through forcible removal of children from their parents.⁸⁵

These measures were reiterated on June 18, 1894, July 27, 1903 and May 26, 1906, while on September 14, 1889, a tighter scrutiny of legitimisation papers and data collected of

⁸³ *Ausweisung zur Bekämpfung des Zigeunerunwesens*, p.5.

⁸⁴ Min Verord. V. 17 December 1870; Generalverordnung des Königl. Ministeriums d. I. vom 16. Juli 1886, das Verfahren gegen umherziehende Zigeuner betreffend, in W Höhne, *Die Vereinbarkeit* pp.153-156.

⁸⁵ Generalverordnung des Königl. Ministeriums d. I. Vom 16. Juli 1886, das Verfahren gegen umherziehende Zigeuner betreffend, in W Höhne, *Die Vereinbarkeit*, pp.153-156.

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personal information of domestic Gypsies was declared.⁸⁶ Additionally, in accordance with the Trade Code from 1897, authorities continued to disrupt Gypsy travelling life by imposing stricter conditions for obtaining travelling licences and certificates. The criterion for obtaining an itinerant trading licence rested on the applicant's proof of permanent residency in Germany and sufficient school attendance of their children. If these conditions were not met, authorities were ordered to disqualify applicants.⁸⁷ The eradication of itinerancy was solidified on February 15, 1902, with the declaration that the issuance of itinerant trading licences to foreign Gypsies was strictly forbidden, while authorities were reminded to scrutinise individuals 'whose lifestyle, appearance and occupation mean they are to be regarded as Gypsies'.⁸⁸ By 1908, both Dillmann's *Zigeunerbuch* and Prussia's *Anweisung zur Bekämpfung des Zigeunerunwesens* were widely circulated among Saxony police, which resulted in stricter methods of surveillance and biometric data collection, particularly through the introduction of fingerprinting on February 5 and June 16, 1908.⁸⁹

Centralisation and Transnationalism:

Despite the efforts of State governments to place severe regulatory pressure on Gypsies, by 1911 executive authorities experienced an upswing in complaints about the increasing appearance of Gypsies within several districts. Officials lay the blame for this on the difficulties associated with enforcing the existing laws and urged the authorities to take harsher, national action against the Gypsies. A useful illustration of this can be seen in a letter from 1910 written by the governor in Breslau to the Prussian Interior Ministry. Claiming that the rural population

⁸⁶ Verordnung d. M. D. I. vom 18. June 1894, Verordnung des Min. D. I. Vom 27. Juli 1903, Verordnung des Min. D. I. Vom 26. Mai 1906, Abschiebung ausländischer Zigeuner, Verordnung d. M. D. I. vom 14. September 1889 in W Höhne, *Die Vereinbarkeit*, pp.157-161.

⁸⁷ S Constantine, "Particularities of Persecution. The Policing of Gypsies in Saxony 1871 - 1914", *Immigrants and Minorities: Historical Studies in Ethnicity, Migration and Diaspora*, vol. 32, no.1, 2013, p.44.

⁸⁸ Verordnung des Min. d. I. Vom 15. Februar 1902, in W Höhne, *Die Vereinbarkeit*, p.159.

⁸⁹ Verordnung des Ministeriums d. I., die Bekämpfung des Zigeunerunwesens betr., vom 5 Februar, 1908, Verfügung des Polizeipräsidenten in Dresden mit Zigeunern betreffend, in W Höhne, *Die Vereinbarkeit*, pp.161-162.

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was imperilled by the ‘Gypsy plague’ and lived in ‘fear of [the Gypsies’] revenge’, he reported that groups of Gypsies continued to roam the area, allegedly using their itinerant trading licenses as a disguise for pilfering and stealing. In his opinion, the root of the problem was the failure of officials to clearly identify Gypsies, resulting in mistaken issuances of travelling certificates. As a solution to this issue, the Breslau President recommended that authorities be more vigilant in adhering to the conditions for granting permits. He further complained about the difficulty in prosecuting Gypsies for crimes of vagabondage, considering numerous bands of Gypsies held sufficient finances upon their arrest, and destitution was a mandatory condition for their conviction. Also, he bemoaned the difficulties associated with ascertaining the nationality of Gypsies. To resolve these issues, he suggested coordinating Gypsy intelligence on a national level, so that officials could perform thorough criminal and background checks, thus allowing authorities to more efficiently prosecute Gypsies, as well as ascertain their identity and citizenship. In addition, he accentuated the importance of Gypsy incarceration, as this would assist in their transition towards sedentariness. Finally, he recommended a more strenuous regulation of the Gypsy social segment and a more concentrated effort to separate families, so that their children could receive a sufficient education.⁹⁰

Another significant issue concerned with anti-Gypsy policy that was not specified in this report, but nonetheless continued to garner attention, was the jurisdiction regarding the procedure for the expulsion of Gypsies. Since a national, uniform legislation for dealing with the Gypsy ‘nuisance’ did not exist between the German states, the expulsion of undesirable individuals to a neighbouring state became complicated. Each jurisdiction attempted to immediately purge its district of unwanted Gypsies; in practice, this meant that states would routinely push Gypsies back and forth across the empire’s frontiers.⁹¹ In this sense, a letter

⁹⁰ GStAPK, I. HA rep 77 Tit. 423, nr. 53, adh. 2 Heft 1, Regierungs-Präsident Breslau an den Minister des Innern, Berlin, Oktober den 9. 1910, Bl.20–24.

⁹¹ J Illuzzi, “Negotiating the “State of Exception””, p.421; M Fitzpatrick, *Purging the Empire*, pp.182–185; G Lewy, *The Nazi Persecution of the Gypsies*, p.7.

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from a district authority in the Bavarian province, Gemünden, dated January 26, 1910, is particularly illuminating. In one case from May 11, 1903, a group of Gypsies arrived from the Prussian frontier, and although the scrutiny of their papers proved that they were indeed Prussian subjects, they had been rejected by their home state and expelled across to Bavarian territory. To resolve this issue of cyclical expulsion, he urged for the executive authorities to take ‘radical action against the Gypsy plague’ through the creation of a nation-wide law (*Reichsgesetz*).⁹²

The insistence that *Kaiserreich* authorities to coordinate national action against the Gypsies also spilled into parliamentary discourse within the *Reichstag*. Because of the growing complaints about the problem community fears of the ‘Gypsy plague’, officials grew frustrated by the ‘perceived lack of progress in controlling Gypsies’ and called for Reich-wide regulations.⁹³ In the sessions of 1905 – 6, 1907, 1909 – 10 and 1912, political representatives, too, discussed the constant cycling of Gypsies between state, national and international borders. As a solution, some called for a federal agreement to combat the ‘Gypsy nuisance’ in a ‘collective, national and effective’ manner, while others urged for an exceptional legal framework for controlling Gypsies, which would introduce a Reich-wide ban on their vagrancy and movement. Although the suggestion for an exceptional law against Gypsies was continuously rejected by Prussian representatives, authorities certainly made other attempts to deal with Gypsies in a unified manner.⁹⁴

⁹² Similar complaints of cyclical expulsion between northern and southern Germany can be seen in BayHStA Minn 66436, Königliche Regierung von Oberfranken, Kammer des Innern an das K. Staatsministerium des Innern, Bayreuth, den 24. Mai 1906; GStAP I.HA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd.5, Königliches Bezirksamt Gemünden an die Königliche Regierung von Unterfranken und Aschaffenburg Kammer des Innern, Gemünden, am 26. Januar 1910, Bl.348–350.

⁹³ J Illuzzi, *Gypsies in Germany and Italy, 1861-1914*, p.139.

⁹⁴ One who briefly spoke on the issue of cyclical expulsion in 1905, and again in 1907, was the anti-Semite Max Liebermann. To resolve this issue, he ‘urged the *Reichstag* to establish an agreement between the federal governments, which would make it possible to counteract the “Gypsy nuisance” in Germany in a collective, national and effective manner’. GStAP I.HA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd.5, Reichstag Nr. 28, 12. Legislatur Periode. I. 1907. (19. Feb 1907), Bl.76 One who particularly championed the idea of an exceptional law for Gypsies was the wartime Chancellor, Georg von Hertling. For a comprehensive

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Given the difficulties associated with Gypsy expulsion across national borders, the Bavarian government believed that international cooperation with their neighbouring countries, including Austria-Hungary and Switzerland, was necessary to achieve a centralised approach to combatting the ‘Gypsy question’. From 1890, Bavarian and Habsburg officials had maintained an agreement to deport foreign Gypsies who were found residing in their respective states. By 1911 this treaty had collapsed, and groups of Gypsies were bounced between international borders.⁹⁵ Swiss cooperation with Bavaria, too had declined by 1911. In 1906, Switzerland had adopted strict policies against foreign Gypsies, and informed Bavarian authorities that all Gypsies would be denied entry into Swiss territory and subsequently deported back to Germany, regardless of their identification papers and citizenship.

The Swiss further sought Bavarian assistance for tighter frontline border controls operations at sea and rail ports. To halt the border crossings between Swiss and Bavarian territory, Dillmann’s *Zigeunerbuch* was circulated among Swiss officials.⁹⁶ As will be seen later, this cooperation grew into a proposal in 1909 from the Swiss authorities to attend an international conference, discussing a Central European initiative which advocated the forced Gypsy naturalisation in the state corresponding to their origin.⁹⁷ Due to strong objections to

analysis of the debates within the Reichstag, concerned with the expulsion of Zigeuner and developing an exceptional legal framework, see M Fitzpatrick, *Purging the Empire*, pp.185 – 189.

⁹⁵ Zahra, T. “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics and Internment in the Habsburg Empire”, pp.702-726.

⁹⁶ BAR E21 1000/131 20602, Bericht über die Besprechungen in München betr. Die Zigeunerfrage, 11. – 14. Dezember, 1907. See too BayHStA, MInn 66437, K. Polizeidirektion München an die kgl. Regierung von Oberbayern, München, den 20. Juli 1910; BayHStA MA 92790, Kgl. Bayerische Gesandtschaft in Bern an das K. Staatsministerium d. Kgl. Hauses und des Aeußern, Bern 15 März 1907; K. Staatsministerium des Innern an das K. Staatsministerium des Innern an das K. Staatsministerium des Königlichen Hauses und des Aeußern, München, den 18. März 1907.

⁹⁷ The full 17-point programme can be viewed in BAR E21 1000/131 20603, Die schweizerische Bundesanwaltschaft an das schweizerische Justiz und Polizeidepartement, Bern, den 24. Juli 1907, betr. Entwurf eines Programms, welches den Beratungen einer internationalen Konferenz zur Regelung der Zigeunerfrage zu Grunde gelegt werden könnte; GStAP I.HA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bd.5, Der schweizerische Bundesrat an die Schwizerischen Gestandschaften in Berlin, Paris, Rom und Wien, Bern, 2. Juli 1909, Bl.326.

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this, however, the Swiss dropped the proposal, thereby ending the efforts for an international solution.⁹⁸

Notwithstanding the deterioration of international cooperation between Switzerland, Austria-Hungary and Germany, the Bavarian government continued its efforts to develop a systematic, nationwide approach to the ‘Gypsy question’. On December 18 – 19, 1911, the Bavarian Interior Ministry convened a conference in Munich, which was attended by representatives from larger German states affected by the ‘Gypsy nuisance’.⁹⁹ The main topic of discussion concentrated on solidifying the biopolitical control of Gypsies by tightening the collection and use of biometric data, such as photographs and fingerprints, of known Gypsies and establishing a centralised Gypsy intelligence service (*Zigeunernachrichtendienst*). The introduction of the of the *Denkschrift über die Bekämpfung der Zigeunerplage*, authored by Theodor Harster, stated that:

the solution of the “Gypsy question” cannot be undertaken through legislation on the level of the Reich or the individual states, but this goal is best achieved through the creation of unified, administrative regulations... Furthermore, the establishment of an intelligence agency to report on the presence of Gypsies is necessary, [as is] the collection of all intelligence by a central office, which receives recorded fingerprints of Gypsies and acts as a central database for all state parties.¹⁰⁰

In Harster’s view, a centralised Gypsy intelligence service would achieve a Reich-wide solution to the ‘Gypsy question’. Nominating Munich’s *Zigeunerzentrale* as the basis for its

⁹⁸GStAPK, IHA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bde 5, Königliches Ministerium der auswärtigen Angelegenheiten an den Herrn Minister des Innern, Berlin, 19. Oktober 1909, Bl.324–325; GStAPK, IHA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bde 5, Aufzeichnung über das Ergebnis der am 21. Mai 1909 im Reichsamt des Innern abgehalten kommissarischen Besprechung über die Bekämpfung des Zigeunerunwesens; BAR E21 1000/131 20603, schweizerische Gesandtschaft in Wien das Ministerium des Außen an die Schweizerische Gesandtschaft, Wien, am 21. März 1910.

⁹⁹ Representatives present at the Munich Conference included those from Prussia, Saxony, Stuttgart, and Alsace-Lorraine, Württemberg, Baden, and Hessen. BayHStA, MA 92790, *Niederschrift über die Besprechung im K.B. Staatsministerium des Innern am 18. Und 19. Dezember 1911*, betreffend die Bekämpfung der Zigeunerplage, Munich 1911, pp.1–2.

¹⁰⁰ BayHStA, MA 92790, *Denkschrift über die Bekämpfung der Zigeunerplage*, Munich 1912, p.4.

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prototype, this centre would allow authorities to more stringently control and coordinate action against the Gypsies by building a national cataloguing system which housed all biometric and personal data, including fingerprints and photographs, of citizen Gypsies. These measures, Harster argued, were crucial for facilitating the continued expulsion of foreign Gypsies, the strict certification, registration and licensing of domestic Gypsies and the prosecutions of criminal transgressions.¹⁰¹ The discourse employed at the conference illustrates how it was impossible for the representatives to agree upon a national solution to the ‘Gypsy question’, as they hotly debated whether a centralised intelligence agency for Gypsies should be created.

The Prussian representative in particular voiced strong objections to this proposal. Although he argued that he personally welcomed the establishment of such an agency, he was uncertain of the extent of Prussia’s involvement within this reorganisation. Until their role was clearly defined, he was unable to endorse the plan for a national Gypsy headquarters. He further conveyed doubts as to whether the efforts and costs arising from such an implementation were justified. Prussia’s reluctance to create a centre for Gypsy control in Bavaria did have some impact on the decisions of others, particularly Saxony, whose representative stated that their approval rested upon Prussian participation. Despite this, several representatives expressed their support for a federal Gypsy headquarters in Munich, including those of Hessen and Baden. Owing to their close cooperation with Bavaria, Württemberg too supported Harster’s proposal, but stressed the importance of the involvement of all states to ensure success.¹⁰²

Harster’s *Denkschrift* additionally called for the intensification of existing biopolitical measures against foreign and domestic Gypsies. The entry of non-citizen Gypsies into Reich territory continued to be blocked. In the case where foreign Gypsies were found residing inland, influenced by the Swiss proposal, Harster suggested that they should be granted German

¹⁰¹ BayHStA, MA 92790, *Denkschrift*, pp.3-5.

¹⁰² BayHStA, MA 92790, *Niederschrift*, pp.10–14.

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citizenship, so that they could become sedentary. Due to the strong objections from the Prussian representative, this controversial recommendation was not implemented. It did, however, initiate heated discussions of sending foreign and stateless Gypsies to penal colonies, even though official legislation to this effect did not eventuate.¹⁰³ Additionally, regulations within this document reinforced Munich's ambitious goal to turn citizen *Zigeuner* into a sedentary population via mechanisms of strict regulation and surveillance. Harster declared that policies of sedentarization targeted 'the parasites on the national body who refused to accept the best efforts of the state to assimilate them to the culture of our people'.¹⁰⁴ As such, he believed that the civilization of domestic Gypsies was possible and urged authorities to renew their efforts for regularising education for school-aged Gypsy children and placing them into correctional reformatories. As well as this, Harster recommended extending the use of new biopolitical tools, such as fingerprinting and photography, to all areas of the Reich, as a means of combatting identity fraud and building a more extensive cataloguing system.¹⁰⁵

Furthermore, Harster proposed that the conference delegates create an administrative category for the term 'Gypsy'. The development of a legal, comprehensive definition proved difficult, as representatives heatedly discussed what constituted a 'Gypsy' and to whom the label should be applicable. Based largely on the characterisation offered by Dillmann's *Zigeunerbuch*, Munich officials proposed a behaviour-based definition, which stressed 'outer appearance, occupation and nomadic lifestyle' as determining factors, rather than a racial-based definition which would be determined by their membership in a tribe or race.¹⁰⁶ The Prussian

¹⁰³ Prussia feared that the costs associated with civilising stateless Gypsies would greatly strain their finances. As a solution, the Alsace-Lorraine representative suggested that 'foreign and stateless Gypsies...should be sent to colonies'— a recommendation that did not become a reality, despite support from Hessen and Württemberg. *Niederschrift*, pp.22–24.

¹⁰⁴ BayHStA, MA 92790, *Denkschrift*, p.42.

¹⁰⁵ BayHStA, MA 92790, *Denkschrift*, pp.18–24.

¹⁰⁶ BayHStA, MA 92790, *Denkschrift*, p.7.

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representative agreed that a broad definition was necessary, as it would be impossible to create a definition which encompassed every case.

Disagreeing with this, the representative from Hessen criticised Munich's definition as too broad and suggested that the classification of the Gypsies should heavily focus on their trading profession. He believed those who practised a trade were still considered to be Gypsies, unless the trade provided adequate 'support for them and the people travelling with them'.¹⁰⁷ This suggestion was rejected, as it assumed that all Gypsies were poor, and it failed to consider that those who could sufficiently support their families with their trading profession could easily escape scrutiny. The Alsace-Lorraine representative noted that, 'any precise determination of the concept would mean a restriction for the authorities; in any case, the suggested definition of the concept went too far, since harmless people would fall under the definition'.¹⁰⁸ He suggested avoiding the creation of a definition of the Gypsies altogether. The representative from Württemberg, Hermann Aichele, on the other hand, proposed to use social science as a basis for their definition.¹⁰⁹ Eventually, they agreed on a compromise: 'Gypsies, in the eyes of the police, are those who are Gypsies according to the teachings of ethnology as well as those who roam about in the manner of Gypsies'.¹¹⁰ Thus, notwithstanding the loose invocation of ethnology, the legislative definition of the term 'Gypsy' remained a social and behavioural category, rather than a racial one.

The events following this meeting demonstrated that the Munich Conference was only a partial success. Baden and Hessen were the only two states that had agreed to sign the proposal generated at the conference, while a missive from the Bavarian Interior Ministry on December 31, 1913, indicates that Prussia – and subsequently Saxony - refused the establishment of a national centre for controlling Gypsies in Bavaria, on the grounds that it

¹⁰⁷ BayHStA, MA 92790, *Niederschrift*, pp.5-6.

¹⁰⁸ BayHStA, MA 92790, *Niederschrift*, p.6.

¹⁰⁹ BayHStA, MA 92790, *Niederschrift*, p.7

¹¹⁰ BayHStA, MA 92790, *Niederschrift*, p.5.

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would undermine state jurisdiction, since the severity of the ‘Gypsy nuisance’ differed in each district.¹¹¹ The outbreak of the First World War further diverted attention from the ‘Gypsy plague’ and delayed practical follow ups.¹¹² While a stable definition of the term ‘Gypsy’ allowed authorities to more rigorously control and monitor known Gypsies, as well as build their cataloguing database through the collection of comprehensive biometric data and intelligence, the attempt for a unified approach to the ‘Gypsy question’ ultimately failed. Rather than creating a centralised Gypsy intelligence service, based in Munich, authorities opted to deal with their respective Gypsy populations within their own legal frameworks. Nonetheless, the Munich Conference of 1911 demonstrates how biopolitical policy against the Gypsies continued to be rigorously applied, with behaviour-based measures of assimilation, expulsion and the collection of biometric data seeking to assist authorities in preventing the threat of nomadism from flourishing in German territory and to coerce the Gypsies to conform to a sedentary lifestyle.

Conclusions:

The widespread concern about an ostensible *Zigeunerplage* reflected in media and political discourse led to a stringent biopolitical campaign against the Gypsies. Since nomadism was viewed as a putative threat to modern society, the *Kaiserreich* authorities made several attempts, without much luck, to build a national approach that dealt with eradicating these unwanted behaviours. While the bureaucratic regulations for controlling Gypsies were not as biologically intrusive as those implemented during the Third Reich, legislation during the *Kaiserreich* period nonetheless made several attempts to control and optimise the type of life which they wanted to produce.

¹¹¹ BayHStA, MF 67417, K. Staatsministerium des Innern an das K. Staatsministerium des Königl. Hauses und des Aeußern, Dezember 31 1913, München.

¹¹² M Fitzpatrick, *Purging the Empire*, p.197, J Illuzzi, *Gypsies in Germany and Italy*, p.150.

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To deal with foreign Gypsies, German state governments prohibited their entry into Reich territory and expelled any Gypsies without proven citizenship found residing on German soil across the empire's frontier. German-born Gypsies, on the other hand, were subjected to strict measures of assimilation, surveillance, and deterrence, which intended to criminalise Gypsy itinerancy and coerce them to adopt a sedentary lifestyle. Through an acute degree of policing, *Kaiserreich* officials were responsible for restricting the traditional way of life and movement of Gypsies as much as possible. These regulations imposed stringent rules for obtaining or renewing itinerant trading licenses and mandated strict conditions for registration upon arrival in a new district. To combat identity fraud and to strengthen their intelligence database, the use of biopolitical tools, such as the compulsory recording of Gypsy fingerprints and photographs, was ordered. Encountered bands of Gypsies also faced constant scrutiny, and in some cases, their wagons and animals were confiscated. To achieve both an assimilative and deterrence effect, those Gypsies found convicted of criminal transgressions were incarcerated in workhouses, while their children were threatened with forcible removal from their families and placement into corrective reformatories.

Despite the *Kaiserreich's* unapologetically severe approach to dealing with the Gypsy problem, these laws in practice were difficult to enforce. Its effect was twofold: the perceived failure of the executive efforts to cleanse the population of the alleged 'Gypsy plague' led to heavy criticism within media and political discourse, which consequently expedited the push for more rigorous preventative measures, such as a national Gypsy law. Though such a law never eventuated, the German states nonetheless continued to vigorously enforce state and local biopolitical regulations for controlling the Gypsies. The ultimate objective was to eradicate Gypsy itinerancy from Germany – a form of life that was often equated with criminality

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In the previous chapter, this thesis argued that *Kaiserreich* legislation targeting the Gypsies imposed a suite of regulatory and disciplinary mechanisms designed to halt their peripatetic behaviour, which was considered to be a danger to the public safety of German citizens. The domestic Gypsy population was forcibly assimilated via constant police surveillance and heavy restrictions on their movement, while foreign Gypsies, by contrast, were expelled from the Reich. By employing a strongly interventionist, biopolitical approach to dealing with Gypsies, it was hoped that their itinerant lifestyle would be eliminated, and citizen Gypsies would be coerced into remaining sedentary.

Policy developments that occurred during the Weimar Republic is a period of Gypsy history that has not been adequately explored by scholars. Through a careful examination of materials sourced from the Bavarian and German Federal archives, this chapter will attempt to bridge this gap in knowledge and investigate how the German authorities dealt with the Gypsies after the outbreak of the First World War and under the new system of democratic government established in Weimar in November 1918.

Following the onset of the First World War, biopolitical strategies for controlling the Gypsies were a rigorous continuation of those employed before 1914. In lieu of a unified approach for combating the so-called ‘Gypsy nuisance’, the German authorities in the various states opted to enforce regulations that were often borrowed from neighbouring provinces. To eradicate the alleged threat of itinerancy and espionage, policies of expulsion and incarceration in civilian prison camps were applied to Gypsies of hostile or allied States. On the other hand, to encourage a sedentary lifestyle which would contribute towards the war effort, citizen Gypsies were subjected to compulsory conscription into the armed forces, restrictions on

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movement and itinerant trading, persistent police surveillance and mandatory reporting and registration requirements.

The cataclysmic aftermath of the First World War saw even more radical assimilative measures against Gypsies, the most prominent example being the Bavarian Workshy Law of 1926, which authorised forced labour for Gypsies unable to prove sedentary employment. The increase in post-war itinerancy also led to a renewed push for a national agreement for dealing with Gypsies. Though attempts to reach such an accord was unsuccessful, by the end of the 1920s, Weimar bureaucrats were able to achieve a partial centralisation of anti-Gypsy policy through the creation of a federal Gypsy headquarters, which housed all Gypsy biometric data and enhanced the exchange of intelligence between Germany and its neighbouring states.

Anti-Gypsy Regulations During World War One:

Efforts for a national solution to the ostensible Gypsy question were frozen by the outbreak of World War One. With the whole country's population and resources harnessed to warfare operations, the police force was greatly understaffed and overloaded with work, and the German states agreed to resume their talks on Gypsy policy once the war had ended. In the meantime, the fundamental principles of current Gypsy policy remained unchanged and pre-war, biopolitical regulations against both domestic and foreign Gypsies continued to be applied.¹

Although the negotiations for a national solution to the so-called *Zigeunerplage* were suspended, a missive dated from May 10, 1915, from the district office in the lower Bavarian

¹ It is also worth noting that after the declaration of war in the summer of 1914, power had shifted to the deputy generals and commanders in military districts. Thus, *Zigeunerpolitik* was no longer solely an affair of the State. BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, den 2. Dezember 1914; Königl. Bayerisches Staatsministerium des Königl. Hauses und des Aeußern an Seiner Exzellenz den Kaiserlichen Statthalter in Elsaß-Lothringen Herrn Dr. Von Dallwitz, den 22. Dezember 1914; Staatsministerium des Innern an das Ministerium der Auswärtigen Angelegenheiten in Dresden, Badische Staatsministerium in Karlsruhe, Hessische Staatsministerium in Darmstadt, den 20. Oktober 1924; M Bonillo, „*Zigeunerpolitik*“ *im Deutschen Kaiserreich 1871 – 1918*, Peter Lang, Frankfurt am Main, 2001, p.217.

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province, Vilsbiburg, reveals that local gendarmes claimed to have observed a great influx of Gypsy groups inhabiting forest areas within their domain, reporting that ‘a major portion of these gangs were [those Gypsies] expelled from the Strasbourg area’ - one of the largest urban districts in Alsace-Lorraine.² The Bavarian officials of the Gypsy headquarters (*Zigeunerzentrale*) too, had closely monitored this development, and reported to the Interior Ministry in Munich on July 6, 1915, that harassment and anxiety in agricultural areas was escalating, owing to the recent expulsions of resident Gypsies from Strasbourg.

Believing that they sought to avoid sedentary norms, the *Zigeunerzentrale* executives alleged that the Gypsies had taken advantage of the absence of men (and police personnel) in rural areas by harassing local communities and reverting to their ‘brazen’ behaviour. To preserve the public security of their population, the Bavarian police administration suggested the revival of an earlier body of sanctions designed to further restrict the movement and travelling lifestyle of resident Gypsies.³ The state-wide legislation, officially implemented by the Munich Commander General on September 26, 1915, reinforced the prohibition of Gypsies travelling in hordes, which was defined as the ‘union of several single persons or several families [and] the association of single persons with a family in which they do not belong’.⁴ The order imposed more rigid registration requirements for Gypsies. Upon their arrival in a new district, they were to report to the local authorities and have their identification papers scrutinised. Additionally, the directive restricted Gypsies from camping in public areas, and

² BayHStA MInn 72576, Königliches Bezirksamt Vilsbiburg an die K. Regierung von Niederbayern, Kammer des Innern, Vilsbiburg, am 10. Mai 1915. The letter details a case in which a band of approximately 18 Gypsies that were scrutinised by authorities in Geisenhausen on April 16, 1915 and reported to the *Zigeunerzentrale*. After being denied entry into the community, the same group was subsequently apprehended in Altfraunhofen on April 18 and 19. After staying overnight in Baierbach, they were then deported towards the Upper Bavarian borders. On April 19, this same group of Gypsies was found inhabiting a private woodland in Achdorf. Hereafter their whereabouts are unknown, though the Vilsbiburg governor confirmed that their district was presently free of ‘Gypsy rabble’ (*Zigeunergesindel*).

³ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 6. Juli 1915. The missive also reveals that the creation of a settlement site for resident Gypsies was rejected, as its implementation would be quite difficult for authorities, presumably because of the financial costs associated with such a policy during the war effort.

⁴ BayHStA MInn 72576, Bekanntmachung, Der Kommandierende General München, den 26.9.1915

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they were only allowed to settle in zones designated by the local authorities.⁵ The punishment for infringements was harsh, with Gypsies that failed to comply with these measures facing up to one year of imprisonment.⁶

In Prussia, *Zigeunerpolitik* also gained the attention of State and military officials during the war. A Prussian case concerning the commercial falsification of documents issued to citizen and foreign Gypsies arguably prompted the state to harden its biopolitical approach for dealing with Gypsies. A letter from the Prussian Interior Minister, dated December 3, 1915, disclosed the arrest of a Gypsy man in Cologne, named Julius Teutsch, who held six different aliases and was caught carrying an abundance of falsified documents, such as birth, citizenship and administrative certificates, certificates of family origin, passports, and militia registration cards (*Landsturmscheine*), as well as several imperial seals and stamps from police, municipal, church, and military authorities. These forms and seals were allegedly used for the extensive commercial counterfeiting of documents, supplied to foreign and domestic Gypsies for averting expulsions or arrests, as well as for the avoidance of military service. Since Teutsch was also accused of espionage, he was prosecuted for treason at the military courts in Cologne - though the final verdict, and his fate, is unknown.⁷

More crucial are the events which ensued from this inquest, as military and state officials sought to stop the fraud and forgery of Gypsy identification and citizenship papers, and to prevent Gypsies from circumventing compulsory military service. On August 30, 1916, the Prussian Ministry of the Interior declared the prohibition of distributing citizenship

⁵ BayHStA MInn 72576, Bekanntmachung, Der Kommandierende General München, den 26.9.1915. It is worth noting that similar measures for stricter reporting requirements were also implemented in Saxony on April 30, 1916, due to the increasing Gypsy numbers within their districts. See M Bonillo, „*Zigeunerpolitik*“ *im Deutschen Kaiserreich 1871 – 1918*, p.217; SächsHStA, Mdi (Film) 11348, Verordnung des sächsischen Innenministers vom 30. April 1916 an den Kreis und Amtshauptmannschaften, die Polizeidirektion in Dresden und die Stadträte (Polizeiämter) der Städte, Bl.115.

⁶ BayHStA MInn 72576, Bekanntmachung, Der Kommandierende General München, den 26.9.1915;

⁷ BayHStA, MA 92790, An sämtliche Bundesregierungen (außer Preußen) und den Herrn Statthalter in Elsaß-Lothringen an den Minister des Innern, Berlin, den 3. Dezember 1915

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certificates (*Staatsangehörigkeitscheine*) and certificates of family origin (*Heimatscheine*) to Prussian Gypsies until further notice. Citizenship papers were only allowed to be provided in exceptional cases, and after the applicant had been through a ‘thorough vetting’ process.⁸

Similar measures were also implemented in Bavaria. On September 25, 1916, the Bavarian Interior Ministry issued a memorandum, reminding the police force to strengthen its scrutiny of Gypsy papers, by carefully examining the authenticity of the documents and stamps ‘even if they appear to be impeccable’ and, in cases of uncertainty, to deprive the Gypsies of their citizenship papers and residence permits.⁹ Additionally, on September 27, 1916, all district police authorities were instructed by the Deputy Commander General to rigorously examine Gypsy military papers upon registration, withdrawal from service and ‘at any given opportunity’.¹⁰

In the following year, regulations against the Prussian Gypsies continued to intensify. Prussian authorities took drastic measures to protect the ‘security interests of the State’ from the perceived threat of Gypsy espionage, as well as to halt the falsification of names, papers and itinerant trading licenses that were allegedly supplied to citizen and foreign Gypsies of an allied or neutral state, and to prevent domestic Gypsies from escaping conscription.¹¹ On January 17, 1917, the Prussian Ministry of War also sanctioned a decree which mirrored some aspects of existing anti-Gypsy measures in Bavaria. For instance, it forbade Gypsies from

⁸ BayHStA, MA 92790, Erlaß des preußischen Innenministers vom 30. August 1916 an den Minister des Innern, 30. August 1916.

⁹ BayHStA, MA 92790, K. Staatsministerium des Innern an die K. Regierungen, Kammern des Innern, die Distriktpolizeibehörden, in München, die K. Polizeidirektion, sowie an den Herrn Exponate. K. Bezirksamtsassessor in Bad Reichenhall, München, 25 September, 1916.

¹⁰ BayHStA, Minn 72576, Staatsministerium des Innern an die K. Regierungen Kammern des Innern, München, 27. September 1916

¹¹ BayHStA Minn 72576, Kriegsministerium an amtliche Königlich Preußischen stellvertretenden Generalkommandos, das Oberkommando in den Marken, die Königliche Kommandantur in Berlin, die Kaiserlichen und Königlichen Festung Gouvernements und Kommandanturen, den stellvertretenden Generalstab der Armee, den Admiralstab der Marine, das Oberkommando der Küstenverteidigung, Berlin, den 17.1.1917.

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travelling in ‘hordes,’ and reinforced the strict examination of Gypsy identification papers and ascertainment of citizenship.

A more unique feature of this directive, however, was that it ordered the internment of those Gypsies considered to be ‘hostile foreigners’ in the nearest civilian prison camp (*Zivilgefangenenlager*), while any Gypsies from friendly states were required to provide evidence of their discharge from military service, and be subsequently deported back to their own country.¹² Citizen and ‘stateless’ Gypsies, by contrast, were to be registered with the military authorities, issued with proper identification papers, and have their movements restricted – by force, if necessary. Furthermore, those German Gypsies of military age were to be immediately enlisted into the armed forces. Any Gypsies that had been detained were to transfer their animals and wagons into police custody, and were housed in the ‘nearest prison camp’ until their nationality was proven, and their documents were thoroughly investigated.¹³ To some extent, this edict too was aimed at strengthening the existing biopolitical regulations against Gypsies; nonetheless, it illuminates Prussia’s hardening stance during wartime. Distinctly severe was Prussia’s persecution of Gypsies who belonged to a range of social categories, including those of allied and hostile states, as they faced incarceration in civilian prison camps or repatriation to their place of origin if apprehended by the authorities, consolidating Prussia’s control over undesirable elements.

Beyond Prussia, the *Zigeunerzentrale* administration, too, expressed its concern with the Gypsy ‘disturbance and harassment’ that was still ‘strongly noticeable’ in agricultural

¹² BayHStA MInn 72576, Kriegsministerium an amtliche Königlich Preußischen stellvertretenden Generalkommandos, das Oberkommando in den Marken, die Königliche Kommandantur in Berlin, die Kaiserlichen und Königlichen Festung Gouvernements und Kommandanturen, den stellvertretenden Generalstab der Armee, den Admiralstab der Marine, das Oberkommando der Küstenverteidigung, Berlin, den 17.1.1917.

¹³ BayHStA MInn 72576, Kriegsministerium an amtliche Königlich Preußischen stellvertretenden Generalkommandos, das Oberkommando in den Marken, die Königliche Kommandantur in Berlin, die Kaiserlichen und Königlichen Festung Gouvernements und Kommandanturen, den stellvertretenden Generalstab der Armee, den Admiralstab der Marine, das Oberkommando der Küstenverteidigung, Berlin, den 17.1.1917.

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regions, notwithstanding the current wartime measures of border protection and stringent reporting requirements. Subsequently, the Bavarian authorities were urged to stiffen their approach for dealing with Gypsies.¹⁴ Their report to the Bavarian Interior Ministry on February 11, 1917, confirmed that the Commander General's decree of 1915 had not been as successful as originally anticipated. The chief difficulty was that local gendarmes were often unable to adequately control or inspect large Gypsy groups arriving from outside the borders of their rural districts, as these Gypsies tended to 'emphatically oppose' the police forces, which consequently resulted in three bloody clashes over the recent months.

As a resolution to this problem, the Bavarian police authorities suggested that it would certainly be advantageous if 'some law enforcement agencies could be used at their disposal for combatting the Gypsy nuisance'.¹⁵ Moreover, they bemoaned as 'unjustifiable' the fact that an exceptional law (*Ausnahmegesetz*) for Gypsies had not yet been passed. With Gypsies often treated similarly to the occasional beggar or vagrant, they were not immediately incarcerated for their offences against the war regulations. Bavarian police officials also pushed for more rigorous anti-Gypsy action which corresponded with the 1917 Prussian decree that had recently come into effect. They endorsed Prussia's regulations for the expulsion and repatriation of Gypsies belonging to an allied state, as well as the internment in the nearest civilian prison camp of Gypsies belonging to an enemy state, or those unable to prove their citizenship.¹⁶

¹⁴ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 11. Februar 1917. Similar complaints of Gypsy disturbance were also made by the district officer in Mühldorf. In a report on June 16, 1917, to the Munich Deputy General Commander he declared that Gypsy bands of approximately 20 to 30 people were wandering throughout rural villages and engaging in petty crime, such as stealing, begging and fraud. Since most of their men had joined the military service, and their police force was quite overworked, he stated that the Gypsies were exceedingly difficult to arrest, and their citizens were often unable to defend themselves. Thus, he urged the Deputy Commander General to invoke anti-Gypsy measures similar to those already active in Prussia, so that their citizens would not have to live in fear of this 'danger', see BayHStA MInn 72576, Kgl. Bezirksamt Mühldorf an das stellv. Generalkommando I.b.A.K in München, Mühldorf, den. 16 Juni 1917.

¹⁵ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 11. Februar 1917.

¹⁶ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 11. Februar 1917.

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However, regarding Prussia's measures against 'stateless' and resident Gypsies, the *Zigeunerzentrale* administration contended that using force to control the movements of these Gypsies was absolutely essential, as an absence of coercion would cause the Gypsies to revert back to their vagrant lifestyle. They stated that:

a restriction in the freedom of movement without coercion is inconceivable. If one also offered the Gypsies the beneficial opportunity for permanent settlement, then their livelihood earnings for regulated daily work would not be promised and shortly after, as efforts from long ago have shown, their roving spirit will break through again.¹⁷

Furthermore, the Bavarian police officials asserted that reinforcing the prohibition of wandering Gypsy bands, coupled with invoking strict penalties for transgressions, would aid in monitoring the movement of citizen Gypsies. They also pointed out that under the current regulations, only the violation of a provision was punishable, with no resort to imprisonment. Without a special law, they concluded, it was impossible to intern resident Gypsies in civilian prison camps.¹⁸

In response to the alarming report of the *Zigeunerzentrale* administration, on May 26, 1917, the Deputy General Commander recommended a further 'tightening to the existing regulations for combatting the Gypsy plague'.¹⁹ Since the Gypsies were viewed as 'dangerous to the security and property' of the rural population, he suggested that 'conspicuous Gypsies [be] taken to the civilian prison camp in Traunstein and [be] subject to forced labour'. Under this proposal, he believed that approximately 150 male Gypsies could be housed in this camp,

¹⁷ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 11. Februar 1917.

¹⁸ BayHStA MInn 72576, K. Polizeidirektion München an das kgl. Staatsministerium des Innern, München, den 11. Februar 1917.

¹⁹ BayHStA MInn 72576, Stellv. Generalkommando I.b.A.K an das K. Staatsministerium des Innern, München, den 26. 5. 1917.

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though he supposed that if this measure was to be implemented, it would also be necessary to accommodate Gypsy women and children in the nearby barracks building.²⁰

His plan for a Gypsy work colony was never implemented, however, presumably because the Bavarian Interior Ministry was unable to bear the significant financial costs associated with the provisions for housing facilities and the execution of the order.²¹ Nonetheless, the Deputy Commander General's proposal is instructive for two reasons: firstly, it shows the beginnings of a concrete plan to build an isolated Gypsy internment camp, and secondly, it reveals how executive authorities were gradually considering more radical biopolitical solutions for dealing with the *Zigeunerfrage*.

Despite this failed proposition, the Deputy Commander General was increasingly pressured to employ 'thorough remedial action' via the internment of Gypsies, as reports from countryside districts indicated that the Gypsies were considered to be a 'serious threat to the rural population'.²² Given the frequent appearance of German Gypsies (in hordes of approximately 20 to 30 people) wandering throughout the urban areas of their municipality, engaging in 'disturbing behaviour', such as committing acts of petty crime and fraud, the Mühldorf officials reported that their residents lived in 'fear [of] the Gypsies'.²³ They further opined that their staff reductions and the overabundance of work posed a serious obstacle to overseeing the arrest and dissolution of wandering Gypsy bands, concluding that the current ban for Gypsies travelling in hordes was not effective. As the *Zigeunerzentrale* police officials had done, the Mühldorf authorities urged the military administration to mirror Prussia's harsher

²⁰ BayHStA MInn 72576, Stellv. Generalkommando I.b.A.K an das K. Staatsministerium des Innern, München, den 26. 5. 1917.

²¹ BayHStA MInn 72576, Stellv. Generalkommando I.b.A.K an das K. Staatsministerium des Innern, München, den 26. 5. 1917. In his letter, the Deputy General Commander admitted that the financial costs for implementing such a proposal would be substantial for the budget of the Bavarian Interior Ministry, though these costs were considered necessary for safeguarding the crops and property of the rural populations.

²² BayHStA MInn 72576, Kgl. Bezirksamt Mühldorf an das stellv. Generalkommando I.b.A.K in München, den 16. Juni 1917.

²³ BayHStA MInn 72576, Kgl. Bezirksamt Mühldorf an das stellv. Generalkommando I.b.A.K in München, den 16. Juni 1917.

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measures of internment for all wandering Gypsies without a fixed residence, since they believed that these assimilative regulations had already proven to be very beneficial for Prussia.²⁴

Later that year, the Deputy Commander General partially met the demands of local district authorities and the *Zigeunerzentrale* officials. On December 2, 1917, he issued a directive for ‘safeguarding against bands of Gypsies and bear handlers’, which largely echoed the central characteristics of the Prussian decree of January 17, 1917. Perhaps influenced by the Deputy Commander General’s original proposal for Gypsy work colonies, as well as the concerns of the *Zigeunerzentrale* administration, the Bavarian regulations did differ somewhat from the Prussian edict, specifically in its harsher treatment of ‘stateless’ Gypsies.²⁵ Under the Bavarian decree, those Gypsies whose ‘nationality cannot be identified’ or were denied the acquisition of German citizenship were treated as ‘stateless’. Thus, the Commander General was to be immediately informed of these cases, and such persons in question, particularly males, were to be housed in detention camps or allocated to ‘a fixed place of residence under the imposition of strict reporting requirements’.²⁶

During the First World War, both the Prussian and Bavarian authorities favoured an increasingly stringent biopolitical regime for combatting the so-called *Zigeunerplage*.

²⁴ BayHStA MInn 72576, Kgl. Bezirksamt Mühldorf an das stellv. Generalkommando I.b.A.K in München, den 16. Juni 1917.

²⁵ BayHStA, MA 92790, Stellv. Generalkommando I.b.A.K. An die Distriksverwaltungsbehörden des Korpbezirks (in München: K. Polizeidirektion) an das K.Kriegsministerium, das K.Kriegsministerium – Abwehrstelle – das K.Staatsministerium des K.Hauses und des Aeussern, das K.Staatsministerium des Innern, das K.Stellv.Generalkommando II.III.b.A.K, die K. Regierungen – Kammern des Innern – von Oberbayern, Niederbayern, Schwaben und Neuburg, das K. Gendarmeriekorpskommando, München, den 2.12.1917; BayHStA MInn 72576, Kriegsministerium an amtliche Königlich Preußischen stellvertretenden Generalkommandos, das Oberkommando in den Marken, die Königliche Kommandantur in Berlin, die Kaiserlichen und Königlichen Festung Gouvernements und Kommandanturen, den stellvertretenden Generalstab der Armee, den Admiralstab der Marine, das Oberkommando der Küstenverteidigung, Berlin, den 17.1.1917.

²⁶ BayHStA, MA 92790, Stellv. Generalkommando I.b.A.K. An die Distriksverwaltungsbehörden des Korpbezirks (in München: K. Polizeidirektion) an das K.Kriegsministerium, das K.Kriegsministerium – Abwehrstelle – das K.Staatsministerium des K.Hauses und des Aeussern, das K.Staatsministerium des Innern, das K.Stellv.Generalkommando II.III.b.A.K, die K. Regierungen – Kammern des Innern – von Oberbayern, Niederbayern, Schwaben und Neuburg, das K. Gendarmeriekorpskommando, München, den 2.12.1917.

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Following the outbreak of war, the lives of Gypsies became increasingly subject to state interference and legal restrictions, as the German state authorities sought to target specific behaviours deemed to be a threat to the sedentary population. To deal with the surge in complaints regarding Gypsy harassment, espionage, commercially counterfeited documents and avoidance of conscription, the Prussian and Bavarian officials employed increasingly radical measures against both foreign and domestic Gypsies. Those of allied or hostile states, or those who were unable to prove their claims to citizenship, faced incarceration in civilian prison camps or deportation to their place of origin. Citizen Gypsies, by contrast, were scrutinised and enlisted into the armed forces whenever possible, and were forcibly made sedentary by the enforcement of strict regulations that outlawed traveling, the imposition of more punitive registration requirements and the invocation of severe punishment such as imprisonment, for the violation of these measures, solidifying the biopolitical nature of anti-Gypsy, wartime regulations in Germany.

Post-War Developments: The Bavarian Workshy Law:

Despite the economic and political chaos which followed Germany's defeat in the First World War, state authorities rapidly consolidated their biopolitical control over the Gypsies. The financial crisis which developed after the war had left a large portion of the population destitute, resulting in an upswing in complaints regarding roaming and begging populations in rural districts. Since the wartime directives had lost their validity, the Bavarian State Commissioner issued a directive on November 4, 1919, reaffirming pre-war regulations, such as stricter reporting requirements, a total ban on outdoor camping and travelling in hordes.

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Furthermore, after the establishment of the Weimar Republic, the Bavarian Minister of Public Welfare issued an order on December 6, 1920, forbidding the travelling horse trade.²⁷ On July 18, 1922, gendarmerie forces were ordered to tighten their control of Gypsies by thoroughly searching their belongings and examining their identification papers carefully. Replacement documents were not to be issued, and local police were obliged to immediately inform the Munich police headquarters of any Gypsy activity. Furthermore, those Gypsies and ‘people wandering like Gypsies’ unable to prove German citizenship were to be blocked from entering Reich territory, and would be instantly expelled across the border if found within German borders.²⁸

The management of the citizen Gypsy population continued to intensify following the circulation of a directive on January 9, 1924. This decree was largely a reinforcement of existing biopolitical measures, though it arguably provided the groundwork for the 1926 Bavarian Workshy Law, by further restricting itinerancy. Travelling with caravans, wagons or animals was permissible only with valid licenses (which were becoming more difficult to obtain) and ‘roving in hordes’ continued to be prohibited, while camping in open areas was stringently controlled by the police. Infringements were dealt with harshly and were punishable with either a fine or imprisonment for up to one year.²⁹ Prussia too addressed the surge in complaints regarding the Gypsy ‘nuisance’. On July 27, 1920, Gypsies were prohibited from staying in spas, health resorts and recreational facilities, while on January 28, 1921 – and again

²⁷ These decrees and their reasoning are cited in BayHStA Minn 72576, Polizeidirektion München an das Staatsministerium des Innern, München, den 21. April 1921 and Polizeidirektion München an das Staatsministerium des Innern, München, den 28. September 1921.

²⁸ „Dienstvorschriften für die Gendarmerie vom 18. Juli 1922“ W Höhne, *Die Vereinbarkeit der deutschen Gypsiesgesetze und verordnungen mit dem Reichsrecht insbesondere der Reichsverfassung*, Dissertation, Heidelberg University, Heidelberg, 1929, pp.141-142.

²⁹ BayHStA, MF 67417, Anordnung zur Bekämpfung der Zigeuner vom 9. Januar 1924.

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on November 3, 1922 - the regulations contained within the 1906 *Anweisung zur Bekämpfung des Zigeunerunwesens* (Directions for Combating of the Gypsy Nuisance) were reinforced.³⁰

Notwithstanding this renewal of anti-Gypsy measures, some local authorities urged the Bavarian administration to take more stringent action against the Gypsies, specifically with the creation of a special Gypsy law.³¹ The gendarme division in Swabia was particularly in favour of this, declaring in their letter, dated August 26, 1919, that they had discerned a notable rise in the number of Gypsies in their district. Their arrival was considered to be a true ‘nuisance’ to the local community, which was becoming increasingly difficult for police authorities to combat, given their limited resources. As a solution, they called for the implementation of an exceptional law against Gypsies, which would encompass a complete denial of itinerant trading permits, or at least enforce a significant impediment for obtaining unlimited license extensions, as well as the subjection of arrested Gypsies to forced labour if they refused to become sedentary.³²

The renewed push for a special law against the Gypsies also came from the *Zigeunerzentrale* administration. In a series of reports throughout the early 1920s, the Bavarian police department argued that although Gypsies of ‘pure race’ (*rasenrecht*) were seldom found on German soil, after the First World War, the country had seen a discernible rise of wandering (*umherziehend*), work-shy (*arbeitscheue*) and ‘shady characters’ (*lichtscheues Gesindel*)

³⁰ „Erlaß des Ministers für Volkswohlfahrt vom 27. Juli 1920“; „Rundverfügung des Regierungspräsidenten in Merseburg vom 28. Januar 1921“; „Erlaß d. Min. d.I vom 3. November, 1922 Inhalt: Erinnerung an die Anweisung vom 17. Februar 1906“ in W Höhne, *Die Vereinbarkeit*, pp.119–120.

³¹ E Strauss, „Die Zigeunerverfolgung in Bayern: 1855 – 1926“ Dissertation, Ludwig Maximilians Universität, Munich, 1986, pp.60–61.

³² BayHStA MInn 72576, Gendarmerie – Abteilung von Schwaben an die Regierung von Schwaben und Neuburg, Kammer des Innern, Augsburg, den 26. August 1919. Another advocate for coherent anti-Gypsy measures was the National Association for the Bavarian district. A missive from this organisation on February 3, 1920, reveals how the Bavarian Interior Ministry was urged to implement a uniform law in order to ‘liberate the nation from the plague of the Gypsies’ after reports from Upper Bavaria, which indicated an increase of 188 Gypsies arriving within the district in a single day. See BayHStA MInn 72576, Landesverband Bayerischer Bezirks E.V an das Staatsministerium des Innern in München, den 3. Februar 1920.

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inhabiting local rural districts.³³ They surmised that this sharp increase was a consequence of the number of itinerant trading licenses that had been issued. It was also seen as being due to the effects of housing difficulties, unemployment (*Arbeitsentwöhnung*) and the Gypsies' thirst for adventure (*Arbenteuerlust*). Police authorities admitted that they had extreme difficulty in distinguishing between 'true' Gypsies, those conducting fair trading operations with legitimate itinerant licenses, and other caravan dwellers that presumably used their travelling trading permits to conceal a 'dishonest' lifestyle.³⁴

This increase in itinerancy was further confirmed in a statistical report from 1925. It revealed that following the 1924 restrictions, approximately 272 Gypsy and vagrant families and 412 'honest' traders in Bavaria were travelling with wagons and caravans, concluding that the number of Gypsy-like vagabonds had greatly increased since the end of the First World War and had become even more of a 'nuisance'. Thus, the central task of the Bavarian police force was to keep them under control.³⁵

Amid these reports, racialised understandings of Gypsies had also deepened, as the Bavarian police officials scrambled to halt the Gypsies' ostensibly 'innate tendency for wandering', and to protect German citizens from their 'increased intrusiveness and effrontery'.³⁶ It must be stressed, however, that while racial forms of prejudice against the Gypsies clearly existed within police discourse, at this point in time, it had relatively little impact upon anti-Gypsy policy, as measures against them continued to emphasise a social criterion (which focused on restricting the Gypsies' way of life), rather than a racial one.

³³ BayHStA MInn 72576, Polizeidirektion München an die Regierung von Oberbayern des Innern, den 12. April 1922; Polizeidirektion München an das Staatsministerium des Innern, den 19. November 1922.

³⁴ BayHStA MInn 72576, Polizeidirektion München an die Regierung von Oberbayern des Innern, den 12. April 1922; Polizeidirektion München an das Staatsministerium des Innern, den 19. November 1922.

³⁵ BayHStA MInn 72577, Polizeidirektion München an das Staatsministerium des Innern, den 29. Mai 1925.

³⁶ BayHStA MInn 72576, Polizeidirektion München an das Staatsministerium des Innern, München, den 21. April 1922; E Strauss, „Die Zigeunerverfolgung in Bayern: 1855 – 1926“ pp.60–61.

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As a solution to the increasing presence of travelling groups, the *Zigeunerzentrale* administration urged the Bavarian Interior Ministry to make a clearer distinction between Gypsies, vagrants and honest itinerants, by broadening the description of the term ‘Gypsy’ to include nomadic travellers (*Landfahrer*); that is, ‘people roving like Gypsies’.³⁷ They further recommended the creation of a law to specifically target both Gypsies and travellers – a proposal which grew into a 19-article biopolitical programme, intending to regulate sedentary behaviour and impose heavy limitations on a peripatetic lifestyle.³⁸ According to the draft bill of 1923, those who wished to travel with wagons and caravans required a permit from the local police authorities, which would only be valid for a maximum of one year, and could be rescinded at any stage. Travelling with school-aged children was prohibited, unless satisfactory arrangements for the children’s education were already in place.³⁹ Travelling with horses, dogs and animals for commercial purposes was also strictly prohibited, except when their owners were in possession of a valid license from local authorities. Similarly to the wartime measures, roaming in ‘hordes’ was outlawed, while camping was only permitted in areas allocated by the local police, and was contingent upon Gypsies and travellers depositing their identification cards and permits for the length of their stay.⁴⁰

A more interesting development, though omitted from the early drafting stages, was Article 8, which stipulated that authorities could ban foreign Gypsies and travellers, as well as citizens with a criminal record from staying in specific localities or could assign them to a

³⁷ BayHStA MIInn 72576, Polizeidirektion München an das Staatsministerium des Innern, den 19. November 1922.

³⁸ Calls for special Gypsy treatment (*Sonderbehandlung*) and early drafts of the Bavarian Workshy Law can be viewed in BayHStA MIInn 72576, Polizeidirektion München an die Regierung von Oberbayern des Innern, den 12. April 1922; Polizeidirektion München an das Staatsministerium des Innern, München, den 4. November 1922; Polizeidirektion München an das Staatsministerium des Innern, den 19. November 1922; BayHStA MIInn 72577, „Ausführungsbestimmungen zum Zigeunergesetz, Vorschläge der Polizeidirektion“, München, den 7. August 1925; Polizeidirektion München an den Staatsministerium des Innern, den 15. August 1925.

³⁹ BayHStA MIInn 72576, Entwurf: eines Gesetz zur Bekämpfung der Zigeuner und des arbeitsscheuen Gesindel, 1923.

⁴⁰ BayHStA MIInn 72576, Entwurf: eines Gesetz zur Bekämpfung der Zigeuner und des arbeitsscheuen Gesindel, 1923.

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special place of residence. This attempt to significantly restrict the movement of foreign and citizen Gypsies was presumably influenced by the *Zigeunerzentrale*'s proposal for a special collection camp for foreigners, which was suggested in their report from November 22, 1922.⁴¹ However, the most radical biopolitical aspect of this law can be seen in Article 9 of the draft bill, which stated that:

Gypsies and travellers over sixteen years of age who are unable to prove regular employment may be sent to workhouses for up to two years by the responsible police authorities on the grounds of public security.⁴²

Internment in correctional facilities was not entirely new, as under pre-war legislation those convicted of vagrancy, begging, loss of residency or other transgressions could face detention in workhouses.⁴³ Nevertheless, Article 9 of the draft Workshy Law proposed to intensify the criminalisation of itinerancy by, for the first time, explicitly punishing citizen Gypsies and vagrants who could not verify regular paid work with incarceration into correctional institutions without any prior legal procedure. Article 9, that is, demonstrates the increasing biopolitical reach of the Bavarian State administration to exercise control over its citizens' social processes and way of life. Its logic was to deter resident Gypsies from living a peripatetic lifestyle and to 'correct' their behaviour by threatening the harsh penalty of forced

⁴¹ BayHStA MInn 72576, Polizeidirektion München an das Staatsministerium des Innern, den 19. November 1922; BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926. For the original draft, see BayHStA MInn 72576, Entwurf: eines Gesetz zur Bekämpfung der Zigeuner und des arbeitsscheuen Gesindel, 1923.

⁴² BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926. In the original draft of the Workshy Law, this is listed under Article 8, see BayHStA MInn 72576, Entwurf: eines Gesetz zur Bekämpfung der Zigeuner und des arbeitsscheuen Gesindel, 1923.

⁴³ The Bavarian directive from April 11, 1885 and the Prussian decree from September 29, 1887 are notable examples which employed such measures against Gypsies. See BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 „Ministerialentschließung vom 11. April 1885, Die Handhabung der Sicherheit in Bezug auf Zigeuner“; GStAPK, I. HA Rep. 77, Ministerium des Innern, Tit. Nr. 53 adh/2 Bd. 1, Ministerium des Innern „Erlaß des Innenministers vom 29. September 1887“, Berlin, den 29. September 1887, B1.205–207.

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labour upon those who could not prove that they had conformed to a sedentary working lifestyle.⁴⁴

After a long and arduous drafting process, the ‘Law for the Combatting of Gypsies, Travellers and the Work-shy’ (*Gesetz zur Bekämpfung von Zigeunern, Landfahren und Arbeitscheuenunwesens*) was officially legislated in Bavaria on July 16, 1926.⁴⁵ Crucially, the Bavarian Workshy Law became a model for other neighbouring European countries, such as Austria and Czechoslovakia, seeking to adopt harsher biopolitical measures against Gypsies.⁴⁶ It is worth pointing out, however, that despite its discriminatory nature, Gypsies continued to enjoy ‘full and equal rights of citizenship under Article 109 of the Weimar Constitution’.⁴⁷ Though the Bavarian authorities were unable to exclude domestic Gypsies from exercising their legal rights to practise their traditional occupations, the Bavarian State officials were nonetheless able to impose significant impediments upon Gypsies working in itinerant professions by enforcing severe restrictions on obtaining licenses and imprisoning those who could not report having a sedentary job. The Workshy Law is perhaps the most prominent Weimar anti Gypsy measure and was the culmination of Bavaria’s biopolitical management of Gypsies, with Bavarian bureaucrats having implemented harsh assimilative measures to ensure

⁴⁴ BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926; G Margalit, *G. Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002, pp.31–32.

⁴⁵ BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926. A partial English translation of the 1926 Bavarian Workshy Law can be found in M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991, pp.114–115.

⁴⁶ For discussion on the influences of the Bavarian and Czechoslovakian Gypsy Laws on Austrian anti-Gypsy policy, see ÖSTA, BKA 20/2 Kt. 4750, Amt der Vorarlberger Landesregierung an das Bundeskanzleramt (Innes) in Wien, 15. Juni 1931; ÖSTA, BKA 20/2 Kt. 4745, Der Kärtner Landesregierung an das Bundeskanzleramt in Wien, 24. Jänner, 1928; Der Landeshauptman an das Bundeskanzleramt in Wien, 31. Oktober, 1927; Der Vizekanzler an alle Landesregierungsämter und die Polizeidirektion in Wien, Graz, Salzburg und Linz, 27. August, 1927; Der Hofrat und Polizeidirektor Salzburg an das Bundeskanzleramt Wien, am 27. Oktober, 1927.

⁴⁷ W Höhne, *Die Vereinbarkeit*, pp.11–13, 102–3; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, pp.7–9.

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that the German population remained sedentary and were protected from the perceived threat of a large itinerant population.

The historiography surrounding this law has debated whether the Gypsies were persecuted under this edict primarily on racial or social grounds. Some scholars, such as Marion Bonillo and Eva Strauss have argued that the categorisation of Gypsies and ‘people travelling like Gypsies’ stipulated in the Bavarian Act had definitive racial characteristics, owing to the growing influence of racial science, anthropology and criminal biology.⁴⁸ To solidify this claim, Strauss points out that the ministerial act clearly stated that ‘the term “Gypsy” is generally known and requires no further explanation. Racial studies provide information on who is to be regarded as a Gypsy.’⁴⁹ Both Bonillo and Strauss conclude that the Gypsies were subjected to the 1926 Workshy Law predominantly on grounds of ethnic descent, which served as a foundation to their racial discrimination under the Nazi regime.⁵⁰

Others, such as Herbert Heuss, Guenter Lewy, Leo Lucassen and Rainer Hehemann, on the other hand, have rejected the notion that there was an intrinsically racist understanding of Gypsies at the heart of the 1926 Bavarian Law, and have argued persuasively that it rested on economic, social and political criteria. Heuss asserts that ‘it would be superficial to interpret this [category] merely as a manifestation of racially motivated anti-Gypsyism’.⁵¹ Instead, he cites Dimitrios Karanikas, who argued in his Weimar dissertation, *Das bayerische Zigeuner und Arbeitsscheuengesetz vom 16. Juli 1926*, that the Bavarian legislation was used as a means for consolidating law enforcement power in order to tightly control and combat criminal

⁴⁸ M Bonillo „Zigeunerpolitik“ im Deutschen Kaiserreich 1871 – 1918, pp.225–226; E Strauss, „Die Zigeunerverfolgung in Bayern: 1885 - 1926“, pp.64-66

⁴⁹ Strauss, E, „Die Zigeunerverfolgung in Bayern: 1885 - 1926“, p.66.

⁵⁰ M Bonillo „Zigeunerpolitik“ im Deutschen Kaiserreich 1871 – 1918, pp.225–226; E Strauss, „Die Zigeunerverfolgung in Bayern: 1885 - 1926“, pp.64-66.

⁵¹ H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study” in T Acton, (ed.), *Scholarship and the Gypsy Struggle*, University of Hertfordshire Press, Hertfordshire, 2000, pp.64

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activity, as well as fashion productive forms of life.⁵² Heuss states that the intent of this decree was ‘to implement a change in the function of the police. It was now possible for the police not only to prosecute offenders, following the commission of a criminal offence, but to also take independent preventative action.’⁵³

This suggests that anti-Gypsy measures were driven by legal positivism, a claim supported by both Jennifer Illuzzi and Leo Lucassen.⁵⁴ While it is certainly possible to believe that the Gypsies were persecuted by this legislation in accordance with subjective and often racialised police judgements, there is nothing in the law itself that predetermined such an approach to its policing.

Although Heuss’ work is ground-breaking in its contribution to our understanding of anti-Gypsyism during the Weimar Republic, his assertion that Gypsies were rarely prosecuted under the Bavarian Act requires revision, as archival records indicate that the 1926 Bavarian legislation indeed had harsh practical consequences for Gypsies.⁵⁵ A case study of a Gypsy man holding Bavarian citizenship, named Franz Lehmann, is one instance which confirms this.⁵⁶ According to a report from Munich officials on October 3, 1932, Lehmann was subjected to two years of compulsory labour in a workhouse in Rebdorf, which was later reduced to one year. According to the Augsburg police department, Lehmann was incarcerated on the grounds of breaching Article 9 and 10 of the 1926 Workshy Law, as he had been convicted twelve times

⁵² D Karanikas, *Das bayerische Zigeuner und Arbeitsscheuengesetz vom 16. Juli 1926*, Dissertation. Universität Leipzig, Leipzig, 1931, p.14; For a more detailed analysis of Karanikas’ work, see R Hehemann, *Die „Bekämpfung des Zigeunerunwesens“ im Wilhelminischen Deutschland und in der Weimarer Republik, 1871 – 1933*, HAAG and Herchen Verlag, Frankfurt am Main, 1987, pp.313–315.

⁵³ H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study”, p.64.

⁵⁴ H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study”, p.64; L Lucassen, “‘Harmful Tramps’: Police Professionalisation and Gypsies in Germany, 1700 - 1945”, *Crime, History and Societies*, 1997, vol.1, no.1, pp.42–43; J Illuzzi, *Gypsies in Germany and Italy, 1861 – 1914*, Palgrave Macmillian, New York, 2014.

⁵⁵ H Heuss, “Anti-Gypsyism Research: The Creation of a New Field of Study”, p. 64

⁵⁶ BayHStA, MInn 71561 „Die Regierung von Schwaben und Neuburg, Kammer des Innern“, 3. Oktober, 1932, München. Other cases of Gypsies, Vagrants and Work-Shy incarcerated into workhouses under Article 9 and 10 can be found in BayHStA MInn 71561.

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for crimes of vagrancy, theft, weapon possession and resistance. Furthermore, he showed no proof of regular employment and earned money by conducting unlicensed itinerant trading, further solidifying the case for his incarceration in a workhouse.⁵⁷ Another Gypsy man who the Augsburg police believed was rightly subjected to incarceration in the Rebdorf workhouse was Josef Lehmann, presumably a relative of Franz Lehmann. He too was convicted on the grounds that he could not prove that he held regular employment. The duration of his sentence is unknown.⁵⁸

Another who rejects the notion of the Bavarian Workshy law as racially motivated yet aligns more closely with the recent empirical evidence is Guenter Lewy. Lewy convincingly claims that the Bavarian Law of 1926 against the Gypsies demonstrates how the German bureaucracy desired to eradicate a certain way of life, with this legislation aimed at encouraging Gypsies to assimilate to German society, and to penalise those leading a peripatetic way of life – a claim that is consistent with the views of Rainer Hehemann and Gilad Margalit.⁵⁹ Lewy primarily bases his argument on the argument of Werner Höhne, who states in his dissertation, *Die Vereinbarkeit der deutschen Zigeunergesetze und verordnungen mit dem Reichsrecht insbesondere der Reichsverfassung*, that the legal state of being a ‘Gypsy’ was determined by behavioural, rather than racial criteria. Gypsies, he argued, were not the sole targets under the Bavarian act, as it encompassed all types of itinerant groups that conducted themselves in the same manner as Gypsies. This was done not only to prove that the Gypsies’ racial origins were not the reason for their subjective treatment, but to also avoid violating Article 109, Section 3, §1 of the Weimar Constitution, which was the equal protection clause of the German

⁵⁷ BayHStA, MInn 71561 „Die Regierung von Schwaben und Neuburg, Kammer des Innern“, 3. Oktober, 1932, München.

⁵⁸ BayHStA, MInn 71561, Die Regierung von Schwaben und Neuburg, Kammer des Innern, 1. Oktober 1932.

⁵⁹ R Hehemann, *Die „Bekämpfung des Zigeunerunwesens“ im Wilheiminischen Deutschland und in der Weimarer Republik, 1871 – 1933*, pp.297–316; G Margalit, *Germany and its Gypsies*, p.32.

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constitution against discrimination on the grounds of birth status.⁶⁰ In agreement with Lewy, Lucassen confirms that the distinction between Gypsies, vagrants and ‘honest itinerants’ was not a racial designation; rather that ‘the decisive factor was the way of life’.⁶¹ He further points out that those individuals who had a permanent place of residence were excluded from the stipulations of the 1926 Workshy Law, since it was assumed that the targeted Gypsies would not.⁶² By focusing on ‘Gypsy’ behaviour, the Bavarian police intended to restrict their nomadic way of life as much as possible in the hope of being able to abolish their itinerant behaviour, which was deemed a threat to public safety and order.⁶³ The stigmatising effect of the definitions and measures in the 1926 Workshy Law targeted people because they lived like Gypsies, not because they belonged to a racially discernible group.

Even though historians have largely moved past the argument that the Bavarian Workshy Law was racially motivated, this does not change the clearly biopolitical characteristics of the decree. At its core, biopolitics focuses on the governmental management of life. From a Foucauldian perspective, biopower is not merely repressive, but rather, it is productive. By subjecting the social body to ‘continuous regulatory and corrective mechanisms’, he believed it was possible ‘to invest life through and through’.⁶⁴ The Bavarian Workshy law certainly sought this control of life. Spurred by the desire to eradicate unwanted forms of life, namely itinerancy, the Workshy ordinance offered a disciplinary mechanism that sought to channel a particularly troublesome population into more productive forms of life. By heavily criminalising itinerancy and incarcerating work-shy Gypsies into workcamps, it was

⁶⁰ G Lewy, *The Nazi Persecution of the Gypsies*, pp.7–9; W Höhne, *Die Vereinbarkeit der deutschen Zigeunergesetze und verordnungen mit dem Reichsrecht insbesondere der Reichsverfassung*, pp.11–13,102–3.

⁶¹ Lucassen, L. “‘Harmful Tramps’: Police Professionalisation and Gypsies in Germany, 1700 - 1945”, pp.42-43

⁶² Lucassen, L. “‘Harmful Tramps’: Police Professionalisation and Gypsies in Germany, 1700 - 1945”, pp.42-43

⁶³ Lucassen, L. “‘Harmful Tramps’: Police Professionalization and Gypsies in Germany, 1700 – 1945’, p.86. Similar arguments can also be found in A Cottaar, L Lucassen and W Willems, ‘Justice or Injustice? A Survey of Government Policy Towards Gypsies and Caravan Dwellers in Western Europe in the Nineteenth Century’, *Immigrants and Minorities*, vol.11, no.1, 1992, p.52

⁶⁴ M Foucault, *M. History of Sexuality: Volume 1: An Introduction*, Pantheon Books, New York, 1978, pp.138& 144.

hoped that their nomadic behaviours could be corrected and their assimilation to sedentary society could be achieved.⁶⁵

A Renewed Push for a National Approach:

With the creation of the Bavarian Workshy Law came the growing insistence that Weimar authorities coordinate national action against the Gypsies through the implementation of Reich-wide regulations. Unsurprisingly, the biggest push for federal anti-Gypsy norms came from the *Zigeunerzentrale* administration. In a missive to the Bavarian Interior Ministry on April 12, 1922, Munich's police officials stated that the wartime measures had not yet seen a significant reduction of the supposed *Zigeunerplage* and that the enforcement of anti-Gypsy regulations had greatly deteriorated, given the economic and political instability which had followed the First World War.⁶⁶ Munich's police officials therefore urged the Bavarian Interior Ministry to resume the pre-war negotiations with the states of Hesse, Saxony, Baden, Württemberg and Prussia for a national agreement for combatting the ostensible *Zigeunerplage*, based upon the resolutions at the Munich Conference in 1911.⁶⁷

Negotiations for a federal anti-Gypsy agreement among the German states were renewed in 1925, with talks aimed at creating unified measures taking place at a Police Conference in Karlsruhe on June 22 - 24. The guiding principles developed at this conference reveal that after the First World War, there had been a substantial increase in individuals and families adopting the Gypsy itinerant lifestyle, and that this development was seen as a danger to rural communities.⁶⁸ To combat this, the Conference delegates proposed (similarly to

⁶⁵ BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926.

⁶⁶ BayHStA, MIInn 72576, Polizeidirektion München an das Staatsministerium des Innern, 21. April, 1921.

⁶⁷ BayHStA, MIInn 72576, Polizeidirektion München an das Staatsministerium des Innern, 12. April, 1923; Strauss, E. „Die Zigeunerverfolgung in Bayern: 1885 - 1926“, P. 62.

⁶⁸ BayHStA, MIInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925.

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Harster at the Munich Conference in 1911) that the *Zigeunerzentrale* in Munich should act as a centralised Gypsy intelligence service (*Zigeunernachrichtendienst*), given its exhaustive database of Gypsy information and its extensive experience in handling Gypsy matters. The primary role of this agency would be to provide unified coordination and control of Gypsies, particularly among the police force, by acting as a federal clearing house for Gypsy intelligence, records, and biometric data, including fingerprints and photographs.⁶⁹ It is worth pointing out that while the approval for such an organisation was unanimous among the conference officials, the nationalisation of the *Zigeunerzentrale* did not happen immediately. This was largely for similar reasons to the earlier Munich Conference, namely that the bureaucratic and police executives needed time to consider how the financial costs would be covered, and whether all German states would contribute, or if the financial responsibility would be solely assumed by Bavaria.⁷⁰

An interesting biopolitical element of the conference guidelines was the possibility of drafting a new federal penal code, which would encourage local authorities to intern those who committed ‘typical Gypsy offenses, such as begging, work-shyness and vagrancy’ in workhouses. Since the Bavarian Workshy Law was reaching its final stages of drafting, this is hardly a surprising notion. Though this proposal never eventuated, it does indicate that a tighter and more centralised management of Gypsies and vagrants was being considered.⁷¹ In addition to this, perhaps influenced by the *Zigeunerzentrale* administration’s original suggestion to the Bavarian Interior Ministry in 1923, the conference police officials also considered the publication of a revised edition of Dillmann’s 1905 *Zigeunerbuch*. This would contain current entries of known Gypsies and vagrants living in Germany and be updated on a yearly basis,

⁶⁹ BayHStA, MInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925.

⁷⁰ BayHStA, MInn 72577, Polizeidirektion München an das Staatsministerium des Innern, den 21. August 1925; MInn 72577, Polizeidirektion München „Entwurf zu einer neuen Vereinbarung der deutschen Länder über die Bekämpfung der Zigeunerplage“, München, den 7. Mai 1926.

⁷¹ BayHStA, MInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925.

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since the original version was considered to contain outdated Gypsy intelligence that served a limited purpose for police authorities. However, this proposition too was actioned, seemingly due to the poor state of the German economy, and its inability to bear the financial costs of such a publication.⁷²

The most crucial development which emerged from this conference, though, was the immediate establishment of a criminal law enforcement subcommittee, called the German Criminal Police Commission (*Deutsche Kriminalpolizeiliche Kommission*), which comprised of police experts appointed by the respective governments of Baden, Bavaria, Hesse, Prussia, Saxony, Thuringia, Mecklenburg-Schwerin and Württemberg. The central aim of this organisation was to ‘enhance cooperation between the criminal police offices in different German states, focusing specifically on the “travelling criminal” within the borders of Germany’.⁷³ They were also tasked to construct a draft bill for a national agreement between the German states for combatting Gypsies, which would be presented and discussed at their first official meeting - scheduled to take place in autumn 1926, in Berlin, and headed by the Munich police authorities.⁷⁴ Although the memorandum presented at the Karlsruhe Conference was approved by the members of the German Criminal Police Commission, the proposed changes in anti-Gypsy policy required further cooperation between state bureaucrats. Nonetheless, the Karlsruhe Conference position paper was a pivotal step towards coordinating biopolitical regulations for Gypsies at a national level. Unlike the resolutions from the Munich Conference in 1911, the Karlsruhe conference memorandum indicates the general approval that

⁷² BayHStA, MInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925; To view the original proposal of the Munich police officials for an updated compilation of the *Zigeunerbuch* and their rationalisation for such a revision, see BayHStA, MInn 72576, Polizeidirektion München an das Staatsministerium des Innern, 12. April, 1923; E Strauss, „Die Zigeunerverfolgung in Bayern: 1885 - 1926“, p.62.

⁷³ BayHStA, MInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925; M Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford University Press, Oxford, 2002, p.167.

⁷⁴ BayHStA, MInn 72577, Leitsätze, Polizeikonferenz Karlsruhe München, von 22. bis 24. Juni 1925.

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had been won for united national action. German states that had previously hindered the progress of national anti-Gypsy measures had now shown a new willingness to cooperate.⁷⁵

Based on the events of the Karlsruhe Conference, efforts were subsequently made to begin drawing up the preliminary outline for a unified anti-Gypsy agreement titled, ‘the new Agreement for the German States to Combat the Gypsy Plague’. At the request of the German Criminal Police Commission, negotiations between the Bavarian Interior Ministry and the subcommittee members from Berlin, Munich, Dresden and Karlsruhe took place on August 16, 1926, in order to discuss the working draft document, which was initially developed and prepared by the *Zigeunerzentrale* administrators.⁷⁶ The minutes from this meeting indicate the Bavarian bureaucratic approval for a central Gypsy Affairs Office in Munich, as they supported the notion that it would function as the main database for Gypsy fingerprinting, photographs, information, profiling and intelligence. They further decided that the financial costs associated with the *Zigeunerzentrale* would be borne by all German states wishing to be a part of the agreement, and that the costs would be proportional to their respective populations, though it was still to be determined precisely which states wished to be a part of this accord.⁷⁷

The draft agreement further proposed to intensify existing biopolitical regulations against both foreign and citizen Gypsies for the purpose of improving coordination across the entire country and stopping unwanted groups of Gypsies from being continuously pushed over state borders. Gypsies unable to prove German citizenship were forbidden from entering German territory, while any foreign Gypsies found within Germany’s borders would be immediately expelled. Foreign and ‘stateless’ Gypsies were further prohibited from obtaining

⁷⁵ BayHStA, MInn 72577, Polizeidirektion München an das Staatsministerium des Innern, den 21. August 1925.

⁷⁶ The initial drafts and commentary can be seen in BayHStA, MInn 72577, Polizeidirektion München „Entwurf zu einer neuen Vereinbarung der deutschen Länder über die Bekämpfung der Zigeunerplage“, München, den 7. Mai 1926.

⁷⁷ BayHStA, MInn 72577, Niederschrift, München, den 16. August 1926; Neuer Entwurf zu einer Vereinbarung der deutschen Länder über die Bekämpfung der Zigeunerplage, München, den 16. August 1926.

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an itinerant trading license. For citizen Gypsies, on the other hand, travelling in hordes continued to be prohibited and any Gypsies convicted of a crime would face incarceration in workhouses. Police authorities were encouraged to strictly scrutinise Gypsy identification papers and to carefully surveil and report any Gypsy itinerant activity in their districts. Gypsy registration remained a mandatory requirement, and Gypsies over the age of six years old would be fingerprinted. Finally, officials were ordered to restrict the issuance of itinerant trading licenses to citizen Gypsies as much as possible by implementing a strict criterion for obtaining a new permit, such as having proof of a fixed residence and children having regular school attendance.⁷⁸

The new draft agreement stemming from the negotiations in Munich were the main topic of discussion at the German Criminal Police Commission Convention in Berlin, which took place from October 11 – 13, 1926. The programme from this conference reveals that the committee members decided that the national anti-Gypsy agreement would not only include the southern German districts, but would also be extended to all German states, since numerous police reports had suggested that a *Zigeunerplage* existed in all parts of the country.⁷⁹ The conference delegates further agreed that all Gypsies and vagrants over the age of six should be fingerprinted, though this decision did meet some opposition from the Saxony representative, who advocated that the age of compulsory fingerprinting should be increased to fourteen. In addition to this, the convention participants concurred that a more precise description of the term ‘Gypsy’ was not necessary to avoid future difficulties in policy implementation, despite strong objections from the Thuringian representative.

⁷⁸ BayHStA, MIInn 72577, Niederschrift, München, den 16. August 1926; Neuer Entwurf zu einer Vereinbarung der deutschen Länder über die Bekämpfung der Zigeunerplage, München, den 16. August 1926.

⁷⁹ BayHStA, MIInn 72577, Polizeidirektion München, „Referat für die Tagung der Deutschen Kriminalpolizeilichen Kommission in Berlin vom 11. – 13. Oktober 1926“.

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Another important aspect of the conference agenda was the continued push and unanimous approval of a federal Gypsy registry in Munich, which would house all Gypsy intelligence, information and biometric data.⁸⁰ Although the logic of the agreement was to enhance cooperation between the German states and to facilitate uniform anti-Gypsy measures, the commission representatives did not intend for the new accord to infringe upon existing state policies and jurisdiction; rather, its purpose was to operate as an ‘external framework for the German states that were willing to collectively fight against the Gypsy nuisance’.⁸¹ That is to say that while the creation of a national Gypsy office would indeed ensure a centralised biometric database for Gypsy information and profiling, other fundamental anti-Gypsy measures proposed in the agreement were dependent upon the implementation and authority of state officials. For example, all participants were required to create their own Gypsy registries so that it was possible to promote national cooperation and efficient intelligence exchange between the states, as well as to identify unregistered Gypsies and those who posed an alleged danger to the population. Additionally, participating states would need to circulate the anti-Gypsy measures envisaged in the accord among their law enforcement authorities, to ensure uniformity across Germany, though state members were also encouraged to develop their own measures for dealing with their respective Gypsy populations, and to follow the lead of the Bavaria. As such, the agreement was intended to achieve only a partial centralisation of anti-Gypsy biopolitical control, despite its federal aspects, by enshrining the ultimate control of the states over Gypsy policy in the text.⁸²

⁸⁰ BayHStA, MIInn 72577, Polizeidirektion München, „Referat für die Tagung der Deutschen Kriminalpolizeilichen Kommission in Berlin vom 11. – 13. Oktober 1926“.

⁸¹ BayHStA, MIInn 72577, Polizeidirektion München, „Referat für die Tagung der Deutschen Kriminalpolizeilichen Kommission in Berlin vom 11. – 13. Oktober 1926“, Artikel 8.

⁸² BayHStA, MIInn 72577, Polizeidirektion München, „Referat für die Tagung der Deutschen Kriminalpolizeilichen Kommission in Berlin vom 11. – 13. Oktober 1926“.

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The events following this meeting indicate that the German Criminal Police Commission Convention in Berlin was only a partial success. On April 16 and 17, 1929, the national Gypsy agreement was approved by state representatives in Berlin; however, the accord was not yet signed, since negotiations still required the approval and response of other governments. Attention from the draft bill and practical follow ups were further diverted by the Nazi seizure of power, and thus, the Weimar push for a national approach to the ‘Gypsy question,’ while endorsed, ultimately failed.⁸³

In the meantime, however, several German states continued to issue state-wide regulations against Gypsies, some of which were patterned largely on the Bavarian Workshy Law of 1926.⁸⁴ For example, on April 3, 1929, the Hesse government sanctioned a comprehensive ‘Law for the Fight Against the Gypsy Nuisance,’ which emphasised similar biopolitical aspects to that of the Bavarian Workshy Law; namely stricter restrictions for obtaining itinerant trading licenses, the prohibition of travelling in hordes and with animals, and tighter scrutiny of identification papers - though incarceration into workhouses seems to have been omitted.⁸⁵

The Prussian government, on the other hand, issued a decree on November 3, 1927, which ordered the fingerprinting of all non-sedentary Gypsies and those who ‘wander like Gypsies’ over the age of six – a regulation which had been originally envisaged in the national draft agreement. The Prussian order further recognised the Munich *Zigeunerzentrale* as the central database in Germany for Gypsy fingerprinting and confirmed the exchange of

⁸³ BayHStA, MIInn 72578, Wortlaut des neuen Entwurfes „nach dem Beschlusse des Länderausschusses“, vom 16/17 April 1929 in Berlin; Staatsministerium des Innern an die Polizeidirektion München, München, den 30. Mai 1930; Staatsministerium des Innern, München 18. März 1933.

⁸⁴ See Werner Höhne for a comprehensive list of the Weimar decrees sanctioned in various German states, W Höhne, *Die Vereinbarkeit*, pp.104–207.

⁸⁵ „Gesetz zur Bekämpfung des Zigeunerunwesens vom 3. April 1929“ in W Höhne, *Die Vereinbarkeit* pp.194–196.

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information between the Prussian and Munich criminal police authorities.⁸⁶ The most crucial development in anti-Gypsy policy following the 1929 negotiations, however, is shown in a missive from the Prussian Interior Minister on October 4, 1930, which confirmed that the *Zigeunerzentrale* in Munich had assumed its role as the national headquarters for the fight against the Gypsies, and served as the country's central biometric database for Gypsy fingerprinting, photographs and intelligence.⁸⁷ While the efforts for a national Gypsy law had indeed failed, the end of the Weimar period had nonetheless seen a partial centralisation of anti-Gypsy biopolitical policy, and the long-standing aim of the Bavarian government to establish a national headquarters for handling Gypsy affairs in Bavaria had met with success.

Conclusions:

After the outbreak of the First World War, *Zigeunerpolitik* continued to emphasise a strict regime against Gypsies which focused on biopolitical control over their social processes, particularly their nomadic existence and engagement in fringe economic activity, including petty theft. To protect the German population from the ostensible danger of Gypsy vagrancy, as well as to prevent espionage, commercially counterfeited documents and the avoidance of conscription, the Prussian and Bavarian authorities employed increasingly punitive measures against both foreign and domestic Gypsies. Gypsies from allied or hostile states or those unable to prove their claims to citizenship faced internment in civilian prison camps or repatriation to their place of origin. Citizen Gypsies too, were heavily restricted in their movements, subjected to constant police surveillance and conscripted into the army whenever possible.

⁸⁶BayHStA, MIInn 72578, Der Preußische Minister des Innern an das Staatsministerium des Innern in München, Berlin, den 9. Juni 1931.

⁸⁷ BayHStA, MIInn 72578, Der Preußen Minister des Innern an amtliche Länderregierungen (Ministerien des Innern), Berlin, den 4. Oktober 1930; The nationalisation of the Munich Gypsy Headquarters was also confirmed in BayHStA, MIInn 72578, Herrn Reichsführer SS und Chef der deutschen Polizei im Reichsministerium des Innern in Berlin, München, den 1 Juni 1937.

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Despite the unapologetically severe measures implemented by the German authorities, the rise in itinerant activity, which ensued from the political and economic turmoil after the First World War, facilitated two key initiatives spearheaded by Bavaria. The first was the successful attempt of the Bavarian government to implement a special law which had biopolitical features, such as forced labour for those who could not prove that they held regular paid work, in an attempt to force Gypsies to lead a sedentary lifestyle. The second was the push for more uniform national preventative measures, through the creation of a national Gypsy agreement. Though after several negotiation sessions efforts towards this accord failed, the end of the Weimar period had nonetheless seen a partial centralisation in anti-Gypsy policy, when the Bavarian government's long-standing aim for a federal Gypsy headquarters in Munich succeeded. Alongside the creation of a national Gypsy registry, the German states continued to rigorously enforce their own respective biopolitical regulations for controlling Gypsies, with the intention of eradicating Gypsy itinerancy from Germany.

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Thus far, this thesis has shown how the lives of Gypsies in Imperial and Weimar Germany became increasingly subjected to disciplinary mechanisms and regulatory controls, agitated by grassroots officials and enacted by the German states, in order to foster sedentary life and protect (particularly rural) communities from the often-bemoaned crimes of Gypsies. As a response to a declared ‘Gypsy plague’ in the late nineteenth century, German authorities implemented a suite of measures against Gypsies, including surveillance, biometric identification, registration, and punishment, so as to eradicate itinerancy and coerce citizen Gypsies into adopting a sedentary lifestyle. Against this background, it will be determined whether the Austrian and Swiss cases followed a similar pattern of biopolitical persecution.

Despite the fact that Germany was far from alone in persecuting peripatetic populations described as ‘Gypsies’, comparisons to Swiss and Austro-Hungarian policy have been largely absent from histories of antiziganism. Only recently have English language historians begun to investigate the origins and nature of the Gypsy persecution in European countries besides Germany.¹ Although there are few publications which focus on the situation in Switzerland and Austria during the late nineteenth and early twentieth century, this chapter intends to link them to the German case. The objective of this chapter is to provide a deeper understanding of the treatment of Gypsies between 1870 and 1933 and to offer a transnational perspective to Germany’s biopolitical anti-Gypsy policies. The chapter asks whether a discernibly international approach to combatting the so-called ‘Gypsy nuisance’ was evident during the late nineteenth and early twentieth century by assessing the interactions between Germany, Switzerland, and Austria in the development of *Zigeunerpolitik*.

¹ T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” *American Historical Review*, June 2017, pp.702-726; S Davis, “Competitive Civilising Missions: Hungarian Germans, Modernization, and Ethnographic Descriptions of the *Zigeuner* before World War I”, *Central European History* 50, 2017, pp.6-33.

The Persecution of ‘Stateless’ Gypsies in the Habsburg Empire:

Prejudice and discrimination against the Gypsies had been omnipresent in Austria-Hungary long before the *Anschluss*. By the end of the nineteenth century, Gypsies were stigmatised as a criminal sub-population, whose nomadic behaviours and ‘plague-like’ presence endangered the safety of Habsburg subjects. To eradicate the danger allegedly posed by Gypsy itinerancy and to control the movement of Gypsies, Habsburg officials oscillated between two strategies: forcible sedentarisation and deportation. Immobilising Gypsies was often thought of as a means of ‘civilising’ them and transforming them into productive members of society. Deportation, on the other hand, involved the forced removal or denial of citizenship via expulsions across local, national, or imperial frontiers.²

Motivated by political nationalism and economic liberalism, the legal groundwork for the efforts to prevent Gypsies from moving and emigrating were in place by the twentieth century. In the early nineteenth century, an individual’s citizenship was determined by the municipality where they were entitled to receive social welfare. Those without a *Heimat* (place of domicile) held the status of a foreigner and could face the possibility of destitution and deportation. Since many Gypsies lived in precarious and impoverished circumstances, they often posed a financial burden to local communities which were legally bound to provide alms for their indigent citizens. Unable to bear the costs for poor relief, local officials often sought to expel Gypsies to neighbouring districts, which consequently frustrated the imperial officials who desired their sedentarisation.³

² T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” p.706.

³ T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” p.712; T Leoni, *The Roma in Austria: a Historical Perspective*, Österreichisches Institut für Wirtschaftsforschung, Vienna, 2004, pp.7–8.

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In an attempt to solve this issue and to keep Gypsies in their legal *Heimat*, in 1851, the Austrian Interior Ministry ordered regional, local and border officials to repatriate all Gypsies who were found roaming without a destination or legal profession back to their place of origin, ‘even when they are in possession of a passport’.⁴ Municipalities were rarely willing, however, to embrace newcomer Gypsies, so the cycle of Gypsy deportations between localities persisted. In an effort to reform the welfare system and regulate emigration, the so-called *Heimatrecht* (right of residency) of 1863 revoked the right of individuals to automatically obtain citizenship in a community after ten years of residence. Under this new law, the right of domicile and access to alms could only be acquired through birth, marriage or via an application to the community at issue, with the decision to accept outsiders and grant citizenship resting with the municipality itself.⁵ This law created difficulties for Gypsies forced to prove or acquire permanent residency, since their marriages and births were often unregistered and they could not provide the proper documents to meet these standards.

Austrian law stipulated, however, that those Gypsies unable to certify their *Heimat* were to be awarded provisional homes by localities in the following cases: when it was their place of birth, if they had undertaken military training there, if they had resided in that district for the longest or if they were currently living there. Given the economic costs for supporting Gypsies, some municipalities defied the law and simply refused to grant them residency. As a result, these Gypsies were often left vulnerable to expulsion from their local municipality and were

⁴ „Erlass 237 des Statthalters vom 14 Juni 1851, die Aufgreifung und Abschiebung der Zigeuner betreffend“, *Landesgesetz und Regierungsblatt für das Herzogthum Salzburg Jg. 1851*, 411–412, ALEX Historische Rechts und Gesetzestexte Online, viewed 18 December 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=lgs&datum=1851&page=537&size=45>>; T Zhara, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” p.712.

⁵ C Harzig, “From State Constructions to Individual Opportunities: The Historical Development of Citizenship in Europe” in D Hoerder, C Harzig, and A Shubert, (eds.) *The Historical Practice of Diversity*, Berghahn Books, New York & Oxford, 2003, p.212; P Becker, “Governance of Migration in the Habsburg Monarchy and the Republic of Austria” in P Arnold, (ed.), *National Approaches to the Administration of International Migration*, IOS Press, Amsterdam, 2010, p.38; F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, Herausgegeben vom Oberösterreichischen Landesarchiv, Linz, 2010, pp.64–65.

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effectively forced to wander as ‘stateless’ persons who existed outside the realm of law.⁶ Furthermore, they were also subjected to regulations targeting vagrants, as their itinerant lifestyle was viewed as tantamount to vagrancy in the threat it posed to rural communities.⁷ In an attempt to restrict the movement of wandering nomads, the Vagrancy Act was promulgated on May 10, 1873, which formally categorised vagrancy and begging as criminal behaviours; although, it is worth pointing out that this edict did not explicitly mention Gypsies.⁸ To further deter individuals from pursuing an itinerant lifestyle, on May 24, 1885, the punishment for vagabondage was intensified. Any persons found travelling without work or occupation, or unable to prove regular wage earnings, were to be categorised by the authorities as a vagrant and detained from one to three months. Any persons who resorted to begging in public, by contrast, would be incarcerated from eight days to three months.⁹

Despite these measures, Habsburg authorities received increasing complaints of Gypsies ‘plaguing’ rural communities. Accordingly, on September 14, 1888, the Interior Ministry issued a decree, which for the first time, explicitly mentioned Gypsies. Although the edict did not provide a legal definition of the term ‘Gypsy’, it clarified that any ‘stateless’ Gypsies found wandering around the districts that could not provide a certificate of their residence or prove regular wage income were to be treated as foreign Gypsies. Furthermore, it revoked clause 19 of the *Heimatgesetz* and prohibited the authorities from assigning ‘homeless’

⁶ T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” pp.712–716; Leoni, T. *The Roma in Austria: a Historical Perspective*, pp.7–8.

⁷ C Harzig, “From State Constructions to Individual Opportunities: The Historical Development of Citizenship in Europe”, p.212; P Becker, “Governance of Migration in the Habsburg Monarchy and the Republic of Austria”, p.38; F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, pp.64–65;

⁸ „Gesetz vom 10. Mai 1873, womit polizeistrafrechtliche Bestimmungen wider Arbeitsscheue und Landstreicher erlassen werden“, *Reichsgesetzblatt für die im Reichsrathe vertretenen Königreiche und Länder* 1873, 24. Juni 1873, Pp. 385 – 388, ALEX Historische Rechts und Gesetzestexte Online, viewed 18 December 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=rgb&datum=1873&size=45&page=439>>.

⁹ „Gesetz vom 24. Mai 1885 womit strafrechtliche Bestimmungen in Betreff der Zulässigkeit der Anhaltung in Zwangsarbeits- oder Besserungsanstalten getroffen werden“ *Reichsgesetzblatt für die im Reichsrathe vertretenen Königreiche und Länder* 1885, no. 89, ALEX Historische Rechts und Gesetzestexte Online, viewed 18 December 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=rgb&datum=1885&size=45&page=234>>.

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(*heimatlos*) Gypsies to their local municipality.¹⁰ On the other hand, those Gypsies who could ascertain their right of residence, or simply could not be deported, were permitted to stay. In cases where Gypsies were expelled to neighbouring districts, state and municipal authorities were encouraged to co-operate. This meant that, ultimately, it was the whim of the local authorities which determined who was a ‘Gypsy’ and their understanding of this term consequently shaped the Gypsies’ rights to residence, citizenship and mobility in the Austro-Hungarian Empire.

For their part, Gypsies that had been able to prove or acquire their right to residence still faced severe restrictions and were immobilised under this new law. They were entitled to receive identification and travel papers, allocated after strict scrutiny but were forbidden from engaging in vagabondage, otherwise they could face incarceration in a workhouse. Local authorities were also discouraged from issuing new business and music permits for citizen Gypsies and were further instructed to revoke the licenses of those under suspicion.¹¹ The decree also enforced rigorous sanctions against immigrant Gypsies, in order to systematically restrict their influx into Austrian territory. Accordingly, border officials were instructed to

strive with the greatest possible prudence, vigilance and energy to ensure that foreign Gypsies and especially entire Gypsy families and bands do not cross the national borders, and in the event this occurs, to immediately drive them back in the direction of their origins.¹²

This decree was a decisive turning point in Austrian anti-Gypsy policy. Firstly, the legal clause of the *Heimatgesetz* that previously protected ‘stateless’ Gypsies from expulsion were abandoned and Gypsies were consequently pushed into what Jennifer Illuzzi has termed a ‘state

¹⁰ ÖStA, BKA, 86904/1929, Kt. 4745, Erlass des k. k. Ministerium des Inneren vom 14.09.1888.

¹¹ ÖStA, BKA, 86904/1929, Kt. 4745, Erlass des k. k. Ministerium des Inneren vom 14.09.1888.

¹² ÖStA, BKA, 86904/1929, Kt. 4745, Erlass des k. k. Ministerium des Inneren vom 14.09.1888.

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of exception' where they were forced to live outside of the national community.¹³ In addition, for the first time, foreign and citizen Gypsies were explicitly targeted by biopolitical provisions. The former were subjected to measures of expulsion, while the latter were forcibly sedentarised. Given the fact that Bavaria had issued a very similar directive against foreign and domestic Gypsies on April 11, 1885, it is possible that Habsburg officials had promulgated the decree of 1888 with the intent of adopting the Bavarian model for controlling Gypsies, signalling a close alignment of anti-Gypsy policy in Austria and neighbouring Bavaria.¹⁴

Forcible Internment as Biopolitical Solution:

Even with these stringent regulations in place, policy implementation was becoming increasingly difficult. The absence of a legal, authoritative definition of the term 'Gypsy' suggests that the traits ascribed to them were observed or imagined social behaviours. Since Gypsies often lacked the required paperwork and the authorities tended to doubt the statements that they supplied, it gradually became more challenging for officials to accurately distinguish between Gypsies and non-Gypsies, as well as foreign and citizen Gypsies. An Austrian government worker, Hugo Högel, argued in 1894 that 'a large percentage of the Gypsies possess so much that is typical and so little that is individualising that recognising them is not so easy even with good intentions'.¹⁵ This meant that expelling Gypsies without a certifiable *Heimat* to a neighbouring province was not always possible. In these cases, authorities would attempt to sneak Gypsies across the national borders. Since several European states, including

¹³ For details on her use of the Schmittian concept of the 'state of exception' see Illuzzi, J. *Gypsies in Germany and Italy*, Palgrave Macmillan, New York, 2014, pp.10–13. While the precise number of 'stateless' Gypsies residing in Austrian territory is unknown, given the infrequent mention of them in official government reports, some historians have argued that this was a not a large group, with only a few cases recorded. F Freund, "Genocidal Trajectory: Persecution of Gypsies in Austria: 1938 - 1945", in A Weiss-Wendt. *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York and Oxford, 2013, p.46. One case of a 'stateless' Gypsy family in Austria has been recently documented by Tara Zahra, see T Zahra, "'Condemned to Rootlessness and Unable to Budge": Roma, Migration Panics, and Internment in the Habsburg Empire,' pp.716–717.

¹⁴ For similar anti-Gypsy regulations in Bavaria, see BayHStA MA 5999, *Amtsblatt des K. Staatsministeriums des Innern*, München, 16. April 1885 „Ministerialentschließung vom 11. April 1885.

¹⁵ H Högel, „Die Zigeunerplage“, *Österreich Zeitschrift für Verwaltung*, August 9, 1894, p.1.

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Germany and Switzerland, had enforced similar regulations to keep foreign Gypsies out of their territory, states began to routinely bounce Gypsies back and forth across their frontiers, resulting in endless cyclical expulsions. The general frustration with the cycle of deportation on European frontiers was expressed in the June 1898 issue of the *Vorarlberger Volksblatt*, which declared that

the local police, the strengthened gendarmerie, in case of emergency the well-organised fire company all arrive with water-filled hoses... to drive the whole party over the border, including men, women, children horses and dogs... and so the cycle continues, but the result is always the same: the Gypsies come back, like insects that you believed had been exterminated.¹⁶

Rather than build international co-operation with their neighbouring countries, Austrian policymakers opted for more radical options to deal with these Gypsy 'insects', such as their forcible internment in labour camps. This would not only serve as a biopolitical tool for disciplining a disruptively mobile population but would also ensure Gypsy exclusion from the body politic without provoking diplomatic conflict. Of course, Austria-Hungary was not the only European power to consider such drastic anti-Gypsy measures. As mentioned above, at the 1911 Gypsy Conference in Munich, several German state representatives also considered forcibly deporting 'foreign and stateless Gypsies' to overseas German colonies, and later, in 1917, the Deputy Commander General also devised plans for a Gypsy work colony, which were never implemented.¹⁷

Pressure to implement standardised measures of internment largely emanated from political discussions within the House of Representatives. In a parliamentary session from

¹⁶ „Die Zigeuner“, *Vorarlberger Volksblatt*, June 15, 1898, 1.

¹⁷ BaYHStA, MA 92790, „Niederschrift über die Besprechung im KB Staatsministerium des Innern an 18 und 19 Dezember 1911, betreffend die Bekämpfung der Zigeunerplage“, pp.23-24. See also the previous Chapter, *Zigeunerpolitik* from Wilhelm to Weimar: Elements of Continuity in German Biopolitics, p.90.

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October 27, 1891, one delegate, Franz Roser described the virulent ‘Gypsy nuisance’ which existed in his local community:

the rural population has been molested, damaged by the itinerating vagabonds and Gypsies. I know it is [happening] in my electoral district, especially in localities of the Königinhofer district, which has been plagued by this group years on end, especially by Gypsies, who destroy the meadows with their horses, empty potato fields, and commit not just petty thefts but also burglaries; by fortune-telling and by inducing superstition among the population, [Gypsies] corrupt their morality while emptying their pockets.¹⁸

As a result, he recommended the ‘lengthy imprisonment’ of Gypsies into labour camps or penal colonies in Bosnia-Herzegovina – a proposal that was swiftly passed by the House of Representatives. The issue was re-visited in a session on October 26, 1896, when the municipal authorities called ‘for the Gypsies to be placed into a forced labour camp’. A majority of the parliamentarians went as far as to endorse stripping Gypsies of their citizenship and considered the demands of municipal authorities as sufficient grounds for Gypsy internment, even though the precise crimes committed by Gypsies were not specified.¹⁹

The incarceration of Gypsies in workhouses, however, was believed by some to entail unconscionably heavy costs which would have to be borne by the state. Some also doubted the effectiveness of forced labour, as one director of a workhouse in Messendorf, Bohemia, claimed that based on his experiences ‘these individuals [were] among the most difficult to

¹⁸ „Stenographische Protokolle über die Sitzungen des Hauses der Abgeordneten des österreichischen Reichsrathes im Jahre 1891, 59. Sitzung der XI. Session am 27.10.1891“, vol. 3, Vienna, 1892, pp.2703-2704.

¹⁹ „Stenographische Protokolle über die Sitzungen des Hauses der Abgeordneten des österreichischen Reichsrathes im Jahre 1896, 523. Sitzung der XI. Session am 26.10.1896“, vol. 21, Vienna, 1892, pp.26743-26744.

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acclimate to any work'.²⁰ With such caveats in mind, Austrian policymakers agreed that although forcible internment was an attractive alternative to expulsion or 'assimilation' through sedentarisation, these radical visions would remain on paper. Even though these parliamentary inquiries had no immediate effect, they nonetheless signalled the increasingly radical nature of anti-Gypsy attitudes in Austria which, in some ways, were similar to those of Germany.

After the outbreak of the First World War, owing to the sharp increase of Gypsies travelling throughout rural districts, the calls to stiffen Austria's approach to the so-called 'Gypsy plague' intensified and the proposal for forcible internment was revisited. With the intent to 'prevent the dangers which the Gypsies pose to public security in rural communities', the Austrian Interior Ministry circulated a draft ordinance to its subordinate authorities in 1916, which described strict new measures to be applied to Gypsies. To assist the authorities in the classification process, the Interior Ministry offered a behavioural definition of the term 'Gypsy' which characterised them as 'habitually itinerating persons, along or as part of a larger family or band, without a fixed abode who makes a living from petty trading or from begging or by any other illicit means'.²¹ Authorities proposed implementing more rigorous provisions to ensure the sedentarisation of citizen Gypsies. 'Roaming in hordes' was strictly prohibited, and existing itinerant trading licenses were to be declared invalid.

Additionally, mandatory reporting and registration to local officials would also be an official requirement for Gypsies aged fourteen years and over. Upon their arrival, the authorities should issue Gypsies with identification papers, detailing their name and the names of their parents, their place of origin, religion, occupation, and a description of their bodily features; their fingerprints should also be collected. Furthermore, all Gypsies who were

²⁰ ÖStA, AVA, Kt. 2119, MdI, allg 20, K.k Statthaltereie in Böhmen Landes-Ausschuss, Zigeunerwesen, Jahresbericht pro 1910, am Juli. 11, 1909.

²¹ ÖStA BKA, 20/2, Kt. 4745, Entwurf: Verordnung des Ministeriums des Innern im Einvernehmen mit den beteiligten Ministerien vom 1916 über Maßnahmen zur Bekämpfung des Zigeunerwesens.

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fourteen years or older were encouraged to take up regular wage labour. Those in possession of horses, animals or wagons should be subjected to strict inspection, and if they were disapproved by the authorities, these would be confiscated and sold. Violations of these regulations were harshly punished by imprisonment for up to six months.²²

The response to the draft bill was mixed. While some officials, such as the governor of Linz, believed that these new provisions ‘would easily be quite feasible’, others maintained that these measures were insufficiently severe and suggested more radical alternatives, such as forced internment.²³ Officials from the Klagenfurt district and the Governor’s office in Linz urged the executive authorities to create concentration camps in each Austrian crownland, which would serve to imprison recalcitrant Gypsies and use them as labour for public works projects.²⁴ Additionally, in a parliamentary session on February 5, 1918, some members of the House of Representatives called upon the executive authorities to ‘detain all Gypsy gangs roaming the countryside, who are shy of work, and intern them in concentration camps for the duration of the war, where they are given the opportunity to work’.²⁵ Even though this draft bill found overwhelming support, it was dropped because of the war.

Antiziganism in Post-War Austria:

After the First World War, Austria’s biopolitical campaign towards the Gypsies greatly escalated, particularly in the newly annexed area of Burgenland. Formerly a part of Hungary, the integration of the Burgenland area in 1921 saw an influx of Gypsies into the newly founded

²² ÖStA BKA, 20/2, Kt. 4745, Entwurf: Verordnung des Ministeriums des Innern im Einvernehmen mit den beteiligten Ministerien vom 1916 über Maßnahmen zur Bekämpfung des Zigeunerunwesens.

²³ OÖLA, BH, Steyr, Sch. 158, Amtsleiter BH Steyr an die Statthalterei in Linz betr. Maßnahmen gegen die Zigeuner, 11.08.1916.

²⁴ ÖStA, AVA, Kt. 2120, MdI, allg 20, Maßnahmen gegen Zigeuner, August 28, 1916, Verordnung des Ministeriums.

²⁵ Beilage 955 zum stenografischen Protokoll über die Sitzung des Hauses der Abgeordneten des österreichischen Reichsrates, 57. Sitzung der XXII. Session am 5. Februar 1918, zitiert nach: Tandl, Bekämpfung, S. 154. It is worth pointing out that within this context, the term ‘concentration camp’ did not have the same meaning as those erected under National Socialism.

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Republic of Austria. In view of the emerging post-war economic crisis, many of them did not have a reliable source of income, which in turn compelled most to rely on district welfare or resort to theft, petty crime or begging in order to survive.²⁶ As a result, local and state authorities reported a sharp increase of Gypsy groups endangering public security and the property of rural communities, and subsequently urged authorities to take drastic action against them.

A letter, dated from June 23, 1922, to the Interior Ministry from the local administration office in Sauerbrunn highlights this.²⁷ After declaring that Gypsies still posed a problem to the Burgenland district, in order to prevent them from wandering, the officials proposed forcibly sedentarising all Gypsies living within their districts and directing the police to strictly monitor their activities. Furthermore, they advised a strict prohibition on the issuance of itinerant trading licenses, passports, and identification papers, as well as the enforcement of mandatory school attendance for Gypsy children. Crucially, the authorities advised introducing compulsory labour for unemployed Gypsies, such as working on the construction of roads, railways, and sewerage. Foreign Gypsies that entered the district, by contrast, were to be expelled.²⁸

Burgenland was not the only area which had seen a significant influx of Gypsies. On June 15, 1922, the state district of Tirol, for example, noted an increase in Gypsy populations since the end of the First World War. In 1919, approximately thirty-six Gypsies were apprehended and expelled across the national border, while the years 1920 and 1921 saw an additional seventy-two and one hundred and thirty-six Gypsies removed respectively.²⁹ Upper Austria

²⁶ Baumgartner, G. „Sinti und Roma in Österreich“, *Pogrom 130*, vol.87, no.6, 1987, pp.47–50.

²⁷ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Landesverwaltungsamt für das Burgenland Sicherheitsamt an das Bundesministerium für Inneres und Unterreich in Wien, Sauerbrunn, am 23.6.1922.

²⁸ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Landesverwaltungsamt für das Burgenland Sicherheitsamt an das Bundesministerium für Inneres und Unterreich in Wien, Sauerbrunn, am 23.6.1922.

²⁹ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Landesregierung für Tirol an das Bundesministerium für Inneres und Unterricht in Wien, 15. Juni 1922.

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too confirmed in two reports from 1921 and 1922 that the ‘Gypsy nuisance’ posed a noticeable problem to several local districts, as their migration exacerbated the economic hardship of the vast majority of local communities. They remarked that the previous exhaustive measures of 1888 would ensure ‘effective and uniform control’ of Gypsies.³⁰

Some states that had seen a swift surge in the numbers of Gypsies in their communities called for more radical solutions. For instance, a report from gendarmerie officials in Frättingsdorf, a rural district in Lower Austria, on January 27, 1922, reported that in recent times, a large Gypsy group of approximately twenty people appeared in local districts. The members of this group ‘[had] no documents and [could] not provide the slightest evidence of permitted employment’.³¹ Furthermore, they were unknown to the gendarmes who have served in the district; though, they appeared to have immigrated from Czechoslovakia, possibly to escape the stricter treatment towards Gypsies there.³² The Frättingsdorf authorities recommended severe measures against these Gypsies, stating that merely prosecuting them as vagrants would only result in detainment for a few days, after which they would be released and would continue to harass the local population. Instead, they claimed that the best solution would be ‘to create an internment camp for these Gypsies and keep them there until their identity can be established,’ as such a measure would ‘also prevent further immigration’.³³

In stark contrast to this, other local and state districts indicated that Gypsy numbers had significantly decreased over the years and that the number of Gypsies present in their district

³⁰ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Landesregierung für Oberösterreich an die Bezirkshauptmannschaft Freistadt, Rohrbach, Schärding, Ried und Branau, Linz am 24. Dezember 1921; Landesregierung für Oberösterreich an das Bundesministerium für Inneres und Unterrichts in Wien, Linz, am 20. März 1922

³¹ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Gendarmerieposten Kommando Frättingsdorf an die Bezirkshauptmannschaft in Frättingsdorf, am 27. Jänner, 1922.

³² For more on the Czech laws regarding the treatment of the Gypsies, see Donert, C. *The Rights of the Roma: The Struggle for Citizenship in Postwar Czechoslovakia*, Cambridge University Press, Cambridge, 2017, pp.14–47; Crowe, D. *A History of the Gypsies of Eastern Europe and Russia*, St. Martin’s Griffin, New York, 2011, pp.31–68.

³³ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Gendarmerieposten Kommando Frättingsdorf an die Bezirkshauptmannschaft in Frättingsdorf, am 27. Jänner, 1922.

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was actually quite small. The city of Klagenfurt, for example, reported that as a result of the Gypsy decree of 1888, ‘thefts and frauds committed by Gypsies’ were a rare occurrence. Furthermore, most of the Gypsies living in the district had given up their nomadic way of life and had successfully conformed to a sedentary lifestyle.³⁴ Some areas of Lower Austria, too, had only seen small numbers of Gypsy arrivals which had been easily dealt with and further noted that their existence had decreased substantially since the promulgation of the Gypsy edict in 1888.³⁵

Even though some districts had demanded a standardised way to deal with their respective Gypsy populations, the conflicting reports regarding the scale of the so-called ‘Gypsy nuisance’ stymied efforts for a national solution and the problem continued to be dealt with at the state and local levels. Burgenland, for example, decreed in 1922 that all Gypsies remain in the district in which they were currently residing and carried out censuses to register the permanent dwellings of citizen Gypsies.³⁶ Furthermore, in 1924, the Burgenland authorities revised their definition of the term ‘Gypsy,’ which shifted from behavioural to national traits, now declaring that

the term *Gypsy* denotes the persons who differ from the settled population due to their strange lifestyle, who speak their own language along with the national language, and who are generally identified as “Gypsies” in their municipalities. Persons who enter a common law marriage with a Gypsy or a child born from a mixed family should be regarded as “Gypsies.”³⁷

³⁴ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Präs. der Landesregierung in Klagenfurt an das Bundesministerium für Inneres und Unterricht in Wien, 1. June 1921.

³⁵ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Niederösterreichische Landesregierung an das Staatsamt für Inneres und Unterricht in Wien, 12. Juni 1919.

³⁶ C Mayerhofer, *Dorfzigeuner: Kultur und Geschichte der Burgenland-Roma von der Ersten Republik bis zur Gegenwart*, Picus, Wien, 1987, pp.36–37.

³⁷ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Landesgendarmariekommando für das Burgenland, Saunerbrunn, am 3. Februar 1924.

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Given that customs, language, marital and sexual relations could now determine whether an individual was a ‘Gypsy,’ the Burgenland definition offered a slightly more ethnological, racialised categorisation than other federal states that continued to identify and label Gypsies based on their behavioural traits. In the same year, the Burgenland government also initiated systematic fingerprinting.³⁸ Furthermore in 1925 they also ordered that all Gypsies be photographed and issued identity cards in order to distinguish them from ‘foreign, non-settled Gypsies’. By the end of 1926, all Gypsies in the Burgenland were fingerprinted, photographed, and registered in a central database.³⁹ The practice of fingerprinting was not exclusive to Burgenland, however, with other states promulgating similar regulations against their own Gypsy populations. For instance, in 1923, the Styrian government instructed authorities to fingerprint Gypsies, while in 1925, the administration of Tyrol instructed officials to ‘take three copies of fingerprints’ from all encountered Gypsies and determine their ancestry via intense questioning. Duplicates of the fingerprints were to be sent to Vienna for identification and they were subsequently compiled for the purposes of Gypsy research.⁴⁰

The Persistent Calls for More Radical Action:

The repeated efforts of state officials to deal with their own Gypsy populations gradually culminated in a call for the states to unite to combat the problem through the enactment of stricter, uniform measures to formalise and systemise anti-Gypsy surveillance. On May 16, 1926, the governor of Tyrol sent a missive to the Federal Chancellery complaining about the complications surrounding the implementation of anti-Gypsy policy. He bemoaned the unwanted bands of Gypsies that were often being bounced back and forth across state borders,

³⁸ F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, p.105.

³⁹ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Burgenländische Landesregierung an das Bundeskanzleramt betr. Zigeunerbewegungen im Jahre 1926, 28.04.1927; BLA, BH Neusiedl Polizei 1938, Bezirkshauptmannschaft Neusiedl am See an alle Gemeinde und Kreissekretariate, betr. Zigeuner, 09.06.1926.

⁴⁰ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Präsidium der Landesregierung für Tirol an die Bezirkshauptmannschaften in Tirol und den Stadtmagistrat in Innsbruck, am 10. August 1925; F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, p.105.

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in the absence of clear knowledge of their identity and place of origin. He argued that it was imperative that authorities return Gypsies to the correct communities, or the endless cycles of deportation would not cease. He also declared that the successful implementation of existing regulations was contingent upon other states employing similar, energetic action against the Gypsies and if ‘all organs of the entire federal territory are actively working together’.⁴¹

A parliamentary session of political representatives from Lower Austria on June 23, 1927, reveals that other states were also in favour of tightening the provisions against Gypsies given the ‘strikingly strong bands of Gypsies’ that were travelling through their districts.⁴² This view was not, however, shared by all. The administrative government of Upper Austria, for example, indicated in a report from January 26, 1927, that they did not believe that more extensive anti-Gypsy measures were necessary, especially since in recent years Gypsy numbers had steadily declined in their region. As an alternative, the Upper Austrian officials recommended pursuing the enforcement of existing policies with renewed vigour.⁴³

Despite this, Upper Austrian officials recommended the establishment of an official Central Office for Gypsy Records (*zentrale Zigeunerevidenz*) in Vienna in a missive from March 24, 1927, notwithstanding that reports confirmed that there was no increase of Gypsies living in the district. The Upper Austrian officials insisted that a ‘plague of wandering Gypsies’ still existed within Austria and claimed that such a registry would effectively assist in the fight against this peripatetic group. This would function similarly to the Gypsy headquarters in Bavaria, which served as a database of the state’s acquired knowledge of individual Gypsies

⁴¹ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Präsidium der Landesregierung von Tirol an das Bundeskanzleramt in Wien, Innsbruck, am 14. Mai 1926.

⁴² ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Abschrift Antrag des Abg. Fischer Johann u.a., Landtag von Niederösterreich, 4. Sitzung des niederösterreichischen Landtages, II. Wahlperiode, I. Session, Z. 134.799-9/1927.

⁴³ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Landesgendarmieriekommando für Oberösterreich an das Amt der Oberösterreichischen Landesregierung an Bundeskanzleramt in Wien, Wien am 26. Jänner 1927.

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and was used to assist in the surveillance and control mechanisms targeting Gypsy residents.⁴⁴ Police officials would be tasked to ‘obtain accurate and reliable evidence of all Gypsies and Gypsy-like travellers within federal territory’ by gathering information regarding the name of an individual’s parents, any passports or trading licenses that they held, as well as collecting biometric data, such as photographs and fingerprints, which would subsequently be sent to the police headquarters in Vienna and recorded in the database.⁴⁵

The calls for a national Gypsy registry were soon echoed by police headquarters in Vienna, evident in a missive from August 5, 1927. The police authorities asserted that such a database would be ‘very useful,’ not only because the ‘Gypsy plague’ had become ‘an international matter’ but also since Vienna had become a leading figure in the international fight against crime and housed the headquarters of the International Criminal Police Commission (ICPC) – a development which will be explored later in the chapter.⁴⁶

The push to radicalise the campaign against the Gypsies in Austria significantly intensified in response to the measures implemented against Gypsies in neighbouring European countries. With an eye to similar German and Czechoslovak attempts, in 1927 the Austrian officials made an effort, without much luck, to create a national Gypsy law which would adopt the regulations stipulated in the Bavarian Workshy Law of July 16, 1926, and the anti-Gypsy law passed in Czechoslovakia on July 14, 1927.⁴⁷ On account of the purported steady increase of Gypsy

⁴⁴ BayHStA, MInn 66435, „Bekämpfung des Zigeunerunwesens“ *Bayerische Gemeindezeitung*, 10th Mai, 1899, Nr. 14, 209-216.

⁴⁵ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Amt der Oberösterreichischen Landesregierung an dem Bundeskanzleramt in Wien, Linz, am 24. März 1927.

⁴⁶ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Polizeidirektion in Wien an das Bundeskanzleramt in Wien, am 5. August 1927.

⁴⁷ Copies of the Bavarian Workshy law, as well as a German-translated copy of the Gypsy law in Czechoslovakia can be found in ÖStA BKA, 20/2, Kt. 4745, 86.904/1929. Celia Donert has offered a brief overview of this Czech law, stating that ‘every “nomadic Gypsy” over the age of fourteen was required to carry a “gypsy passport” explicitly modelled on the French *carnet anthropométrique*’ – a 1912 French law targeting ‘nomads’. She further reveals that ‘holders of the “gypsy passport” were obliged to apply for a “travellers’ license” for themselves, their immediate family, animals and wagons’. Finally, she writes that ‘penalties for breaking these rules ranged from placing travellers’ children in state institutions to imprisonment for up to three months’, see C Donert, “‘The

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numbers, on August 27, 1927, Austrian Vice-Chancellor Karl Hartleb urgently called on state governments and police departments to submit their opinion regarding the creation of a Gypsy law.⁴⁸ Enclosed for police officials was a draft bill, which was closely modelled on the Bavarian and Czech counterparts and offered a legal definition of the term ‘Gypsy’ which foregrounded social criteria but offered shades of an ethnological understanding as well. According to the proposed legislation:

Gypsies are to be defined under this law as all persons who are identified as Gypsies in accordance to their origin, appearance and language; and those who live in a Gypsy manner, who move from place to place without a permanent residence, who are predominantly unemployed and who leave the improvement of their livelihood to chance.⁴⁹

Crucially, it recommended establishing a centralised Gypsy registry in Vienna, which would function as a national database for housing Gypsy intelligence, records and biometric data, including photographs and fingerprints.⁵⁰ The draft bill further planned to implement strict regulations aiming at systematically assimilating citizen Gypsies to a sedentary lifestyle and severely restricting their movements. For example, Gypsies were obliged to report to their local municipalities, where they would be photographed and fingerprinted upon their arrival. In addition to this, travelling with wagons or animals was strictly forbidden, unless the individual was in possession of a valid license issued by the local authorities. Furthermore, ostensibly for sanitary reasons, travelling Gypsies were subjected to frequent health and animal

Struggle for the Soul of the Gypsy’: Marginality and Mass Mobilisation in Stalinist Czechoslovakia, *Social History*, vol.33, no.2, pp.126-127.

⁴⁸ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Bundeskanzleramt an alle Landesregierungsämter an die Polizeidirektion in Wien, Graz, Salzburg, Linz, 27. August 1927.

⁴⁹ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage B zur Zahl 165670, Bundesgesetz: womit Maßnahmen zur Bekämpfung der Zigeunerplage getroffen werden (Zigeunergesetz). Copies of the draft Gypsy law can also be found in ÖStA BKA, 20/2, Kt. 4750, 108.881/1931.

⁵⁰ Further details of the proposed national Gypsy registry can be viewed in BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage C zur Zahl 165670, Entwurf Verordnung in Einvernehmen mit dem Bundesministerium für Justiz betreffend die Errichtung einer Zigeuner Zentralevidenz bei der Bundespolizeidirektion in Wien.

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checks.⁵¹ To ensure the sedentarisation of Gypsy offspring, travelling with school-aged children was prohibited, unless sufficient provisions had been made for their education. In cases of neglect, Gypsy children were to be forcibly removed from their families and placed in institutions and assigned state guardianship. Additionally, while Gypsies were allowed to camp overnight in certain areas designated by the local police, this was with the proviso that they deposited their identification cards and permits with police for the duration of their stay. Gypsies were also banned from travelling in ‘hordes’, which was defined as the ‘union of several single individuals or several families and the union of single persons with a family in which they do not belong’.⁵² The possession of weapon and ammunition, as well as explosive devices, was also outlawed.

To deter citizen Gypsies from pursuing an itinerant lifestyle, the draft bill proposed extremely harsh consequences for those who transgressed the restrictions of this decree. Gypsies could be detained for up to six months under police supervision and could be interned in forced labour camps without a judicial hearing or trial. In an effort to halt immigration, foreign and ‘stateless’ Gypsies were also targeted by this proposed legislation. They were strictly forbidden from entering Austrian territory and officials were to prevent their entry by all means necessary. Under no circumstances were authorities permitted to issue foreign or stateless Gypsies with residence permits and any such individuals encountered within Austrian borders were to be immediately repatriated to their place of origin.⁵³

Overall, the response from all state governments and police departments was quite positive. The State administrations largely agreed upon the proposed *Zigeunergesetz* (Gypsy

⁵¹ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage B zur Zahl 165670, Bundesgesetz: womit Maßnahmen zur Bekämpfung der Zigeunerplage getroffen werden (Zigeunergesetz). Copies of the draft can also be found in ÖStA BKA, 20/2, Kt. 4750, 108.881/1931.

⁵² BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage B zur Zahl 165670, Bundesgesetz: womit Maßnahmen zur Bekämpfung der Zigeunerplage getroffen werden (Zigeunergesetz).

⁵³ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage B zur Zahl 165670, Bundesgesetz: womit Maßnahmen zur Bekämpfung der Zigeunerplage getroffen werden (Zigeunergesetz).

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Law) and the creation of a national Gypsy registry was enthusiastically endorsed by both of the police departments in Linz and Vienna.⁵⁴ Most called for the planned anti-Gypsy legislative measures to be much stricter than the equivalent laws in Bavaria and Czechoslovakia. The Burgenland State representatives, for example, called for the ‘revocation of the right to vote until [Gypsies are] accustomed to European civilisation’ and further insisted on subjecting ‘all Gypsies aged fourteen years and over’ to fingerprinting.⁵⁵

The government of Carinthia, on the other hand, proposed completely banning all Gypsies from practising itinerant trading, though they believed that ‘placement in forced labour institutions would be unnecessary...since this matter is already regulated in the law of May 24, 1885’.⁵⁶ The amendment to prohibit Gypsy itinerant trading was not likely to be enforced, however, as it had been previously rejected by an advisor to the Federal Chancellery given ‘the impossibility of excluding a certain category of people from obtaining a legal entitlement’.⁵⁷ Other states such as Upper Austria and Styria, by contrast, expressed that existing measures were sufficient, and alternatively recommended that authorities sharply reinforce the implementation of these provisions. Nonetheless, they offered their support for the new legislation in order to halt further Gypsy invasions throughout the country.⁵⁸

⁵⁴ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz. Pp. 17, 20 – 21.

⁵⁵ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz. Pp. 1 – 5.

⁵⁶ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz, Pp. 5 – 7.

⁵⁷ F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, pp.111-112.

⁵⁸ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz, Pp. 10 – 14.

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The central concern of the planned law, however, was determining a clear definition of who should and should not be treated as a ‘Gypsy’.⁵⁹ The Burgenland administrators, for example, urged the executive authorities to follow closely the Bavarian and Czechoslovakian definitions, which more precisely distinguished ‘between foreign [and] domestic Gypsies’ as well as between ‘sedentary and wandering Gypsies’. Others, such as the governments of Lower Austria, Salzburg, as well as the Viennese police department, expressed similar sentiments.⁶⁰ Additionally, the Burgenland officials recommended for the legal term ‘Gypsy’ to adopt the recently modified Burgenland definition, which emphasised a racial element that considered the ancestry, ethnicity or race of a certain individual.⁶¹ The Carinthian government, on the other hand, heavily opposed a racial categorisation of the term ‘Gypsy’ and instead suggested for the law to employ a definition based on behavioural traits such as those who

have no permanent residence and wander from place to place, even if they have a temporary abode, do not transiently step into a service or employment contract, do not take refuge with other residents and usually only reside outdoors in vehicles that are carried along.⁶²

The Tyrolean State administrators also endorsed a Gypsy definition based on social criteria, stressing that they should be legally recognised as a ‘person who moves around without

⁵⁹ For a lengthy discussion on the contrasting viewpoints of the proposed definition of the term Gypsy for the planned legislation see, F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, pp.111-119.

⁶⁰ BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz, Pp. 7, 11, 20–21,

⁶¹ ÖStA BKA, 20/2, Kt. 4745, 86.904/1929, Burgenländische Landesregierung an das Bundeskanzleramt betr. Zigeunerplage in Österreich, am 2. Februar 1928, pp.1–5.

⁶² BLA, Polizei I – A 1938 ‚Zigeunerakt‘, Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzes, beziehungsweise zu einem österreichischen Zigeunergesetz, pp.5–7.

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a fixed abode and no profession that is [considered] sufficient to earn a living'.⁶³ This, however, became a moot point once the St Germain objections, as mentioned below, intervened.

To further discuss the prospect of enacting a national Gypsy law, a decisive meeting took place in the Federal Chancellery on October 21, 1931. In addition to the members of cabinet and various ministries, only one representative from Lower Austria and Burgenland participated in the discussion, suggesting that the interest for implementing national action towards the Gypsies was quite low. According to the minutes of the meeting, all those in attendance were in favour of enforcing such a law, even if minimal changes were promulgated. However, strong objections were voiced by the undersecretary, Dr. Marenzeller, who pointed out that the draft law violated 'both Article 7 and 67 of the St. Germain Treaty regarding the treatment of minorities', which protected the rights for national ethnic minorities as well as its own Gypsy citizenry.⁶⁴ In light of these remarks, Senior Councillor of Lower Austria, Schauer, stressed that the so-called 'Gypsy plague' did not pose a real threat to Austria; therefore, from his point of view 'legal measures were certainly desirable, but not absolutely necessary.'⁶⁵ As a result, the proposal was dropped and efforts for building a national approach for combatting the ostensible Gypsy menace failed.

Resolutions of the Oberwart Conference:

Though the attempts for a federal Gypsy law were shattered, the perceived increase in the number of Gypsies moving throughout Burgenland resulted in more calls for authorities to coordinate national action against the Gypsies. Central to facilitating this push for stronger legislative measures was the press. In May 1930, for example, the *Burgenlandwacht* reported that 'a large number of thefts, robberies, fraudulences and cash burglaries had occurred in the

⁶³ BLA, Polizei I – A 1938 'Zigeunerakt', Bundeskanzleramt, Beilage A zur Zahl 165670, Auszug aus der Stellungnahme der Bundesländer zu den beiden Zigeunergesetzen, beziehungsweise zu einem österreichischen Zigeunergesetz, pp.14–15.

⁶⁴ ÖStA BKA, 20/2, Kt. 4750, 108.881/1931, Zigeunergesetz, Vorbesprechung vom 21.10.1931.

⁶⁵ ÖStA BKA, 20/2, Kt. 4750, 108.881/1931, Zigeunergesetz, Vorbesprechung vom 21.10.1931.

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country and were caused by the Gypsies'. To that end, it bluntly declared that 'a successful fight against the Gypsy nuisance is out of the question unless an exceptional law is created'.⁶⁶ Pressure to harden Austria's stance towards Gypsies also came from local officials. A report from the district authority in Güssing on December 1, 1930, for instance, urged the Burgenland government to take more radical action against the Gypsies, by sanctioning a special provision (*Sonderregelung*) to ensure their assimilation. Failure to do so, he concluded, would ensure that the Gypsies remain as 'eternal parasites on the national community'.⁶⁷

These demands culminated in the so-called Gypsy conference, held in Oberwart on January 15, 1933. Here, party representatives of national and regional Austrian governments discussed a solution to the *Zigeunerfrage*. The opening address by the chairman and district commissioner of Oberwart, Dr. Mayerhofer, argued that the Gypsies were a 'foreign body' which posed a threat to rural communities. Additionally, in view of the failed attempts to forcibly separate Gypsy children from their parents, he declared that Gypsies would never conform to the sedentary lifestyle of their host communities:

There is not a chance that [Gypsies] could ever be influenced to adopt a European way of life. They will effectively remain a foreign body that constitutes a constant threat to the native population and civilised nations at large.⁶⁸

Hence, he proposed to collaborate with the League of Nations to transport Gypsies to 'fertile islands' in the Pacific Ocean on the grounds that 'every continental state, be it in Europe or any other continent, would struggle to accommodate Gypsies'.⁶⁹ This proposal was

⁶⁶ BLA Polizei (I-A) 1938, „Zigeunerakt“, „Die Zigeunerfrage im Burgenland“, *Burgenlandwacht*, 18.5.1930

⁶⁷ BLA Polizei (I-A) 1938, „Zigeunerakt“, Bezirkshauptmannschaft Güssing an das Amt der burgenländischen Landesregierung in Eisenstadt, Güssing, 1. Dezember 1930.

⁶⁸ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, pp.6–7.

⁶⁹ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, p.7.

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dismissed as quixotic, with the representative of the Burgenland government, Hanns Wagner, declaring that finding an island to lodge these Gypsies would be impossible.⁷⁰ Others put forth equally radical biopolitical solutions which would later be taken up by the Nazis, such as the prohibition of marriages, sterilisation, and systematic expulsion to reservations in overseas countries.⁷¹ Additional exclusionary mechanisms for dealing with Gypsies were also suggested by Wagner. To achieve ‘a complete eradication (*Ausrottung*)’ of the so-called Gypsy plague, he urged for the creation of a special law (*Sondergesetz*) for the Gypsies, which would strip the civil rights of those who could not verify a regular income. He also advised withholding federal relief for Gypsies, tightening the penalties for vagabondage, petty theft and burglary, and forcing Gypsies into public labour.⁷² Due to the unfeasibility of mass deportation, the conference delegates agreed upon the ideas put forth by Wagner, and called, once more, for the creation of a national Gypsy law.⁷³ The resolutions of this conference did not, however, result in any concrete action against the Austrian Gypsies. The extensive financial costs, coupled with the conflicting clauses in the Austrian constitution and Treaty of St. Germain once again saw to the rejection of the proposed *Zigeunergesetz* by the Federal Chancellery and thus, such a law was never enacted.⁷⁴

As in Germany, Gypsies in Austria were stigmatised and persecuted because their nomadic behaviours and ‘plague-like’ numbers in the provinces ostensibly endangered the public safety of Austrian citizens. To eradicate the threat allegedly posed by Gypsy itinerancy and to create

⁷⁰ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, p.10.

⁷¹ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, p.5–7.

⁷² ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, p.11.

⁷³ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, p.23.

⁷⁴ ÖSTA, BKA, 20/2 Kt. 4751, 380.622 - GD2/1935, Einsichtsbemerkung, Zigeunerfrage, Antrag auf gesetzliche Regelung 3. Juli 1933, see also for a more detailed account of events between 1934 and 1938 regarding the obstacles for a national Gypsy law: F Freund, *Oberösterreich und die Zigeuner: Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*, pp.137–148.

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a sedentary population, Austrian officials employed strict measures focused on deporting foreign and ‘stateless’ Gypsies and assimilating Austrian-born ones who could prove their claims to citizenship. The gradual radicalisation of anti-Gypsy measures in Austria was arguably influenced by the treatment of Gypsies in other European countries, particularly Germany and Czechoslovakia. State and local authorities, along with the media, insisted that national authorities stiffen their approach for dealing with the Gypsies through the creation of a nationwide Gypsy law, which would adopt principles of anti-Gypsy discriminatory laws similar to those already enforced in Bavaria and Czechoslovakia.

A national solution to the Gypsy question was never found. Instead, the problem continued to be dealt with at local and state administrative levels until the *Anschluss* (annexation) of Austria on March 12, 1938. Furthermore, while the endless cyclical expulsions of Gypsies had created difficulties for policy implementation, the Austrian officials chose to deal with this issue by advocating more radical solutions for dealing with the Gypsies, such as forcible internment. Such measures never became a reality. The Swiss, on the other hand, opted to handle this crisis differently, as they sought to co-ordinate increasing international co-operation between the Central European powers by spearheading a push to create a joint international framework to combat the so-called *Zigeunerplage*.

Gypsy Discrimination in Switzerland:

Discrimination against the Gypsies in Switzerland also had a long history. The Swiss authorities too often conflated nomadism with criminality, and viewed vagrancy as corrosive to social norms, and a threat to the stability of local communities.⁷⁵ Consequently, Switzerland

⁷⁵ I Gadiant, “Official Deportations of ‘Vagabonds’ and ‘Romanichas’ in Geneva and Haute-Savoie (1900 - 1914): Connecting Categories of Exclusion” in B Lüthi, and D Skenderovic, (eds.) *Switzerland and Migration: Historical and Current Perspectives on a Changing Landscape*, Palgrave Macmillan, 2019, pp.105-106.

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also sanctioned biopolitical practices of expulsion and assimilation against Gypsies in order to control immigration and socially regulate the lives of those in Swiss territory.

In a bid to combat vagrancy, in 1850, the federal authorities pursued a policy of forced naturalisation towards all nomadic persons by granting those of Swiss descent municipal and cantonal civil rights. Foreign itinerants, on the other hand, were deported to their country of origin.⁷⁶ In order to ascertain their identity, all homeless ‘vagrants’ were seized and detained for several weeks. To further deter citizen itinerants from pursuing a vagrant lifestyle, they were obliged to carry identification documents when travelling to other canton districts for business or work purposes and were also prohibited from taking school-aged children with them. Violations of these provisions were punishable by a fine, arrest or forced labour.⁷⁷ These measures were arguably intended to facilitate the forced assimilation of Gypsies and ensure the security of sedentary society. They further sought to halt the traditional practices of expelling unwanted individuals to neighbouring cantons, with Swiss authorities instructed to forcibly transport wandering travellers to their hometown, which was obliged to receive and support their citizens.⁷⁸

Although the sedentarisation of Swiss nomads was considered to have been successful, local authorities were nonetheless alarmed by the increasing ‘plague’ of foreign Gypsies in their communities, who had been expelled from neighbouring districts and countries. As a result, from the 1870s, various states began to change their approach to migration control and introduced more stringent entry restrictions explicitly for Gypsies.⁷⁹ On May 26, 1877, for example, the governing council of Bern issued a circular which declared that foreign Gypsies

⁷⁶ T Huonker, and R Ludi, *Roma, Sinti und Jenische schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, Chronos Verlag, Zürich, 2001, p.33

⁷⁷ T Huonker, *Fahrendes Volk – verfolgt und verfemt*, Limmat Verlag, Zürich, 1987, p.61.

⁷⁸ T Huonker, and R Ludi, *Roma, Sinti und Jenische schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, p.33

⁷⁹ I Gadiant, “Official Deportations of ‘Vagabonds’ and ‘Romanichas’ in Geneva and Haute-Savoie (1900 - 1914): Connecting Categories of Exclusion”, p.103.

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were to be denied entry into its territory and refused residency. Additionally, authorities were forbidden from issuing foreign Gypsies with passports or permits, while police officials were ordered to immediately apprehend any foreign Gypsies encountered within the state borders and expel them back to their place of origin.⁸⁰

In practice, these laws were difficult to enforce, partly because of the same obstacle that both Austrian and German authorities faced: the deportation procedure for Gypsies was increasingly becoming an issue of jurisdiction for border officials. Since the expulsions were carried out by individual states, rather than the national government, officials would routinely push Gypsies over various state borders and shift the responsibility of identification, research, and repatriation onto officials in neighbouring districts. Since many Swiss cantons had implemented tighter measures to prevent the entry of foreign Gypsies, this strategy was no longer feasible, and officials would often incur costs for the transport and surveillance of Gypsies dumped into their territory.

To resolve this issue, authorities were urged to devise a national framework for controlling the influx of foreign Gypsies. In this sense, a letter from police officials from St. Gallen to the police administration in Zürich, dated December 24, 1886, is instructive. The St. Gallen officials bemoaned how a group of Gypsies which consisted of approximately 200 individuals had entered their district around May 1885.⁸¹ These Gypsies often did not carry the required identification papers; thus, it had become more difficult to accurately ascertain their identity and repatriate them to their place of origin. Furthermore, since various states had also fortified their borders against Gypsies, it was no longer possible to expel unwanted individuals to a neighbouring canton, as they would likely be denied admission upon scrutiny and be sent

⁸⁰ BAR E21 1000/131 15796, Kreisschreiben des Regierungsraths an die Regierungstatthalter, betreffend Zigeuner und Thierführer, 26. Mai 1877, Bern.

⁸¹ StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Polizeidepartment Kanton St. Gallen an die Tit. Polizeidirektion des Kantons Zürich, St. Gallen, den 24. Dezember 1886.

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back. Despite the ‘greatest vigilance of their police forces’, the St. Gallen officials admitted that long-term control of the Gypsies would not be possible. As a result, they urged Zürich to stiffen the approach towards the Gypsies and consider ‘nation-wide mandatory and protective measures’ to be issued by federal authorities so that their citizens would be safeguarded from this ‘plague’.⁸²

The pressure to devise a national framework to deal with Gypsies continued to mount after the turn of the twentieth century. On October 9 – 11, 1905, a conference of the Cantonal Police Commanders was convened in Ticino to discuss how to counteract the ongoing Gypsy problem.⁸³ The head of the police department in Lucerne, Jans, presented a position paper which described how the Swiss population currently suffered from a ‘Gypsy plague’, primarily due to the large influxes of foreign Gypsies from Germany which had penetrated the eastern Swiss border. Drawing on the *Zigeunerbuch*, compiled by the Munich Police Chief, Alfred Dillmann, Jans claimed that the traditional itinerant professions held by Gypsies often served as a guise for petty crime, such as begging and stealing, which as a result ‘seriously endangered [the] public safety’ of Swiss citizens.⁸⁴ He further described in detail the current issues and costs associated with curbing the roving of bands of Gypsies, particularly the problems with cyclical expulsion – an obstacle that both Germany and Austria also faced. Jans argued that the existing deportation procedures of Gypsies did not ensure their permanent deportation from the country, because groups of unwanted Gypsies were merely being pushed across state borders and dumped into neighbouring cantons, rather than being repatriated to their place of origin.

⁸² StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Polizeidepartment Kanton St. Gallen an die Tit. Polizeidirektion des Kantons Zürich, St. Gallen, den 24. Dezember 1886.

⁸³ StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Das Bureau des VI. Konferenz der Polizei-Kommandanten an das Polizei-Departement des Kantons Zürich, Bellinzona, 24. Oktober 1905.

⁸⁴ StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Jans, Hauptmann, Luzern, den 13. September 1905.

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To resolve this issue, he called for the ‘united action of the different cantons’ and implored the federal authorities to improve the expulsion procedures for foreign Gypsies – a suggestion which was positively endorsed by the conference delegates.⁸⁵ Crucially though, the police officials agreed that a permanent solution to the Gypsy question would not be achieved without international co-operation from their neighbouring countries. Before appealing to international authorities for assistance, however, the conference participants decided that it was imperative for Switzerland to resolve first their issues internally.⁸⁶

In 1906, a fundamental change in policy towards foreign Gypsies occurred, whereby the federal authorities implemented national action to limit Gypsy immigration into Switzerland. On July 11, a directive from the Swiss Federal Council was circulated among canton officials. It confirmed the increasing presence of Gypsy bands on Swiss frontiers and the need to ‘keep [their] territory free of these troublesome intruders,’ especially since Austria, Italy and Germany had recently sanctioned laws to prohibit the entry of Gypsy immigrants.⁸⁷ To that end, Swiss canton authorities were ordered to legally close their borders to all foreign Gypsies, as well as prohibit their travelling on trains and steamers. Border officials were instructed to carry out tightened surveillance to prevent arriving groups of Gypsies from disembarking or traveling throughout Switzerland. Foreign Gypsies already on Swiss soil, by contrast, were to be repatriated back to their place of origin as quickly as possible. Finally, to ensure the thorough remediation of the so-called *Zigeunerunwesen*, Swiss authorities expressed

⁸⁵ StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Das Bureau des VI. Konferenz der Polizei-Kommandanten an das Polizei-Departement des Kantons Zürich, Bellinzona, 24. Oktober 1905; Jans, Hauptmann, Luzern, den 13. September 1905.

⁸⁶ StAZH, P 197.2 (1), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Das Bureau des VI. Konferenz der Polizei-Kommandanten an das Polizei-Departement des Kantons Zürich, Bellinzona, 24. Oktober 1905

⁸⁷ BAR BBI 1906 IV 349, „Kreisschreiben des Bundesrates an sämtliche Kantonsregierungen, betreffend das Verbot der Beförderung von Zigeunern vom 11. Juli 1906“ *Bundesblatt*, 58. Jahrgang. IV, Nr. 32, 8. August 1906.

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their intention to co-ordinate international action against the Gypsies by ‘encouraging neighbouring governments to hold an international conference to address this issue’.⁸⁸

The Origins of anti-Gypsy Transnationalism:

The push for an international solution also emanated from those at the grassroots level, fuelled by the frustration of local and state officials who frequently reported on the endless cycle of neighbouring countries dumping unwanted Gypsies into their territory. A case of foreign Gypsies deported into Swiss territory by German border officials was reported to the police headquarters in Zürich in a missive from January 29, 1907.⁸⁹ According to this document, a 24 member Gypsy group of German nationality was apprehended at a train station in Rafz and subsequently escorted by Zürich police officials to the German border for removal. However, the German border officials refused to accept these Gypsies on the grounds that they did not carry the requisite identification papers. Since direct deportation to Germany was no longer possible, the Gypsies and German gendarmes both travelled towards the direction of Nack – whether this was on account of German initiative, though, was not known. The police department of Schaffhausen later reported that this same group of Gypsies was transferred directly to their area, presumably in an attempt to shift responsibility for managing their identification and repatriation.⁹⁰ As a result, the report queried whether Swiss officials should determine the identity of these Gypsies, or merely expel them back to the German border. The identification of each individual, the officials warned, would incur large transport and living costs to the state. As a result, since these Gypsies were likely to be of German nationality, the

⁸⁸ BAR BBI 1906 IV 349, „Kreisschreiben des Bundesrates an sämtliche Kantonsregierungen, betreffend das Verbot der Beförderung von Zigeunern vom 11. Juli 1906“ *Bundesblatt*, 58. Jahrgang. IV, Nr. 32, 8. August 1906.

⁸⁹ StAZH, P 197.2 (2), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Polizeikommando des Kantons Zürich an die hohe Justiz und Polizeidirektion des Kantons Zürich, 29. Januar 1907.

⁹⁰ StAZH, P 197.2 (2), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Polizeikommando des Kantons Zürich an die hohe Justiz und Polizeidirektion des Kantons Zürich, 29. Januar 1907; Further details of the case reported by the Schaffhausen authorities can be found in StAZH, P 197.2 (2), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Die Polizei Direktion des Kantons Schaffhausen an die Direktion der Polizei des Kantons Zürich, 15. Jan. 1907

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authorities recommended expulsion to the German border via Rafz as a cheaper option. To permanently resolve the general issue of pushing Gypsies back and forth between Swiss and German frontiers, as well as free the Swiss population from the Gypsy ‘scourge,’ the Zürich police urged for the federal authorities to settle this question internationally.⁹¹

By mid-1907, concrete plans for an international conference had started to take shape. A seventeen point programme was drafted by Eduard Leupold, a federal councillor from the Swiss Police and Justice department, which aimed at a Central European approach to combatting the co-called ‘Gypsy nuisance’. For the first time, an official definition of the term ‘Gypsy’ was offered, determined solely by a behavioural criterion:

the term “Gypsy” will be understood as those nomadic persons who roam about, either individually or in families or gangs, without a permanent residence, and earn their livelihood by practicing itinerant trading, begging or another irregular fashion, unless their nationality has been unequivocally determined by official identification papers.⁹²

The programme proposed that all individuals ‘considered to be Gypsies’ be apprehended and rigorously interrogated about their date of birth, place of origin, religion, marital status, occupation, and current residence. Furthermore, the Swiss recommended the collection of biometric data, such as descriptions of bodily features, fingerprints, and photographs. Significantly, the Swiss program also included a plan for each government to create a national Gypsy registry, which would serve as a cumulative database for the international exchange of Gypsy intelligence. Finally, the most controversial aspect of this proposal was to adopt the Swiss model of forced Gypsy naturalisation in the state

⁹¹ StAZH, P 197.2 (2), Fremdenpolizei, Vaganten und Zigeuner Allgemeines, 1878 – 1908, Polizeikommando des Kantons Zürich an die hohe Justiz und Polizeidirektion des Kantons Zürich, 29. Januar 1907.

⁹² BAR E21 1000/131 20603, Die schweizerische Bundesanwaltschaft an das schweizerische Justiz und Polizeidepartement, Bern, den 24. Juli 1907, betr. Entwurf eines Programms, welches den Beratungen einer internationalen Konferenz zur Regelung der Zigeunerfrage zu Grunde gelegt werden könnte.

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corresponding to their origin, suggesting that ‘any Gypsy who does not have verifiable citizenship should be naturalised within the State of which he belongs or by origin of descent’.⁹³ The programme for the conference, as well as the invitation to meet in Switzerland to discuss and sign an international agreement for dealing with the Gypsies, were circulated in 1909 to Central Europe’s major states: Italy, Austria-Hungary, Germany and France.

The Swiss proposal was ultimately rejected by its neighbours, however, primarily on the grounds that they were not prepared to naturalise their respective Gypsy populations.⁹⁴ Prussian correspondence reveals strong objections to the proposal of simply naturalising Gypsies whose citizenship could not be ascertained. Prussia also viewed this measure as an encroachment on national sovereignty, as the idea of accepting the very Gypsies they were trying to rid their country of seemed to completely contradict their policy aims. Furthermore, Prussian officials believed that assigning permanent resident status for Gypsies would only disadvantage Germany, declaring that it was not ‘desirable to force Germany into enforcing fixed norms via an international agreement, as Germany currently seems to have a better routine than other states for getting rid of foreigners that do not please them’.⁹⁵

The Italians, too, refused to sign on to an international agreement and claimed that a conference would only complicate their current regulations, which focused more generally on dangerous foreigners rather than the Gypsies specifically.⁹⁶ France was also sceptical of the

⁹³ BAR E21 1000/131 20603, Die schweizerische Bundesanwaltschaft an das schweizerische Justiz und Polizeidepartement, Bern, den 24. Juli 1907, betr. Entwurf eines Programms, welches den Beratungen einer internationalen Konferenz zur Regelung der Zigeunerfrage zu Grunde gelegt werden könnte.

⁹⁴ GStAPK, IHA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bde 5, Der schweizerische Bundesrat an die Schweizerischen Gesandtschaften in Berlin, Paris, Rom und Wien, Bern, 2. Juli 1909, Bl.326–334; BAR E21 1000/131 20603, Das Justiz und Polizei Department der Schweizerischen Eidgenossenschaft an der Schweizerischen Bundesrat, Bern den 26. Juni 1909.

⁹⁵ GStAPK, IHA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bde 5, Königliches Ministerium der auswärtigen Angelegenheiten an den Herrn Minister des Innern, Berlin, 19. Oktober 1909, Bl.324–325; GStAPK, IHA Rep. 77 Ministerium des Innern, Tit. 423 Nr. 53 adh/2 Bde 5, Aufzeichnung über das Ergebnis der am 21. Mai 1909 im Reichsamt des Innern abgehalten kommissarischen Besprechung über die Bekämpfung des Zigeunerunwesens.

⁹⁶ J Illuzzi, *Gypsies in Germany and Italy*, p.76.

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initiative, and was against the idea of forced naturalisation because of the major changes currently occurring in French legislation.⁹⁷ Austria-Hungary, on the other hand, expressed its interest in international collaboration, though Habsburg officials declared that their co-operation was contingent upon the participation of the other European countries. They also voiced their reservations about Gypsy naturalisation and stated that they could only undertake this legislative action if the eastern neighbouring states of the Austro-Hungarian Empire, particularly Russia, Romania and the Balkan States, agreed to analogous naturalisation legislation and also changed their citizenship laws.⁹⁸ Given that the major Central European powers were not prepared to change their current policy directions regarding Gypsies and naturalise their respective Gypsy populations, the Swiss proposal was ultimately rejected. The Swiss were also accused of acting within their own self-interests, since they had already denied the existence of citizen Gypsies (meaning that they would not have to accept *de-facto* Gypsies as Swiss residents) and were far more concerned with tightening the border controls and deportation practices between their neighbouring states. As a result, the plans for an international solution to the *Zigeunerfrage* came to nothing.⁹⁹

The Renewed International Push to Restrict Gypsy Movement:

Even though the Swiss attempt to spearhead Central European action against Gypsies had failed, the cyclical pattern of expulsion between international frontiers continued to clash head on with new regimes of border controls, particularly at sea and rail ports within Lake Constance. The result was rising diplomatic tension. Recent work by Tara Zahra describes one case, in which after failed attempts to deport a group of foreign Gypsies, the Swiss authorities

⁹⁷ F Egger, „Der Bundesstaat und die fremden Zigeuner in der Zeit von 1848 bis 1914“, *Studien und Quellen*, no.8, 1982, P. 64.

⁹⁸ BAR E21 1000/131 20603, schweizerische Gesandtschaft in Wien das Ministerium des Außen an die Schweizerische Gesandtschaft, Wien, am 21. März 1910.

⁹⁹ J Illuzzi, *Gypsies in Germany and Italy*, p.76; T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” p.720.

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resorted to hiring a smuggler to clandestinely transport these Gypsies over the Austrian border in a small private boat departing from Lake Constance. These expellees were apprehended by Habsburg officials and were subsequently sent back to Switzerland. As a result, the Habsburg officials demanded that the Swiss authorities ‘cease and desist in its efforts to dump “foreign Gypsies” on Austro-Hungarian soil.’¹⁰⁰

Similar types of diplomatic conflicts also broke out between Austria-Hungary and Germany. Although from 1890, Bavaria and Austria-Hungary had maintained an agreement to deport foreign Gypsies who were found residing in their respective states, by 1911 this relationship had deteriorated. A report from Lindau officials, dated February 6, 1907, offers a useful insight to the complexities of international border jurisdiction between Germany and Austria-Hungary. It describes how a German Gypsy family arriving in Lindau via railway from Friedrichshafen was denied passage onto their connecting train to Bregenz by Austrian immigrations authorities.¹⁰¹ Despite carrying legitimate registration papers, a German passport, and a valid permit for overseas travel, the entire family was refused entry to Austria on the grounds that they were foreign Gypsies. After failing to secure alternative transportation via ship and being refused a longer layover, the family was sent back across the Württemberg border.

According to Article 11 of an 1870 Treaty between Austria-Hungary, Germany, and Switzerland, ‘each state is responsible for the railroads within its own territory’.¹⁰² Since the

¹⁰⁰ T Zahra, “‘Condemned to Rootlessness and Unable to Budge’: Roma, Migration Panics, and Internment in the Habsburg Empire,” pp.717–718.

¹⁰¹ BayHStA, München Abt. II, MA 92791, K.Gestandtschaft in Wien an das K. Staatsministerium des Innern, Lindau, den 6. Februar 1907. K.Staatsministerium des Innern an das K.Staatsministerium des Königlichen Hauses und des Aeußern, München, den 12. November 1908, Betreff: Handhabung der Sicherheitspolizei in Bezug auf die Zigeuner; Königl. Bayerisches Staatsministerium des Königl. Hauses und des Aeußern an das K. Staatsministerium für Verkehrsangelegenheiten, München, den 17. Dezember 1908; Der Magistrat der kgl. Bayerischen Stadt Lindau an die kgl. Regierung von Schwaben und Neuburg Kammer des Innern in Augsburg, Lindau, den 11. April 1908, Betreff: Handhabung der Sicherheitspolizei in Beziehung auf Zigeuner.

¹⁰² BayHStA, München Abt. II, MA 92791, BayHStA, München Abt. II, MA 92791, K.Gestandtschaft in Wien an das K. Staatsministerium des Innern, Lindau, den 6. Februar 1907; K.Staatsministerium des Innern an das K.Staatsministerium des Königlichen Hauses und des Aeußern, München, den 12. November 1908.

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family was denied entry while still on Bavarian soil, the German authorities viewed this action as a clear violation of Bavarian sovereignty. However, they recognised that the leader ‘Jakob Pfister’ was registered in the *Zigeunerbuch* under the alias ‘Jakob Reinhardt’ – an individual who had incurred several penalties and whose citizenship status and place of origin was unknown.¹⁰³ In their response, the Viennese officials reasoned that international customs laws permitted their chosen course of action and that their own border restrictions prevented the entry of foreign Gypsies. According to them, ‘the Gypsies in question could only have originated from a non-Austrian port on Lake Constance with a ship that stopped in Bregenz, and thus there is no reason to tolerate their entrance into Austria’.¹⁰⁴ Ultimately, the Bavarian interior ministry agreed with the Lindau authorities and protested that the foreign ministry’s treaty with Austria had created a ‘restriction on freedom of movement’ and unfairly prevented the Gypsies from travelling on the train, even though anti-Gypsy policies in Bavaria imposed similar border entry restrictions.¹⁰⁵

What both cases illustrate is that despite having proper identification, anti-Gypsy policy had overridden ordinary regulations regarding border crossings. Like Bavaria, Austria-Hungary was unapologetically severe in its application of anti-Gypsy measures and strictly denied the entry of foreigners they suspected were Gypsies. The cases further demonstrate how matters of international border jurisdiction were further complicated by disparate state policy settings, solidifying the need for transnational cooperation. Given the difficulties associated

¹⁰³ BayHStA, München Abt. II, MA 92791, K.Gestandtschaft in Wien an das K. Staatsministerium des Innern, Lindau, den 6. Februar 1907. K.Staatsministerium des Innern an das K.Staatsministerium des Königlichen Hauses und des Aeußern, München, den 12. November 1908; Königl. Bayerisches Staatsministerium des Königl. Hauses und des Aeußern an das K. Staatsministerium für Verkehrsangelegenheiten, München, den 17. Dezember 1908; Der Magistrat der kgl. Bayerischen Stadt Lindau an die kgl. Regierung von Schwaben und Neuburg Kammer des Innern in Augsburg, Lindau, den 11. April 1908.

¹⁰⁴ BayHStA, München Abt. II, MA 92791, K. Staatsministerium des kaiserlichen und königlichen Hauses und des Aeußern an dem königlich bayerischen außerordentlichen Gesandten und bevollmächtigten Minister, Herrn Heinrich Freiherrn von Tucher, am 23 Mai 1908.

¹⁰⁵ BayHStA, München Abt. II, MA 92791, K.Staatsministerium des Innern an das K.Staatsministerium des Königlichen Hauses und des Aeußern, München, den 12. November 1908.

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with Gypsy expulsion across national borders, the German government came to believe that international co-operation with their neighbouring countries, including Austria-Hungary and Switzerland, was necessary to achieve a centralised approach to combatting the ‘Gypsy nuisance’. To that end, at the suggestion of the Baden administration, on June 22, 1911, a meeting between administrative and railway representatives of the Lake Constance riparian states took place in Konstanz. The discussion focused on the international regulation of Gypsy rail and sea transport within the Lake Constance region, given the increasing complaints regarding border jurisdiction within this area.¹⁰⁶

The conference minutes revealed that the Baden representative proposed that shipping inspectors determine whether a Gypsy should be admitted or denied passage, based on a particular set of behavioural criteria, although the specifics of this criteria were not specified. The Bavarian spokesperson, however, refused to take part in the negotiations, on the grounds that only the Ministry should decide the issues under consideration. He emphasised that under current regulations in Bavaria, foreign Gypsies were not permitted to enter Bavarian territory and any encountered Gypsies without citizenship found within their borders would face immediate expulsion.¹⁰⁷

The representative of the Austrian administration, too, declined to participate in the discussion, as the Austrian political authorities did not believe that it was their area of jurisdiction. Furthermore, they argued that the solution to the ‘Gypsy question’ should remain tightly bound to their state provisions, which they had implemented with some success. For example, the Austrian law of 1884 had prohibited Gypsies from ‘traveling together in gangs’,

¹⁰⁶ The general purpose and resolution of the conference can also be viewed in BayHStA, MInn 66437, Denkschrift über die Bekämpfung der Zigeunerplage. Other cases of cyclical expulsion of Gypsies within the Lake Constance region during 1906 have been briefly mentioned in Harster’s *Denkschrift* from the Munich Conference on December 18 – 19, 1911, under section 18, see BayHStA, MInn 66437, Denkschrift über die Bekämpfung der Zigeunerplage.

¹⁰⁷ BayHStA, MInn 66437, Niederschrift über die Verhandlungen betr. Beförderung von Zigeunern auf dem Bodensee in Konstanz am 22. Juni 1911.

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while the general constitutional principles effectively ensured the swift expulsion of foreign Gypsies from Austrian soil.¹⁰⁸ The Swiss ambassador also appeared to be unenthusiastic about the proposal and pointed out that such regulation was unnecessary since according to the Swiss provision of 1906, the transportation of Gypsies traveling on steamboats and rail was forbidden, a provision which also applied to the seaports and train stations in Lake Constance.¹⁰⁹ The idea was soon abandoned once the German officials from Bavaria, Württemberg and Baden identified a major difficulty that would arise from the practical implementation of such a proposal; namely the time-consuming and costly process of ascertaining whether Gypsies were carrying counterfeit or insufficient identification papers – an issue which, as experience had shown, arose quite frequently.¹¹⁰

In view of this obstacle, the conference delegates agreed to request for the higher authorities to apply the following amendment of Section 16 of the Lake Constance Operating Regulations to prohibit Gypsies from travelling on steamers:

People who would be likely to harass fellow passengers in their vicinity, on the grounds of a visible illness or other reasons; in addition Gypsies or persons who wander like Gypsies, could be barred from travelling or continuing [their] journey.¹¹¹

Subsequently, this amendment was discussed when the Steamship Administrative Board for Lake Constance and the Rhine met in Freiburg on March 14 and 15, 1912. According to the conference minutes, the governments of Bavaria, Baden and Württemberg approved the revision of the Lake Constance Operating Regulations. Strikingly, Austria firmly rejected the

¹⁰⁸ BayHStA, MInn 66437, Niederschrift über die Verhandlungen betr. Beförderung von Zigeunern auf dem Bodensee in Konstanz am 22. Juni 1911.

¹⁰⁹ BayHStA, MInn 66437, Niederschrift über die Verhandlungen betr. Beförderung von Zigeunern auf dem Bodensee in Konstanz am 22. Juni 1911.

¹¹⁰ BayHStA, MInn 66437, Niederschrift über die Verhandlungen betr. Beförderung von Zigeunern auf dem Bodensee in Konstanz am 22. Juni 1911.

¹¹¹ BayHStA, MInn 66437, Niederschrift über die Verhandlungen betr. Beförderung von Zigeunern auf dem Bodensee in Konstanz am 22. Juni 1911.

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changes on the grounds that they refused to discriminate against a certain ethnic group, even though the Augsburg representative pointed out that the term ‘Gypsy’ was not a racial definition, but rather a social one relating to ‘wandering people living in the Gypsy lifestyle’.¹¹²

Switzerland, too, did not wholeheartedly approve of the amendment. Unlike Austria, this was largely due to legal concerns regarding a potential breach of the recent agreement between Switzerland and Germany that had been negotiated on October 1, 1911. In accordance with this contract, Swiss authorities were obliged to repatriate any encountered Bavarian and Württemberg citizens to border officials in Lindau and Friedrichshafen directly via Lake Constance. Since the Swiss police did not have the legal authority to carry out transports on Austrian or Baden railways headed for Bavaria and Württemberg, the Swiss representatives consequently suggested permitting police escorts of Gypsies on steamers, which would guarantee their repatriation.¹¹³

While the German officials were prepared to accept Switzerland’s request, the plans to amend this agreement ultimately foundered on Austria-Hungary’s refusal to be involved. As a result, the chairman proposed for each administration to proceed in keeping with their internal legal regulations. Even though it was agreed that the cyclical expulsion of Gypsies was a pressing international matter, transnational action to combat the ‘Gypsy plague’ collapsed due to conflicts of interest between the different Central European states. Consequently, the European powers were left to deal with their respective Gypsy populations by imposing state-level regulations.¹¹⁴

¹¹² BayHStA, MIInn 66437, Vereinigte Dampfschiffahrtsverwaltungen für den Bodensee und Rhein: Protokoll Nr. 69 über die Verhandlungen der ordentliche Verbandsversammlung in Freiburg am 14. Und 15. März 1912.

¹¹³ BayHStA, MIInn 66437, Vereinigte Dampfschiffahrtsverwaltungen für den Bodensee und Rhein: Protokoll Nr. 69 über die Verhandlungen der ordentliche Verbandsversammlung in Freiburg am 14. Und 15. März 1912; Further details of the German-Swiss agreement, as well as Switzerland’s stance of the proposed amendment can be found in BayHStA, MIInn 66437, Eidgenössisches Post und Eisenbahndepartment Eisenbahn-Abteilung an die Generaldirektion der schweizerischen Bundesbahnen, Bern, Bern, den 23. Dezember 1911.

¹¹⁴ BayHStA, MIInn 66437, Vereinigte Dampfschiffahrtsverwaltungen für den Bodensee und Rhein: Protokoll Nr. 69 über die Verhandlungen der ordentliche Verbandsversammlung in Freiburg am 14. Und 15. März 1912.

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The Assimilation of Swiss Gypsies after the First World War:

After international co-operation for dealing with the European Gypsies proved impossible, the Swiss continued to systematically tighten their policy against Gypsies with the introduction of a centralised ‘Gypsy’ registry, established in 1913. Plans for this cataloguing system had been in motion since 1907, when Leupold visited the Gypsy headquarters in Munich to co-ordinate a joint Swiss-Bavarian approach to the *Zigeunerfrage*. In his report, he urged the Swiss to consider a ‘centralisation of intelligence’ by establishing a national cataloguing system which would function similarly to the *Zigeunerzentrale* in Munich. Its purpose would be to gather, and exchange trans-border data used to assist with policing and expelling foreign Gypsies from Switzerland, as well as facilitate efficient cross-border exchanges of information between their neighbouring states.¹¹⁵

Shortly after the Swiss plan for an anti-Gypsy Central European framework was dropped, on October 3, 1911, Leupold presented a draft programme which aimed at combatting the ‘Gypsy menace’. He urged for the creation of a national Gypsy database, which would house all information of registered Gypsies, including their personal details, photographs, anthropometric data, and fingerprints. Leupold further re-affirmed the importance of prohibiting the entry of foreign Gypsies and ensuring their repatriation to their place of origin. A more radical feature of his plan was the proposal to intern any foreign Gypsies that were encountered on Swiss soil, in order to severely restrict their movement between different cantons.¹¹⁶

Leupold’s programme was later implemented in a circular issued by the federal authorities on June 27, 1913. It decreed the establishment of a centralised ‘Gypsy’ registry ‘for

¹¹⁵ BAR E21 1000/131 20602, Bericht über die Besprechungen in München betr. Die Zigeunerfrage, 11–14. Dezember, 1907.

¹¹⁶ BAR E21 1000/131 20605, Programm betreffend Bekämpfung der Zigeunerplage, 3. Oktober 1911.

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the purpose of identification and subsequent deportation'.¹¹⁷ The directive further ordered police officials to intern any encountered groups of foreign Gypsies in forced labour camps. Men were to be transported to the workhouse in Witzwil, while women and children were to be taken to asylum homes. Subsequently, the authorities were instructed to carry out an 'identification process' which entailed collecting data, including physical descriptions, to be recorded in the national Gypsy database.¹¹⁸ Once this was complete, the families were to be reunited and repatriated to their place of origin. Some historians have estimated that prior to the outbreak of the First World War, approximately 144 Gypsies were affected by this regulation, which remained in place both during and after the war.¹¹⁹

The centralised data-collection and surveillance system, as well as the practices of internment and expulsion provided the legal foundations for Swiss policies which steadily escalated in the inter-war period. In 1926, the Swiss authorities sanctioned the project *Kinder der Landstrasse* (Children of the Road), and established by the children's charity group, the *Pro-Juventute*. This program was a continuation of Switzerland's rigorous assimilation policy, which aimed to eradicate 'vagrancy' and dissolve non-sedentary families by removing Gypsy children from their parents and placing them in reformatory institutions.¹²⁰ Alfred Siegfried, the founder of the project, confirms the biopolitical purpose of the programme, declaring that, 'he who wants to fight vagrancy successfully, must try to break the bonds of the travelling community. As hard as this may sound, he has to tear the family apart. There is no other way.'¹²¹

¹¹⁷ BAR E21 1000/131 20609, Kreisschreiben an die Polizeidirektionen der Kantone, Bern, den 27. Juni 1913.

¹¹⁸ BAR E21 1000/131 20609, Kreisschreiben an die Polizeidirektionen der Kantone, Bern, den 27. Juni 1913.

¹¹⁹ Egger, F. „Der Bundesstaat und die fremden Zigeuner in der Zeit von 1848 bis 1914“, p.70; T Huonker, and R Ludi, *Roma, Sinti und Jenische Schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, p.36.

¹²⁰ Further details of this programme can be found in Schweizerisches Sozialarchiv Zürich, Art 474.10.1, Akten des Hilfswerkes „Kinder der Landstrasse“; Pro Juventute Pressekonferenz vom 5.5.1986, Zürich, „Ehemaliges Hilfswerk „Kinder der Landstrasse“: Stellungnahme der Stiftung Pro Juventute“; Art 474.10.2, „Mitteilungen des Hilfswerkes für die Kinder der Landstrasse“, Januar-Februar 1928.

¹²¹ Schweizerisches Socialarchiv Zürich, Ar. 474.10.2, Vortrag von Dr. A. Siegfried über die Bekämpfung der Vagantität in der Schweiz, S. 2.

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Once separated from their families, Gypsy children were put under guardianship and were either placed in Swiss foster homes, orphanages, or, if they had engaged in criminal behaviour, were incarcerated in prison. Additionally, birth parents were prevented from contacting their children until they were of age and, even in these circumstances, separated families were not told of each other's location. By radically changing their social environment and isolating Gypsy children from their families, the *Pro-Juventute* agency sought to prevent the social reproduction of this minority and transform young Gypsies into productive and sedentary citizens.¹²² Mariella Mehr, a victim of the *Kinder der Landstrasse* program, has explained how Gypsy children were unaware that their separation from their families was a systematic intention of the *Pro-Juventute* group:

of course, we children believed that our parents were simply too poor to look after us and had given us away. It made it easier for us to accept that we had no contact with our parents. None of us would have ever imagined that there was a system behind the separation from our parents. I do not think it would have been possible for a child to live with the knowledge that it had been kidnapped from its parents.¹²³

Though it is unknown precisely how many Gypsy children were forcibly removed from their families, recent research estimates that roughly 586 cases exist, comprised of approximately 300 affected females and 286 affected males.¹²⁴

¹²² W Leimgruber, T Meier, and R Sablonier, *Das Hilfswerk für die Kinder der Landstrasse*, Bundesarchiv, Bern, 1998, pp.19–82; T Meier, “The fight against the Swiss Yenish and the ‘Children of the Open Road’ Campaign” *Romani Studies* 5, Vol. 18, No. 2, 2008, pp.105–107.

¹²³ M Mehr, “Switzerland and the Gypsies: Kinder der Landstrasse” in. M New (ed.). *Switzerland Unwrapped: Exposing the Myths*, I.B. Tauris Publishers, New York, 1997, p.111. Other cases have been documented in T Meier, “The fight against the Swiss Yenish and the ‘Children of the Open Road’ Campaign”, pp.108–110.

¹²⁴ While previous estimates ranged around 619 cases, Meier has proven this claim to be incorrect see T Meier, “The fight against the Swiss Yenish and the ‘Children of the Open Road’ Campaign”, p.107. Older estimates were confirmed in R Ludi, “Swiss Policy Towards Roma and Sinti Refugees from National Socialist Defensive Walls Instead of Asylum”, in D Kenrick, (ed.) *The Gypsies During the Second World War: The Final Chapter*, the University of Hertfordshire Press, Hertfordshire, 2006, pp.120–124.

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It should be stressed that this biopolitical policy of assimilation was implemented by a private organisation, rather than the police authorities. However, local, state and federal authorities supported the activities of the *Hilfswerk* and in no way interfered, presumably because of the ‘strong federalism of the Swiss political system’.¹²⁵ Nonetheless, in many ways, Switzerland’s legislative measures against the Gypsies served as a model for the rest of Europe, and especially for Germany. Not only was Switzerland the first country to officially prevent the entry of Gypsies at a national level and enforce radical measures of internment to deter Gypsies from migrating to Switzerland but it also spearheaded policies designed to eradicate the putative threat of vagrancy and actively sought international co-operation for combatting the so-called ‘Gypsy nuisance’.

The International Police Commission and an International Framework:

By the 1930s Swiss bureaucrats believed that the Gypsy question had been largely solved by assimilation measures and expulsions. The Swiss delegate to the Conference of the International Criminal Police Commission (ICPC), Dr. Heinrich Zangger, noted in 1932 that Switzerland did not have a Gypsy problem ‘because since the war it no longer permits Gypsies to settle in the country, and at the beginning of the war, all Gypsies present on Swiss soil were interned or required to leave’.¹²⁶ Even though new legislation for stricter treatment of Gypsies had not been introduced by the Swiss authorities and their existing policies were not as radical as their German and Austrian counterparts, Switzerland remained a driving force in the ICPC coordination of international measures against the Gypsies, continuing its role as a forerunner at the beginning of the twentieth century in developing a ‘model for a strictly anti-ziganistic policy’.¹²⁷ This is exemplified in a report dated September 23, 1931, from the Swiss Chief of

¹²⁵ T Meier, “The fight against the Swiss Yenish and the ‘Children of the Open Road’ Campaign” p.118.

¹²⁶ BAR E4260C 1000/837 Nr. 46, *Kommissions – Berichte*, Mittwoch, den 19. Oktober, 1932.

¹²⁷ T Huonker, „Roma, Sinti, Jenische Strukturen, Haltungen, Entwicklungen in der Schweiz vor, während und nach dem 2. Weltkrieg. Unabhängige Expertenkommission Schweiz - 2. Weltkrieg Forschungsmandat Huonker, Stand Teilbericht 22. Oktober 1998“ in T Huonker, and R Ludi, *Roma, Sinti, Jenische Schweizerische*

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Police, Heinrich Rothmund, to the ICPC Swiss representative, Zangger. Drawing on the success of the *Zigeunerzentrale* established in Bavaria in 1988, as well as Dillmann's 1905 *Zigeunerbuch*, he implored the ICPC to consider the creation of an international office for handling Gypsy affairs, declaring that 'an assessment of the current Gypsy population in each country and the transmittal of identification materials to an international central office could serve well'.¹²⁸ Furthermore, as a solution to the international fight against the Gypsies, he suggested that the ICPC implement the earlier Swiss proposal to naturalise Gypsies whose citizenship could not be ascertained by the authorities, urging for each state to 'try to gradually sedentarise the Gypsies situated in their territory and integrate them into the body politic [*Volkskörper*]'.¹²⁹ Although anti-Gypsy regulations under the ICPC initially aimed at restricting their movement and settling their Gypsy populations via forced assimilation, these measures were later radicalised when the ICPC gradually came under the control of the Nazis.

Switzerland was not the only European state to exert significant influence on the direction of international anti-Gypsy policy. In the interwar period, but prior to the Nazi era, cross-border police co-operation in intelligence and information exchange was seen as the most efficient way for states to control highly mobile Gypsies moving through rural communities. The aftermath of the First World War saw a sharp rise in international criminal activity and the ICPC (known today as Interpol) was founded in 1923 by representatives of several European and non-European countries in an attempt to strengthen police co-operation and to co-ordinate the fight against cross-border crime. The main task of this international organisation was crime prevention, the identification of international criminals and the centralisation of police data. In

Zigeunerpolitik zur Zeit des Nationalsozialismus, zunächst als Teilbericht zum Flüchtlingsbericht, Publikationen der Unabhängigen Expertenkommission Schweiz - 2. Weltkrieg, Chronos Verlag, Zürich, 2001, p.19,62.

¹²⁸ BAR E4260C 1000/837 Nr. 45, Der Chef der Polizeiabteilung Sig. Rothmund to Prof. Dr. Zangger, 23. September 1931.

¹²⁹ BAR E 4260C 1000/837 Nr. 45, Der Chef der Polizeiabteilung Sig. Rothmund to Prof. Dr. Zangger, 23. September 1931.

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this way, the ICPC became the first supranational body in professional policing.¹³⁰ Owing to its growing expertise in combatting international crime, the ICPC headquarters were situated in Vienna and the Chief of the Viennese police, Johann Schober, was elected as the first President of the ICPC, while his assistant, Dr. Oskar Dressler, was appointed Secretary General.

As the Commission had no resources of its own, the Austrian government agreed to provide financial support, office space and staffing for the organisation's activities, and the Austrian police files operated as the nucleus for international criminal records.¹³¹ The solidification of Austria's leading position within the ICPC consequently suggests that this organisation functioned as an extension of the Austrian state police and provided scope for Austrian ICPC officials to pursue international anti-Gypsy policies in accordance with their own interests. To this end, in addition to expressing their desire to create a national Gypsy law, on July 15, 1931, the Austrian Federal Chancellery issued a circular which invited the ICPC to recommend additional international provisions for controlling Gypsies in Europe.¹³²

This became a subject of discussion amongst police experts at the ICPC conference in Paris from September 28 – 30, 1931.¹³³ The conference report from Zangger confirms that the Swiss idea of forced naturalisation of Gypsies was still rejected by the ICPC conference representatives, presumably because of conflicting state interests.¹³⁴ The Swiss calls for the

¹³⁰ J Sheptycki, "Brand Interpol" in S Hufnagel, and C McCartney, (eds.) *Trust in International Police and Justice Co-operation*, Hart Publishing, Portland, 2017; P Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919 – 1939*, Palgrave Macmillan, New York, 2011, p.60.

¹³¹ P Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919 – 1939*, p.60; F Bressler, *Interpol*, Mandarin Paperbacks, Great Britain, 1993, p.18.

¹³² ÖStA BKA 20/2 Kt 4750, 108.881/1931, Bundeskanzleramt. Generaldirektion für die öffentliche Sicherheit, an das Bundesministerium für Justiz, Finanzen, Handel und Verkehr, Unterricht, soziale Verwaltung, Land und Forstwirtschaft, das Amt der niederösterreichischen Landesregierung in Wien, burgenländischen Landesregierung in Eisenstadt, die Bundes-Polizeidirektion in Wien 15. Juli 1931.

¹³³ The conference decisions can be viewed in Politisches Archiv des Auswärtigen Amtes R 48773, Beschlüsse der „Internationalen Kriminalpolizeilichen Kommission“ in Wien (Gefaßt in der VIII. ordentlichen Tagung vom 28. Bis 30. September 1931 in Paris.)

¹³⁴ BAR E 4260C 1000/837 Nr. 45, Bericht über die Verhandlung der International Kriminalpolizeikommission vom Prof Dr. Zangger an der Polizeiabteilung, Zürich, 12.10.1931.

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establishment of an international headquarters for dealing with Gypsy affairs was, however, echoed by the then-president of the ICPC and vice-president of the Vienna police, Bruno Schulz. He proposed that this agency house all information regarding citizen Gypsies residing within each state, as well as those who had been seized at border entry points or within state territory. It was to contain personal details of each Gypsy, including their name and biometric data, such as photographs and fingerprints.¹³⁵ This proposal was also endorsed by the Czechoslovak representative, who further advocated the creation of national registries within each state and suggested that nomadic Gypsies in other states should be required to carry passports. Additionally, he advised the employment of tighter border checks, involving the immediate identification of encountered Gypsies, as well as the verification of their descent and place of origin, which would subsequently determine the appropriate course of action.¹³⁶

As a result, a committee was set up within this session, consisting of representatives who were most interested in pursuing action against the Gypsies: Hungary, Czechoslovakia, Germany, France, and Austria. The committee was then presented with an international, biopolitical initiative for combatting the so-called ‘*Zigeunerunwesen*’ which was recommended by the Austrian Federal Chancellery, based on their analysis of the existing Gypsy policies enforced in Czechoslovakia and Bavaria.¹³⁷ Owing to the failed attempts to

¹³⁵ Schultz’s proposal is also mentioned in the position paper titled *Kampf gegen die Zigeuner*, presented by Josef Vanasek at the ICPC conference in Vienna, September 1934, see BAR E4260C 1000/836, Nr. 47, ‘Kampf gegen die Zigeuner’ *Internationale Kriminalpolizeiliche Kommission*, X. Tagung, Nr. 15, as well as in the address given by Bruno Schultz at the ICPC conference in Copenhagen in 1935, see BAR E4326A 1991/157 Nr 3., Dr. Bruno Schultz, *Errichtung einer „Internationalen Zentrale zur Bekämpfung des Zigeunerunwesens“ im „Internationalen Bureau am Sitze der Bundes-Polizeidirektion in Wien“* Internationale Kriminalpolizeiliche Kommission XI. ordentliche Tagung, Nr. 8.

¹³⁶ BAR E 4260C 1000/837 Nr. 45, Bericht über die Verhandlung der International Kriminalpolizeikommission vom Prof Dr. Zangger an der Polizeiabteilung, Zürich, 12.10.1931; Donert, C. *The Rights of the Roma: The Struggle for Citizenship in Postwar Czechoslovakia*, P. 25.

¹³⁷ BAR E4322 1991/156 Nr. 46, *Die internationale Zusammenarbeit auf kriminalpolizeilichem Gebiete*, Handbuch herausgegeben von der Internationalen Kriminalpolizeilichen Kommission, Wien 1934, Pp. 109 - 110; also confirmed in O Dressler, *Die Internationale Kriminalpolizeiliche Kommission und Ihr Werk*, Herausgegeben für den Dienstgebrauch von der Internationalen Kriminalpolizeilichen Kommission in Berlin-Wannsee, am Kleinen Wannsee 16, 1942, pp.97–98; BAR E4326A 1991/157 Nr 3., Dr. Bruno Schultz, *Errichtung einer „Internationalen Zentrale zur Bekämpfung des Zigeunerunwesens“ im „Internationalen Bureau am Sitze der Bundes-Polizeidirektion in Wien“* Internationale Kriminalpolizeiliche Kommission XI. ordentliche Tagung, Nr. 8.

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promulgate a federal Gypsy law in Austria, it is certainly possible that the Austrian officials drafted these guidelines so as to advance their own national plan to strengthen Austria's anti-Gypsy legislation and use the ICPC as an apparatus for pursuing more radical action. The following principles for the regulation of the *Zigeunerfrage* were approved by the ICPC representatives:

1. Subject to subjugation of these provisions are not the sedentary Gypsies, but the wandering Gypsies, as well as other "nomadic" persons (vagrant, vagabond) who are not classed as Gypsies if they lived in the lifestyle of a Gypsy.
2. It is absolutely necessary for such persons to keep evident their photographs and fingerprints.
3. They are to carry their own proof of identity [*Zigeunerlegitimation*] with a photograph and fingerprint.
4. Roaming is only permitted if they possess an itinerant trading licence [*Wanderschein*]. It may also include the permission to keep a certain number of horses.
5. Precautionary measures are necessary for sanitary and veterinary police.
6. Children of school age are not permitted to travel if their education is not sufficiently cared for. Such children would be removed as a matter of course.
7. Travelling in hordes is forbidden.
8. Lodging space [is allocated] by the local authorities.
9. Identification cards [*Ausweisleistung*] [are issued] by the local authorities.
10. Possibility of treatment in accordance with the Vagabonds Act [*Vagabundengesetz*].
11. The possession of weapons and munitions is prohibited.

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12. Foreign Gypsies or foreigners of this kind are to be immediately expelled from the country.
13. Ban on horse and cattle trade.
14. Restriction of the political rights of these persons.
15. It is desirable to introduce a central registry for Gypsies in each country and also an international database within the International Bureau of the ICPC.¹³⁸

Crucially, these provisions signified a decisive step towards building a transnational biopolitical approach for combatting the Gypsy crisis. By pooling their expertise and aligning existing anti-Gypsy regulations in ICPC member states, the police representatives intended to heighten existing regimes of control and surveillance, hinging on the expulsion of foreign Gypsies and assimilative, sedentarising regulations against domestic ones. Though these policies were based on behavioural rather than racial criteria, the clause to restrict the political rights of Gypsies nonetheless shows how increasingly radical steps were being taken by the ICPC authorities to control and shape their respective Gypsy populations – measures which preceded the Nuremberg laws, enacted by the Nazis in 1935.¹³⁹ Furthermore, the calls for an international database for Gypsies, as well as the creation of national registries, show how increasing cooperation and exchange of intelligence between ICPC member states was growing prior to *Anschluss*.¹⁴⁰ Most importantly, the resolutions of the Paris conference in 1931 show that Switzerland, Austria and Czechoslovakia initially led the charge for co-ordinating international operations targeting Central European Gypsies.

¹³⁸ The original proposal from the Austrian government can be found in ÖStA BKA 20/2 Kt. 4750, 108.881/1931, Abschrift, Wien, am 14. Oktober 1931. Similar copies can be viewed in BAR E4322 1991/156 Nr. 46, *Die internationale Zusammenarbeit auf kriminalpolizeilichem Gebiete*, pp.109–110 and O Dressler, *Die Internationale Kriminalpolizeiliche Kommission und Ihr Werk*, pp.97–98.

¹³⁹ The Nuremberg Laws can be viewed in: „Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, Pp. 36.- 37; „Reichsbürgergesetz vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, Vol 1. Munich, C. Beck, 1936, P 31.

¹⁴⁰ ÖStA BKA 20/2 Kt. 4750, 108.881/1931, 108.881/1931, Abschrift, Wien, am 14. Oktober 1931.

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At the next ICPC conference, held in Rome from October 15 – 20, 1932, Swiss interest in the subject appeared to have declined. In his report, Zangger mentioned that the *Zigeunerfrage* had little relevance to Switzerland, since domestic Gypsies had been successfully assimilated and existing Swiss laws in place strictly forbade the entry of foreign Gypsies. Nevertheless, other central European countries continued to argue that the ‘Gypsy plague’ was still a major issue. Such was the case for various Balkan states, such as Yugoslavia, as large numbers of Gypsies immigrating from Russia were said to be endangering their local populations.¹⁴¹ The Yugoslavian representative further insisted that the ‘Gypsy plague’ was no longer an issue concerning individual states; but rather, it had become ‘a general international question’.¹⁴² Accordingly, the administrative board of the ICPC was instructed to study this question thoroughly. More importantly, to prevent the problem of cyclical expulsion, it was agreed that the earlier proposal of an international bureau to coordinate the ‘fight against the Gypsies’ would be set up to function similarly to the information bureau for international criminals.¹⁴³ Even though the groundwork was laid to create such an agency, the rise of National Socialism in Germany soon diverted attention away from these plans.¹⁴⁴

Conclusions:

It is clear that, as in Germany, Swiss and Austrian anti-Gypsy policy followed a biopolitical agenda, which sought to eradicate itinerancy by sedentarising citizen Gypsies and expelling foreign ones. Each of these countries persecuted their respective Gypsy populations according to a behavioural criterion, rather than a racial one. Germany, however, was the only

¹⁴¹ BAR E 4260C 1000/837 Nr. 46, Tagungen Rom, Kommissions – Berichte, Mittwoch, den 19. Oktober 1932.

¹⁴² Donert, C. *The Rights of the Roma: The Struggle for Citizenship in Postwar Czechoslovakia*, p.26.

¹⁴³ BAR E 4260C 1000/837 Nr. 46, Beschlüsse der „Internationalen Kriminalpolizeilichen Kommission“ (Gefaßt in der IX. ordentlichen Tagung in Rom vom 15. Bis 20. Oktober 1932.)

¹⁴⁴ For the running of the Nazified ICPC, see the later thesis chapter: A Centralised, Biopolitical European Solution to the ‘Gypsy Question’?

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State which had successfully established a clear, legal definition of the term 'Gypsy'. Another collective feature of each case was that Gypsy policy was never co-ordinated on a national level; rather, regulations were implemented by state and local authorities.

A noticeable difference between the three countries lay in the Swiss approach to handling stateless Gypsies and homeless vagrants. Rather than expelling stateless individuals in local municipalities, the Swiss pursued a policy of forced naturalisation, designed to assimilate homeless vagrants and Gypsies of Swiss descent by coercion. Instead of adopting the Swiss model of forced naturalisation, both Germany and Austria opted to deal with their stateless Gypsies by enforcing decrees which declared them to hold the legal status of foreigner. As a result, these individuals were forced outside of the national community and faced the possibility of expulsion from German and Austrian soil. This often resulted in them being bounced back and forth across national frontiers. Domestic Gypsies who could ascertain their citizenship, by contrast, were targeted by strict measures of assimilation in order to eradicate itinerancy, which was viewed as posing a dangerous threat to sedentary communities.

Prior to 1933, a pan-European awareness of legal approaches to Gypsies existed, one that saw the gradual cross-fertilisation and international alignment of antiziganist policy. While Swiss officials sought to prevent the continuous 'cyclical expulsions' of Gypsies, and to build an international initiative for combatting the ostensible *Zigeunerplage*, it foundered on conflicts of state interest and concerns about national sovereignty. German efforts to co-ordinate international action for restricting the movement of Gypsies on international railways and waters followed soon after. This too failed because of the perceived clash between state jurisdictions and border agreements. The attempt to pursue stringent international action against the Gypsies was, however, renewed after the inception of the International Criminal Police Commission, with Switzerland continuing its role as a forerunner in anti-Ziganism. With the support of Czechoslovakia and Austria, whose authoritative position was firmly entrenched

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within the ICPC, a centralised, transnational biopolitical programme targeting Gypsies was eventually achieved in 1933.

4. The Origins of Biological Racism Towards German Gypsies

The preceding chapters have argued that prior to 1933, biopolitical policies targeting Gypsies in Central Europe were based on social rather than racial criteria, focusing on whether the police believed that they behaved in a criminal or vagrant manner which endangered the local communities. In the following chapters, this thesis illustrates how under Nazi rule the persecution of the Gypsies gradually transformed into a biopolitical campaign which sought their extermination because their racial composition ostensibly threatened the German body politic.

This project of extermination did not begin immediately in 1933, but rather was the culmination of a gradually radicalising approach to Gypsies that moved from incarceration and sterilisation towards removal and eventually their murder. As this chapter demonstrates, however, this gradual process began prior to 1933, with the inclusion of Gypsies in the initial, pre-Nazi era drafts for eugenic sterilisation during the years of the Weimar Republic, courtesy of the growing eugenics movements and the new field of criminal biology. Little attention has been paid by scholars to these developments, and the following seeks to rectify this by tracing the history of Gypsies' inclusion in Nazi eugenic sterilisation and how the origins of the NSDAP's biological racism towards the Gypsies was inextricably linked with the developments in eugenic thinking and criminal biological discourse.

German Eugenics and the Origins of the Nazi Sterilisation Law of 1933:

To understand the history of Gypsy inclusion in eugenic sterilisation, it is first worth exploring the contextual background and origins of the Nazi Sterilisation Law of 1933 and how eugenic attitudes and thinking prompted efforts for eugenic sterilisation. Vital to the development of the sterilisation law was the rise of German eugenics within the bounds of a

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broader Social Darwinist movement in the late nineteenth century.¹ The eugenics movement was first pioneered by the British anthropologist, Francis Galton, who coined the term itself in 1883 to depict a scientific programme for enhancing the genetic quality of a population. His book *Hereditary Genius*, published in 1869, was deeply influenced by the work of his half-cousin, Charles Darwin, the theorist of evolution via natural selection.² Galton applied Darwin's arguments to the evolution of the human race, arguing that mental traits and physical characteristics were largely hereditary, and suggesting that 'a highly gifted race of men' could be cultivated by 'judicious marriages during several consecutive generations'.³ Though Galton's thesis had attracted a wide following, the campaign led by English eugenicists to legislate a voluntary sterilisation programme failed during the 1930s. Nonetheless, Galton's biological determinist ideas sparked international interest in eugenics, and robust movements grew in other parts of the world by the end of the First World War.⁴

Eugenic ideas were espoused around the globe, including in the United States, and had gained widespread support by the early 1920s.⁵ In North America, scholars began to discuss the practical application of Darwin's theory of 'natural selection' to the scientific concepts and principles of human evolution. One of the most influential apostles of US Social Darwinism was William Graham Sumner, who contended that the progress of a population depended upon the selection process, which in turn was dependent upon natural competition.⁶ As a result of

¹ R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 – 1945*, The University of Caroline Press, USA, pp.28-29; P Widmann, "The Campaign Against the Restless: Criminal Biology and the Stigmatisation of the Gypsies, 1890 – 1960" in R Stauber, and R Vago, (eds.) *The Roma Minority in Europe: Historical, Political and Social Perspectives*, Central European University Press, Budapest, 2007, pp.19–20.

² C Darwin, *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*, 1st ed. London, 1859.

³ F Galton, *Hereditary Genius – An inquiry into its laws and consequences*, 2nd edition, Macmillan and Co., London, 1892, p.1.

⁴ Crook, P. "American Eugenics and the Nazis: Recent Historiography", *The European Legacy*, vol.7, no.3, 2002, p.366.

⁵ J Noakes, "Nazism and Eugenics: The Background to the Nazi Sterilisation Law of 14 July 1933", in *Ideas into Politics*, RJ Bullen, H Pogge von Strandmann, and AB Polonsky, (eds.) Barnes and Noble Books, New Jersey, 1984, p.75.

⁶ W Sumner, *The Challenge of Facts: And Other Essays*, Yale University Press, New Haven, 1914, pp.52–67; R Hofstadter, "William Graham Sumner, Social Darwinist", *The New England Quarterly*, vol.14, no.3, 1941, pp.465–466.

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the increasing calls from American eugenicists urging the state to control ‘undesirable’ populations, the first sterilisation law was introduced by the U.S State of Indiana in 1907, targeting immigrants, as well as those considered to be mentally ill, physically disabled or ‘habitual criminals’.⁷ By the end of the 1920s, twenty-eight American states and one Canadian province followed in the footsteps of Indiana and passed legislation that caused the sterilisation of approximately 15,000 individuals before 1930.⁸

When tracing the rise of racial hygiene in Germany from the late nineteenth century, some historians, such as Robert Proctor and Stefan Kühl, have correctly placed the ‘Nazi connection’ within an international context by examining the relationship and co-operation between American and German eugenicists. They have asserted that the U.S sterilisation model inspired the development of German eugenics and its application to Nazi policy, as the Germans eugenicists often looked to America for leadership in racial hygiene, as well as for the money that was available there.⁹ Leading German racial hygienist Fritz Lenz, for example, was an enthusiastic supporter of Harry Laughlin’s proposed Eugenic Sterilisation Law designed in 1922 which recommended sterilising 15 million Americans regarded as ‘inferior stock’ by 1980 – a model which the Nazis eventually adopted in 1933.¹⁰ Indeed, eugenics was still in the ascendancy in the United States up until the outbreak of the Second World War. Some American eugenicists went as far as to praise the Nazi realisation of Galton’s vision of a world that is biologically cleansed in order to achieve human improvement. One article from

⁷ M Turda, *Modernism and Eugenics*, Palgrave Macmillan, Basingstoke, 2010, p.38.

⁸ R Proctor, *Racial Hygiene: Medicine under the Nazis*, Harvard University Press, London, 1988, p.97.

⁹ Edwin Black argues that the Rockefeller Foundation and the Carnegie Institution of Washington funded a large portion of the American eugenics movement, both at home and abroad, which allowed America to guide Nazi racial hygienists towards their path to sterilisation. See, E Black, *War Against the Weak*, Dialog Press, Washington DC, 2003; R Proctor, *Racial Hygiene: Medicine under the Nazis*, pp.97–101; S Kühl, *The Nazi Connection: Eugenics, American Racism and German National Socialism*, Oxford University Press, New York, 1994.

¹⁰ H Laughlin, *Eugenical Sterilisation in the United States*, Psychopathic Laboratory of the Municipal Court of Chicago, Chicago, 1922, pp. 446 – 460, R Proctor, *Racial Hygiene: Medicine under the Nazis*, p.99.

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the *American Journal of Public Health* in 1934 praised the rapid development of eugenic policy under Hitler's Germany, claiming:

if the objective of eliminating parenthood by those unfit is actually achieved in a thorough but legally and scientifically fair war, Germany will be the first modern nation to have reached a goal toward which other nations are just looking or approaching at a snail's pace.¹¹

It is worth pointing out that America was not the only country to sanction eugenic sterilisation. Similar legislative measures were passed in other areas of Europe, such as Switzerland (1929), Denmark (1929), Norway (1934), Sweden (1935), Finland (1935), Estonia (1936), Iceland (1938) and Austria (1940). Other states that enforced sterilisation programmes were Czechoslovakia, Yugoslavia, Lithuania, Latvia, Hungary, Turkey, Japan, and Mexico.¹²

As in other nations, the impact of social Darwinism in Germany was immense. The first German works on eugenics were written by the physicians Wilhem Schallmayer and Alfred Ploetz, who had both embraced the ideas of Charles Darwin.¹³ Although both Schallmayer and Ploetz shared an enthusiasm for Darwin's concept of 'natural selection' - that is to say, that individuals who best acclimated to their environments had a greater chance of surviving and reproducing - Schallmayer and Ploetz were pessimistic about whether this could continue in human societies where the weak, handicapped and carriers of hereditary illness were

¹¹ Peter, W.W., "Germany's Sterilisation Program", *American Journal Public Health Nations Health*, no.24. 1934, pp.187-191.

¹² R Proctor, *Racial Hygiene: Medicine under the Nazis*, p.97; JJ Amy, and S Rowlands, "Legalised non-consensual sterilisation - eugenics put into practice before 1945, and the aftermath. Part 1: USA, Japan, Canada and Mexico", *The European Journal of Contraception & Reproductive Health Care*, vol.23, no.2, 2018, pp.121-129; JJ Amy, and S Rowlands, "Legalised non-consensual sterilisation - eugenics put into practice before 1945, and the aftermath. Part 2: Europe" *The European Journal of Contraception & Reproductive Health Care*, vol.23, no.3, 2018, pp.194-200.

¹³ R Proctor, R. *Racial Hygiene: Medicine under the Nazis*, p.14, W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, Routledge, Great Britain, 1997, p.211.

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increasingly able to survive.¹⁴ To halt the ‘degeneration’ of the human species, they called for state intervention. Ploetz proposed that medical professionals adopt a new type of biopolitical science, known as *Rassenhygiene* (racial hygiene), that would consider the wellbeing of the entire race, rather than just the individual. In contrast with Schallmayer, who did not align himself with anthropological typologies, Ploetz believed in the superiority of the Germanic race and stressed his commitment to the idea of an advanced Aryan race.¹⁵ To disseminate the core ideals of racial hygiene, Ploetz launched the periodical, *Archiv für Rassen und Gesellschaftsbiologie*, in 1904 and was a founding member of the world’s first eugenic organisation, the *Gesellschaft für Rassenhygiene* (Racial Hygiene Society) – established approximately a year later, on June 22, 1905.¹⁶ Another key German advocate of Social Darwinism and racial hygiene was the physician, Fritz Lenz. As a pupil of Ploetz, Lenz believed in the superiority of the Nordic race and the importance of racial hygiene within the medical field. He proposed in his 1912 thesis, that ‘the only way to eliminate genetic illness is through the negative selection of the afflicted families’.¹⁷

Notwithstanding their radical ideas, neither Ploetz nor Schallmayer recommended sterilisation as a solution to degeneration. Curiously, Näcke’s 1899 publication, *Die Kastration bei gewissen Klassen von Degenerirten als ein wirksamer socialer Schutz*, was the first in Germany to advocate for the sterilisation of so-called habitual criminals, sex offenders and

¹⁴ C Darwin, *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*, W Schallmayer, *Über die drohende physische Entartung der Culturvölker*, 2nd edn. Heuser, Berlin, 1895; A Ploetz, *Die Tüchtigkeit unserer Rasse und der Schutz der Schwachen*, Gustav Fischer, Berlin, 1895; R Proctor, *Racial Hygiene: Medicine under the Nazis*, p.15, W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, pp.211–214.

¹⁵ W Schallmayer, *Über die drohende physische Entartung der Culturvölker*; A Ploetz, *Die Tüchtigkeit unserer Rasse und der Schutz der Schwachen*; R Proctor, *Racial Hygiene: Medicine under the Nazis*, p.15, W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, pp.211–214.

¹⁶ P Weindling, “German Eugenics and the Wider World: Beyond the State”, A Bashford, and P Levine, (eds.) in *The Oxford Handbook of the History of Eugenics*, Oxford University Press, Oxford, 2010, p.315; M Fitzpatrick, “Race” in K McKenzie, and A Burton, (eds.) *A Cultural History of Western Empires: A Cultural History of Western Empires in the Age of Empire (1800 – 1920)*, Vol. 5, Bloomsbury Academic, 2019.

¹⁷ F Lenz, *Über die krankhaften Erbanlagen des Mannes und die Bestimmung des Geschlechts beim Menschen*, med. dissertation, University of Jena, Thuringia, 1912; Proctor, R. *Racial Hygiene: Medicine under the Nazis*, p.49; W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, p.214.

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violent criminals. His ideas were strongly influenced by Ploetz, as he shared similar eugenic concerns. Given his belief that crime was rooted primarily in environmental explanations, however, his thesis stressed how improved public hygiene would aid in the circumvention of degeneration. Such advances, he believed, would be slow and difficult to achieve. As such, he viewed sterilisation as the most effective solution.¹⁸

Näcke's proposal for sterilisation failed to attract any immediate support, and it was not until the years before the outbreak of the First World War that his ideas were advanced by other psychiatrists and legal professionals.¹⁹ The German jurist, Josef Kohler, was one who endorsed sterilisation as a means for both crime prevention and the improvement of public health.²⁰ Alarmed by the growing discussion concerned with sterilisation, in July 1914, the *Reichstag* introduced a draft bill to sanction procedures to sterilise an individual or to kill a foetus only on strict medical grounds; that is, in cases which would prevent serious risk to the health or life of the patient. Although the bill was abandoned due to the outbreak of the First World War, it was once again revived in July 1918 to combat illegal abortion and to curb the widespread use of contraceptives. However, the efforts for this bill failed for a second time when the post-war revolutions intervened.²¹ Although a sterilisation law was not passed in Imperial Germany, Näcke's proposal nevertheless set into motion a campaign for sterilisation, which gradually garnered more attention among medical and legal experts after the end of World War One.

The Weimar Efforts for a Legal, Biopolitical Framework:

¹⁸ P Näcke, „Die Kastration bei gewissen Klassen von Degenerierten als ein wirksamer sozialer Schutz“, *Archiv für Kriminalanthropologie und Kriminalistik*, no.3, 1899, pp.59–69,74–84; A Ploetz, *Die Tüchtigkeit unserer Rasse und der Schutz der Schwachen*.

¹⁹ For further information regarding the critical reception of Näcke's proposal, see R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 – 1945*, pp.103–105.

²⁰ J Kohler, „Bericht über den 7. Internationalen Kongress für Kriminalanthropologie in Köln, Okt. 1911“ *Archiv für Strafrecht und Strafprozeß*, no.60, 1913, p.346.

²¹ BA Berlin, R1501/126248, Hesse, E. „Die Unfruchtbarmachung aus eugenischen Gründen“, *Beiheft zum Reichs-Gesundheitsblatt, Jahrgang 1933*, von 12. April 1933; Noakes, J. „Nazism and Eugenics: The Background to the Nazi Sterilisation Law of 14 July 1933“, p.81; For a more thorough analysis of these draft bills, see J Müller, *Sterilisation und Gesetzgebung bis 1933*, Matthiesen Verlag, Husum, 1985, pp.55–57.

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The cataclysmic defeat in the First World War instilled an urgent need to renew the discussion of eugenics, sterilisation, and population policy. The post-war loss of colonies, and the loss of territories to the new Polish state, France and Denmark prompted a new emphasis on ideas concerned with *Lebensraum* (living space) and racial health. The enormous war casualties also increased concern about the declining birth-rate, as well as the quality of the population.²² Some eugenicists, such as Robert Gaupp, claimed that eugenic measures were crucial for improving the quality of the German population, owing to the ‘mass annihilation of our genetically most valuable elements’, which had ostensibly resulted from the war.²³ Others, such as Karl Binding and Alfred Hoche, advocated a more radical solution for quality population control. In their 1920 publication, *Die Freigabe der Vernichtung lebensunwerten Lebens*, they posed the delicate question of whether a nation confronted with a major economic crisis would be able to support individuals which they referred to as ‘life unworthy of life’ (*lebensunwertes Leben*). The concept of ‘life unworthy of life’ applied to ‘incurable’ and ‘defective’ individuals whose lives were seen merely as dead weight within humanity and a financial burden to society.²⁴ Binding argued that:

These men...have neither the will to live nor the will to die; on the other hand, their killing does not infringe upon any will to live that must be overcome. Their life is absolutely without purpose, but they do not find it to be intolerable.²⁵

As a result, Hoche and Binding proposed to destroy ‘life unworthy of life’ through ‘mercy killings’ carried out by euthanasia. Although the Gypsies were not explicitly

²² P Weindling, “German Eugenics and the Wider World: Beyond the State”, pp.320; J Noakes, “Nazism and Eugenics: The Background to the Nazi Sterilisation Law of 14 July 1933”, pp.81–82; R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 - 1945*, pp.237–238.

²³ R Gaupp, *Die Unfruchtbarmachung geistig und sittlich Kranker und Minderwertiger*, Springer, Berlin, 1925, p.13.

²⁴ According to Robert Lifton, “‘unworthy life’ included not only the incurably ill, but large segments of the mentally ill, the feeble-minded, and retarded and deformed children”, see R Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*, Basic Books Inc. Publishers, New York, 1986, pp.46–48; K Binding, and A Hoche, *Die Freigabe der Vernichtung lebensunwerten Lebens*, Berliner Wissenschafts Verlag GmbH, Berlin, 1920.

²⁵ K Binding, and A Hoche, *Die Freigabe der Vernichtung lebensunwerten Lebens*, pp.31–32.

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mentioned, Hoche and Binding's illustrates how thinking during the Weimar era was broadly moving towards linking eugenics with killing as a biopolitical solution. Furthermore, while their ideas were never adopted by Weimar bureaucrats, Hoche and Binding were arguably the leading architects of the German 'euthanasia' movement, as the concept of 'life unworthy of life' became central to anti-Gypsy Nazi racial doctrine after 1933 and laid the foundation for the T4 euthanasia killings of the mentally handicapped in 1939.²⁶

In 1922, the renewed interest in active eugenics prompted the *Deutsche Gesellschaft für Rassenhygiene* to amend its platform by urging the creation of a law which would permit the voluntary sterilisation of persons with hereditary illnesses. However, it was not this organisation, but rather the German physician, Gerhard Boeters, who championed the push for legal sterilisation practices for the so-called 'mentally inferior' (*geistig Minderwertiger*) and re-opened the debates among medical professionals and jurists.²⁷ On May 21, 1923, he presented a 9-point draft law to the Saxon government which proposed the compulsory sterilisation of those considered to have genetic illnesses, such as the hereditarily blind and deaf, the mentally handicapped, epileptics and the mentally ill, and also suggested for criminals to have 'a portion of their sentences reduced if they voluntarily undergo a sterilising operation'.²⁸

Although the responses to Boeter's proposal were mixed, the majority of psychiatric experts, including L. Stemmler, Johannes Lange, L.W Weber, and Robert Gaupp were advocates of sterilisation. Most acknowledged that even though the role of genetic factors in crime was complex and unclear, criminal biological research had proven to their minds a

²⁶ For a closer analysis of Hoche and Binding's work, its critical reception and its impact upon Gypsies, Jews and the mentally and physically handicapped living under the Nazi Regime, see H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, The University of North Carolina Press, Chapel Hill, and London, 1995, pp.14–22.

²⁷ J Noakes, "Nazism and Eugenics: The Background to the Nazi Sterilisation Law of 14 July 1933", pp.81–82; R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 - 1945*, pp.237–238.

²⁸ BA Berlin R86/2374, Boeters, G. „Die Unfruchtbarmachung der geistig Minderwertigen“ *Wissenschaftliche Beilage: der Leipziger Lehrerzeitung*, Nr. 28, August 1924.

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general connection between the two. For example, in his twin study, *Verbrechen als Schicksal*, Lange built on Aschaffenburg's work, by stressing that although hereditary factors played a preponderant role in criminal behaviour, it could not solely determine the causes of a criminal's nature and development, as environmental influences, such as economic situations, alcohol consumption, socioeconomic positions and regional customs, also played an 'indispensable part'.²⁹ Although Lange supported eugenic measures as a means for combating crime, he was not able to identify the existence of a 'criminogenic genetic trait'. Because of this, he insisted that criminals should only be sterilised on the basis of hereditary or mental illnesses and he shared the widespread belief that many mental illnesses, such as schizophrenia, and most cases of feeble-mindedness (*Schwachsinn*), were genetically inherited.³⁰

Likewise, Stemmler, claimed that sterilisation was justified for psychiatric conditions, such as schizophrenia, epilepsy, and Huntington's chorea. He further believed that there was 'a general connection between heredity and crime'; however, in contrast to Lange, Stemmler concluded that violent criminals and sex offenders should be sterilised in cases of *erbliche Belastung*; that is, when a high concentration of abnormal traits existed in the criminal's family.³¹ Weber, on the other hand, believed that individual criminals could be sterilised upon

²⁹ The 'Aschaffenburg paradigm' was viewed as the predominant paradigm among experts during the Weimar period. It was centred on the work of Gustav Aschaffenburg, who, in his 1903 study, *Das Verbrechen und seine Bekämpfung*, denied the existence of a 'moral defect' and argued that criminality was a result of a complex relationship between biological and social factors. He believed that many criminals suffered from mental abnormalities, such as degeneration, *Minderwertigkeit*, (inferiority) or psychopathy, and concluded that it was due to external circumstances, such as social or economic situations, which caused criminals to succumb to illegal acts. Contrasting the 'Aschaffenburg paradigm' was the Kraepelin thesis, which redefined Lombroso's notion of the 'born criminal' in purely psychiatric terms, rather than anthropological, as someone with a criminogenic 'moral defect'. One who championed this point of view was Schneider, who concluded in his book, *Die psychopathischen Persönlichkeiten*, that criminal behaviour occurred primarily due to biological abnormality. Influenced by Kraepelin's typology of 'psychopathic personalities', Schneider further claimed that abnormal personalities were always viewed as genetically inheritable. See, G Aschaffenburg, *Crime and its Repression*, Little Brown, Boston, 1913, pp.101–103; K Schneider, *Die psychopathische Persönlichkeit*, Deuticke, Leipzig, 1928; J Lange, *Verbrechen als Schicksal: Studien an kriminellen Zwillingen*, Thieme, Leipzig, 1929, pp.91–92, 94–96. For a more detailed analysis of the criminal biological discourse during the Weimar period, see R Wetzell, *Inventing the Criminal*, pp.126–178.

³⁰ J Lange, *Verbrechen als Schicksal*, pp.92–96; J Lange, „Kriminalität und Eugenik“, *Medizinische Welt* 7, no. 22, June 3 1933, pp.761–765.

³¹ See L Stemmler, „Die Unfruchtbarmachung Geisteskranker, Schwachsinniger und Verbrecher“ *Allgemeine Zeitschrift für Psychiatrie*, no.80, 1924, pp.437–468.

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careful examination, as this would determine whether a person's criminal behaviour was rooted in genetic factors, though this would be difficult to determine, given that criminal behaviour could also be explained environmentally. Taking into account the role of environmental factors in crime, Gaupp argued that the sterilisation of criminals should depend on the combination of their 'genetics, constitution, mental development' as well as their 'milieu and economic situation'.³² While the majority of discussion among criminal biologists was in favour of legalising voluntary sterilisation, a minority of experts, such as Albert Moll and Hans Gruhle, were against this notion. They claimed that there was insufficient evidence for the existence of criminogenic genetic factors, as well as a lack of scientific justification for the grounds of sterilising criminals.³³

Although Boeters was regarded by the Saxon authorities as mentally deranged, his proposal for eugenic sterilisation was given serious consideration.³⁴ The Saxon Department of Health convened a series of meetings in October 1923 and January, March and May 1924, to discuss whether sterilisation could be introduced in Germany. The conference delegates concluded that they were in favour of sterilisation, though such measures were contingent upon the advice from a doctor and a psychiatrist.³⁵ Furthermore, most legal experts concurred that under current legislation, sterilisation practises which were not performed for medical reasons would cause a bodily injury (*Körperverletzung*) liability; thus, the commission suggested an

³² LW Weber, „Kastration und Sterilisation geistig Minderwertiger“ *Zeitschrift für die gesamte Neurologie und Psychiatrie*, vol.91 no.1, 1924, pp.106–107; R Gaupp, *Die Unfruchtbarmachung geistig und sittlich kranker und Minderwertiger*, p.26.

³³ A Moll, „Sterilisierung und Verbrechen“ *Kriminalistische Monatshefte* 3, 1929, pp.121–126; H Gruhle, *Die Ursachen der jugendlichen Verwahrlosung und Kriminalität*, Springer, Berlin, 1912.

³⁴ Comments from the Saxon authorities regarding Boeter's mental health can be viewed in BA Berlin R 86/2374. Sächsisches Ministerium der auswärtigen Angelegenheiten an den Herrn Präsidenten des Reichsgesundheitsamts, 19. April 1924.

³⁵ Among the attendees of these sessions were Dr. Kuhn, Dr. Stemmler, Dr. Nitsche and F.A Weber, see BA Berlin R86/2374, Sächsisches Ministerium der auswärtigen Angelegenheiten an dem Reichsministerium des Innern, am 26. Juni 1924., FA Weber, „Die Unfruchtbarmachung Geisteskranker, Schwachsinniger und Verbrecher aus Anlage“ *Zeitschrift für ärztliche Fortbildung* 22, no. 5, 1 March 1925, pp.152–155; P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, Cambridge University Press, Cambridge, 1989, pp.390–392; R Wetzell, *Inventing the Criminal*, p.247.

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amendment to the Reich's penal code in order to legalise voluntary eugenic sterilisations of hereditary criminals and the mentally ill.³⁶

Though the recommendations of the committee were accepted by the Saxon Ministries of Interior and Justice, according to Wetzell, the Reich Justice Minister requested for the Reich Interior Ministry to give its opinion on eugenic sterilisation, since such a law was considered to be a matter of public health.³⁷ Indeed, discussions regarding Boeter's draft bill had also taken place in Prussia and arguably influenced the Interior Ministry's attitude towards eugenic sterilisation. On December 1, 1923, the Prussian Ministry of Welfare held a conference of its Racial Hygiene Committee and solicited the expert opinions of Bonhoeffer and Moses to study Boeters' proposal. The minutes of the meeting reveal that Boeters' proposition was ultimately rejected by the commission, concluding that it was 'not suitable as a basis for legislative and administrative measures. It is recommended to await further advances in genetic and clinical research and further practical experience.'³⁸ Influenced by these findings, the Reich Interior Ministry advised against official sterilisation measures and thus, Boeter's proposal was dropped by the Reich Ministry of Justice.³⁹

Despite the rejection of his proposal, on October 18, 1925, Boeters submitted another draft bill to the Reichstag, titled 'Lex Zwickau', which once again called for the eugenic sterilisation of persons who carried hereditary diseases. Crucially, Boeters recommended for the 'incurable workshy, as well as vagrants and Gypsies' to be among those targeted for

³⁶ A closer analysis of the commission meeting can be seen in Weber F.A., „Die Unfruchtbarmachung Geisteskranker, Schwachsinniger und Verbrecher aus Anlage“; J Blasbalg, „Ausländische und deutsche Gesetze und Gesetzentwürfe über Unfruchtbarmachung“ *Zeitschrift für die gesamte Strafrechtswissenschaft*, no.52, 1932, p. 493; J Müller, *Sterilisation und Gesetzgebung bis 1933*, pp.68–69.

³⁷ R Wetzell, *Inventing the Criminal*, p.247; The file, BA Berlin R 86/2374. Sächsisches Ministerium der auswärtigen Angelegenheiten an den Herrn Präsidenten des Reichsgesundheitsamts, 13. Dezember 1923, also mentions that the proposed eugenic measures in Boeters' proposal were dependent upon the approval of the Reich Interior Ministry.

³⁸ BA Berlin R86/2374 Verhandlungsniederschrift über die Sitzung des Ausschusses des Landesgesundheitsrates am 1. Dezember 1923 im Preußischen Ministerium für Volkswohlfahrt; Leitsätze; P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, pp.390–392.

³⁹ R Wetzell, *Inventing the Criminal*, p.247; BA Berlin R86/2374, Der Präsident der Reichsgesundheitsamts an den Herrn Reichsminister des Innern, den 26. Januar 1924.

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sterilisation measures on the grounds that they were deemed as ‘hereditarily inferior’ (*erbliche Minderwertigkeit*).⁴⁰ Unsurprisingly, Boeter’s ‘Lex Zwickau’ was dismissed by the Reich Health Office, on the grounds that his ideas were considered as too controversial among the medical profession and would violate statutes prohibiting bodily injury. Nevertheless, Boeter’s draft sterilisation bill is particularly instructive, as it provided the basis for the subsequent sterilisation drafts which surfaced towards the end of the Weimar period. More crucially, it shows the early origins of biological racism towards the Gypsies and how anti-Gypsy policy was slowly beginning to move towards biological racism and eugenic sterilisation, as for the first time in criminal biological discourse, Gypsies as a biological entity (rather than a social sub-group of itinerants) were explicitly considered as targets for eugenic measures.⁴¹

Although Boeters’ proposal failed, the growing pressure for the use of sterilisation resurfaced towards the end of the Weimar period and consequently produced a series of legislative initiatives. In the *Reichstag* sessions of 1928 – 1931, two attempts were made to reform the penal code to include voluntary sterilisation: the first began in 1928 and the second attempt was made in 1931.⁴² The first revision of the penal code was supported by several members of the *Reichstag* committee on penal reform, and they advocated for the release of a prisoners if they had undergone sterilisation. The Reich Ministry for Justice rejected this bill, however, for three reasons: firstly, they claimed that sterilisation would not make the criminal any less dangerous; secondly, the consent of criminals to undergo sterilisation would never become voluntary and thirdly, the current state of genetic research was too underdeveloped to warrant such eugenic measures.⁴³ Despite this refusal, in 1931, the Social Democrats proposed

⁴⁰ BA Berlin, R86/2374, Boeters, G. “Lex Zwickau” *Sonderabdruck der zwickauer neueste Nachrichten*, 27. Mai 1925.

⁴¹ J Blasbalg, „Ausländische und deutsche Gesetze und Gesetzentwürfe über Unfruchtbarmachung“, pp.490–493; P Weindling, *Health, Race and German Politics between National Unification and Nazism*, pp.392–393.

⁴² For a comprehensive analysis of the debates within the Reichstag, concerned with the revisions of the Reich Penal Code in 1928 – 1929 and in 1931, see R Wetzell, *Inventing the Criminal*, pp.247–252.

⁴³ Members of the Reichstag committee on penal reform included representatives of the conservative, Catholic Bavarian People’s Party (BVP), and the two liberal parties, the German Democratic Party (DDP) and the German People’s Party (DVP), See *Verhandlungen des Reichstags*, 4. Wahlperiode (1928), Ausschuß

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a second initiative to revise the penal code to include criminal sterilisation. Their justification for this revision rested on their contention that genetic research had advanced since 1928, and they suggested for the voluntary sterilisation of habitual criminals, provided that their consent and a medical opinion was obtained.⁴⁴ Among the political parties during Weimar Germany, only the National Socialist Party supported this reform, since their doctrine heavily centred upon eugenics. No legislation was produced, however, since the Reich Justice Ministry continued to oppose the legalisation of sterilisation, again, on the grounds of insufficient genetic research. Such events nevertheless provide a valuable insight into the eugenic attitudes of Weimar bureaucrats and politicians. It also shows the Nazis' long-standing support for eugenic measures and offers an explanation for the radical sterilisation law which followed upon their seizure of power.⁴⁵

In addition to the efforts of *Reichstag* committee members to revise the penal code, efforts were also made to create a nation-wide sterilisation bill. The severe effects of the economic depression saw the demands for eugenic sterilisation sharply rise by 1932; the logic being that such measures would help to alleviate the financial costs of supporting the mentally ill in state institutions.⁴⁶ It was to consider the legalisation of sterilisation that the Prussian Health Council (*Landesgesundheitsrat*) held a conference on eugenics, which took place on July 2, 1932. Consisting of lawyers, psychiatrists, doctors and civil servants, the conference delegates unanimously adopted a set of proposals which were presented to the Prussian

(Reichsstrafgesetzbuch), 14. Sitzung (30 Oktober 1928), 9 – 12, and Sitzung (31 Oktober 1928), 1–6; J Blasbalg, „Ausländische und deutsche Gesetze und Gesetzentwürfe über Unfruchtbarmachung“, Pp. 494–496; R Wetzell, *Inventing the Criminal*, pp.247–252.

⁴⁴BA Berlin R1501/126248, „Entwurfs eines Allgemeinen Deutschen Strafgesetzbuchs“, *Verhandlungen des Reichstags*, 5. Wahlperiode (1930); *Verhandlungen des Reichstags*, 5. Wahlperiode (1930), 18. Ausschuss (Strafgesetzbuch), 11 . Sitzung (6 Februar 1931), 1–12; J Blasbalg, „Ausländische und deutsche Gesetze und Gesetzentwürfe über Unfruchtbarmachung“, pp.494– 496; R Wetzell, *Inventing the Criminal*, pp.247–252.

⁴⁵ *Verhandlungen des Reichstags*, 5. Wahlperiode (1930), 18. Ausschuss (Strafgesetzbuch), 11 . Sitzung (6 Februar 1931), 1 – 12; J Blasbalg, „Ausländische und deutsche Gesetze und Gesetzentwürfe über Unfruchtbarmachung“, Pp. 494 – 96; R Wetzell, *Inventing the Criminal*, pp.247–252.

⁴⁶ An economic-fiscal argument as a means for legalising sterilisation was presented in the Prussian privy council on January 20, 1932, cited in J Müller, *Sterilisation und Gesetzgebung*, p.93.

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government on July 30.⁴⁷ Most vital was the formulation of a draft law, which called for the voluntary sterilisation of those with hereditary defects. The first article stated that

a person who suffers from hereditary mental illness, hereditary feeble-mindedness [*Geistesschwäche*], hereditary epilepsy or another hereditary illness, or who is a carrier of pathological genetic traits, can be sterilised if the person consents and if according to medical science serious physical or mental genetic defects are to be expected among the person's progenies.⁴⁸

While the draft bill emphasised sterilisation only in instances when consent was given by the person, parents, or guardian, it nonetheless intended to sanction eugenic practices on an extensive scale. Crucially, the draft law did not include provisions for the sterilisation of criminals or Gypsies, since it was felt that there was not enough scientific evidence on the connection between heredity and crime to justify their inclusion.⁴⁹ After the Prussian government approved the sterilisation proposal, it was passed to the national government to be sanctioned at a federal level. By the time this bill had passed through the legislative process, however, the Nazis had assumed power and the political situation had changed entirely.⁵⁰

The Prussian bill was crucial to the eugenic legislation enforced by the Nazis. Since the National Socialist Party had been strongly pressing for compulsory eugenic sterilisation, in March 1933, under the direction of Dr. Arthur Gütt and Ernst Rüdin, the new government began preparing a special sterilisation Law titled, 'the Law for the Prevention of Genetically Diseased Offspring' (*Gesetz zur Verhütung erbkranken Nachwuchses*), based on the Prussian

⁴⁷ "Die Eugenik im Dienst der Volkswohlfahrt. Bericht über die Verhandlungen eines zusammengesetzten Ausschusses des Preußischen Landesgesundheitsrates vom 2. Juli 1932" in *Veröffentlichungen aus dem Gebiete der Medizinalverwaltung*, 38, 1932, pp.629–740; RJ Bullen, H Pogge von Strandmann, and AB Polonsky, *Ideas into politics: aspects of European history, 1880 to 1950*, Croom Helm, Michigan, 1984, p.84.

⁴⁸ "Die Eugenik im Dienst der Volkswohlfahrt", p.735.

⁴⁹ "Die Eugenik im Dienst der Volkswohlfahrt".

⁵⁰ M Conroy, *Nazi Eugenics: Precursors, Policy, Aftermath*, Ibidem Press, 2017.

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draft.⁵¹ In comparison to the Weimar draft, the Nazi Sterilisation Law was far more radical, as it pushed for compulsory sterilisation, rather than voluntary. However, while the Prussian draft had stipulated the sterilisation of persons who suffered from *any* hereditary illness, the Nazi law, by contrast, limited the application of sterilisation to the nine illnesses explicitly enumerated in the decree which included: ‘congenital feeble-mindedness, schizophrenia, periodic (manic depressive) insanity, inherited epilepsy, inherited Huntington’s chorea, inherited blindness or deafness, severe inherited physical malformation, and severe alcoholism.’⁵² As indicated in the minutes from the Reich Ministry cabinet meeting from July 14, 1933, the sterilisation law was approved and was officially enforced from January 1, 1934.⁵³

This law represents a monumental step towards the Nazis’ goal to achieve a racially-ordered system of laws to shape the body politic, and additionally laid the groundwork for the regime’s medicalised approach to ‘life unworthy of life’. Most importantly, though, was the heightening of the authority of scientific experts involved in managing the new law. All doctors who had encountered a person who belonged to any of the preceding categories for sterilisation were legally obligated to provide an application for the sterilisation of the individual in question. This application was subsequently forwarded to a special genetic health court (*Erbgesundheitsgericht*), whose task was to determine whether the candidate should be sterilised. Each tribunal was composed of one judge who operated as chairman and coordinator, one administrative health official expected to be closely associated with the Nazi Party and one

⁵¹ BA Berlin R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, *Reichsgesetzblatt*, den 25. Juli 1933, Nr. 86; G Bock, *Zwangsterilisation im Nationalsozialismus: Studien zur Rassenpolitik und Frauenpolitik*, Westdeutscher Verlag, Opladen, 1986.

⁵² BA Berlin R1501/126248, “Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, *Reichsgesetzblatt*, den 25. Juli 1933, Nr. 86, and for a more detailed commentary of the Law see, A Gütt, E Rüdin, and F Ruttko, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, J.F. Lehmanns Verlag, Munich, 1936.

⁵³ BA Berlin R43 II/720, Sitzung des Reichsministeriums aus der Niederschrift über die Ministerbesprechung, 14. Juli, 1933.

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physician ostensibly specialised in racial hygiene.⁵⁴ Once the courts had decided in favour of the applicant's sterilisation, surgical intervention was permitted 'even against the will' of the individual. The police were also granted the power to exert force to ensure compliance if necessary. Initially, the most common type of procedures performed were tubal ligations for women and vasectomies for men. However, an amendment of the law, issued on February 25, 1936, allowed sterilisation by irradiation (X rays or radium) which was arguably a preliminary step towards the medical experiments of X-ray sterilisation which were later conducted extensively on inmates within Nazi concentration and extermination camps.⁵⁵

Gypsies as 'Born Criminals': Biological Criminalisation:

Before discussing how the Nazi biostate implemented these measures against the Gypsies, attention must first be paid to the biologically inflected criminological discourse that developed over the course of the twentieth century, as it facilitated the biologically racist attitudes towards Gypsies which saw their gradual inclusion in eugenic sterilisation. The emergence of criminology as a recognised scientific field arguably initiated the biological criminalisation of the Gypsies. As Richard Wetzell and Peter Widmann, have argued, the inception of German criminology was influenced by three developments that were common to most of Western Europe: the increasing interest in criminology among psychiatrists, the rise of a new penal reform movement which facilitated the push for criminological research, and the ground-breaking study of the Italian psychiatrist, Cesare Lombroso.⁵⁶ Influenced by the work

⁵⁴ BA Berlin R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“; P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, pp.522–525; R Proctor, *Racial Hygiene: Medicine under the Nazis*, pp.104–112; R Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*, pp.25–27; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, p.39.

⁵⁵ „Fünfte Verordnung zur Ausführung des Gesetzes zur Verhütung erbkranken Nachwuchses vom 25. Februar 1936“, *Reichsgesetzblatt*, Jahrgang 1936, Teil 1, s. 122, ALEX Historische Rechts und Gesetzestexte Online, viewed 13 February 2020, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1936&page=212&size=45>>; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.27; R Proctor, *The Nazi War on Cancer*, Princeton University Press, United Kingdom, 1999, p. 90; J Lifton, *The Nazi Doctors*, pp.25–27.

⁵⁶ For further information regarding the development of the field of criminology into a scientific field, see R Wetzell, *Inventing the Criminal: A History of German Criminology, 1880 - 1945*, pp.28–29; P Widmann, “The

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of Charles Darwin, in his 1876 book, *L'uomo delinquente (Criminal Man)*, Lombroso had claimed that criminality was a hereditary trait, determined by distinctive anthropological 'signs of degeneration'. In addition to physical stigma, the 'born criminal' possessed moral abnormalities, manifested in 'asocial' behaviour, such as the usage of slang and a lack of 'moral sense'. Though his study made small mention of the Gypsies, Lombroso nonetheless viewed them as a 'living example of a whole race of criminals'.⁵⁷

Following the publication of Lombroso's work, a discussion was initiated among experts in Germany, such as Abraham Baer, Paul Näcke and Hans Kurella, about whether criminality should be seen as a genetic or social trait. Most experts rejected Lombroso's thesis and believed that the causes of crime were social, not biological. Bauer, for example, concluded in his book *Der Verbrecher in anthropologischer Beziehung*, published in 1893, that the 'born criminal' did not exist, as none of the 'signs of degeneration' were exclusively attributed to criminals, as degeneration was also common among the lower social classes. Additionally, he insisted that, 'just as there are morally excellent people with severe stigmata of degeneration, so there are criminals with several convictions without any visible signs of degeneration'.⁵⁸

Baer's thesis was strongly supported by Näcke, who argued that both crime and insanity originated from a degenerate disposition, though he vigorously refuted evidence for progressive degeneration. He too asserted that heredity was not a primary factor in determining criminal behaviour; rather, it was influenced by the milieu. He criticised Lombroso's methodology, claiming that it makes 'no sense to search for anthropological characteristics for

Campaign Against the Restless: Criminal Biology and the Stigmatisation of the Gypsies, 1890 – 1960", pp.19–20; R Wetzell, "Criminology in Weimar and Nazi Germany" in P Becker, and R Wetzell, (eds.) *Criminals and their Scientists*, Cambridge University Press, New York, 2006, p.402.

⁵⁷ C Lombroso, *Der Verbrecher in anthropologischer, ärztlicher und juristischer Beziehung*. (trans. M Fränkel), Richter, Hamburg, 1887 – 90; C Lombroso, *Die Ursachen und die Bekämpfung des Verbrechers*. (trans. H Kurella), Bermuhler, Berlin, 1902; G Lombroso-Ferrero, *Criminal Man According to the Classification of Cesare Lombroso*, The Knickerbocker Press, London, 1911, pp.3–51.

⁵⁸ A Baer, *Der Verbrecher in anthropologischer Beziehung*, Leipzig, Thieme, 1893, pp.192,382.

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a sociological concept'.⁵⁹ Kurella stood apart as almost the only German author who defended Lombroso's thesis and endorsed his ideas in his work, *Naturgeschichte des Verbrechers*, published in 1893. Here Kurella categorically rejected the sociological explanation for crime. Instead, he incorporated degeneration with the Darwinist notion that every species naturally produced variations, concluding that the born criminal was an atavistic being, distinguished by specific physical characteristics. He further came to the totalising conclusion that all criminal behaviour was primarily caused by biological reasons, and argued that conditions of poverty and malnutrition, for instance, triggered the biological process of degeneration, resulting in a biological 'disposition towards crime' (*Verbrecheranlage*) after several generations.⁶⁰

Although Lombroso's idea of the 'born criminal' was sharply challenged by several scientific and legal experts, his notion of hereditary moral defects was nonetheless adopted by several Gypsy experts. In his 1905 publication, *Zigeunerbuch*, Alfred Dillmann, for example, had equated the Gypsy lifestyle with criminality, insisting that their itinerant trading professions served as a disguise for criminal activity.⁶¹ Though he did not share Lombroso's view of Gypsy criminality as a hereditary trait (he asserted that it was a behavioural characteristic influenced by environmental factors), Dillmann had warned of the dangers of a mixed German and Gypsy gene pool; an idea which resurfaced in the Nuremberg Laws under the Nazi Regime. He claimed that the 'racially pure *Zigeuner*...ceased to exist' in German society, and that the Gypsies living in Bavaria either derived from racial mixing with Germans or had arisen 'autochthonously' from European soil.⁶²

⁵⁹ P Nücke, *Verbrechen und Wahnsinn beim Weibe. Mit Ausblicken auf die Criminal-Anthropologie überhaupt*, Braumüller, Vienna, 1894, p.96.

⁶⁰H Kurella, *Naturgeschichte des Verbrechers: Grundzüge der criminellen Anthropologie und Criminalpsychologie*, Enke, Stuttgart, 1893, pp.170.

⁶¹ A Dillmann, *Zigeuner-Buch*, Dr Wild'sche Buchdruckerei, Munich, 1905, p.6.

⁶² A Dillmann, *Zigeuner-Buch*, pp.5-6.

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One key researcher whose work was more obviously influenced by the thinking of Lombroso was the criminal biologist and psychologist, Robert Ritter. Like Ploetz and Lenz, Ritter believed in the need to protect the national community from inferior strains of humanity and believed that eugenic intervention, by means of sterilisation, was the key to saving the abnormal, mentally deficient or the ‘incurably sick’ and preventing their reproduction. In contrast to Ploetz and Lenz, however, Ritter devised a genealogical approach that concentrated on family relationships and the descent of ‘social misfits’, which provided the foundation for his work.⁶³

Unlike Ploetz and Lenz, Ritter repeatedly refused to become a Nazi party member, maintaining that to do so would compromise the independence of his research. He was, however, a major supporter of their eugenic agenda, approved of their strong advocacy for sterilisation, and greatly desired to exert influence upon their eugenic policy. Indeed, the latter aspiration was his main justification for working with the Nazis political regime.⁶⁴ Taking the Gypsies as his primary subject, Ritter’s research largely focused on investigating the connection between heredity and criminal behaviour.⁶⁵ Ritter’s dissertation, *Ein Menschenschlag*, published in 1937, examined ‘asocial’ inhabitants, who were in a poor neighbourhood on the outskirts of Tübingen. Basing his research on their criminal records and welfare data, Ritter discovered that the members of this population descended from ‘vagabonds, *Gauner* [habitual criminals], and robbers’ who had formed a *Gaunergesellschaft* (society of criminals) during the seventeenth and eighteenth century. Ritter concluded that these inhabitants were ‘born criminals’ and ‘born vagabonds’, who were genetically inclined

⁶³ W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, pp.203–207.

⁶⁴ W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, pp.203–220.

⁶⁵ R Wetzell, *Inventing the Criminal* p.219, M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991, pp.118–120.

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to lead an asocial and criminal life.⁶⁶ In another article titled *Zigeuner und Landfahrer*, Ritter believed that ‘racially pure’ Gypsies did not constitute a threat to the German *Volk* and they should be allowed to continue with their lifestyle.⁶⁷ However, in his work, *Zur Frage der Rassenbiologie und Rassenpsychologie der Zigeuner in Deutschland*, Ritter concluded that ‘pure’ Gypsies no longer existed in Europe. He stigmatised the current Gypsy inhabitants as ‘asocial half-breeds’ (*asoziale Mischlinge*), and he believed that they could never be integrated into society. Thus, Ritter upheld the decades long held opinion that all foreign Gypsies should be deported.⁶⁸

In his later works, Ritter emphasised the biological connections between asociality and the Gypsies. His 1940 article, titled *Primitivität und Kriminalität*, identified the Gypsies as a ‘primitive’, ‘degenerate’ group of individuals who lived as ‘vagabonds, thieves, cheats and robbers’ and exhibited ‘psychological, characterological, [and] constitutional characteristics that were common to a large part of all criminal asocials’. Since, in Ritter’s opinion, punishment, education, welfare and settlement had been unsuccessful in changing the character of the Gypsies, he recommended that they be subjected to sterilisation and incarcerated in concentration camps.⁶⁹ Another of Ritter’s works, titled *Die Zigeunerfrage und das Zigeunerbastardproblem*, justified his recommendations for solving the so-called Gypsy nuisance via regulatory biopolitical mechanisms. Ritter claimed that the ‘Gypsy Question’ was predominantly a ‘mixed-breed problem’, as the vast majority of Gypsy *Mischlinge* were asocial. He further stated,

⁶⁶ R Ritter, *Ein Menschenschlag* Med. Habilitationsschrift, Georg Thieme, Leipzig, 1937, pp.51,59,60–61,80,86, 110,111.

⁶⁷ R Ritter, „Zigeuner und Landfahrer“ *Der nichtsesshafte Mensch. Ein Beitrag zur Neugestaltung der Raum und Menschenordnung im Großdeutschen Reich*, Munich, 1938, pp.71–88.

⁶⁸ R Ritter, „Zur Frage der Rassenbiologie und Rassenpsychologie der Zigeuner in Deutschland“ *Reichs-Gesundheitsblatt*, no.22, Berlin, 1938, pp.425–426.

⁶⁹ R Ritter, „Primitivität und Kriminalität“, *Monatsschrift für Kriminalbiologie und Strafrechtsreform. Organ der Kriminalbiologie Gesellschaft*, vol.31, no.9, Munich and Berlin, 1940a, pp.197-210.

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from a eugenic point of view it must be additionally required, that the unchecked... reproduction of this half-breed population is prevented and that the further infiltration of Gypsy blood into the German national body must come to an end. Our task [is]...to point out the way to protect the German people in the future from further unwanted genetic influence through preventative measures.⁷⁰

As later chapters demonstrate, Ritter's research served as both an instrument and justification for the biopolitical regulations enforced against the Gypsies living under the Nazi Regime. Accordingly, it can be argued that Lombroso's work facilitated scientific German discourse concerned with investigating whether Gypsy criminality was a biological condition. Via interlocutors such as Kurella and Ritter, Lombrosian ideas facilitated the rise of a biologically racist understanding of Gypsies, which significantly intensified during the Third Reich.

Not surprisingly, Ritter's research associates also shared his opinions regarding the Gypsies and their connection with criminality. Adolf Würth's work is particularly noteworthy, as he reinforced Ritter's assertion that the Gypsies were predominantly a racial problem, one addressed by Nazi laws. He argued that:

the Gypsy question is for us today primarily a racial question...Jews and Gypsies have been placed on equal footing in marriage prohibitions in the regulations for implementing the Nuremberg law for the Protection of German blood. The Gypsies are not of German blood nor can they be considered related to German blood.⁷¹

Certainly, there were some who followed in Ritter's ideas concerned with the Gypsies; however, this was not the full spectrum of asocial research during the Nazi period. Other

⁷⁰ R Ritter, „Die Zigeunerfrage und das Zigeunerbastardproblem“ *Fortschritte der Erbpathologie, Rassenhygiene und ihrer Grenzgebiete*, no.3, Leipzig, 1939, pp.2–20.

⁷¹ A Würth, „Bemerkungen zur Zigeunerfrage und Zigeunerforschung in Deutschland,“ *Verhandlungen der Deutschen Gesellschaft für Rassenforschung*, no.9, 1938, p.95.

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contemporary researchers who proved to be influential within the field of asociality included Heinrich Wilhelm Kranz and Siegfried Koller.⁷² In their work, *Die Gemeinschaftsunfähigen*, Kranz and Koller claimed that asociality did not result from a single genetic trait; rather, it was a consequence from a ‘complex of interlocking genetic traits, whose interaction with environmental influences shaped...the asocial personality in ways that [were] not generally understood’.⁷³ They concluded that asocial behaviour occurred due to specific combinations of ‘individual defects’ which could be inherited separately. Consequently, Kranz and Koller insisted that it was unlikely that asocial behaviour would be genetically transmitted from parents to their offspring; however, that there was the possibility that the offspring could suffer from other combinations of ‘defects’, which would, in their opinion, result in asociality.⁷⁴ Finally, they recommended the sterilisation of criminals; using, however sociological rather than biological criteria for medical diagnosis, as they could not prove the role of heredity in asocial behaviour.⁷⁵

It is worth noting the similarities and differences between Ritter’s research and that of Kranz and Koller. A key distinction between them was, of course, philosophical. On the one hand, Ritter believed that asociality was a genetically transmitted disease, while Kranz and Koller, by contrast, argued that it was unlikely for offspring to inherit asociality from their parents. Additionally, although the subjects of each researcher’s work belonged to the category of ‘asocials’, the objects of Ritter’s study were limited to Gypsies and vagabonds, while Kranz and Koller observed a broad range of criminals, who belonged to specific, sociological categories.⁷⁶ Secondly, their methodologies were quite different, as Ritter’s work was

⁷² R Wetzell, *Inventing the Criminal*, pp.221-222.

⁷³ R Wetzell, *Inventing the Criminal*, pp.227–228, HW Kranz, and S Koller, *Die Gemeinschaftsunfähigen: Ein Beitrag zur wissenschaftlichen und praktischen Lösung des sogenannten „Asozialenproblems.“* 2 vols, Karl Christ, Gissen, 1939, 1941.

⁷⁴ Wetzell, R. *Inventing the Criminal*, Pp. 227 – 228; HW Kranz, and S Koller, S. *Die Gemeinschaftsunfähigen*.

⁷⁵ R Wetzell, *Inventing the Criminal*, p.228; HW Kranz, and S Koller, *Die Gemeinschaftsunfähigen*.

⁷⁶ R Wetzell, *Inventing the Criminal* pp.225-229

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characterised by genetic determinism, whereas Kranz and Koller used a sociological approach, which employed statistical evidence and official records documenting criminal behaviour. Furthermore, although they both recommended sterilisation as a radical solution to the problem of 'asocials', their criterion for the medical diagnosis of asociality directly opposed one another: Ritter's criteria, on the one hand, were biological, while Kranz and Koller's were purely sociological.⁷⁷ Arguably, the methodological and philosophical approach of Kranz and Koller was in line with current criminal biology methodology, while Ritter's was outside the typical scope of criminal biological discourse. This suggests that, to some extent, Kranz and Koller's research closely followed the 'conventional' school of eugenicist thought advocated by Weimar experts; that is, that criminal behaviour could not be solely determined by heredity.

While Ritter's research was widely recognised among scholars, the general public, and was strongly supported by the NSDAP, his work did not reflect the mainstream discourse of criminal biologists during the Third Reich. One of the most significant and influential figures within the field of criminal biology during the Nazi regime was arguably Friedrich Stumpfl. In his 1935 book, *Erbanlage und Verbrechen: Charakterologische und psychiatrische Sippenuntersuchungen*, Stumpfl sought to make progress on a key issue evident in Johannes Lange's study of twins: the lack of information regarding the nature of genetic factors in determining criminality.⁷⁸ Stumpfl theorised that genetic origins of criminal behaviour were only evident among habitual, recidivist criminals, and not of occasional or one time offenders. His findings confirmed this hypothesis, as his evidence illustrated that criminal behaviour among the relatives of habitual criminals was considerably higher than that of one-time offenders.⁷⁹ Stumpfl further argued that no substantial evidence could prove the biological

⁷⁷ W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*; J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie. „Zigeunerforschung“ im Nationalsozialismus und in Westdeutschland im Zeichen des Rassismus*, Lang, Frankfurt am Main, 1991.

⁷⁸ F Stumpfl, *Erbanlage und Verbrechen: Charakterologische und psychiatrische Sippenuntersuchungen*, Springer, Berlin, 1935.

⁷⁹ F Stumpfl, *Erbanlage und Verbrechen*, pp.1–4,4–42,284–288.

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connection between criminal behaviour and mental illnesses, including schizophrenia, manic depression and epilepsy. Thus, Stumpfl's study discredited a major portion of hereditary explanations of crime, which had been extensively recognised for over half a century.⁸⁰ More importantly, Stumpfl, on occasion, endorsed racial theories regarding marginal ethnic or social groups, such as the Gypsies. Influenced by Ritter's research, Stumpfl presumed that 'maintaining the purity of the Gypsy race [was] in the interest of the state'.⁸¹

Another key voice within the field of criminal biology was Edmund Mezger. In contrast to Stumpfl, in his 1934 study, *Kriminalpolitik auf kriminologischer Grundlage*, Mezger argued that criminal behaviour could not be sufficiently understood 'without the most thorough investigation of the social factors of crime'.⁸² He also rejected solely biological or environmental explanations for criminality and believed that the causes of criminal behaviour could only be determined by maintaining an equal balance between biological and environmental factors. In terms of sterilisation, in stark contrast to Stumpfl, Mezger believed that these measures lacked in scientific justification, as genetic factors were never the sole determinant of criminality.⁸³ Also worth mentioning is Franz Exner, who, in his 1939 book titled *Kriminalbiologie*, emphasised the argument of Mezger. He too stressed the need for criminologists to consider both hereditary and environmental factors as equal causes of crime and, similarly to Mezger, refuted purely genetic or environmental explanations of criminal behaviour.⁸⁴ The works of Stumpfl, Mezger, Exner and others indicate that, in line with the Weimar era, a majority of criminal biologists did not endorse genetic causes of crime during the Third Reich, even though this was the view held by the Nazis.

⁸⁰ F Stumpfl, *Erbanlage und Verbrechen*, pp.43–44,47,288–293.

⁸¹ F Stumpfl, „Über kriminalbiologische Erbforschung“, *Allgemeine Zeitschrift für Psychiatrie*, 107, 1938, p.53.

⁸² E Mezger, *Kriminalpolitik auf kriminologischer Grundlage*, Enke, Stuttgart, 1942, pp.172–173,109–110.

⁸³ E Mezger, *Kriminalpolitik auf kriminologischer Grundlage*.

⁸⁴ F Exner, *Kriminalbiologie*, 3rd edn. Springer, Berlin, 1949, pp.174–177.

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Nazi Eugenic Measures of Sterilisation:

Even though Ritter's ideas were outside the conventional school of thought within the field of criminal biology, his research was critical to the radicalisation of the Gypsy persecution and their sterilisation. While the Gypsies were not explicitly mentioned in the Nazi Sterilisation Law of 1933, they were indeed targeted by this decree.⁸⁵ Since Ritter and his associates had scientifically legitimised asociality as a biological condition, the Gypsies were viewed as a biological risk to the national community, whose propagation needed to be stopped. As the following chapter demonstrates, Gypsies were sterilised primarily on the grounds that they were carriers of hereditary diseases, such as 'disguised mental retardation' or 'feeble-mindedness' (*Schwachsinn*), which Ritter had regarded as identical to asociality.⁸⁶

In addition to performing eugenic interventions within a legal framework, archival evidence suggests that the Nazis also sterilised Gypsies under other conditions after the outbreak of the Second World War. A German Gypsy *Mischling*, Eichwald Rose, describes how he and his family were subjected to eugenic sterilisation at the hands of the Nazis. He recalled how in June 1938, he was deported to the Sachsenhausen concentration camp, where he was forced to stay in poor living conditions. In December 1940, he was released from the camp to volunteer to help to dig up unexploded ordnances for the *Luftwaffe* under the strict surveillance of the SS. As a reward for his work, he was granted permission to reside in Szczecin, a German city until 1945, on the condition that he agreed to sign a declaration to undergo sterilisation at the local hospital. If he refused, he would be deported back to

⁸⁵ It is worth pointing out that Gypsies and Jews were not the only victims of coercive sterilisation under Hitler's Germany. In a secret Nazi operation during the summer of 1937, approximately 385 Black *Mischlinge* children, classified as 'Rhinelandbastards' were forcibly sterilised on the grounds of their 'foreign racial features' (*fremdrassische Merkmale*). This came as a result of the 'Black Horror' campaign, which laid the foundation for racial fears and stereotypes against the Black Germans, as many believed that the colonial troops in the Rhineland endangered the 'racial purity' of the *Volksgemeinschaft*. For an elaborate discussion on this, see I Wigger, *The "Black Horror on the Rhine: Intersections of Race, Nation, Gender and Class in 1920s Germany*, Palgrave Macmillan, United Kingdom, 2017, pp.1-24.

⁸⁶ R Ritter, *Ein Menschenschlag*, p.19.

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Sachsenhausen. As a result, he agreed to the procedure and Ritter authorised for his operation to take place in May 1941.

Even though Rose had been successfully sterilised, he was subsequently arrested by the Gestapo in September 1942 and was admitted to Sachsenhausen while his father and siblings were deported to Auschwitz – only one of his brothers survived the ordeal. He went on to confirm that during his second arrest in Sachsenhausen, his twelve-year-old daughter was arrested by the Gestapo and forcibly sterilised. His three younger children were also earmarked for sterilisation once they reached twelve years of age, though his wife was spared in order to work. He described the severe effects of the sterilisation, as he was ‘no longer able to fully work’ and ‘make a living as a musician’.⁸⁷

This case is instructive for two reasons: firstly, it shows how the Nazis employed coercive biopolitical tactics against Gypsies to prevent the procreation of future ‘degenerative’ offspring. As we will soon see, this strategy of deterrence was not uncommon within the wartime period, as German Gypsies selected for deportation to the General Government in May 1940 were similarly forced to sign a similar declaration stating that they would consent to sterilisation if they returned to the Reich.⁸⁸ Secondly, this eyewitness account demonstrates how an agreement to be sterilised did not guarantee exemption from deportation, especially since these interventions were conducted in the absence of an official order. These theoretical protections from deportation were only sanctioned once the implementing instructions of the Auschwitz decree were issued on January 29, 1943. Even then, this was only limited to a strict

⁸⁷ IfZ, MS 410, Abschrift: Eidesstattliche Erklärung.

⁸⁸ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940.

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category of Gypsies and deportation to Auschwitz or another concentration camp was still a possibility if a sterilisation procedure was performed.⁸⁹

In addition to this, there is mounting evidence confirming other instances in which practices of eugenic sterilisation were performed on Gypsies without any lawful basis. These cases largely occurred within concentration and extermination camps, such as Auschwitz-Birkenau. Carl Clauberg was one Nazi doctor who engaged in extensive sterilisation and castration experiments on Gypsy prisoners in Auschwitz. On Himmler's orders, he was entrusted with finding a cheap and efficient method of mass sterilisation.⁹⁰ In December 1942, Clauberg arrived at Auschwitz and his sterilisation experiments began in April 1943, after he was transferred to Block 10 in the camp. His method consisted of injecting 'a caustic substance into a woman's cervix to obstruct the fallopian tubes'.⁹¹ His victims were primarily married Jewish and Gypsy women aged between twenty and forty who had borne children. After determining via an X-ray apparatus that there was no previous blockage in the female reproductive organs, he injected a prepared opaque liquid, which caused severe inflammation and would block the fallopian tubes after several weeks.⁹² It is not known precisely how many Gypsies were sterilised by the hand of Clauberg, though he did declare in a report to Himmler on June 7, 1943, that '*one adequately trained physician in one adequately equipped place, with perhaps ten assistances will most likely be able to deal with several hundred, even if not 1000 per day*', though such claims are difficult to confirm.⁹³ Nonetheless, a testimony from Telford Taylor at the doctor's trial in 1946 affirmed that Gypsies were certainly victims of Clauberg's

⁸⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943. On the sterilisation of Gypsies following the Auschwitz decree, see Chapter Eight: Thanatopolitics.

⁹⁰ For further details of the correspondence between Himmler and Clauberg, see J Lifton, *The Nazi Doctors*, pp.274–276.

⁹¹ J Primomo, *Architect of Death at Auschwitz: A Biography of Rudolf Höss*, McFarland and Company, Inc., Publishers, North Carolina, 2020, p.94.

⁹² J Lifton, *The Nazi Doctors*, pp.271-278.

⁹³ Quoted in J Lifton, *The Nazi Doctors*, p.276. Emphasis in original.

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medical experiments, as he stated that ‘several thousand Jews and Gypsies were sterilised at Auschwitz by the method’.⁹⁴

This evidence confirms that the Nazi state made attempts to control and limit the reproduction of the Gypsies, who were ideologically deemed as a threat to the whole society. The Sterilisation Law of 1933 was one of the starkest manifestations of Nazi biopower, as the NSDAP sought to halt the propagation of the Gypsies to ensure the healthy regeneration of the German *Volk*. In the following chapter, this will be explored further, as new archival evidence will show how during the early years of Nazism, Gypsies were subjected to legalised sterilisation procedures, on the grounds of their asociality and ‘inherent mental deficiency’. Of course, eugenic sterilisations of the Gypsies also occurred in other instances outside of the law. While Nazi superiors had authorised the sterilisation experiments in which the Gypsies were victims of, it was not decreed as an official proclamation and was presumably kept secret from the general public.

Conclusions:

State policies targeting Gypsies for coercive sterilisation is a striking example of biopower. By implementing policies to prevent the reproduction of so-called ‘degenerates’, the state was able to unabashedly shape and control life. Crucial to the inclusion of Gypsies in eugenic sterilisation was the development of scientific racism, eugenic thinking, and criminal biology as a field of research. Since some criminal biologists, such as Robert Ritter, declared that asociality and criminality were biological conditions, Gypsies were viewed as a ‘degenerative threat’ to society, whose reproduction must be prohibited through eugenic measures, such as the Nazi sterilisation law of 1933. Archival evidence reveals that this was not the first time that German Gypsies were targets of a legal framework for eugenic sterilisation. As the Prussian

⁹⁴ Quoted in G Lewy, *The Nazi Persecution of the Gypsies*, p.162.

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draft proposals submitted during Weimar republic, indicate, there were deeper origins of the NSDAP's biopolitical, racial persecution of Gypsies.

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The previous chapter discussed the history of Gypsy eugenic sterilisation in Nazi Germany and how it was significantly influenced by the developments in German eugenic thinking and criminal biological discourse. It established that both illegal and state-sanctioned eugenic sterilisations were performed on Gypsies and revealed that proposals for their subjection to such biologically intrusive measures preceded the Nazi period, confirming the deeper origins of the racial persecution of the Gypsies under the NSDAP.

To understand the specific character of the Nazi ideas and beliefs concerning eugenics, as well as how this ideology became infused with eugenic policies targeting the Gypsies, it is important to consider the emergence of German eugenics as part of a wider social Darwinist movement. Eugenicist ideas gained widespread support throughout the early nineteenth century in other areas of central Europe besides Germany. Since a central focus of this thesis is to determine whether the biopolitical persecution of Gypsies followed a transnational framework or if the dynamic of their racial discrimination was specifically unique to Germany, it is logical to consider eugenic ideologies and developments in anti-Gypsy discourse which may have influenced their mistreatment in Austria and Switzerland. Accordingly, the chief aim of this chapter is to establish the dynamics of biological racism and eugenic policies targeting Gypsies living in Austria and Switzerland and determine whether these measures were similar to those of Germany. By evaluating the development of scientific movements and eugenic regulations affecting the Gypsies in Austria and Switzerland, this chapter will offer new context for the history of Germany's Gypsy persecution, as well as allow for a broader contextual understanding of trends in eugenic ideas and population policies throughout Central Europe.

Austrian Eugenics and Racial Hygiene:

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In comparison to Germany, the development of eugenics in Austria did not accelerate until the interwar period. Nonetheless, prior to the outbreak of the First World War, eugenic discourse among Austrian scholars had emerged, gradually driving Austria's involvement in the eugenics movement of the western world. One of the early advocates of eugenics in imperial Austria was the bacteriologist Max von Gruber, whose work was significantly influenced by the German racial hygienist, Alfred Ploetz.¹ In an address from 1903 to the *Deutsche Gesellschaft für Volkshygiene* he discussed the origins of racial degeneration. While he agreed that racial hygiene had beneficial impacts upon both an individual and the greater population, he did not believe that natural selection could improve the quality of a race, as abnormalities and diseases occurred in both persons who were *Minderwertigen* (genetically inferior) and *Vollwertigen* (genetically sound). In his opinion, the most important principle of racial hygiene was for only the healthy to reproduce, as the danger in the deterioration of the race lay in the inheritance of sickness.² Another influential figure in the field of Austrian eugenics was the criminal jurist, Hans Gross. In 1913, he made the radical recommendation of an extensive sterilisation program of people with a 'pronounced criminal disposition' due to the alarmingly large number of those he called 'degenerates and people with a criminal disposition'.³

While pro-eugenic views were certainly voiced in Austria before the outbreak of the First World War, there were some scholars who sharply criticised the legitimacy of racial theory. One such figure was the social democrat Friedrich Hertz. In his works *Moderne Rassentheorien* and *Antisemitismus und Wissenschaft*, Hertz employed a sociological and legal

¹ M Turda, and P Weindling, „Eugenics, Race and Nation in Central and Southeastern Europe, 1900 – 1940: A Historiographic Overview“ in M Turda and P Weindling, (eds.) *Blood and Homeland: Eugenics and Racial Nationalism in Central and Southeast Europe, 1900 – 1940*, Central European University Press, Budapest and New York, 2009, p.3; T Mayer, “Austria: Overview”, in M Turda, (ed.) *The History of East-Central European Eugenics, 1900 - 1945*, Bloomsbury, New York, 2015, p.4.

² M von Gruber, „Führt die Hygiene zur Entartung der Rasse?“, *Münchener Medizinische Wochenschrift*, vol. 50, no.6, 1903, pp.1713–1718,

³ H Groß, „Zur Frage der Kastration und Sterilisation“, *Archiv für Kriminalanthropologie und Kriminalistik*, no.51, 1913, pp.316–325.

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approach to the problem of race. He attacked racial theory, claiming that ‘race theories are little else but the ideological disguises of the dominators’ and exploiters’ interest’.⁴ He further argued that race theories provided insufficient empirical evidence and did not show a significant connection between physical and mental characteristics.

Austria’s influence in the international debate on eugenics was arguably solidified by the creation of its first eugenics society, the *Gesellschaft für Rassenhygiene*, which eventually created an Austrian branch. Founded by Alfred Ploetz on June 22, 1905, in Berlin, this society served as an institution which facilitated scientific discourse in the field of eugenics between Austrian and German experts.⁵ Key Austrian members of this society included the Viennese anthropologists Rudolf Pöch and Felix von Luschan, as well as the physiologist Rudolf Wlassak. They frequently interacted with Ploetz and shared his concerns over the impact of alcohol on the development of the brain and race.⁶ While the establishment of the Racial Hygiene Society certainly resulted in some German influence over the Austrian eugenic discourse, Weindling stresses that eugenic policies in Austria were largely implemented as a separate response to Viennese culture, politics, social and economic circumstances.⁷

Interest in the eugenics movement rapidly increased after the collapse of the Austro-Hungarian Empire. Owing to the consequences of the First World War, including loss of territory, economic exhaustion, declining birth rates and high death toll, methods to achieve population growth were seen as a high priority. Within this context, eugenic initiatives for the

⁴F Hertz, „Moderne Rassentheorien“ *Sozialistische Monatshefte* 6, 1902, pp. 876 – 883; F Hertz, *Antisemitismus und Wissenschaft*, Stern, Wien, 1904.

⁵ P Weindling, “A City Regenerated: Eugenics, Race, and Welfare in Interwar Vienna”, in D Holmes, and L Silverman, (eds.) *Interwar Vienna: Culture between Tradition and Modernity*, Camden House, New York, 2009, pp.84-86

⁶ See R Wlassak, *the influence of alcohol upon the functions of the brain*, American Issue Pub. Co. Westerville, Ohio, 1907; R Pöch, „Rassenhygiene und ärztliche Beobachtung aus Neu-Guinea“, *Archiv für Rassen und Gesellschaftsbiologie*, 5, 1908, pp.46-66; F von Luschan, „Anthropological View of Race“, in G Spiller, (ed.) *Inter-Racial Problems Communicated to the First Universal Races Congress Held at the University of London July 26 – 29, 1911*, P.S. King, London, 1911.

⁷ P Weindling, “A City Regenerated: Eugenics, Race, and Welfare in Interwar Vienna”, pp.83–85.

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rejuvenation of the Austrian population, such as eugenic sterilisation, gained significant currency.⁸ One of the most influential Austrian eugenicists was Julius Tandler, who was known for introducing a comprehensive network of public health and social services institutions in Vienna during the interwar years.⁹ He enthusiastically endorsed eugenic policies, implemented through marriage counselling and family planning, as a means for controlling reproduction. In addition to this, Tandler was a strong proponent for the forced sterilisation of criminals, ‘idiots’ and epileptics and he also championed the radical ideas of Hoche and Binding, who argued for the elimination (*Vernichtung*) of individuals deemed as ‘unworthy of living’ (*lebensunwerten Leben*).¹⁰ Vital to the success of eugenic sterilisation, in his opinion, was a system of welfare based on societal responsibility. In his 1929 article, titled *Gefahren der Minderwertigkeit*, Tandler wrote that:

the sterilisation (*Unfruchtbarmachung*) of inferiors, obviously with all the provisos of science and humanity, and with the full security of the law, is in my opinion, a demand that cannot be refused. It is my view that many inferiors, if educated about the prospective destiny of their children would voluntarily submit themselves to the inhibition of the spermatic cord or fallopian tubes respectively. Here too education, and not the law, is the primary concern.¹¹

Another prominent eugenicist was Julius Wagner-Jauregg, who, similarly to Tandler, also promoted the forced sterilisation of criminals as well as the mentally ill. Contrastingly, he

⁸ T Mayer, „Familie, Rasse und Genetik, Deutschnationale Eugeniken im Österreich der Zwischenkriegszeit“, in G Baader, V Hofer, and T Mayer, (eds.) *Eugenik in Österreich: Biopolitische Strukturen von 1900 bis 1945*, Czernin Verlag, Wien, 2007, pp.168–169; H Czech, „From Welfare to Selection: Vienna’s Public Health Office and the Implementation of Racial Hygiene Policies under the Nazi Regime“, in M Turda, and P Weindling, (eds.), *Blood and Homeland*, Central European University Press, Budapest and New York, 2007, p.319.

⁹ T Mayer, „Main Eugenicists and Key Texts“ (trans T Georgescu) in M Turda, (ed.) *The History of East-Central European Eugenics, 1900 - 1945*, Bloomsbury, New York, 2015, pp.20–21.

¹⁰ Tandler, J. *Ehe und Bevölkerungspolitik*, Verlag von Moritz Perles, Wien, 1924, pp.3–22.

¹¹ Tandler, J. „Gefahren der Minderwertigkeit“ in Breunlich, F. (ed.), *Das Wiener Jugendhilfswerk. Jahrbuch 1928*, Verlag des Jugendamtes der Stadt Wien, Wien, 1929, pp. 3 – 22; in Mayer, T. „Main Eugenicists and Key Texts“, (trans T Georgescu) pp.23–25.

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deemed Tandler's eugenic marriage counselling as 'pretty worthless from a eugenic perspective' since those who sought counsel tended to only be 'fit' couples.¹² Aligning with German-nationalist views on eugenics, he wholeheartedly supported the Nazi law of forced sterilisation but was sceptical about whether these practices would achieve a significant decrease in the number of those considered to be habitual criminals, alcoholics, epileptics or mentally ill, unless the sterilisations were widely administered. Despite his support for eugenic sterilisation in Austria, he recognised that such a decree would never eventuate under a Catholic authoritarian government which heavily opposed the principles of eugenic sterilisation.¹³

One other leading figure in the push for sterilisation was Felix Tietze, who advocated for the sterilisation of the 'feeble-minded', schizophrenics and psychopaths and demanded for more genetic research to substantiate proposals for eugenic sterilisation. In contrast to Tandler and Wagner-Jauregg, Tietze did not believe that criminals should be included in eugenic sterilisation, as he was not of the opinion that criminality was determined by biological factors.¹⁴ In 1934, Tietze was prosecuted for the illegal sterilisation of over one hundred psychiatric patients in Graz and was consequently sentenced with imprisonment for fourteen months. In an article regarding the judgement of the Austrian Supreme Court, Tietze insisted that the Graz sterilisations were carried out without eugenic aims and further claimed that 'there exist in Austria people who want a Sterilisation Bill for the purpose of forbidding sterilisation for other than eugenic reasons'.¹⁵

As was the case in other parts of Europe, the Austrian attempts to introduce a programme of coerced sterilisation became more urgent by the 1930s. This was partly due to

¹² J Wagner-Jauregg, „Zeitgemäße Eugenik“, *Wiener Klinische Wochenschrift*, 48, 1935, pp.1–2; in T Mayer, „Main Eugenicists and Key Texts“, (trans T Georgescu) pp.44–45.

¹³ J Wagner-Jauregg, „Zeitgemäße Eugenik“, pp.1–2.

¹⁴ F Tietze, „Sterilisierung zu eugenischen Zwecken“ *Volksaufartung, Erbkunde und Eheberatung*, 4, 1929a, pp. 200–222; F Tietze, „Sterilisierung zur Verbesserung des Menschengeschlechts“ *Volksaufartung, Erbkunde, Eheberatung*, 4, 1929b, pp.169-202.

¹⁵ F Tietze, “The Graz Sterilisation Trial”, *Eugenics Review*, vol.25, no.4, 1933 -1934, p.260.

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the economic crisis that emerged in the interwar period, but also because the establishment of the *Eheberatungsstelle* (Office of Marriage Counselling) in 1922, which offered marriage counselling regarding personal health care and eugenics, was deemed as a failed method for achieving the improvement of the nation's genetic stock.¹⁶ With the support of the *Österreichischer Bund für Volksaufartung und Erbkunde*, founded in May 1928, initiatives in fertility control, including eugenic sterilisation, were widely promoted within Austrian communities. In 1929, the Austrian League proposed a bill for voluntary sterilisation to be sent to the Austrian parliament. Like its Prussian counterpart, however, it was rejected on the grounds that there was not enough scientific research to justify such measures.¹⁷

Under an authoritarian Catholic regime from 1933 to 1938, further efforts for a eugenic sterilisation programme were stymied by the encyclical of Pius XI *Casti Connubii* (On Christian Marriage) which offered the church's official viewpoint of eugenic ideas.¹⁸ In this papal document, Pope Pius XI encouraged some positive eugenic measures, such as marriage counselling and education, but strongly condemned both voluntary and forced sterilisation, believing that such an intervention would violate 'the natural right of man to enter matrimony' and also affect 'in a real way the welfare of the offspring'. Furthermore, the pope declared that such interventions performed even on criminals as a form of punishment would be perceived as an encroachment in the church's view.¹⁹ Since the Catholic government forbade invasive

¹⁶ T Mayer, „Familie, Rasse und Genetik, Deutschnationale Eugeniken im Österreich der Zwischenkriegszeit“, pp.168–169; H Czech, “From Welfare to Selection: Vienna's Public Health Office and the Implementation of Racial Hygiene Policies under the Nazi Regime”, p.319.

¹⁷ T Mayer, “Austria: Overview”, P. 47

¹⁸ T Mayer, „Familie, Rasse und Genetik, Deutschnationale Eugeniken im Österreich der Zwischenkriegszeit.“, p.169.

¹⁹ *Casti Connubii, Encyclical of Pope Pius XI on Marriage*, paragraphs 68 – 69, December 31, 1930, viewed 18 February 2020, <http://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html>. See also M Löscher, „Eugenics and Catholicism in Interwar Austria“ in M Turda, and P Weindling, *Blood and Homeland: Eugenics and Racial Nationalism in Central and Southeast Europe, 1900 - 1940*, Central European University Press, Budapest and New York, 2007, p.304; M Löscher, „Katholizismus und Eugenik in Österreich...“das die katholische Auffassung alle vernünftigen Versuche der positiven Eugenik voll Freude begrüßt und unterstützt...““, in G Baader, V Hofer, and T Mayer, (eds.) *Eugenik in Österreich: Biopolitische Strukturen von 1900 bis 1945*, Czernin Verlag, Wien, 2007, pp.147–149.

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contraceptive measures, further proposals for eugenic sterilisation did not gain much legislative support and it was only after Austria was annexed by Nazi Germany that sterilisation was legalised. This break between pre-Nazi and Nazi period approaches to sterilisation demonstrates two crucial points: firstly, that the development of Austrian eugenics was a response to distinctive political, economic, cultural and religious circumstances, and secondly, that the Catholic prohibition on sterilisation programmes was quickly ruptured after the Nazification of Austria, as pre-existing Austrian eugenics and population policies were radicalised to align with Nazi goals and attitudes.²⁰

The Sterilisation of Austrian Gypsies:

Even though the Austrian proposals for eugenic sterilisation did not specifically mention Gypsies, the development of Austrian eugenic measures and discourse nonetheless provides critical context for understanding the dynamic of Austrian eugenics before its Nazification. Particular importance should be placed on the economic, social, and political characteristics of the interwar period, as these factors largely shaped the growing interest in the eugenics movement as well as the general direction of population policy in the Austrian republic. These factors become especially crucial when investigating the Austrian approach towards eugenic policy after its annexation in 1938, as Austrian attitudes and guidelines towards Gypsies rapidly came to align with those of the Nazis.

Returning to the question of how eugenic sterilisation came to include the Austrian Gypsies, following *Anschluss* in 1938, the demands for the sterilisation of Gypsies took on a concrete form. The push to implement these radical measures was largely spearheaded by the *Gauleiter* of Burgenland, Tobias Portschy, who was a member of the NSDAP. In his memorandum titled *Die Zigeunerfrage*, he declared that the Gypsies jeopardised the racial purity

²⁰ P Weindling, "A City Regenerated: Eugenics, Race and Welfare in Interwar Vienna", p.84; T Mayer, Overview, p.8.

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of German blood, owing to their ostensibly inferior genetic make-up and criminal tendencies. Insisting that the Gypsies ‘must be treated exactly like the Jews’, he suggested implementing several new measures; namely Gypsy internment in forced labour camps, exclusion from military service, prohibition of school attendance for Gypsy children and the rejection of hospital care.²¹ More radically, he recommended that the Reich Interior Ministry sanction a sterilisation law explicitly for Gypsies in order to prevent future generations of hereditarily inferior offspring. He further supported the strict prohibition of marriage and sexual intercourse between non-Gypsies and Gypsies, asserting that ‘sexual relations between Gypsies and Germans as a crime against racial purity must be countered by the severest laws’.²² On May 23, 1938, this demand became a reality, when the Nuremberg Laws were applied to Austria, which effectively banned marriages and sexual relations between Gypsies and persons ‘of German or related blood’.²³ Other radical eugenic aspects of Portschy’s proposal were also met with some support.

In 1939, Salzburg police authorities pressed for more radical solutions for dealing with the so-called *Zigeunerplage*, such as:

...the sterilisation of all Gypsies who already have a record because of theft or other crimes for self-enrichment or moral transgressions, even if convicted only once before. On the whole, sterilisation [is] to be employed liberally, for this evil must be dealt with at its root.²⁴

²¹ DÖW Vienna, Nr. 4969, T Portschy, *Denkschrift: Die Zigeunerfrage*, Eisenstadt, August 1938, p.36

²² DÖW Vienna, Nr. 4969, T Portschy, *Denkschrift: Die Zigeunerfrage*, p.36.

²³ „Verordnung über die Einführung der Nürnberger Rassengesetze im Lande Österreich vom 20. Mai 1938“, *Reichsgesetzblatt*, 1938, Teil 1, ALEX Historische Rechts und Gesetzestexte Online, viewed 1 August 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1938&size=45&page=772>>.

²⁴ Cited in Thurner, E. *National Socialism and the Austrian Gypsies*, The University of Alabama Press, Tuscaloosa and London, 1998, p.21.

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Despite these urgent calls to employ sterilisation measures against the Gypsies, a programme with an explicit mandate to sterilise the Austrian Gypsies lacked legal support and thus never eventuated. At the same time, it is possible that some Gypsies were subjected to the Nazi Sterilisation Law, which took effect in Austria on January 1, 1940, on the grounds of ‘feble-mindedness’. There are, however, no solid figures to confirm this.²⁵

Nonetheless, there is substantial evidence which shows that, like German Gypsies, the Austrian ones were victims of coerced sterilisations carried out by Nazi doctors for experimentation purposes in SS-controlled concentration camps, such as Ravensbrück. Following Himmler’s orders from June 5, 1939, to place work-shy and asocial Gypsies into preventative custody, approximately 440 Gypsy women from Burgenland were deported to the Ravensbrück camp, used primarily for the incarceration of women.²⁶ Between 1940 and 1945, many Gypsy women and children were subjected to different methods of sterilisation performed by SS doctors, including surgery, drugs or severe X-ray radiation. Similarly to those conducted in Auschwitz, the aim of these experiments was to find an efficient and low-cost method to achieve the mass sterilisation of those that the Nazis regarded as being a racial danger to the health of the German *Volk*.²⁷ One eyewitness account confirmed that between May 1940 and December 1941, one of doctors who worked within the camp named Dr. Sonntag:

²⁵ Kundmachung des Reichskommissars für die Wiedervereinigung Österreichs mit dem deutschen Reich, wodurch die Verordnung über die Einführung des Gesetzes zur Verhütung erbkranken Nachwuchses und des Gesetzes zum Schutze der Erbgesundheit des deutschen Volkes in der Ostmark vom 14. November 1939 bekanntgemacht wird, *Gesetzblatt für das Land Österreich 1939*, 1. Dezember 1939, Nr. 1438, pp. 4953 – 4990, ALEX Historische Rechts und Gesetzestexte Online, viewed 7 February 2020 <<http://alex.onb.ac.at/cgi-content/alex?aid=glo&datum=1939&size=45&page=5157>>.

²⁶ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Vorbeugende Maßnahmen zur Bekämpfung der Zigeunerplage im Burgenland vom 5.6.1939*; BA Berlin, RD 19/29, *Jahrbuch Amt V Reichskriminalpolizei des Reichssicherheitsamtes 1939/40*.

²⁷ E Kennedy, “Women and Genocide: Ending Impunity for Sexual Violence”, in R Anderson, (ed.) *Alleviating World Suffering: The Challenge of Negative Quality of Life*, Springer International Publishing, Cham, 2017. p. 323.

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...sterilised Gypsy children. I heard the screaming of these children aged between nine and eleven, who staggered along the camp streets back to their block after this sterilisation. These children were later (one or two days later) found dead in their beds.²⁸

A prisoner within the camp, Amalie Schaich, too, confirms that sterilisation experiments were conducted on Gypsy girls within the Ravensbrück concentration camp:

In Ravensbrück I witnessed SS doctors forcibly sterilising young Sinti girls. They were fetched from the blocks to be 'operated' on – it went like a slaughtering block. The girls screamed so much that I had to cover my ears, I couldn't bear it anymore. The worst thing was that many girls were a lot younger than they had said, because we were in constant fear that the children would be selected again and returned to Auschwitz. I know that one child who was sterilised was only seven years old.²⁹

In addition to this, another inmate in Ravensbrück, named Helene W., in the camp described the extensive nature of the Gypsy sterilisation programme:

It was then said: "The Sinti are all sterilised, so that there will be no offspring." From girls of twelve up to forty-five-years old, I will never forget it, six weeks before the transport went to Bergen-Belsen. They had sterilised all the Sinti. Without anaesthetic, without anything. There were also twelve-year-old children. Then they took the children out in wheelbarrows when they had been sterilised and just threw them back in the block.³⁰

²⁸ English translation supplied by K Fings, "Romanies and Sinti in the concentration camps" in K Fings, H Heuss, and F Sparing (eds.), *The Gypsies during the Second World War. 1, From 'Race Science' to the Camps*, (trans D Kenrick), University of Hertfordshire, Paris and Harfield, 1997, p.92. The original German quote was found in D Martin, „Menschenversuche im Krankenrevier des KZ Ravensbrück“, in C Füllberg-Stolberg, (ed.), *Frauen in Konzentrationslagern: Bergen-Belsen, Ravensbrück*, Ed. Temmen, Bremen, 1994, p. 103.

²⁹ Reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, 2nd edition, Documentary and Cultural Center of German Sinti and Roma, Heidelberg, 1995, p.155.

³⁰ Cited in K Fings, "Romanies and Sinti in the concentration camps", p.94.

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While concrete statistics to show precisely how many of the Burgenland Gypsies were subjected to these eugenic practices have not yet been found, it nonetheless remains clear that, similarly to German Gypsies, Austrian ones were subjected to eugenic methods of sterilisation without a legal basis. More broadly, the radicalisation of eugenic policies towards the Gypsies in Nazi-occupied Austria demonstrates how Austrian eugenic policies were largely implemented as a response to changing social, political, and economic factors. Prior to the *Anschluss*, sterilisation policies were largely non-existent because of the existing Catholic government which deemed such interventions as a violation of Church teachings. The annexation of Austria, however, drastically changed its approach towards eugenic and population policy, as Austrian officials closely followed the Nazi's biopolitical methods for controlling the Gypsies.

Eugenics and Population Control in Switzerland:

The radicalisation of eugenic movements under the Nazi state, in Nazified Austria, demonstrates the eugenicist and biopolitical nature of the regime. To understand the specific nature of Nazi eugenics, as well as to determine whether radical eugenic practices of sterilisation targeting Gypsies were exclusive characteristics to the Nazi state, however, it is important to consider the development of eugenic thinking and population policy under a non-Nazi European state, such as Switzerland.

Like other European countries and the United States, Switzerland also opted to implement population policies designed to prevent the 'degeneration' of future offspring and to improve the 'quality' of its citizens. There was an unprecedented concern with the rise of individuals with intellectual disabilities. 'Feeble-mindednesses', in particular, was increasingly viewed as the root cause of social problems prevalent in Swiss communities, 'such as crime,

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vagrancy, poverty, unemployment, alcoholism [and] prostitution'.³¹ At the same time, these issues were also closely tied to the widespread eugenicist discourse which deemed people, including criminals, prostitutes, gypsies, vagrants, alcoholics and the mentally ill, as a 'hereditary' threat to the body politic. Thus, Swiss eugenic efforts were directed at not only regulating those individuals who posed a risk to the social and political order but were also aimed at preserving the next generation of young people.³²

Switzerland was home to some of Europe's most famous eugenic thinkers, such as the psychiatrist, Ernst Rüdin. Among the most radical figures of the eugenics movement, he defined racial hygiene as science and as political action, intended to improve a biologically defined group:

Racial hygiene as an *analytic science* aims at studying the conditions of the development, preservation, and improvement...of a biologically defined population, or a race. Racial hygiene as an *applied science*, desires to offer each national population the opportunity of applying the resulting conclusions to its own particular case.³³

As a pioneer of psychiatric genetics in the early twentieth century, Rüdin worked closely with German racial hygienists and psychiatrists, such as Emil Kraepelin and Alfred Ploetz, to develop scientific theories of how the human race could be 'improved' by selective breeding.³⁴ In an article published in 1903, titled *Alkohol im Lebensprozeß der Rasse*, he maintained that in order to preserve the 'biologically fit members of the race' it was essential to promote the 'maximum propagation of those who are healthy, robust and...ethnically

³¹ N Gerodetti, "Biopolitics, Eugenics and the Use of History", *European Consortium for Political Research Conference*, Granada, Spain, 14-19 April 2005, p.5.

³² N Gerodetti, "Biopolitics, Eugenics and the Use of History", pp.6-7.

³³ E Rüdin, „Psychiatrie und Rassenhygiene“, *Münchener Medizinische Wochenschrift*, no.81, 1934, pp.1049-1052. Emphasis in original.

³⁴ J Joseph, and N Wetzel, "Ernst Rüdin: Hitler's Racial Hygiene Mastermind", *Journal of the History of Biology*, vol.46, no.1, 2013, p.2.

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superior'. On the other hand, to prevent the future genetic 'degeneration' of the German people, he believed it was necessary to exclude 'the weak, ill, unfit and morally reprehensible from reproduction by artificial selection,... by instruction and by private and government force'.³⁵ Furthermore, at a conference on alcoholism in 1903, he advocated the sterilisation of 'incurable alcoholics', though his proposal did not gain sufficient support and was dropped. By the early 1930s, Rüdin's goal for compulsory sterilisation of the hereditarily inferior was finally realised, just as the Nationalist Socialist government, influenced by his work, legalised its own policies of coercive sterilisation. Infamous as Hitler's racial hygiene mastermind, he assisted in promoting eugenic sterilisation and participated in formulating Nazi racial policies targeting the carriers of a presumed hereditary disease, the most prominent example being the 1933 *Gesetz zur Verhütung erbkranken Nachwuchses* which sanctioned the compulsory sterilisation of those with hereditary diseases.³⁶ In addition to playing a role in drafting this eugenic legislation, he also co-authored one of the first official commentaries on the law's implementation along with Arthur Gütt and Falk Ruttke.³⁷ While Rüdin played a major role in the development of the Nazi eugenic program, he did not appear to wield any influence over the Swiss sterilisation programme. When presenting the Nazi Sterilisation Law to Swiss psychiatrists at a conference in 1934, such a legislation was rejected by his colleagues, as Hans Maier remarked: 'let our German colleagues start that process and let them tell us after a couple

³⁵ E Rüdin, „Der Alkohol im Lebensprozeß der Rasse“, *Politisch-anthropologische Revue*, no.2, 1903, pp.553-566.

³⁶BA Berlin R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, *Reichsgesetzblatt*, den 25. Juli 1933, Nr. 86. In recent years, historians have contested Rüdin's role in this legislation and whether he actively participating the initial drafting process of the Sterilisation law or if he only played a part in writing the published commentary. See D Blasius, „Die ‚Maskerade des Bösen.‘ Psychiatrische Forschung in der NS-Zeit“, in N Frei (ed.), *Medizin und Gesundheitspolitik in der NS-Zeit*, Oldenbourg, Munich, 1991, pp.271-274; M Weber, *Ernst Rüdin: Eine kritische Biographie*, Springer Berlin, Heidelberg, 2011, pp.181–183; G Bock, *Zwangsterilisation im Nationalsozialismus: Studien zur Rassenpolitik und Frauenpolitik*, Westdeutscher Verlag, Opladen, 1986, p.84, P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, Cambridge University Press, Cambridge, 1989; p.524, and J Müller, *Sterilisation und Gesetzgebung bis 1933*, Matthiesen Verlag, Husum, 1985, p.106.

³⁷A Gütt, E Rüdin, and F Ruttke, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, J.F. Lehmanns Verlag, Munich, 1936. For more on Ernst Rüdin's career, see J Joseph and N Wetzel, „Ernst Rüdin: Hitler's Racial Hygiene Mastermind“, pp.1-30.

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of years whether that law is a success'.³⁸ This indicates a sharp distinction between the Swiss and German approaches to sterilisation.

Another prominent voice in the field of Swiss eugenics who eagerly supported the concept of racial hygiene was the psychiatrist, Auguste Forel. In his book *Die sexuelle Frage* published in 1905, he favoured compulsory sterilisation of the eugenically inferior, including the 'mentally ill', 'epileptics' and 'alcoholics'. More radically, he declared that it was 'terrible that the law forces us to keep alive...embryos that will be born as cretins, idiots, hydrocephalics, microcephalics and suchlike' suggesting that doctors should be permitted to kill such infants 'with a gentle narcosis' upon parent approval.³⁹ An additional influential figure within the field of eugenics was the Swiss physician, Hans Maier. Like Forel, Maier was also an enthusiastic advocate of sterilisation who viewed such eugenic operations as a 'prophylactic measure' to care for the sick and protect future offspring from degenerative threats. He argued that:

it seems to me that the timely sterilisation of the congenitally feeble-minded is most important for society. Eugenically, this is all the more important because such defectives frequently marry one another, and the children produced by them have a still less promising inheritance.⁴⁰

On the other hand, he actively opposed national legislation on sterilisation, declaring that a legal framework would intervene in medical practices and create difficulties for obtaining the 'correct information from the patients and their relatives concerning the hereditary in the family'.⁴¹ He went on to state that procedures of sterilisation 'should only be performed under

³⁸ R Wecker, *What is National Socialist about Eugenics? International Debates on the History of Eugenics in the 20th Century*, Böhlau Verlag, Vienna, 2009, Pp.32-33.

³⁹ A Forel, *Die sexuelle Frage*, Reinhardt, Munich, 1907, pp. 441 – 442.

⁴⁰ H Maier, "On Practical Experience of Sterilisation in Switzerland", *The Eugenics Review*, vol.26, no.1, 1934, p.24.

⁴¹ H Maier, "On Practical Experience of Sterilisation in Switzerland", pp.24–25.

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medical direction and with great understanding of the individual case'.⁴² As an alternative to a federal law, he called for an amendment of the 1907 Swiss Civil Code to include eugenics-based regulations for sterilisation – a decree which already banned marriages between those with a 'mental disability, [*Geisteskrankheit*] mental disorder [*Geistesschwäche*], intoxication [*Trunkenheit*] or similar circumstances' and intended to prevent the reproduction of persons stigmatised as abnormal or suffering from hereditary diseases.⁴³

In contrast to Germany and Austria, a national sterilisation law in Switzerland was never enacted. Instead, Swiss cantons opted to employ measures of sterilisation at a local level through provincial agreements and guidelines between the local authorities and medical clinics without any basis in law. Swiss sterilisations were carried out on a voluntary basis, requiring the consent of the patient, which was often obtained through pressure tactics. Elaborating on this, Natalia Gerodetti writes:

Although the principle of voluntariness was maintained with regard to sterilisation, records and testimonies from the medics show that women were often pressured with a choice between sterilisation, the referral to a workhouse, the threat that their poor relief would be withdrawn under pressure than an abortion would only be carried out if women agreed to a "voluntary" sterilisation.⁴⁴

It was because of these concerns that on September 3, 1928, the Swiss Canton of Vaud became the first European jurisdiction to introduce a legal framework of coerced sterilisation towards individuals deemed to be carriers of degenerate hereditarily transmissible characteristics, such as the intellectually and physically disabled, and others whose behaviour

⁴² H Maier, "On Practical Experience of Sterilisation in Switzerland", p.24.

⁴³ BAR, Schweizerisches Zivilgesetzbuch vom 10. Dezember 1907, *Schweizerisches Bundesblatt*, 59. Jahrgang. VI. Nr. 54. 21. Dezember 1907, S. 593.

⁴⁴ N Gerodetti, "Biopolitics, Eugenics and the Use of History", p.4.

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threatened the social norm, including ‘vagrants’ or unmarried mothers.⁴⁵ Undoubtedly, the intent to prevent ‘degenerate’ and socially harmful progeny prejudicial to the existing order was heavily underpinned by eugenic principles. Crucially though, unlike the Nazi sterilisation law, the purpose of the Vaudois decree was not to achieve the mass sterilisation of those thought to pose a racial threat to society. Rather, it was created as a regulatory mechanism to curb the abusive performance of sterilisation procedures and to protect individuals susceptible to pressure and coercion.⁴⁶ It is difficult to ascertain the exact number of individuals forcibly sterilised in Switzerland due to the fact that some procedures were never declared. A recent estimate by Sam Rowlands and Jean-Jacques Amy reveal that approximately 187 cases of sterilisation were granted by the Vaudois Health Council. Similarly, Gerodetti maintains that from 1925 to 1940, somewhere between 174 and 366 sterilisations were carried out annually in Zürich, while in Bern approximately twenty-five sterilisations were performed on a yearly basis between 1935 and 1953.⁴⁷

Even more difficult to discern is whether any Swiss Gypsies were victims of these procedures, as no detailed records exist. Nonetheless, there is suggestive evidence to confirm that Gypsies were indeed targets of other Swiss-sanctioned programmes intertwined with eugenic aims, most notably the Pro Juventute project, *Hilfswerk für die Kinder der Landstrasse*, discussed in the previous chapter of this thesis. As members of a group officially categorised as ‘racially degenerate’, the Yenish (*Jenische*) people were the target of systematic assimilation

⁴⁵ The original law has been cited and mentioned in BA Berlin, R 86/2374, “Feuilles des Auis Officiels du Canton de Vaud. Nr. 73 vom 11. September 1928”; Maier, H. “On Practical Experience of Sterilisation in Switzerland”, p.24; V Mottier, “Reproductive Rights” in G Waylen, K Cellis, J Kantola, and SL Weldon, (eds), *The Oxford Handbook of Gender and Politics*, Oxford University Press, Oxford, 2013, p.221.

⁴⁶ JJ Amy and S Rowlands, “Legalised non-consensual sterilisation – eugenics put into practice before 1945, and the aftermath. Part 2: Europe”, *The European Journal of Contraception & Reproductive Health Care*, vol.23, no.3, 2018, pp. 194–195; Wecker, R. “Eugenics in Switzerland Before and After 1945 – A Continuum?” *Journal of Modern European History*, vol.10, no.4, 2012, pp.522–523.

⁴⁷ JJ Amy and S Rowlands, “Legalised non-consensual sterilisation – eugenics put into practice before 1945, and the aftermath. Part 2: Europe”, pp.194–195; N Gerodetti, „Unter Besonderes Günstigen Rechtlichen Verhältnissen Arbeiten. Eugenic Thinking and Practice in Switzerland” in S Westermann, (ed.), *Medizin im Dienst der ‚Erbgesundheit‘*, LIT Verlag, Münster, 2009, p.90.

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and administrative institutionalism in order to eradicate their nomadic culture and ‘correct’ any undesirable behavioural traits, deemed as a threat to Swiss society. If these methods failed to ‘improve’ a Yenish child, sterilisation and other eugenic efforts, such as prohibition to marry, were indeed promoted to prevent further generations of ‘degenerate’ offspring.⁴⁸ That being said, there is no clear evidence that can definitively confirm that Pro Juventute authorities implemented these measures, especially since the director of the project, Alfred Siegfried, declared in a psychiatric report in 1947 that sterilisation was ‘out of the question’. Presumably, this was because of his conversion to Catholicism, which strictly opposed this type of intervention.⁴⁹ Nevertheless, he confirmed that the aim of the program was partly legitimised on eugenic grounds:

One has to say that sometimes the wood was simply too rotten, and a lot is achieved when these people [the Yenish] do not start a family, do not continue to reproduce without restraint and give birth to new generations of degenerate and abnormal children into the world.⁵⁰

The racial overtones of Siegfried’s vision of eliminating vagrancy and preventing the degeneracy of future generations of Yenish children was largely influenced by the then current trends in Swiss vagrancy research, shaped by the work of the psychiatrist Johann Josef Jörger. His research was based on investigating whether the Yenish were carriers of certain hereditary traits by re-constructing their family trees and tracing their genealogy. In one of his influential articles from 1925, titled *Die Vagrantenfrage*, he declared that ‘vagrancy, delinquency,

⁴⁸ Mottier, V. “Eugenics and the State: Policy-Making in Comparative Perspective” in Bashford, A. & Levine, P. (eds.) *The Oxford Handbook of the History of Eugenics*, Oxford University Press, Oxford, 2010, p. 138; Leimgruber, W. Meier, T. & Sablonier, R. *Das Hilfswerk für die Kinder der Landstrasse*, Schweizerische Bundesarchiv, Bern, 1998, pp. 23 - 28; Galle, S. *Kindswegnahmen: Das „Hilfswerk für die Kinder der Landstrasse“ der Stiftung Pro Juventute im Kontext der schweizerischen Jugendfürsorge*, Chronos Verlag, Zürich, 2016, pp. 15 – 16, 48 – 52.

⁴⁹ BAR, J 2.187, 711, 24 Dezember 1947.

⁵⁰ Siegfried, A., *Zwanzig Jahre Fürsorgearbeit für die Kinder des fahrenden Volkes*, herausgegeben von Zentralsekretariat Pro Juventute, Zürich 1947, p. 20.

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immorality, feeble-mindedness and madness, and poverty' were hereditarily transmissible traits prevalent in Yenish families, though he believed that these inherent genetic flaws could be corrected by a shift in the milieu and re-education.⁵¹ According to Jörger, effective methods included child removal and placement in either approved families or educational institutions, as in his opinion, this would help to ingrain culturally and socially acceptable values and norms within Yenish children.⁵² In addition to inspiring the idea for the *Hilfwerk's* systematic method of forcibly moving Yenish children to foster homes or orphanages, Jörger's work also found international recognition among eugenicists and the methodology for his genealogical research was adopted by other Gypsy racial scientists, including Germany's Robert Ritter.⁵³

The Swiss case shows that eugenic thinking and population policies were evident in other parts of Europe that were not ruled under Nazi rule. Swiss eugenicists, such as Ernst Rüdin, were internationally recognised for their contributions towards the field of eugenics, and he even played a role in the creation of the Nazi Sterilisation Law of 1933.⁵⁴ Switzerland was also the first European country to introduce a sterilisation programme; however, this never became a national regulation and the intent of these measures was to regulate existing practices of sterilisation, rather than to prevent the reproduction of so-called 'degenerates'. While it is difficult to prove that Gypsies were victims of Swiss sterilisation, they were certainly targets of state-sanctioned initiatives infused with eugenic aims, such as the *Kinder der Landstrasse* programme, which was facilitated by developments in Gypsy research. Even though Swiss

⁵¹ JJ Jörger, „Die Vagantenfrage“ *Der Amenpfleger*, no.22, 1925, p. 25.

⁵² JJ Jörger. „Die Familie Zero“, *Archiv für Rassen- und Gesellschaftsbiologie*, no.2, 1905, pp. 494 – 559; JJ Jörger, *Psychiatrische Familiengeschichte*, Springer, Berlin, 1919.

⁵³ T Meier, „The fight against the Swiss Yenish and the 'Children of the open road' campaign“, *Romani Studies* 5, Vol.18, No.2, 2008, p.114. For a detailed and nuanced discussion of Jörger's work, see S Galle, *Kindswegnahmen: Das „Hilfswerk für die Kinder der Landstrasse“ der Stiftung Pro Juventute im Kontext der schweizerischen Jugendfürsorge*, Chronos, Zürich, 2016, pp.208–217.

⁵⁴ J Joseph and N Wetzel, „Ernst Rüdin: Hitler's Racial Hygiene Mastermind“, pp.2-3; D Blasius, „Die ‚Maskerade des Bösen.‘ Psychiatrische Forschung in der NS-Zeit“, pp.271-74; R Wetzel, *Inventing the Criminal: A History of German Criminology, 1880 – 1945*, The University of Caroline Press, USA, p.256; N Gerodetti, „Unter Besonderes Günstigen Rechtlichen Verhältnissen Arbeiten. Eugenic Thinking and Practice in Switzerland“ in S Westermann, pp.79-91.

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eugenicists contributed towards the scientific concept of criminality and feeble-mindedness as a hereditary trait, this did not significantly change the direction of Swiss policies towards the Gypsies. As the following shows, between 1933 and 1945, policies targeting the Gypsies continued to be based on their behaviour, rather than their genetic makeup.

Conclusions:

It is clear that eugenic practices, such as the forced sterilisation of Gypsies, were applied in other areas besides Germany. Between 1900 and 1945, a pan-European eugenic movement existed which, coupled with the new discoveries in Gypsy discourse, shaped the ways that Germany, Austria, and Switzerland dealt with their respective Gypsy populations. Without question, the most extreme forms of eugenic practices were implemented under Nazism. Prior to *Anschluss*, eugenic sterilisation was outlawed in Catholic Austria and draft proposals for such measures did not gain any legislative success.

Nonetheless, Nazism was not a pre-requisite for the emergence of eugenic sterilisation, as the Swiss case shows. In fact, Switzerland was the first European country to enforce a programme of eugenic sterilisation. Unlike its German and Austrian counterparts, however, the intent of this initiative was to regulate the existing practice of unregulated sterilisations. While there is insufficient evidence to confirm that Swiss Gypsies were victims of eugenic sterilisation, archival materials suggest that they were certainly targeted by other state-approved projects that were intertwined with eugenic ideas, such as the *Hilfswerk für die Kinder der Landstrasse*. This not only confirms that eugenic thinking and movements were widespread within Europe, but it also shows that biologically racist programs towards Gypsies existed in Central European nations beyond Nazi Germany.

6. 1933 – 1938: Racial or Social Persecution?

So far, this thesis has argued that anti-Gypsy regulations in Central Europe prior to Nazism were primarily focused on the assimilation of citizen Gypsies and the expulsion of foreign ones. Those targeted as Gypsies were primarily identified and treated according to sociological and behavioural rather than racial and biological criteria. After Hitler rose to power in 1933, both of these things changed markedly. During the Nazi era, Gypsies were subjected to a series of policies which were progressively racialised and radicalised,¹ with persecution gradually shifting from policies of assimilation to those enabling their extermination.

The explanation for the intensification of the Gypsies' mistreatment has been hotly contested by historians. Some scholars, such as Guenter Lewy and Gilad Margalit, have argued that anti-Gypsy measures continued to be socially motivated and that the Gypsies were not victims of racial persecution, unlike their Jewish counterparts. They claim that the regulations for combating the ostensible *Zigeunerplage* were solely increasingly severe policing methods, designed to control their putative 'asociality' and criminality.² In contrast to this, others, specifically Henry Friedlander, Michael Burleigh, Wolfgang Wippermann, Sybil Milton, Ian Hancock, Michael Zimmermann, Detlev Peukert, Donald Kenrick and Gratton Puxon, have argued that the Gypsies were persecuted by the Nazis for primarily racial reasons, as their 'alien' blood was considered to constitute a risk to the health of the German *Volk*.³ In order to

¹ On 'cumulative radicalisation', see H Mommsen, 'Cumulative Radicalisation and Progressive Self-Destruction as Structural Determinants of the Nazi Dictatorship', pp.75-87.

² G Margalit, *Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002; pp.xiv-xv; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, pp.224-228

³ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, The University of North Carolina Press, Chapel Hill and London, 1995; M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991; S Milton, "Gypsies and the Holocaust", *The History Teacher*, vol.24, no.4, 1991, pp.375-387; I Hancock, "Responses to the Porrajmos (The Romani Holocaust)"; Hancock, I. "Romanies and the Holocaust: A Re-Evaluation and Overview", in Stone, D (ed.) *Historiography of the Holocaust*, Palgrave, New York, 2004, pp.383-396; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*; Christians, Hamburg, 1996, M Zimmermann, „Die nationalsozialistische Verfolgung der Juden und ‚Zigeuner‘. Ein Vergleich-überlegungen zur Diskussion um das

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resolve this debate, this chapter will offer a synthesis of these two positions, employing a theoretical framework centered on Foucauldian biopolitics to argue that the Gypsy genocide stemmed from a series of Nazi racial and social engineering techniques, used to shape the German *Volksgemeinschaft*.

As the introduction of this thesis made clear, after the Nazi seizure of power, a new emphasis on biopower came to the fore which aimed to ‘take control of life and the biological processes of man-as-species and of ensuring that they are not disciplined, but regularised’.⁴ Social Darwinist theories of biology were inscribed into the workings of Nazi law and policing to facilitate the party’s program of racial purification designed to control, nurture and protect the type of life they wished to produce.⁵ State racism became a crucial tool for administering and shaping the population. Foucault described this shift to state racism as:

a biological type caesura within a population that appears to be a biological domain. This will allow power to treat that population as a mixture of races, or to be more accurate, to treat the species, to subdivide the species it controls, into the subspecies known, precisely, as races.⁶

In other words, racism was used to restructure society according to race, distinguishing between worthy and unworthy life and categorising the population according to those who belong to the body politic, understood as a racial community, while simultaneously identifying racial enemies of the state who ostensibly threatened the health of the population and required elimination and exclusion. Importantly, Foucault points out that this eugenic ordering of Nazi

Mahnmal für die Ermordeten Sinti und Roma”, *Zeitschrift für Geschichtswissenschaft*, vol. 52, no.1, pp.50-71; D Peukert, *Inside Nazi Germany: Conformity, Opposition and Racism in Everyday Life*, Yale University Press, New Haven, 1987; D Kenrick, and G Puxon, *The Destiny of Europe’s Gypsies*, Sussex University Press, London, 1972.

⁴ M Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans Macey, D), Penguin Books, London, 2004, Pp. 246 – 247.

⁵ T Lemke, *Biopolitics: An Advanced Introduction*, New York University Press, New York and London, 2011, p.11.

⁶ M Foucault, *Society must Be Defended*, p.255.

society ‘did not come about without overlappings, interactions and echoes’ of disciplinary mechanisms, suggesting that it is possible for biologically racist and social technologies of biopower to coalesce and exist side by side.⁷ Nazism certainly employed a combination of biopolitical measures and disciplinary power when dealing with the Gypsies, who were not only a target in the National Socialist racial war and subjected to policies based on their hereditary predisposition to ‘asociality’ and ‘criminality’, but also affected by more rigorous methods of policing and surveillance devised to combat the continued fight against itinerancy and vagrancy. As this chapter shows, immediately following the Nazi seizure of power, the biopolitical governance of the Gypsies heavily overlapped with efforts to control both their social and biological processes. It was only with the enactment of Himmler’s decree in December 1938 that the biopolitical management of the Gypsies was completely centralised, and that competing approaches and policies for dealing with the ‘Gypsy Question’ were brought into line and hardened into biological racism.

The Beginnings of Nazi Persecution:

Biologically racist policies against the Gypsies began to emerge during the first few years of the Nazi regime following the enactment of the sterilisation law, which was approved in Hitler’s cabinet meeting on July 14, 1933, and officially enforced from January 1, 1934.⁸ As previously argued, the *Gesetz zur Verhütung erbkranken Nachwuchses* was heavily modelled on an earlier Prussian draft, and its ideas can be traced to the emerging global eugenics and racial hygiene movements, as well as nineteenth century developments in criminal biology.⁹

⁷ M Foucault, *History of Sexuality: Volume 1: An Introduction*, Pantheon Books, New York, 1978, p.149.

⁸ BA R43 II/720, Sitzung des Reichsministeriums aus der Niederschrift über die Ministerbesprechung, 14. Juli, 1933.

⁹ „Die Eugenik im Dienst der Volkswohlfahrt. Bericht über die Verhandlungen eines zusammengesetzten Ausschusses des Preußischen Landesgesundheitsrates vom 2. Juli 1932“ in *Veröffentlichungen aus dem Gebiete der Medizinalverwaltung*, 38, 1932, pp.629–740; J Müller, *Sterilisation und Gesetzgebung bis 1933*, Matthiesen Verlag, Husum, 1985; R Wetzell, R. *Inventing the Criminal: A History of German Criminology, 1880 - 1945*, The University of Carolina Press, Chapel Hill, NC, 2000, pp.291–292; G Bock, *Zwangsterilisation im Nationalsozialismus: Studien zur Rassenpolitik und Frauenpolitik*, Westdeutscher Verlag, Opladen, 1986; J von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany*, University of Hertfordshire Press,

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A key difference to the previous legal proposal, however, was the switch from voluntary to compulsory sterilisation for affected individuals – a decision which resulted from pressure by Nazi medical officials who saw sterilisation as a central part of population control and racial policy.¹⁰ While the Weimar draft had stipulated the sterilisation of persons who suffered from any hereditary illness, the Nazi Law, by contrast, limited the application of sterilisation to the nine illnesses explicitly enumerated in the decree.¹¹ Crucially, scientific experts were granted substantial new powers for administering the law. All doctors who had encountered an individual who fell into any of the preceding categories for sterilisation were legally obliged to file a request for the sterilisation of the affected individual. This application was then lodged to a special genetic health court (*Erbgesundheitsgericht*), where each tribunal was charged with deciding whether the individual in question should undergo forcible sterilisation in accordance with the Nazi race policy.¹²

Considering that Gypsies were not expressly stated in the Sterilisation Law is not to say that they remained unaffected. In fact, scholars agree that Gypsies were sterilised on the grounds of being ‘asocial’, though the point of contention lies in whether the decisive factors of ‘asociality’ were social or biological. Gunter Lewy, for example, argues that ‘asociality’ was

Hertfordshire, 2011, p.29; Weindling, P. *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, Cambridge University Press, Cambridge, 1989, pp.441–457, 522–525.

¹⁰ BA R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, *Reichsgesetzblatt*, den 25. Juli 1933, Nr. 86; „Die Eugenik im Dienst der Volkswohlfahrt. Bericht über die Verhandlungen eines zusammengesetzten Ausschusses des Preußischen Landesgesundheitsrates vom 2. Juli 1932“, pp.629–740; P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, p.522.

¹¹ The nine hereditary illnesses as grounds for sterilisation in the Nazi law were: congenital feeble-mindedness, schizophrenia, periodic (manic depressive) insanity, inherited epilepsy, inherited Huntington’s chorea, inherited blindness or deafness, severe inherited physical malformation, severe alcoholism. See BA R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, *Reichsgesetzblatt*, den 25. Juli 1933, Nr. 86, and for a more detailed commentary of the Law see, A Gütt, E Rüdin, and F Ruttke, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“, J.F. Lehmanns Verlag, Munich, 1936.

¹² BA R1501/126248, „Gesetz zur Verhütung erbkranken Nachwuchses vom 14. Juli 1933“; P Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870 – 1945*, pp.522–525; R Proctor, *Racial Hygiene: Medicine under the Nazis*, Harvard University Press, Cambridge, 1988, P. 104 – 112; R Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*, Basic Books Inc. Publishers, New York, 1986, pp.25–27; G Lewy, *The Nazi Persecution of the Gypsies*, p.39.

determined exclusively by conduct, and it was believed to occur due to developmental and environmental factors. He states that ‘asocials’ were:

(1) persons who by repeatedly committing petty crimes violated the system of order established by the national socialist state, for example beggars, vagrants, prostitutes, alcoholics, [and] those with contagious diseases, and (2) persons without a criminal record who sought to escape the duty to work and became dependent for their support on the public, for example, the work-shy, those who refuse to work, [and] alcoholics.¹³

This argument is somewhat disingenuous, as Gisela Bock, on the other hand, points out that the German authorities had great difficulties in using a social criterion to classify the Gypsies as ‘asocials’ under the four psychiatric categories of the Sterilisation Law.¹⁴ As mentioned in a previous chapter, the research conducted by Robert Ritter and his associates during the Third Reich reveals the intrinsically biological essence of the concept of asociality as it was applied to the Gypsies under Nazism. Owing to the work of Ritter and others, the Gypsies were portrayed as a biological threat; a diseased race that needed to be regulated and cleansed to protect the health and purification of the German *Volk*. In his article *Primitivität und Kriminalität*, Ritter argued that Gypsies were racially predisposed towards an ‘asocial’ and criminal lifestyle.¹⁵ In his dissertation, *Ein Menschenschlag*, Ritter equated asociality with ‘mental deficiency’ or ‘feeble-mindedness’ (*Schwachsinn*), believing that Gypsies were hereditary carriers of ‘disguised mental retardation’, manifested in their cunningness.¹⁶ As a

¹³ G Lewy, *The Nazi Persecution of the Gypsies*, p.25.

¹⁴ G Bock, *Zwangsterilisation im Nationalsozialismus*, pp.363–364; G Bock, „Racism and Sexism in Nazi Germany: Motherhood, Compulsory Sterilisation and the State“, *Signs*, vol.8, no.3, Spring, 1983, p.418.

¹⁵ R Ritter, „Primitivität und Kriminalität“, *Monatsschrift für Kriminalbiologie und Strafrechtsreform. Organ der Kriminalbiologie Gesellschaft*, vol.31, no.9, Munich and Berlin, 1940a, pp.197-210.

¹⁶ R Ritter, *Ein Menschenschlag*, Med. Habilitationsschrift, Georg Thieme, Leipzig, 1937, p.19.

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result, many Gypsies were sterilised because they ostensibly suffered from genetic diseases, the most common being ‘hereditary mental retardation’.¹⁷

Archival materials confirm that Gypsies recommended for sterilisation were subjected to tests for ‘inherent mental deficiency’. In diagnosing innate feeble-mindedness, the genetic health courts tended to rely less on the family genealogical history, and more on physical exams and IQ tests, indicating that Gypsy sterilisations were approved on a case-by-case basis.¹⁸ This was made clear when examining the fate of the Winter-Kurz family. The medical and intelligence examination results of one member of this family, Marta, revealed that she had shown a ‘sluggish’ character with a poor aptitude in arithmetic and general knowledge. She was further categorised as a Gypsy *Mischling* who lived a ‘primitive way of life’. Given this status, marriage to a member of the Aryan race was prohibited. Even though her race affiliation clearly indicated that she was subjected to the marriage regulations of the Nuremberg Laws, the tests could not substantially confirm innate feeble-mindedness. Thus, her application for sterilisation was rejected by the genetic health courts, indicating that the implementation of Nazi racial policy, at this time, was still uneven.¹⁹ Her sister, Anna, along with her husband, Karl, on the other hand, were not as fortunate. A report from the local health office in Stuttgart reveals that they were both sterilised on the grounds of ‘hereditary mental deficiency’ on September 20, 1935, and November 30, 1936, though further details of their examination process is unknown.²⁰

¹⁷ R Ritter, *Ein Menschenschlag*, p.19; Thomas Koch has confirmed that in the University clinic in Göttingen, approximately 58 percent of all women were sterilised on grounds of “hereditary mental retardation” see, T Koch, *Zwangsterilisation im Dritten Reich: Das Beispiel der Universitätsklinik Göttingen*, Mabuse, Frankfurt am Main, 1994, p.23.

¹⁸ R Proctor, *Racial Hygiene: Medicine under the Nazis*, p.115.

¹⁹ BA R165/151 T.1 v.2, „Aus der Akten der Landesfürsorgebehörde, auf gen. 14.2.43“; „Aus den Akten der Erb und Rassenpflege des Gesundheitsamtes Stuttgart, auf gen. 19.3.43“.

²⁰ BA R165/151 T.1 v.2, „Aus der Akten der Erb und Rassenpflege des Gesundheitsamtes Stuttgart auf gen. 19.3.1943“.

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Decisions for sterilisation, however, could be referred to a superior genetic health court, which was the case for a Gypsy woman named Mathilde Berie. The application for her sterilisation in 1937 was rejected by the genetic health court in Ulm because they were unable to find substantial evidence to ‘prove the existence of hereditary feeble-mindedness’.²¹ This verdict was rejected by the medical doctor who had originally submitted Berie’s sterilisation application, and he declared that she should be sterilised since she was of Gypsy descent and belonged to a group ‘pronounced [as an] antisocial element of the population, whose reproduction must be stopped by all legal means available’.²² While the outcome of this contested case is unknown, it is still useful for demonstrating how some medical professionals within Nazi Germany had become ideological champions for the sterilisation of the genetically undesirable, and had urged the genetic health courts to reconsider their decisions based on the scientific discoveries made by Ritter and others in Gypsy criminal biology.

The Sterilisation Law signified a crucial intensification of the biopolitical management of Gypsies, controlling their reproduction and seeking to preserve ‘valuable’ Aryan life. These sterilisations occurred for two major reasons: namely to stop their reproduction, and for reasons of social immunisation aimed at defending the health of the German *Volk* from hereditary diseases and avoiding racial degeneration. Esposito usefully describes how racial biopolitics operated under Nazi Germany, claiming that sterilisation should be viewed as a

radical modality of immunisation because it intervenes at the root, at the originary point in which life is spread. It blocks life not in any moment of its development as its killer but in its own rising up – impeding genesis, prohibiting life from giving life, devitalising life in advance.²³

²¹ BA R165/137, „Amtsgericht Ulm als Erbgesundheitsgericht. Beschluss vom 17. September 1937“.

²² BA R165/137, „Beschwerde“ an das Amtsgericht Ulm, 25. November 1937.

²³ R Esposito, *Bios: Biopolitics and Philosophy*. (trans T Campbell). University of Minnesota Press, Minneapolis, 2008, p.132.

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It is unknown precisely how many Gypsies were sterilised on the grounds of ‘hereditary mental retardation’, and it is not possible to discern the total number of Gypsies subjected to the Sterilisation Law of 1933, given the scarcity of statistical information available on the subject. Nonetheless, in his study, *Im Schatten von Auschwitz*, Hansjörg Riechert estimated that approximately 500 Gypsies, including those from the Ostmark, were sterilised in accordance with the Nazi law.²⁴ Archival evidence also indicates that Gypsies were being forcibly sterilised *en masse*. For example, a missive from the public health department for the Siegen-Wittgenstein area, a district in the southeast of North Rhine-Westphalia, reported that sixty-five out of a total of seventy Gypsy *Mischlinge* registered in the city district were diagnosed with ‘innate feeble-mindedness’, and that nineteen of these cases had been sterilised.²⁵ A recent estimate by Hansjörg Riechert, who based his research on an extensive range of local and regional statistical reports, reveals that approximately five hundred Gypsies were sterilised between 1933 and 1939.²⁶ As will be seen later, this figure sharply rose in 1943 after the promulgation of the Auschwitz decree, which ordered the sterilisation of those Gypsies exempted from deportations to eliminate their offspring and ability to reproduce.²⁷

The biopolitical ambition to prevent the continuation of ‘life unworthy of life’ and to protect the health and regeneration of the German *Volk* was emphasised and further enforced by the Nuremberg Laws, which were unanimously approved by the Nazified Reichstag on September 15, 1935. The ‘Reich Citizenship Law’ (*Reichsbürgergesetz*) intended to create a

²⁴ H Riechert, *Im Schatten von Auschwitz: Die nationalsozialistische Sterilisationspolitik gegenüber Sinti und Roma*, Waxman, Münster, 1995, P.135

²⁵ StA Münster, Reg. Arnsberg, Nr. 13156, Staatliches Gesundheitsamt des Kreises Wittgenstein an den Herrn Regierungspräsidenten in Arnsberg, Berleburg, den. 2. Dezember 1940. A more extensive analysis and compilation on the number of Gypsies sterilised under the Nazi Regime can be found in numerous reports sourced by H Riechert, *Im Schatten von Auschwitz: Die nationalsozialistische Sterilisationspolitik gegenüber Sinti und Roma*, Waxman, Münster, 1995. pp.31–68.

²⁶ H Riechert, *Im Schatten von Auschwitz: Die nationalsozialistische Sterilisationspolitik gegenüber Sinti und Roma*, pp.93,135. Michael Zimmermann is another who has reported on cases of Gypsy sterilisation, see M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.87-92.

²⁷ G Lewy, *The Nazi Persecution of the Gypsies*, p.41; M Zimmermann, *Rassenutopie und Genozid*, pp.359–362.

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racial hierarchy in German society by limiting national citizenship to those of ‘German or related blood’, while the remainder were classified as carriers of ‘alien blood’, relegated to second-class citizens and deprived of their political rights.²⁸ The *Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre*, by contrast, aimed to regulate, nurture and protect valuable life through biopolitical forms of persecution, such as the prohibition of both marriage and extramarital sexual relations between those of ‘German blood’ and carriers of ‘alien blood’ (*artfremdes Blut*).²⁹

Although the Gypsies were not specifically mentioned in the original promulgation of the Nuremberg Laws, a series of semi-official commentaries subsequently produced by senior members of the Reich Interior Ministry confirms that this racial legislation did, in fact, apply to them. Gypsy inclusion in the ‘Reich Citizenship Law’ was made clear in a 1935 article from the *Deutsche Juristen-Zeitung* (German Lawyers’ Journal) written by the Minister of the Interior, Wilhem Frick, which stated that ‘members of other races whose blood is not related (*artverwandt*) to the German blood, for example Gypsies and Negroes’ could not be classified as German citizens.³⁰ The status of the Gypsies as an alien race positioned outside of the national community was further confirmed in an authoritative commentary on the Nuremberg Laws, written by Wilhelm Stuckart and Hans Globke in 1936, which overtly made the point that:

²⁸ „Reichsbürgergesetz vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, Vol 1. Munich, C. Beck, 1936, p.31.

²⁹ „Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, pp.36-37.

³⁰ W Frick, „Das Reichsbürgergesetz und das Gesetz zum Schutze des deutschen Blutes und der deutschen Ehre“, *Deutsche Juristen-Zeitung*, Dezember 1, 1935, p.1391.

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the only people in Europe who have consistently been considered racial aliens are the Jews and 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.³¹

Officially, Gypsies continued to hold their citizenship status as *Reichsbürger* until the twelfth amendment to the ‘Reich Citizenship Law’ issued on April 25, 1943, which formally stripped all Gypsies of their German citizenship. By this time, however, Gypsies had lost most of their legal and social rights, and had already been deported to extermination camps, such as Auschwitz-Birkenau.³²

An immediate consequence of the ‘Reich Citizenship Law’ commentaries was the exclusion of Gypsies from the political community. A decree issued on March 7, 1936, by the Reich Interior Ministry deprived Gypsies of the right to vote for members of the *Reichstag* and removed both Gypsies and part-Gypsies (*Zigeunermischlinge*) from the electoral roll, since they were not considered to be first-class citizens.³³ Gypsies were also not permitted to participate in the national referendum of April 11, 1938, concerning the annexation of Austria, which was made clear in an order on March 23, 1938.³⁴

The ‘Law for the Protection of German Blood and Honour’, too, extended its inclusion to Gypsies. Its first supplemental decree issued on November 15, 1935, stated under Article 6 that the ban on interracial marriages would include all cases in which ‘one expected that the

³¹ „Reichsbürgergesetz vom 15. September 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, pp.55-56.

³² „Zwölfte Verordnung zum Reichsbürgergesetz vom 25. April 1943“ reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, 2nd edition, Documentary and Cultural Center of German Sinti and Roma, Heidelberg, 1995, pp.36.

³³ „Gesetz über das Reichstagswahlrecht vom 7. März 1936“, *Reichsgesetzblatt Teil I*, den 7. März 1936, Nr 19, ALEX Historische Rechts und Gesetzestexte Online, viewed 9 July 2018 <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1936&page=223&size=45>> Gypsy exclusion from voting is also confirmed in several official government missives reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.38–39.

³⁴ „Erste Verordnung zur Volksabstimmung und zur Wahl zum Großdeutschen Reichstag“ *Reichsgesetzblatt Teil I*, 23. März 1938, Nr. 34, ALEX Historische Rechts und Gesetzestexte Online, viewed 10 July 2018, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1938&page=467&size=45>>.

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offspring would endanger the purity of the German blood'.³⁵ Consequently, in another regulation issued by Minister of the Interior, Wilhelm Frick, on November 26, 1935, it was proclaimed that the 'Gypsies, Negroes and their bastards' were to be included in the 'Law for the Protection of German Blood and Honour' on the basis that they were identified as others who polluted the blood of the German *Volk*.³⁶ On January 3, 1936, this provision was reinforced by Frick in an additional directive which affirmed that 'as a rule, these unrelated races in Europe include only the Gypsies apart from the Jews'.³⁷ Interestingly, the order permitted marriages between Germans and *Mischlinge* with 'a quarter or less of foreign blood', presumably because of major gaps in Gypsy genealogical and criminal biological research that had not yet been answered by Ritter and his associates. However, this regulation was annulled on June 20, 1941, when Gypsy blood was declared to 'greatly endanger the purity of the German blood'. Thereafter sharper scrutiny of Gypsy applications for marriage licenses was routine.³⁸

Current scholarship surrounding the regulations on Gypsy and German marriages have reached the consensus that the full enforcement of the racial marriages did not occur until after the outbreak of the Second World War, since the lives of Gypsies were more stringently controlled in this period. Nonetheless, it has been pointed out by Hans-Joachim Döring that in 1938, several Gypsies faced increasingly harsh punishments, such as internment in concentration camps, for engaging in sexual relations with persons of German blood.³⁹ It is

³⁵ „Erste Verordnung zur Ausführung des Gesetzes zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 14. November 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, p.38.

³⁶ „Erste Verordnung zur Durchführung des Ehegesundheitsgesetzes vom 29. November 1935“ reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, p.195.

³⁷ „Der Reichs und Preußische Minister des Innern an die Landesregierungen, den 3. Januar 1936, Berlin“ reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.25–26.

³⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Schriftenreihe des Reichskriminalpolizeiamtes Berlin, Nr 15, Der Reichsminister des Innern an die Landesregierungen, Berlin, den 20.6.1941, p.232.

³⁹ see G Lewy, *The Nazi Persecution of the Gypsies*, pp.42,97–99; HJ Döring, *Zigeuner im Nationalsozialistischen Staat*, Kriminalistik Verlag, Hamburg, 1964, p.57; R Rose, *„Den Rauch hatten wir täglich vor Augen“: Der*

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important to note that pre-war marriage bans between Gypsies and Germans were still tightly regulated by the Nazis. A letter from the welfare office to the municipal administration in Solingen on October 30, 1935, for example, reveals the harsh measures that the Nazis implemented to prevent miscegenation amongst Germans and alien races, even before the Nuremberg Laws were officially extended to include Gypsies. It detailed a discovery of a group of Germans and Gypsies occupying the same domicile. Declaring that this living situation indicated a ‘danger of racial mixing’ and that ‘Gypsies, like all other alien people must preferably be kept away from the German population’, the social services authorities ordered the expulsion of Gypsies from this residence – their subsequent fate is unknown.⁴⁰

To understand more closely how specific marriages between Gypsies and Germans were controlled in the immediate months following Frick’s 1936 January order, attention must be drawn to the Kreuzer-Schröder case lodged in Arnsberg. On February 19, 1936, a marriage registrar requested special permission for a German man named Josef Schröder, to marry his fiancée, Katharina Kreuzer, who was in her third month of pregnancy.⁴¹ According to a corresponding letter from the Prussian Interior Ministry on April 18, 1936, Kreuzer displayed the ‘typical racial characteristics’ of a Gypsy woman. Though it was recognised that her genealogical lineage was not entirely clear, she was nevertheless suspected of having Gypsy blood which amounted to fifty percent. Thus, under Article 6 of the implementing regulations for the Blood Protection law, their application for a marriage license was rejected.⁴² A similar case of a Gypsy-German marriage ban can be viewed in a report from the State Health Department in Dortmund from March 28, 1939. It stated that the marriage between Karl Koch

nationalsozialistische Völkermord an den Sinti und Roma, Dokumentations und Kulturzentrum Deutscher Sinti und Roma, Wunderhorn, Heidelberg 1999, pp.32–50.

⁴⁰ „Amt für Volkswohlfahrt von der Kreisleitung Soligen an die Stadtverwaltung in Soligen, den 30.10.1935“, reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.29.

⁴¹ StA Münster, Reg. Arnsberg, Nr. 13156, Der Standesbeamte an den Herrns Regierungspräsidenten in Arnsberg, den 19. Februar 1936.

⁴² StA Münster, Reg. Arnsberg, Nr. 13156, Der Reichs und Preußische Minister des Innern an den Herrn Regierungspräsidenten in Arnsberg, den 18. April 1936.

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and Henriette Weiss was strictly prohibited, as the documents provided indicated that Weiss was a *Zigeunermischling* with a distinct racial lineage of full-blooded Gypsy parents who lived in tribal clans and practised tribal customs.⁴³

These cases are instructive for several reasons. First and foremost, they demonstrate that even prior to the war, the Nazis sought to legally control marriage and procreation between German and Gypsy couples, indicating a clear desire to protect the blood purity of Germans. Furthermore, it reveals a key difficulty that occurred with the enforcement of the Nuremberg Laws which would subsequently facilitate a more extreme biopolitical regulation of Gypsies: the task of accurately determining membership in the racial category of the ‘Gypsies’ and establishing their precise genealogical ancestry, since many had already assimilated and intermarried with the local population and were not easily recognisable as Gypsies.⁴⁴

To solve this issue, in 1936, the Reich Ministry of the Interior established a ‘Research Center for Racial Hygiene and Population Biology’ (*Rassenhygienische und bevölkerungsbiologische Forschungsstelle* or RHF) within the Reich Health Office, located in Berlin. Under the direction of Ritter, the primary objective of this institute was to gather information about Gypsies and *Zigeunermischlinge*, including genealogies, fingerprints and anthropometric measures, and to investigate the connection between hereditary and criminality, which in turn would allow Ritter and his associates to specify the degree of racial ‘purity’ in the Gypsies.⁴⁵ Ritter’s extensive and sophisticated identification and registration system of the

⁴³ See StA Münster, Reg. Arnsberg, Nr. 13156, Städt. Gesundheitsamt des Stadtkreis Dortmund an dem Herrn Regierungspräsidenten in Arnsberg, den 28.3.1939; Geschäftskreis I.M, den 23.11.1938.

⁴⁴ StA Münster, Reg. Arnsberg, Nr. 13156, Der Reichs und Preußische Minister des Innern an den Herrn Regierungspräsidenten in Arnsberg, den 18. April 1936.

⁴⁵ BA Berlin R73 Nr. 14005, „An die deutsche Forschungsgemeinschaft“, Mitte Juni 1937; M Luchterhandt, „Robert Ritter und Sein Institut: vom Nutzen und Benutzen der ‚Forschung‘“, in M Zimmermann, (ed.), *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, Franz Steiner Verlag, Stuttgart, 2007, pp.321–328; M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991, p.54; A Fraser, *The Gypsies*, Blackwell Publications, Oxford, 1992, pp.258–259; G Lewy, *The Nazi Persecution of the Gypsies*, p.43; G Margalit, *Germany and its Gypsies*, pp.36.

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Gypsies was arguably an extension of the work of Bavarian police chief, Alfred Dillmann. Through his establishment of the *Zigeunerzentrale* in 1899, and his publication of the *Zigeunerbuch* in 1905, Dillmann had built a cataloguing system which could be utilised by the police force to identify citizen Gypsies and expel foreign ones living in Germany. One of the major problems that Dillmann and the police authorities faced was being able to distinguish between a suspect who was a ‘Gypsy’ or ‘Gypsy-like’ itinerant. Ritter, by contrast, was able to overcome this challenge by using genealogies, fingerprints, and anthropometric measures to produce a formal rubric, which would formalise the operative racial categories to be used for classifying Gypsies.⁴⁶

Ritter’s team comprised of the anthropologists Adolf Würth, Sophie Ehrhardt, Gerhard Stein, as well as a trained nurse, Eva Justin. His associates were tasked with visiting civic registries, municipal archives, educational facilities, Gypsy living sites, prisons, and concentration camps to collect background information and biometric data (including anthropological measurements, blood samples and photographs) on Gypsies and Gypsy-like itinerants. As is discussed below, to help achieve this task, the state police required the genealogical registration of all Gypsies that had been transported under coercion into special municipal camps.⁴⁷ The compiled data was subsequently organised into genealogical tables used to classify generations of all German Gypsies in accordance with a racial criterion - pure Gypsies, mixed-blood Gypsies or Gypsy-like itinerants. These ‘expert assessments’ were later sent to the RKPA and formed a portion of the police registration files on Gypsies, which would later assist in rooting out assimilated Gypsies from the general German population. By 1939,

⁴⁶ W Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution*, Routledge, Great Britain, 1997, Pp. 227, 228, 245, 246.

⁴⁷ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie. „Zigeunerforschung“ im Nationalsozialismus und in Westdeutschland im Zeichen des Rassismus*, Lang, Frankfurt am Main, 1991, pp.185–217; D Kenrick, and G Puxon, *The Destiny of Europe’s Gypsies*, p.61; G Lewy, *The Nazi Persecution of the Gypsies*, pp.45–49; M Luchterhandt, „Robert Ritter und Sein Institut: vom Nutzen und Benutzen der ‚Forschung‘“, pp.321-328.

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Ritter's institute had built a national Gypsy registry containing information on over 20,000 individuals.⁴⁸

As previously mentioned, in addition to building a federal Gypsy cataloguing system, Ritter also conducted a systematic study of Gypsies, dedicated to determining the links between hereditary and criminality, which later served as the foundation for policy and legislation. Ritter characterised the Gypsies as a 'primitive' people who belonged to an 'alien race'. Advancing Cesare Lombroso's theory of the 'born criminal', he insisted upon the biological ties between hereditary and criminal behaviour, concluding that Gypsies were genetically inclined to lead an asocial and criminal life.⁴⁹ Ritter further created a racial distinction between the 'racially pure' and 'mixed-blood' Gypsies (*Zigeunermischlinge*). In his view, the former did not pose a danger to the national community and should be permitted to continue with their lifestyle and traditional itinerant professions, though they should remain isolated from the rest of the population. Because of inter-marriage with other asocial elements, however, Ritter claimed that entirely 'pure Gypsies' were seldom found in Europe. 'Mixed-blood' Gypsies, on the other hand, made up approximately ninety percent of the Gypsy population, and were stigmatised as degenerate criminals and 'mixed-race asocials' (*asoziale Mischlinge*) who endangered the safety and health of the German people.⁵⁰ Thus, Ritter maintained that the 'Gypsy question' was chiefly a 'half-breed problem' (*Mischlingsproblem*), as the clear majority of Gypsy *Mischlinge* were asocial.⁵¹

⁴⁸ BA Berlin R165/181, „Einteilung der Zigeuner nach rassischen Gesichtspunkten“; J von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany*, p.29; G Lewy, *The Nazi Persecution of the Gypsies*, pp. 45–49; D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*, p.61; M Luchterhandt, „Robert Ritter und Sein Institut: vom Nutzen und Benutzen der ‚Forschung““, pp.321–328; J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.185–217.

⁴⁹ R Ritter, *Ein Menschenschlag*, R Ritter, „Primitivität und Kriminalität“, pp.197-210.

⁵⁰ R Ritter, „Zigeuner und Landfahrer“ *Der nichtsesshafte Mensch. Ein Beitrag zur Neugestaltung der Raum und Menschenordnung im Großdeutschen Reich*, Munich, 1938, pp.71–88; R Ritter, „Primitivität und Kriminalität“, pp.197-210.

⁵¹ R Ritter, „Die Zigeunerfrage und das Zigeunerbastardproblem“ *Fortschritte der Erbpathologie, Rassenhygiene und ihrer Grenzgebiete*, no.3, Leipzig, 1939, pp.2–20; R Ritter, „Zur Frage der Rassenbiologie und Rassenpsychologie der Zigeuner in Deutschland“ *Reichs-Gesundheitsblatt*, no.22, Berlin, 1938, pp.425–426.

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Since Ritter believed that the Gypsy *Mischlinge* were incapable of social adaptation and sedentarisation, he proposed to have them interned in ‘preventative detention in work camps or guarded close settlements’ and sterilised.⁵² As discussed below, the research conducted by Ritter and his associates had a crucial impact upon the development of Gypsy biopolitical policy, as it provided scientific legitimisation to the decisions implemented by the police apparatus.

Attacking Gypsy Itinerancy in the Early Years of Nazism:

In the immediate years following the Nazi seizure of power, German officials also continued to reinforce existing anti-Gypsy policies that specifically target behaviours deemed unacceptable in a sedentary society. To end itinerancy and force a sedentary lifestyle, local and state authorities intensified their control and harassment of Gypsies by implementing strict measures of expulsion against foreign Gypsies and assimilative regulations against domestic ones. Though the Weimar push for a uniform, national Gypsy agreement had failed, the efforts to achieve united action for dealing with the ostensible *Zigeunerplage* were renewed after 1933 and spearheaded, once more, by the Bavarian police headquarters. In a missive to the Bavarian Interior Ministry, dated March 28, 1934, the Bavarian police administration insisted upon an all-German Gypsy law, based on the Bavarian Workshy decree of 1926. They reported that the post-war economic hardships had seen a drastic increase in ‘work-shy itinerants’, who were seen as constituting a greater threat to the security of the local population than ‘racial Gypsies’ (*Rassezigeuner*), who were much smaller in numbers.⁵³ Since anti-Gypsy regulations operated under the jurisdiction of state officials, rather than within a national framework, the *Zigeunerzentrale* authorities pointed out that the cyclical expulsion of Gypsies across state

⁵² R Ritter, „Die Zigeunerfrage und das Zigeunerbastardproblem“ pp.2–20.

⁵³ BayHStA MInn 72578, Polizeidirektion München an das Staatsministerium des Innern in München, 28. März 1934.

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borders continued to pose practical problems for police officials. Though previous negotiations saw to the establishment of a national headquarters for handling Gypsy affairs, intelligence and fingerprinting, from a security standpoint, the Bavarian police administration stated that uniform provisions adopted from the 1926 Bavarian legislation (such as restrictions of movement with caravans, animals and travelling in ‘hordes’, as well as mandatory registration requirements) would provide an effective ‘fight against Gypsies, vagrants and the work-shy’.⁵⁴ In another missive to the Bavarian Interior Ministry on August 30, 1935, the *Zigeunerzentrale* administration called for more radical biopolitical action to be taken against the Gypsies along racial lines. All racial Gypsies classified as a foreign element of the population should be deported from Reich territory, either ‘through direct force [or] by a crackdown on their existing liveability’; while German-blooded vagrants, on the other hand, should be made sedentary. To save time, energy and work, the Bavarian bureaucracy were further urged to ‘attack the evil at its root’ and implement ‘a fundamental reordering for gypsies, vagrants and peddlers’.⁵⁵

In response to this, the Reich Interior Ministry commissioned a senior official, Karl Zindel, to prepare a national Gypsy law, and his thoughts regarding the content of this planned legislation was made clear in a memorandum to the State Secretary, Hans Pfundtner, on March 4, 1936. Despite the international progress in the ‘fight against the Gypsy plague’ that had been achieved through the coordinated efforts of the International Criminal Police Commission (ICPC), Zindel maintained that ‘a complete solution to the Gypsy problem’ both nationally and internationally was not possible in the foreseeable future.⁵⁶ Arguing that Gypsy assimilation into the majority population would fail because of their ‘uncontrollable urge to travel’ and ‘inherent nature’ which would drive them ‘almost without exception into criminal behaviour’,

⁵⁴ BayHStA MIInn 72578, Polizeidirektion München an das Staatsministerium des Innern in München, 28. März 1934.

⁵⁵ MIInn 72578, Polizeidirektion München vorgelegt dem Staatsministerium des Innern in München, 30. August 1935

⁵⁶ BA Berlin R1501/5644, Oberregierungsrat. Rat Dr. Zindel an Staatsekretär Pfundtner, 4 März 1936.

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as a solution to integration, Zindel proposed more radical biopolitical options for controlling the Gypsies.⁵⁷ The first was to create ‘special Gypsy reservations’ (*Zigeunerreservationen*) as a means for compelling Gypsies to become sedentary. The second recommendation was to forcibly expel citizen Gypsies from the Reich. Zindel recognised, however, that this was not a feasible option, as deportation was only legally permissible for ‘foreign or stateless Gypsies’. His final suggestion was to adopt a principle of total surveillance with the aim of sedentarisation through incarceration in concentration camps. For police and administrative officials to effectively implement this interment, Zindel insisted upon the identification and registration of all Gypsies, to be primarily handled by Gypsy intelligence offices, such as those in Munich, Karlsruhe, Stuttgart, Dresden and Berlin.⁵⁸ As discussed below, this task was later carried out by Robert Ritter and his researchers. Despite the efforts of the Reich Interior Ministry to implement a national Gypsy law, however, such legislation was never enacted.⁵⁹ Rather than adopting a more uniform course of action for dealing with the so-called Gypsy problem, Nazi Germany officials opted to administer anti-Gypsy affairs under the *Gau* system, which was established as part of *Gleichschaltung* in 1934. Since the interests of each provincial governor (*Gauleiter*) rarely coincided because of their competing agendas, overlapping areas of jurisdiction and distinct administrative procedures, this added to what Hannah Arendt has termed the ‘organised chaos’ of the Third Reich.⁶⁰ As a result, anti-Gypsy policies were implemented largely on an ad-hoc basis.

In lieu of a national Gypsy law, on June 6, 1936, the Prussian Interior Minister issued a new directive which primarily revived existing anti-Gypsy biopolitical regulations adopted

⁵⁷ BA Berlin R1501/5644, Oberregierungsrat. Rat Dr. Zindel an Staatssekretär Pfundtner, 4 März 1936.

⁵⁸ BA Berlin R1501/5644, Oberregierungsrat. Rat Dr. Zindel an Staatssekretär Pfundtner, 4 März 1936.

⁵⁹ Himmler’s 1938 decree confirms that although the Gypsy law was mentioned on several occasions, it was never promulgated, see IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Runderlass des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

⁶⁰ See Hannah Arendt’s chapter on ‘Totalitarianism’, H Arendt, *The Origins of Totalitarianism*, Schocken Books, New York, 1951.

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from the Bavarian model so that the Gypsies could be easily controlled and monitored by the police. Foreign Gypsies that were found residing within German borders faced immediate expulsion from the Reich. Domestic Gypsies, by contrast, were to be made sedentary by strict measures of assimilation and surveillance. These provisions included restricting new issuances of itinerant trading licences, compulsory school attendance and corrective education for ‘neglected’ Gypsy children, dissipating Gypsy bands, fingerprinting detained Gypsies and incarcerating convicted Gypsies in workhouses.

A more unique feature of this directive, however, was the recommendation to stage raids upon Gypsy camps ‘from time to time’ to tighten police surveillance and identification checks, since there was an absence of a national police force.⁶¹ On July 8, 1937, for example, a sweep was conducted simultaneously in several cities throughout the Ruhr district. A report from the police chief in Dortmund revealed that a total of 146 Gypsies and Gypsy-like travellers had been rounded-up, recorded and verified. The group comprised of seventy-six men, seventy females and eighty children under fourteen years, of whom thirty-three were of school-age. All of them were German citizens, with one Gypsy carrying membership to the Nazi party; foreign Gypsies had not been found. Eight Gypsies held regular employment, seven were supported by welfare services and two held itinerant trade licenses, while the others were mostly unemployed musicians. Despite the strict searches, arrests of Gypsies or seizure of evidence did not take place, nor had they found any wanted persons, and the police chief advised that regular raids should be carried out simultaneously in all areas of the Reich.⁶² These sentiments were shared by the police chief in Bochum. His report of the raid of July 8 noted that 131 Gypsies were scrutinised, with forty-two found to have not been registered with the police and seventeen not

⁶¹ IfZ MS 410, „Bekämpfung der Zigeunerplage“, Runderlaß des Reichs und Preußischen Ministers des Innern vom 6. Juni 1936; the authorisation of raids is also mentioned in StA Münster, Reg. Arnsberg, Nr. 14547, Der Regierungspräsident an den Herrn Oberpräsidenten, Arnsberg, den 18. März 1937.

⁶² StA Münster, Reg. Arnsberg, Nr. 14547, Der Polizeipräsident in Dortmund an den Herrn Regierungspräsidenten in Arnsberg, den 16. Juli 1937

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carrying identification papers. He too concluded that raid operations should be collectively conducted on a yearly basis.⁶³

In addition to these measures, the Prussian circular also authorised the arrest of all Gypsies prior to the Olympic Games, initially to improve the appearance of Berlin as a modern city, free of Gypsies. As a result, approximately 600 Gypsies were arrested in Berlin on July 16, 1936, and confined to living in the Marzahn camp on the eastern outskirts adjacent to a sewage dump and municipal cemetery. By 1938, around 850 Gypsies resided there.⁶⁴ The living conditions within this camp were appalling: the facilities housed only three water pumps and two toilets, there was no electricity, and communicable diseases, such as scarlet fever, diphtheria, scabies and tuberculosis, were rampant due to the overcrowding and unsanitary conditions. By March 1938, 170 cases of illnesses requiring hospitalisation had been reported by welfare officials.⁶⁵ The inadequate living conditions of the Marzahn camp were further confirmed in an October 1936 report written by a Gypsy research associate of Ritter, named Gerhard Stein, who gave the following description:

The water of the newly dug well is in fact undrinkable, a fact I checked for myself. The worst are the toilet facilities, completely inadequate for such a large number of people.

I am convinced that many illnesses will be passed on there... the unsatisfactory state of

⁶³ StA Münster, Reg. Arnsberg, Nr. 14547, Der Polizeipräsident in Bochum an den Herrn Regierungs-Präsidenten in Arnsberg, den 17. Juli 1937. Other reports of sweeps carried out in other areas, such as Hamm (Westf.) and Lippstadt, can be found in StA Münster, Reg. Arnsberg, Nr. 14547, Der Polizeidirektor in Hamm (Westf.) an den Herrn Regierungspräsidenten in Arnsberg, 15.7.1937; Der Landrat in Lippstadt an den Herrn Regierungspräsidenten in Arnsberg, 19. Juli 1937.

⁶⁴ IfZ MS 410, „Bekämpfung der Zigeunerplage“, Runderlaß des Reichs und Preußischen Ministers des Innern vom 6. Juni 1936; G Lewy, *The Nazi Persecution of the Gypsies*, p.22; J von dem Knesebeck, *Roma Struggle for Compensation in Post-War Germany*, p.39; S Milton, “Holocaust: The Gypsies” in S Totten, W Parsons and I Charny, *Genocide in the Twentieth Century: Critical Essays and Eyewitness Accounts*, Garland Publishing Inc., New York and London, 1995. pp.212–213; R Rose, *The Nazi Genocide of the Sinti and Roma*, Pp. 48 – 49; K Fings, H Heuss, and F Sparing, *From “Race Science” to the Camps: The Gypsies during the Second World War*, (trans. D Kenrick), Gypsy Research Center, University of Hertfordshire Press, 1997, p.48.

⁶⁵ G Lewy, *The Nazi Persecution of the Gypsies*, p.22; S Milton, “Holocaust: The Gypsies”, p.212; K Fings, H Heuss, and F Sparing, *From “Race Science” to the Camps: The Gypsies during the Second World War*, p.48; R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.48–49; W Wippermann, and U Brucker-Boroujerdi, „Nationalsozialistische Zwangslager in Berlin III: Das ‚Zigeunerlager‘ Marzahn“, *Berliner Forschungen*, no.2, 1987, pp.189–194.

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hygiene is a danger for everyone. In the meantime, several people have again fallen seriously ill, sometimes mortally.⁶⁶

Alongside his descriptions of catastrophic poverty and poor hygienic conditions, Stein also noted details of anthropological measurements of Gypsy prisoners living in the camp – a task assigned to him by the Reich Department of Health. His report is instructive for also showing the increasing interagency cooperation between the police force and public health authorities, as the anthropological information and genealogical registration of Gypsies was vital for the subsequent developments in anti-Gypsy policy, which resulted in their total expulsion and eradication from the Reich.⁶⁷

Similar municipal camps which interned Gypsies also existed in other areas outside large German cities, such as Cologne and Frankfurt.⁶⁸ The plans for a Gypsy camp situated outside the town of Cologne-Bickendorf began in May 1934. It opened in early 1935 and housed approximately 400 – 500 inhabitants by March 1937. This camp too functioned as a biopolitical tool to sedentarise and control Gypsies. It operated under constant surveillance and regular police checks were conducted to intimidate the inhabitants and ‘keep order’. Furthermore, the granting of welfare payments to Gypsy families was dependent upon their living in the camp and performing compulsory work.⁶⁹

⁶⁶ BA Berlin, ZSG 14/23, Dienststelle für Zigeunerfragen Berlin und Zigeunererfassung vom 1.10.1936. Further information concerned with Gerhard Stein and his research interests can be found S Milton, “Antechamber to Birkenau: The Zigeunerlager after 1933” in M Berenbaum, and P Peck, (eds.), *The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined*, United States Holocaust Memorial Museum, Indiana University Press, Bloomington, 1998, pp.390–391.

⁶⁷ BA Berlin, ZSG 14/23, Dienststelle für Zigeunerfragen Berlin und Zigeunererfassung vom 1.10.1936; S Milton, “Antechamber to Birkenau: the Zigeunerlager after 1933”, pp.390–391.

⁶⁸ Other municipal camps known to intern Gypsies were in Essen, Düsseldorf, Solingen, Magdeburg, Hannover, Karlsruhe, Kassel, Kiel, Wiesbaden, Ravensburg, Herne, Freiberg im Breisgau, Fulda, Neubrandenburg, Pölitz and Danzig (after its annexation) near Stettin. See Zimmermann, M. *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.93–100; G Lewy, *The Nazi Persecution of the Gypsies*, pp.21-22; K Fings, H Heuss, and F Sparing, *From “Race Science” to the Camps: The Gypsies during the Second World War*, pp.47-55.

⁶⁹ More details on the logistics of the Cologne-Bickendorf camp can be found in StA Frankfurt am Main, Magistratsakten 2203, Bd. 1, Schreiben des Polizeipräsidenten in Köln an den Polizeipräsidenten in Frankfurt a.M., den 8 März 1937 reproduced in W Wippermann, *Das Leben in Frankfurt zur NS-Zeit. Vol 2: Die*

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The Cologne Gypsy camp arguably served as a blueprint for the internment of Gypsies in other cities, such as Frankfurt am Main. Owing to the increasing complaints from the local communities and Nazi party leaders, the Frankfurt city authorities established a Gypsy camp in the summer of 1937, near Dieselstrasse. According to a missive from the housing office of the Frankfurt welfare department, the goal of this camp was to ‘to put unemployed Gypsies to work as soon as possible’, though it is unclear of whether this was in the sense of forced labour.⁷⁰ Life in this camp too was strictly regulated, with its occupants kept under twenty-four-hour police surveillance. Morning roll calls were held daily to ensure that all inmates remained in the camp. Since Gypsies were unable to practise their itinerant occupations, the livelihood of most in the camp depended on welfare payments, which were lower than those of other German citizens. By January 1938, a total of 122 Gypsies had been forcibly admitted to the Dieselstrasse camp. By May 1941, the number of residents had risen to 160.⁷¹

During the years 1933 – 1938, the municipal Gypsy camps were erected chiefly to clear cities of unwanted caravan dwellers, and to settle German Gypsies. This intensified biopolitical management of Gypsies was an extension of the control measures implemented in the pre-Nazi period that focused on halting Gypsy itinerancy. It must be stressed that these camps were initially established and controlled by local authorities, rather than by state and federal officials. After the outbreak of the Second World War, however, the character of these camps changed

nationalsozialistische Zigeunerverfolgung: Darstellung, Dokumente, didaktische Hinweis, Waldemar Kramer, Frankfurt am Main, 1986; K Fings, H Heuss, and F Sparing, *From “Race Science” to the Camps: The Gypsies during the Second World War*, pp.44–46; K Fings, and F Sparing, „Das Zigeunerlager in Köln-Bickendorf 1935 – 1958“ *Zeitschrift für Sozialgeschichte des 20. Und 21. Jahrhunderts*, vol.6, no.3, 1991, pp.11-40.; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.93–95; G Margalit, *Germany and its Gypsies*, pp.33–34; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.254; Lewy, G. *The Nazi Persecution of the Gypsies*, p.21.

⁷⁰ StA Frankfurt am Main, Magistratsakten 2203, Bd. 1, Schreiben des Fürsorgesamtes, Abt. Wohnungsfürsorge der Stadt Frankfurt a.M. an den Oberbürgermeister, den 17th Januar 1938 reproduced in W Wippermann, *Das Leben in Frankfurt zur NS-Zeit*, p.77.

⁷¹ E von Hase-Mihalik, and D Kreuzkamp, „Du kriegst auch einen schönen Wohnwagen“: *Zwangslager für Sinti und Roma während des Nationalsozialismus in Frankfurt am Main*, Brandes and Apsel, Frankfurt am Main, 1990; G Lewy, *The Nazi Persecution of the Gypsies*, p.21; K Fings, H Heuss, and F Sparing, *From “Race Science” to the Camps: The Gypsies during the Second World War*, p.51; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.97–98.

drastically, as the next chapter shows. Police surveillance was tightened, freedom of movement for Gypsies was significantly restricted and they were assigned to forced heavy labour. Crucially, the provisional attempts to permanently isolate and sedentarise the Gypsies eventually progressed into transit stations for systematic deportations to extermination camps, such as Auschwitz-Birkenau.

The Shift Towards Centralised Biopolitical Management:

In 1936, a crucial turning point in the Nazi biopolitical management of Gypsies occurred. As part of the Nazification process on June 17, 1936, Heinrich Himmler was designated as the chief of the German police, while also maintaining his role as the head of the SS (*Schutzstaffel*). Himmler's appointment saw to the division of the police force into two major departments: the Order Police (*Ordnungspolizei*), which adopted responsibilities of regular uniformed law enforcement, and the Security Police (*Sicherheitspolizei, or Sipo*), which was comprised of the Gestapo (*Geheime Staatspolizei*) and criminal police (*Kriminalpolizei or Kripo*).⁷² A further re-organisation of the criminal police took place on September 20, 1936, in which the Prussian State Criminal Police Office was charged with the national responsibility of criminal police operations in Germany. It was re-named the Reich Criminal Police Office (*Reichskriminalpolizeiamt, or RKPA*) on July 16, 1937, and remained under the leadership of Prussian Kripo chief, Arthur Nebe, who later assumed a vital role in developing Nazi policy toward the Gypsies.⁷³ Shortly after the re-structuring of the RKPA, the Central Office for Gypsy Affairs in Munich (*Zigeunerpolizeistelle bei der Polizeidirektion München*) was moved

⁷² M Broszat, *The Hitler State: The Foundation and Development of the Internal Structure of the Third Reich*, Longman Group Ltd. London, and New York, 1981, pp.274–275; KD Bracher, *The German Dictatorship: The Origins, Structure and Effects of National Socialism*, Trans. J Steinberg, Praeger, New York, 1970, pp.352–353; G Browder, *Foundations of the Nazi Police State: The Formation of Sipo and SD*, University Press of Kentucky, Kentucky, 1990, p.231; G Lewy, *The Nazi Persecution of the Gypsies*, pp.26–27; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.106–107.

⁷³ Nebe, A. „Aufbau der deutschen Kriminalpolizei“, *Kriminalistik*, no.12, 1938, pp.5–7; G Lewy, *The Nazi Persecution of the Gypsies*, pp.26–27, G Browder, *Foundations of the Nazi Police State: The Formation of Sipo and SD*, p.235.

to Berlin and re-constituted within the RKPA as the Central Office for Combating the Gypsy Nuisance (*Reichszentrale zur Bekämpfung der Zigeunerunwesens*), effective from October 1, 1938. The main task of this bureau was to develop a national data bank containing information of all Gypsies living in Germany and to determine the regulations necessary for combatting the ‘Gypsy nuisance’ by making use of the combined experience of the police and the research carried out by Ritter and his colleagues at the Reich Health Office.⁷⁴ It also liaised with the recently created International Central Office for Combatting the Gypsy Nuisance in Vienna – a responsibility which had been borne by Munich since June 5, 1936.⁷⁵ The centralisation of the police system, in effect, created a powerful new biopolitical tool for managing Gypsies, as their persecution was now institutionalised at a national level.

One of the key functions of the RKPA was to attack crime at its root, which ostensibly ‘lay in the prevalence of bad racial stock’.⁷⁶ With the intention of protecting the German *Volk* from those deemed to be enemies of the state, including ‘all asocial individuals’, the Gypsies were quickly one of several groups implicated in the fight against criminals.⁷⁷ On December 14, 1937, a decree was issued by Frick which instituted two approaches for unifying preventive arrest practices of criminals. The first method authorised the Kripo to place profession criminals and habitual offenders under systematic surveillance. The police were permitted to significantly restrict the movement of such individuals by placing them under house arrest,

⁷⁴ BayHStA MInn 72579, „Reichszentrale zur Bekämpfung des Zigeunerunwesens“ Ministerialblatt des Reichs und Preußischen Ministeriums des Innern, Nr. 22, von 25 Mai 1938; IfZ IfZ MS 410, „Abschrift: Reichszentrale zur Bekämpfung des Zigeunerunwesens“ vom 16.5.1938; Nebe, A. „Aufbau der deutschen Kriminalpolizei“, p.7; G Lewy, *The Nazi Persecution of the Gypsies*, p.28; D Kenrick, and G Puxon, *The Destiny of Europe’s Gypsies*, p.73; G Margalit, *Germany and its Gypsies*, p.33; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, P.258; S Milton, “Holocaust: The Gypsies”, p.212; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.108-109.

⁷⁵ IfZ IfZ MS 410, „Bekämpfung der Zigeunerlage“ Runderlaß des Reichs und Preußischen Ministers des Innern vom 5. Juni 1936; IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Der Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern „Bekämpfung der Zigeunerlage“, Berlin, den 13.5.1938; „BayHStA MInn 72579, „Reichszentrale zur Bekämpfung des Zigeunerunwesens“ Ministerialblatt des Reichs und Preußischen Ministeriums des Innern, Nr. 22, von 25 Mai 1938.

⁷⁶ G Lewy, *The Nazi Persecution of the Gypsies*, p.25.

⁷⁷ A Nebe, „Aufbau der deutschen Kriminalpolizei“, pp.4–7; G Lewy, *The Nazi Persecution of the Gypsies*, pp.25–28.

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prohibiting them from alcohol consumption, driving a car or using public transportation, owning pets and weapons. Police could also impose mandatory reporting requirement on a regular basis.⁷⁸ The more radical provision, however, was the arrest of certain individuals, who could be placed into preventive custody (*Vorbeugungshaft*) and sent to a concentration camp without a trial. The duration of their stay was unlimited. Alongside ‘professional or habitual criminals’, these measures were extended to target those who ‘endanger the general public by their asocial conduct’.⁷⁹ The regulations, circulated on April 4, 1938, reinforced that ‘asocials’ were defined as persons who ‘demonstrate by their conduct, even if it is not criminal, that they were unwilling to adapt to the life of the community’. Included in this category were those who did not conform to the National Socialist understanding of social order by repeatedly infringing the law, ‘for example, beggars, vagrants (Gypsies), prostitutes, alcoholics, those with contagious diseases, especially venereal diseases, who refuse treatment [and] the workshy, those who refuse to work’.⁸⁰

In addition to this, on January 26, 1938, Himmler organised a sweep to take place between April 3 and 9, in which the Gestapo were ordered to put asocial elements with a ‘proven unwillingness to work’ into preventive custody in the concentration camp in Buchenwald.⁸¹ Owing to the *Anschluss* plebiscite, this first action against the work-shy was postponed until April 21 and 30. Estimates suggest that the Gestapo arrested approximately 1,500 asocial men, though it is not clear of how many of these were Gypsies.⁸² However, since the SS leadership was supposedly dissatisfied with the performance of the Gestapo, on June 1, 1938, Heydrich

⁷⁸ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Grundlegender Erlaß über die vorbeugende Verbrechensbekämpfung durch die Polizei vom 14.12.37*.

⁷⁹ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Grundlegender Erlaß über die vorbeugende Verbrechensbekämpfung durch die Polizei vom 14.12.37*.

⁸⁰ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Richtlinien des Reichskriminalpolizeiamtes über die Durchführung der vorbeugenden Verbrechensbekämpfung vom 4.4.1938*.

⁸¹ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Schutzhaft gegen Arbeitsscheue*, den 26.1.1938.

⁸² G Lewy, *The Nazi Persecution of the Gypsies*, p.29; W Sofsky, *The Order of Terror: The Concentration Camp*, trans. Templer, W. Princeton University Press, Princeton, 1997, p.33.

ordered another raiding operation to take place during the week of June 13 to 18. Each Kripo district was required to seize at least two hundred male asocials who were able to work and transport them to the concentration camps Buchenwald, and later to others in Dachau, Flossenbürg, Mauthausen and Sachsenhausen. Here, they were subjected to appalling living conditions, systematic brutalities and back-breaking forced labour, designed to transform them into useful citizens. Many did not survive this harsh treatment. Gypsies were explicitly included among those to be targeted for internment ‘if they have not demonstrated a readiness to take up regular employment or have a criminal record’.⁸³ While the total number of Gypsies among those arrested under the operations against the work-shy is unknown, statistical evidence, provided by Lewy, indicates that approximately 107 Gypsies listed as ‘work-shy’ had been incarcerated in Buchenwald, while 371 were held in Sachsenhausen.⁸⁴

The centralisation of the police apparatus arguably facilitated a significant escalation of the biopolitical persecution of Gypsies. With the intention of halting crime and protecting German society, the newly unified police force imposed federal measures of preventive police custody, particularly on criminals, the ‘asocial’ and the ‘workshy’. As one of the groups defined as comprising a segment of the asocial population, Gypsies were routinely targeted in this fight against criminality. Although these biopolitical measures followed a social criterion which accentuated behavioural conduct, rather than a racial one, many Gypsies were nonetheless arrested and interned in concentration camps. Here, they were subjected to systematic

⁸³ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichskriminalpolizeiamt an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle in Berlin, den 1.6.1938; G Lewy, *The Nazi Persecution of the Gypsies*, pp.29–30; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.114–115.

⁸⁴ A comprehensive analysis of the statistical data and individual cases of Gypsies persecuted under “Operation Work-shy” can be viewed in G Lewy, *The Nazi Persecution of the Gypsies*, pp.30–35. Zimmermann also provides some useful statistics of Gypsies interned in local camps, see M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.115–117.

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mistreatment, such as penal labour, harsh living conditions and inadequate medical care, which, in many cases, resulted in death.⁸⁵

Despite measures of crime prevention being firmly in place, the Nazified media, government officials and scientific experts continuously reported on the so-called *Zigeunerplage*, urging the party to implement more radical measures for solving the ‘Gypsy problem’. In the press, anti-Gypsy sentiments reinforced the view that Gypsies were asocial parasites belonging to an inferior race, which ostensibly constituted a racial threat to the health of the German *Volk*. A newspaper article from the *Esslinger Zeitung*, dated from September 14, 1937, argued that:

the Gypsies are a biologically foreign body whose destructive influence on our blood and the racially harmonious structure of our nation must perforce be met with degeneration... There is living among us another people of foreign race which, in its constitutional behaviour, presents a sociological and biological danger which must not be underestimated and which, from the aspect of racial biology, is no less to be feared than the danger which threatened us through mixing with the Jews.⁸⁶

A letter from a police chief in Esslingen from March 11, 1937, too, described Gypsies as part of a parasitic criminal subpopulation, incapable of educational reform and useful contributions to German society. For this reason, he bluntly urged for the ‘Gypsy tribe to be exterminated [*ausgerottet*] by way of sterilisation or castration’, as it would be a cost-effective way to decrease the numbers of Gypsies living in Germany.⁸⁷ Similar demands to sterilise Gypsies came from researchers and criminal biologists. In 1937, one of Ritter’s colleagues,

⁸⁵ J von dem Knesebeck, *The Roma Struggle for Compensation in Post-War Germany*, pp.38-39; G Lewy, *The Nazi Persecution of the Gypsies*, pp.24–35; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.112–117.

⁸⁶ „Zigeuner sind Fremdassige“ *Esslinger Zeitung*, 24.9.1937 reproduced in Rose, R. *Der nationalsozialistische Völkermord an den Sinti und Roma*, p.42.

⁸⁷ StA Ludwigsburg, F 164/II 688, Ländjäger Stationskommandant in Esslingen an den Landrat in Esslingen, März 11, 1937.

Adolf Würth drew on the increasing parallels in Nazi racial doctrine towards both Jews and Gypsies:

The Gypsy question is for us today primarily a racial question...Jews and Gypsies have been placed on equal footing in marriage prohibitions in the regulations for implementing the Nuremberg law for the Protection of German blood. The Gypsies are not of German blood nor can they be considered related to German blood.⁸⁸

To halt Gypsy reproduction and to prevent further mixing with those of German blood, he maintained that eugenic measures were necessary. Another who advocated the sterilisation of Gypsies was Heinrich Wilhelm Kranz. He argued that Gypsy criminality and asociality, which was a consequence of complex, interlocking genetic traits, posed a significant social and biologically racial problem to the German population. As a solution, he suggested that Gypsies 'be eliminated [*ausgemerzt*] from the body of the people as soon as possible by way of preventing their propagation'.⁸⁹ Although Kranz championed Gypsy sterilisation, his views on its implementation differed to that of Ritter and his associates. Since he maintained that asocial behaviour was not a genetically transmitted disease, because it was unlikely for offspring to inherit asociality from their parents, Kranz proposed to base the medical diagnosis for sterilisation on a purely sociological criterion, rather than a biological one.⁹⁰

More radical suggestions for dealing with Gypsies can be seen in an unsigned article titled, *Kampf gegen die asozialen Zigeuner*. Declaring them to be an inferior race, who were a permanent financial burden upon welfare institutions, the author demanded that Gypsy procreation and illegitimate marriages amongst asocials be halted. They further asserted that

⁸⁸A Würth, „Bemerkungen zur Zigeunerfrage und Zigeunerforschung in Deutschland“, *Verhandlungen der Deutschen Gesellschaft für Rassenforschung*, 1938, no.9, p.95.

⁸⁹ HW Kranz, „Zigeuner, wie sie wirklich sind“ *Neues Volk* 5, no. 9, September 1937, p. 27.

⁹⁰ HW Kranz, „Zigeuner, wie sie wirklich sind“ *Neues Volk* 5, pp.21–27; For a more detailed discussion on Kranz's sterilisation proposal for asocials, see his co-authored work with Siegfried Koller, HW Kranz, and S Koller, *Die Gemeinschaftsunfähigen: Ein Beitrag zur wissenschaftlichen und praktischen Lösung des sogenannten „Asozialenproblems“*, 2 vols. Karl Christ, Giessen, 1939, 1941, Chapter 7.

the Gypsies and the ‘asocial question’ (*Asozialenfrage*) represented a serious issue requiring the ‘complete eradication’ [*restlose Ausmerzung*] of all useless social and racially inferior elements in German society.⁹¹ Similar anti-Gypsy sentiments were also evident in the 1939 edition of the *Deutsches Ärzteblatt* (German Medical Journal) which insisted that Gypsies be treated like hereditarily diseased individuals and called for the ‘ruthless [*rücksichtslose*] eradication of these character-defective elements of the population’ to prevent ‘passing their inferior genotype onto subsequent populations’.⁹² Though it is unlikely that these demands suggested the physical annihilation of the Gypsies, and were instead more focused on halting their biological reproduction, this discourse nonetheless demonstrates how public and scholarly opinion regarding solutions for the ‘Gypsy Problem’ was steadily radicalising.

In response to this mounting pressure, Himmler promulgated the decree for ‘Combatting the Gypsy Plague’ on December 8, 1938, which, for the first time, made explicit reference to the Gypsies as a racial threat to the health of the German *Volk*. This legislation was the result of the combined efforts of both racial scientists and police experts, who used their knowledge and experience in fighting the so-called *Zigeunerunwesen* to accentuate the importance of a racial approach to the Gypsy question, namely by determining the racial affiliation of every Gypsy and Gypsy-like itinerant living in Germany. The racial nature of this law is made clear in the following passage:

(1) Experience gained in the fight against the Gypsy nuisance, and knowledge derived from race-biological research, have shown that the proper method of attacking the Gypsy problem seems to be to treat it as a matter of the nature of this race. Experience shows that part-Gypsies play the greatest role in Gypsy criminality. On the other hand,

⁹¹ „Kampf gegen die asozialen Zigeuner“, 1937 reproduced in J Hohmann, *Zigeuner und Zigeunerwissenschaft: Ein Beitrag zur Grundlagenforschung und Dokumentation des Völkermords im „Dritten Reich“*, Guttandin und Hoppe, Marburg, 1980, p.196.

⁹² „Die Zigeuner als asoziale Bevölkerungsgruppe“, *Deutsches Ärzteblatt*, no.69, 1939, p.247.

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it has been shown that efforts to make the Gypsies settle have been unsuccessful, especially in the case of pure Gypsies, because of their strong compulsion to wander. It has therefore become necessary to distinguish between pure and part-Gypsies in the final solution of the Gypsy question.

(2) To this end, it is necessary to establish the racial affinity of every Gypsy living in Germany and of every vagrant living a Gypsy-like existence.⁹³

Accordingly, Himmler ordered that all sedentary and non-sedentary Gypsies, as well as Gypsy-like itinerants, be registered with the Central Office for Combating the Gypsy Nuisance and to ensure compliance, the police were granted powers to place them in custody. Influenced by Ritter's views, this law also required all Gypsies in the Third Reich to be categorised into three explicitly racial groups: racially pure Gypsy, Gypsy *Mischlinge* and nomadic individuals behaving as Gypsies. To confirm their racial classification, Gypsies were obliged to undergo a racial-biological examination made by the RKPA on the advice of experts [*Sachverständigengutachten*]. Compulsion was permitted, if necessary.⁹⁴ Another racial aspect of this law reinforced Gypsy inclusion in the interracial marriage bans stipulated under the Nuremberg Laws and reminded public health officials that a certificate for suitability of marriage was required by applicants, and that they were obliged to report all cases of those covered by this decree. Public health departments were also instructed to report the birth, marriages or deaths of Gypsies and Gypsy-like itinerants to the local Kripo, which were then forwarded to the RKPA.⁹⁵ Other provisions included in this decree stipulated an intensification of previous biopolitical measures long used against citizen Gypsies for restricting their way of

⁹³ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“; an English translation of Himmler's 1938 measures towards citizen Gypsies can be found in M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, pp.116–117.

⁹⁴ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

⁹⁵ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

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life. For example, the issuance of itinerant trade and driver's licences was only permitted after rigorous scrutiny, traveling, and camping in hordes continued to be outlawed, and applications for the possession of firearms was strictly prohibited. Foreign Gypsies continued to be denied entry to the Reich, and those found residing within its borders faced immediate expulsion.⁹⁶

Crucially, Himmler's decree heralded a complete centralisation of German anti-Gypsy policy. For the first time, the law abolished all previous Gau regulations concerned with Gypsies and brought existing measures into line with the new legislation. It was the culmination of the long-standing aim for Germany to create a centralised and systematic national database for compiling information on Gypsies and Gypsy-like itinerants, resulting from the collective efforts of the police force, civic registrars and public health officials. It was a feat previous leaders had never managed to achieve.⁹⁷ Importantly, Himmler's decree also shows how the research conducted by Ritter and others had a radicalising influence on the course of Nazi racial policy towards the Gypsies, as their scientific arguments of criminality and asociality as a biological condition legitimised measures implemented by the police apparatus. It was the ostensibly scientific nature of Nazi measures that was the quintessence of the persecution of Gypsies.

Himmler's decree signifies the moment in which biopolitical anti-Gypsy policy hardened into biological racism. Gypsies were subjected to measures of biological control, such as forced sterilisation and the prohibition of interracial marriages. Prior to the promulgation of these racial laws, German officials still employed coexisting measures of social control designed to specifically deal with halting Gypsy itinerancy, such as sedentarisation and internment in concentration camps. Official Nazi decrees attempting to solve the so-called

⁹⁶ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

⁹⁷ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

‘Gypsy problem’ had characteristically resorted to targeting Gypsies based on their behavioural conduct, rather than their racial affiliation. The promulgation of Himmler’s decree, however, saw this overlapping of racial and social persecution cease. From this time onwards, the Nazified police, government and health officials collectively implemented measures designed to protect and immunise the health of the German *Volk* from the putative biological threats of diseased races, including Gypsies. That the symptomatic markers of their racial difference were described as manifesting themselves behaviourally does not discount the intrinsically biological, racial approach to the Gypsy question.⁹⁸

Conclusions:

By scrutinising the overlapping ideological foundations of anti-Gypsy policymaking in the pre-war period, it is possible to assert that the Nazis employed both racial and social engineering techniques to shape the German *Volk*. Through the utilisation of scientific research and German medicine, the Nazis portrayed the Gypsies as a biological threat; a diseased race that needed to be regulated and cleansed to protect the health, regeneration, and purification of the nation. The Nuremberg Laws illustrate how biopolitics functioned in Nazi Germany, with the prohibition of inter-marriage and sexual relations between those of ‘German blood’ and carriers of ‘alien blood,’ enabling the Nazi bureaucracy to control and nurture the type of life they wished to produce. The Sterilisation Law operated in a similarly biopolitical fashion. By sterilising those who were considered hereditarily inferior, the Nazis sought to stop the reproduction of Gypsies in order to protect and immunise the health of the German *Volk*.

To be sure, biopolitical measures employed by the Nazis were not limited to controlling the biological processes of Gypsies. The fear of itinerancy facilitated the push to create a national Gypsy law, though such legislation was never enacted. Instead, the Nazis opted to deal

⁹⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“.

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with the ostensible *Zigeunerplage* through a series of ad-hoc decrees which primarily reinforced anti-Gypsy biopolitical measures from the *Kaiserreich* and *Weimar* periods. To end itinerancy and force a sedentary way of life, local and state officials stiffened their anti-Gypsy measures by expelling foreign Gypsies and sedentarising domestic ones. The centralisation of the police apparatus in 1936 signified a crucial turning point in the biopolitical management of Gypsies, as the police force were granted powers of preventive custody and used these against those deemed to be asocials, criminals and the work-shy, resulting in their incarceration in concentration camps.

Despite these measures, calls for even more radical action to deal with the Gypsies emanated from racial scientists, the Nazified press and government officials alike, leading to the issuance of Himmler's 1938 decree. Upon its promulgation, racial and social motivations of anti-Gypsy regulations were consolidated and biopolitical policy against Gypsies hardened into biological racism, signalling the onset of a period of clearly racial persecution of Gypsies.

7. 'State Racism' and Racial Purification Between 1939 and 1942

The previous chapter illustrated how the treatment of the Gypsies began to transition from social to racial forms of persecution following the Nazi assumption of power. Gypsies became the targets of racial doctrines which argued that their inherent racial traits produced asocial and criminal behaviour. Simultaneously, the Nazis stepped up their efforts to combat the ongoing problem of itinerancy and crime by employing an acute level of policing against Gypsies and the work-shy, leading to their imprisonment in concentration camps. It was only once Heinrich Himmler declared the Gypsies as a 'racial problem' of the Nazi Biostate in 1938, that the overlapping racial and social understanding of the *Zigeunerfrage* hardened into biological racism.

This chapter examines how after the outbreak of the Second World War, the Foucauldian concept of 'state racism' became a far more potent feature of the Nazi biopolitical management of Gypsies. As the introduction makes clear, state racism sought to define the norms of society through biology and created a racial hierarchy for the body politic.¹ For Foucault, individuals who stood outside the racial community were treated as threats and enemies, rather than political adversaries. They were deemed biological contaminants to the health of the population. This legitimised strategy of the state aimed at purifying and regularising the social body. Foucault wrote:

it will become the discourse of a battle that has to be waged not between races, but by a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from that norm, against those who pose a threat to the biological heritage. At this point, we have all those biological-racist

¹ M Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans Macey, D), Penguin Books, London, 2004.

discourses of degeneracy, but also those institutions within the social body which make the discourse of race struggle function as a principle of exclusion and segregation and, ultimately, as a way of normalising society.²

That is to say, driven by the demand for biological purity and compliance with the system of rule, racism allows the biopolitical state to employ regulations of exclusion and normalisation. This, Foucault argued, reinforces the demarcation between those who belong to the body politic and those who do not fit the biopolitical illusion of an ethnically homogenous society.

These biologically dividing practices were certainly apparent in the National Socialists' wartime treatment of the Gypsies. Plans for ethnic cleansing were given new impetus after the Nazi invasion of Poland. High-ranking Nazi officials, such as Reinhard Heydrich and Himmler, devised schemes to systematically resettle citizen Gypsies in German zones of occupation, particularly the General Government (*Generalgouvernement*). Equally crucial in the course of Nazi racial policy was the ongoing research and co-operation of racial scientists, such as Robert Ritter. His research institute played a vital role in scientifically legitimising biopolitical policy and assisting the police authorities with the implementation of more stringent measures of racial control. As a result, a 'scientific-police' complex developed between these two agencies, which enabled the Nazis to take more radical steps towards achieving the total exclusion of Gypsies from the *Volksgemeinschaft*.

Robert Ritter and the Beginnings of the 'Scientific-Police' Complex:

At the onset of the Second World War in 1939, scientific experts and government officials continued to reinforce the ongoing denigration of Gypsies as asocial parasites belonging to an alien race, and subsequently urged the Nazi leadership to devise more extreme

² M Foucault, M. *Society Must Be Defended*, pp.61.

biopolitical measures for solving the *Zigeunerplage*. The neurologist and psychiatrist, Carl-Heinz Rodenberg, for example, claimed that, like Jews, Gypsies represented a 'biologically foreign body' that had 'a destructive influence on our body politics, integrated in terms of blood and race'.³ He further maintained that the Gypsies posed a sociological and biological threat to the *Volksgemeinschaft* and were viewed to be as a threat as great as the 'danger arising from mixing with Jews'.⁴ Robert Ritter, who headed the Racial Hygiene and Demographic Biology Research Unit (*Rassenhygienische und bevölkerungsbiologische Forschungsstelle* or *RHF*) similarly denounced the Gypsies as a race 'alien to the [German] community', who were capable of destroying the German *Volk* from within. As a solution, he advocated severe biopolitical sanctions, which would target 'the main body of asocial and good-for-nothing Gypsy individuals of mixed blood'.⁵ He recommended that affected Gypsies be 'collected together in large labour camps [*Wanderarbeitslager*] and kept working there', and additionally advised that the 'further breeding of this population of mixed blood' cease by means of forcible sterilisation.⁶

Crucial to the implementation of these biopolitical measures was a racial definition of the term 'Gypsy', which drew clear distinctions between 'genuine ethnic' Gypsies, 'half-breed' (*Mischlinge*) Gypsies, and 'persons traveling about in the manner of the Gypsies' – a task which had historically proved to be quite difficult to achieve. An article from the *Deutsches Ärzteblatt*

³ CH Rodenberg, „Die Zigeunerfrage“, *Der Öffentliche Gesundheitsdienst*, vol.3 no.12, 20. September 1937, pp.438,445.

⁴ CH Rodenberg, „Die Zigeunerfrage“, pp.438,445. Not all racial scientists shared his view of Gypsies constituted the kind of threat Nazi ideologists saw in the Jews. Eva Justin, for example, who was a leading research associate of the Ritter institution, argued that 'the Gypsy problem cannot be compared with the Jewish problem, because the Gypsies are not able to undermine or endanger the German *Volk* as such,' see E Justin, *Lebensschicksale artfremd erzeugener Zigeunerkinder und ihrer Nachkommen*, Dissertation, Friedrich Wilhelms University, Berlin, 1943, p.120.

⁵ BA Berlin, R 73, Nr. 14005, Ritter, R. „Arbeitsbericht“, p.7.

⁶ BA Berlin, R 73, Nr. 14005, Ritter, R. „Arbeitsbericht“, p.7. Similar opinions were expressed in other publications: R Ritter, „Die Zigeunerfrage und das Zigeunerbastardproblem“ *Fortschritte der Erbpathologie, Rassenhygiene und ihrer Grenzgebiete*, no.3, Leipzig, 1939, pp.2–20, and R Ritter, „Bestandsaufnahme der Zigeuner und Zigeunermischlinge in Deutschland“, *Der Öffentliche Gesundheitsdienst*, no.6, 5. Februar 1941, pp.477-489.

in 1938 succinctly describes the importance of determining the racial affiliation of all German Gypsies in order to solve the Gypsy question once and for all:

Experience gathered thus far in the struggle against the Gypsy plague reveals that half-breeds are responsible for the largest fraction of criminal offences among Gypsies. It has also been shown that attempts to make the Gypsies settle down have failed, especially among the purest strains of this race; this is because of their strong wander instinct. It has thus become necessary to separate pure and half-breed Gypsies, for the purpose of coming to a final solution of the Gypsy problem [*endgültigen Lösung der Zigeunerfrage*] ... In order to achieve this goal, it will be necessary to determine the racial affiliation of all Gypsies living in the Reich, also that of all people living like Gypsies.⁷

Certainly, Himmler's 1938 decree was an attempt to prompt the racial classification of all Gypsies living in the Reich. It further centralised various biopolitical practices, including the mandatory registration of all German Gypsies, the prohibition of racial mixing with the German *Volk*, and the restriction of the Gypsies' itinerant lifestyle and movement. However, some Kripo officials, such as those in Karlsruhe, urged for the creation of a national Gypsy law (*Zigeunergesetz*) to ensure a more uniform course of action.⁸ This proposed legislation sought to target Gypsy *Mischlinge* and Gypsy-like itinerants. Significantly, it was completely in-line with Ritter's recommendations, as it intended 'to establish concentration camps and resort to sterilisation in order to achieve, in this way, a gradual extinction [*Aussterben*] of these asocial elements'.⁹ Clearly, Ritter was a driving force behind Gypsy policy and, as the following

⁷ „Rassische Erfassung der Zigeunern“, *Deutsches Ärzteblatt*, no.68, 1938, p.901.

⁸IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Runderlaß des Reichsführer und Chef der Deutschen Polizei im Reichsministerium des Innern vom 8.12.1938 „Bekämpfung der Zigeunerlage“; IfZ, Fa 704, Staatliche Kriminalpolizei, Karlsruhe, den 4. Februar 1939.

⁹ IfZ, Fa 704, Staatliche Kriminalpolizei, Karlsruhe, den 4. Februar 1939.

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demonstrates, the Nazis used his research for entailing and maintaining a system of racial identification that allowed for an increasingly biopolitical approach to the 'Gypsy question'.

The development of a comprehensive Gypsy law was officially mentioned in a directive issued by Heydrich on March 1, 1939. It confirmed that such a law would provide a legal foundation for 'prohibiting miscegenation and regulating the life of the Gypsy race in German space (*im deutschen Volksraum*)'.¹⁰ In addition to this, Heydrich's order reinforced the centralised practices of racial and social control that were initially stipulated in Himmler's 1938 decree. With the intent to protect the unity of the national community, the circular reminded the authorities that 'the Gypsy problem must be understood and solved on a national scale'.¹¹

Furthermore, it declared that the measures taken by the Nazi state aimed to achieve

once and for all, the racial separation of Gypsydom (*Zigeunertum*) from the nation (*Volkstum*), the prevention of racial mixing and finally the regulation of the life of the racially pure Gypsies and of the *Zigeunermischlinge*.¹²

Moreover, the implementing regulations of March 1939 issued additional administrative details for Himmler's 1938 decree. Local Kripo offices were instructed to appoint a specialist responsible for handling Gypsy questions and problems, while regional Kripo offices were required to set up a department for managing Gypsy affairs. A new feature of this directive, however, was the order to provide Gypsies with new identity cards of different colours that were issued in accordance with their racial classification: brown cards for racially

¹⁰ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Ausführungsanweisung des Reichskriminalpolizeiamts vom 1.3.1939 zum RdErl. des RF^huChDtPol. Im RMdI. vom 8.12.1938 betr. Bekämpfung der Zigeunerplage.

¹¹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Ausführungsanweisung des Reichskriminalpolizeiamts vom 1.3.1939 zum RdErl. des RF^huChDtPol. Im RMdI. vom 8.12.1938 betr. Bekämpfung der Zigeunerplage.

¹² IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Ausführungsanweisung des Reichskriminalpolizeiamts vom 1.3.1939 zum RdErl. des RF^huChDtPol. Im RMdI. vom 8.12.1938 betr. Bekämpfung der Zigeunerplage.

pure Gypsies, brown passes with a blue stripe for Gypsy-*Mischlinge* and grey ones for Gypsy-like itinerants.¹³ The effect of this racial categorisation was twofold: it reinforced who belonged to the German body politic, and simultaneously sought to find and emphasise racial differences within the Gypsy community for the first time.

There is some evidence which suggests that discussions of the so-called Gypsy law were already in motion at the end of 1938. A letter to Himmler from Günther Pancke, the chief of the SS Main Office of Race and Resettlement, on December 19, reveals that national Gypsy legislation was currently being drafted by the Reich Criminal Police Office (*Reichskriminalpolizei*, or *RKPA*), aiming to promote a 'crackdown of the further mixing between Gypsies and those of German blood [*Deutschblütigen*]', and the 'separation of the pure Gypsies' from the 'half-breeds [*Mischlinge*]', who would be subjected to measures of 'sterilisation and isolation'.¹⁴ To assist the RKPA in the development of such a law, it is believed that Ritter was commissioned to provide his expertise on how the Nazi State should deal with the Gypsies.

This is substantiated by the emergence of a preliminary draft of the proposed Gypsy legislation submitted by Ritter, presumably around late 1940 to early 1941. An important aspect of his legal proposal was its aim to provide a more accurate method for determining the racial affiliation of all Gypsies living in Germany. Gypsies were to be classified by their identification cards, which were to be issued in accordance with their 'ancestry [*Abstammung*], way of life and the Gypsy tribe [*Zigeunerstamm*] to which they belong'.¹⁵ Gypsy half-breeds (*Zigeunermischlinge*) were to be identified as a person who had at least one Gypsy ancestor. Other features of Ritter's draft advocated for more stringent biopolitical measures: the

¹³ IFZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Ausführungsanweisung des Reichskriminalpolizeiamts vom 1.3.1939 zum RdErl. des RFhuChDtPol. Im RMdI. vom 8.12.1938 betr. Bekämpfung der Zigeunerplage.

¹⁴ BA Berlin, SLG Schumacher, Nr. 399, Pancke, RuSHA an Himmler, 19.12.38.

¹⁵ BA Berlin, ZSG 142/22, Vorentwurf für ein Gesetz zur Regelung der Zigeunerverhältnisse in Deutschland.

prohibition of Gypsy conscription into the armed forces, and for the Gypsy lifestyle to be more tightly regulated, given their membership to a foreign race (*fremdrassige Art*). Furthermore, he proposed a hardened stance on interracial marriage: Gypsies should only be allowed to marry each other, while Gypsy half-breeds wishing to marry would require the approval of the Reich Ministry of the Interior. Those who violated this clause, he declared, would be subjected to the penalties stipulated in the 'Law for the Protection of German Blood and Honour'.¹⁶ It is worth mentioning that this draft could quite possibly be incomplete, as it makes no mention of the sterilisation measures proposed by Pancke, the Kripo or Ritter himself. Nonetheless, his draft legislation usefully indicates how anti-Gypsy policy was envisaged as becoming increasingly radical, urging more systematic measures for Gypsy classification practices, bans on racial mixing, restrictions on an itinerant lifestyle and total exclusion from national institutions such as the military. It further confirms the substantial influence that Ritter wielded over regulations targeting the Gypsies, and that the Nazi leadership viewed his research as a necessary basis for a scientifically legitimised biopolitical policy.¹⁷

Despite the move towards national Gypsy legislation, such a law never eventuated. Arguably, the reasons for its collapse were because the proposed regulation would limit the Nazis' freedom of action, and ultimately weaken the overall severity of the Gypsy persecution.¹⁸ Regardless of its asperity, an attempt to place Gypsies within a national framework of legislation would prevent the Nazis from pursuing the most radical measures without invoking at least nominally an obligation of the state, towards them. That is to say that while such a law would certainly provide a legal curtailment of Gypsy rights, it would simultaneously constitute

¹⁶ BA Berlin, ZSG 142/22, Vorentwurf für ein Gesetz zur Regelung der Zigeunerverhältnisse in Deutschland.

¹⁷ BA Berlin, ZSG 142/22, Vorentwurf für ein Gesetz zur Regelung der Zigeunerverhältnisse in Deutschland.

¹⁸ This position has been argued persuasively by Hans Buchheim, see IfZ, MS 410, H Buchheim, *Die Verfolgung der Zigeuner aus rassistischen Gründen zur Zeit der nationalsozialistischen Herrschaft*, Unpublished manuscript, 6. June 1958. Others who hold similar views include Guenter Lewy and Michael Zimmermann, see G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, pp.87; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, Christians, Hamburg, 1996, pp.156–162.

a legal safeguard of those rights remaining intact, meaning that anything that was not expressly prohibited would be permitted. Consequently, the police apparatus would be controlled by state authorities enforcing such a law, and their power would be restricted. Thus, rather than colliding with the law, the Nazis preferred to deal with the Gypsies via make-shift regulations enforced by police authorities.¹⁹ Crucially, unlike in earlier failed attempts for a national law that foundered on the issue of state's rights within the German federal system, the collapse of the so-called national Gypsy law illuminates an accelerating fragmentation of the government apparatus, as other administrative agencies, such as the RKPA, sought to promote their own agendas and create a series of ad-hoc decrees, which allowed them to operate without judicial limitations and significantly undermine the unity and authority of the Nazi government. This type of 'polycratic rule', as it was termed by Hans Mommsen, subsequently prompted a process of 'cumulative radicalisation' in the splintered power structures of policy making in the Third Reich, causing the Nazi leadership to pursue more radical options for dealing with the 'Gypsy Menace' – a process that will be scrutinised in the next chapter.²⁰

After the collapse of the attempts to create a national Gypsy law, a more extreme way of resolving the *Zigeunerfrage* emerged. The Nazis sought to implement more stringent and comprehensive measures against not only those with 'foreign blood', such as Gypsies, but also other allegedly asocial elements who threatened a racially pure *Volksgemeinschaft*, including beggars, the work-shy, delinquents, prostitutes, and vagrants. Consequently, the RKPA prepared a draft 'Law on Aliens in the Community', which proposed that such aliens be incarcerated in concentration camps, while subjecting those who may produce 'undesirable offspring' into forced sterilisation.²¹ Though Gypsies were not explicitly mentioned in this

¹⁹IfZ, MS 410, H Buchheim, *Die Verfolgung der Zigeuner aus rassistischen Gründen zur Zeit der nationalsozialistischen Herrschaft*; G Lewy, *The Nazi Persecution of the Gypsies*, p.87; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.156–162.

²⁰ Mommsen, H. *From Weimar to Auschwitz*. Princeton University Press, Princeton, 1991, pp.170–183.

²¹ BA Berlin, R3001/20949.

decree, it was a catch-all attempt by the Nazis to outcast all 'aliens' who ostensibly threatened the racial purity of the German *Volk*. Despite many additional drafts, this law, too, floundered due to the polycratic nature of Nazi policy-making; that is to say, because of the bitter disputes between several ministries over their respective areas of responsibility.²² The discussions surrounding the so-called 'Aliens to the Community Law' reveal that the Ministry of the Interior had proposed that the police determine which individuals would be affected by the planned legislation.²³ This suggestion, however, was met with opposition from other high-ranking political officials. The governor of the General Government, Hans Frank, for example, insisted that it was 'absolutely impossible to delegate such far-reaching powers to the police authorities alone' as it could undermine the status of the judiciary courts, though his stance was probably influenced by his notorious power struggle with Heinrich Himmler.²⁴ Similarly, the Ministry of Justice believed that the definition of who constituted an 'alien' was too vague and they insisted that the decisions for sterilisation should remain under the authority of the genetic health courts.²⁵ Despite these objections, the 'Aliens to the Community Law' was eventually planned to take effect from April 1, 1945. However, the deteriorating situation of the war caused all efforts dealing with legal reform to cease.²⁶ Though this projected statute failed, its development is still instructive. Firstly, it shows how upon the collapse of a national Gypsy law, the Nazis sought to take more drastic steps for protecting the racial purity of the German *Volk* from undesirable 'asocial' elements. Secondly, it accentuates how rather than using a streamlined system for Gypsy policymaking, the nature of Nazi governmentality was largely

²² Numerous drafts of the proposed 'Aliens to the Community Law' can be viewed in both BA Berlin, R3001/20943 and PA AA, Auswärtiges Amt, R 49395.

²³ BA Berlin, R3001/20949. A close chronology of the discussions can be viewed in both BA Berlin, R3001/20943 and PA AA, Auswärtiges Amt, R 49395. See also P Wagner, „Das Gesetz über die Behandlung Gemeinschaftsfremder“, in *Beiträge zur Nationalsozialistischen Gesundheits- und Sozialpolitik*, vol.6, Berlin, 1988, pp.75–100.

²⁴ BA Berlin, R3001/20943, Reichsminister Dr. Hans Frank an den Herrn Reichsminister und Chef der Reichskanzlei, 7. April 1942.

²⁵ BA Berlin, R3001/20949.

²⁶ BA Berlin, R3001/20949.

determined by chaotic structures of power, engaged in bureaucratic turf wars promoting their own interests. In this case, the result was prolonged negotiations and failed legislation, consequently causing the Nazis to seek alternate and more extreme ways for combatting the ostensible *Zigeunerplage*.

While the attempts to implement a national law targeting the Gypsies were aborted, the task of accurately ascertaining the racial make-up of the German Gypsy population remained. To ensure an effective implementation of anti-Gypsy racial policy, it was deemed essential for the police to differentiate between Gypsies and other Germans. Thus, with the intent to 'provide scientific and practical data for the measures taken by the state in the areas of eugenics and racial hygiene', Ritter's institute was tasked with cataloguing all German Gypsies into categories defined by racial purity.²⁷ This laborious process of conducting individual racial evaluations of all German Gypsies eventually culminated in a legal racial classification system. On August 7, 1941, the RKPA circulated comprehensive guidelines regarding the collection and utilisation of Gypsy expert assessments (*Sachverständigen-Gutachtens*). These racial evaluations would be used to classify persons as either a Gypsy, a Gypsy *Mischlinge*, or a Gypsy-like itinerant. In order to ascertain whether the individual concerned was a German citizen or a foreigner, these expert reports were to also include a racial diagnosis and annotations about their tribal membership (*Stammeszugehörigkeit*).²⁸ To assist in determining Gypsies' racial status, the following scheme of racial notation, devised by Ritter, was to be used:

1. Z pure Gypsy (*Vollzigeuner* or *stammechter Zigeuner*).

²⁷ BA Berlin, R 73, Nr. 14005, Ritter, R. „Arbeitsbericht“, p.1.

²⁸ The circular classified the following Gypsy tribes as foreigners: the *Rom* Gypsies from Hungary, *Gelderari*, *Lowari*, *Lalleri* and certain clans from the Balkans, IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Auswertung der rassenbiologischen Gutachten über zigeunerische Personen, RdErl. des RF¹ChDtPol. im RMdI. v. 7.8.1941. To see further information regarding the different Gypsy clans, see D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*, Sussex University Press, London, 1972, pp.84–85.

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2. ZM + half-Gypsy (*Zigeunermischlinge*) with predominantly Gypsy blood.
3. ZM half-Gypsy (*Zigeunermischlinge*) with equal parts German and Gypsy blood.
 - (a.) a ZM 1st Grade is a person who has one German and one pure Gypsy parent.
 - (b.) a ZM 2nd Grade is a person who has one German and one ZM 1st Grade parent.
4. ZM -, half-Gypsy (*Zigeunermischlinge*) with predominantly German blood.
5. NZ non-Gypsy (*nicht Zigeuner*).²⁹

Upon completion, these assessments were to be sent to the regional Kripo offices, where they would be dispatched to the local registries that held records of its Gypsy populace. In this way, local authorities would be able to treat Gypsies in accordance with the relevant decrees. More specifically, they could determine whether Gypsies were eligible for marriage, if they should be dismissed from military service or whether they ought to be deported to concentration camps.³⁰ For example, Antonie Siegmeyer was identified as a Gypsy *Mischling* according to an expert assessment signed by Robert Ritter on February 24, 1942. Subsequently, this classification was transmitted to the Residents' Registration Office, the National Records Office and the Kripo headquarters in Munich who determined her deportation to the Auschwitz extermination camp, on June 12, 1944.³¹

²⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Auswertung der rassenbiologischen Gutachten über zigeunerische Personen, RdErl. des RF^uChDtPol. Im RMdI. v. 7.8.1941. On the parallels between the racial classifications of Jews and Gypsies, see the authoritative commentaries on the Nuremberg racial laws by Wilhelm Stuckart and Hans Globke, see W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, Vol 1. Munich, C. Beck, 1936.

³⁰ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Auswertung der rassenbiologischen Gutachten über zigeunerische Personen, RdErl. des RF^uChDtPol. Im RMdI. v. 7.8.1941.

³¹ Rassenhygienische Forschungstelle des Reichsgesundheitsamtes, Dr. R. Ritter, „Gutachtliche Äußerung“, Berlin-Dahlem, den 24. Februar 1942, reproduced in H Heuss, “German policies of Gypsy persecution 1870 - 1945”, in K Fings, H Heuss, and F Sparing (eds.), *The Gypsies during the Second World War. 1, From 'Race Science' to the Camps*, (trans Kenrick, D.), University of Hertfordshire, Paris and Harfield, 1997, P. 16.

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In March 1944, the Ritter institute claimed to have completed approximately 23,822 racial evaluations, which had successfully classified the person in question as either a pure Gypsy or a Gypsy *Mischlinge*.³² By this time, many of the original 30,000 Gypsies who had resided in Germany prior to the outbreak of the Second World War had been deported to concentration camps, where they did not survive.³³ In November 1944, the efforts of Ritter and his team to determine the racial status of each Gypsy living in the Reich was finally terminated, due to the approaching Allied victory.³⁴

Nonetheless, the ongoing research and co-operation of the racial scientific personnel had a decisive influence upon the conceptualisation and implementation of Nazi Gypsy biopolitical policy. Owing to the work of Ritter and others, the Gypsies were stigmatised as an insidious enemy within the Reich, likely to contaminate the social and biological health of the German body politic. To defend their society from such a danger and to implement existing anti-Gypsy measures more effectively, officials required a more accurate system for classifying Gypsies. Though the efforts for a national Gypsy law had failed due to the polycratic nature of the Nazi bureaucracy, the systematic racial assessments and registration of all Gypsies living in the Reich, conducted by the Ritter Institute, finally provided government bodies and police authorities with a conclusive answer as to whether the individual in question belonged to a specific racial category. This formed the basis for later, more radical preventative police measures against Gypsies, such as their incarceration in concentration camps. Attention must now be drawn to exploring how the strong inter-agency between the police and scientific

³² BA Berlin, R 73, Nr. 14005, Ritter an den Herrn Präsidenten des Reichsgesundheitsamt, Berlin 6 März, 1944, N 1435 – 1436.

³³ The next chapter, Thanatopolitics, will explore this in more detail.

³⁴ G Lewy, *the Nazi Persecution of the Gypsies*, p.105; H Heuss, "German policies of Gypsy persecution 1870 - 1945", p.33.

institutes was fundamental to ensuring the forced expulsion of German Gypsies from Reich territory, and their total isolation from the *Volksgemeinschaft*.³⁵

The Deportation of Citizen Gypsies from the Reich:

Following the invasion of Poland on September 1, 1939, the Gypsy persecution entered a new phase of biopolitical intensity, which favoured 'cleansing' or 'purifying' the German Reich of all those individuals deemed racially undesirable via systematic measures of compulsory expulsion. Analogous to the Nazi objective of deporting all Jews from German soil, Heydrich developed an elaborate program of demographic engineering, inspired by racial principles, that would include citizen Gypsies among the deportations to the newly occupied territories in the East.³⁶ He convened a conference in Berlin on September 21, informing chief police officials and the commanders of the task forces for special missions (*Einsatzgruppen*) of the planned deportations of Jews and 'the remaining 30,000 Gypsies' living in Germany to the eastern area of Poland, later known as the General Government (*Generalgouvernement*), which would be implemented over the next year. It is worth acknowledging that these plans of ethnic cleansing were fully consonant with Hitler's wartime goals to achieve *Lebensraum* in the east, and to rid the German Reich of putatively alien races, such as Jews and Gypsies.³⁷

³⁵ The term, *Volksgemeinschaft* was a German expression which meant 'people's community' and promised collective unity. See O Lepsius, "The Problem of Perceptions of National Socialist Law or: Was there a Constitutional Theory of National Socialism?", *Darker Legacies of Law in Europe: the Shadow of National Socialist and Fascism over Europe and its Legal Traditions*, C Joerges and NS Ghaleigh (eds.) Hart Publishing, Oxford and Portland, 2003, pp.23-24

³⁶ Zimmermann, M. "Intent, Failure of Plans, and Escalation: Nazi Persecution of the Gypsies in Germany and Austria, 1933 - 1942", *Roma and Sinti: under-studied victims of Nazism: Symposium proceedings*, United States Holocaust Memorial Museum, Washington, D.C, 2002, p.14.

³⁷ IfZ, Eich 983, Amtschef und Einsatzgruppenleiterbesprechung am September 21, 1939; M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Persecution of the Gypsies", *Dachau Review*, vol.87, no.2, 1990, p.97; M Burleigh, and W Wippermann, W. *The Racial State: Germany 1933 - 1945*, p.122; K Fings, H Heuss, and F Sparing, *From "Race Science" to the Camps: The Gypsies during the Second World War*, p.60; R Rose, *The Nazi Genocide of the Sinti and Roma*, 2nd edition, Documentary and Cultural Center of German Sinti and Roma, Heidelberg, 1995, p.88; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, p.67 - 68; C Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939 - March 1942*, University of Nebraska Press and Yad Vashem, Jerusalem, 2004, pp.36-43.

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Preparatory measures for these mass expulsions were issued by Heydrich in an October 17, 1939, letter. This directive, generally referred to as the *Festsetzungserlaß*, ordered a freeze on movement, in which 'Gypsies and Gypsy-*Mischlinge*' were prohibited from leaving their place of residence or changing their registered domiciles 'until further notice'. Those who did not comply were at risk of incarceration in concentration camps.³⁸ To ensure their total sedentarisation, local police authorities were required to register all Gypsies and Gypsy *Mischlinge* from October 25 to 27 and collect their personal information. This included their date and place of birth, nationality, employment status, specifically if they worked on a regular basis and were able to sufficiently provide for their family, whether they held a permanent place of residence, and if they were married to a German of Aryan descent.³⁹ Upon completion, the reports were to be dispatched to the Reich Health Office, where Gypsy specialists would closely examine the data and work in close co-operation with the RKPA to issue the necessary arrest orders. Detained Gypsies were to be 'accommodated in special collection camps until their final removal [*endgültigen Abtransport*]', signalling an underlying biopolitical plan to racially cleanse the Reich of those who threatened the nation's health.⁴⁰

Meanwhile, the Nazi biopolitical campaign for the forced removal of racial groups, including Jews and Gypsies, living in the Third Reich had developed into a resettlement action, known as the 'Nisko Plan'. This entailed a vast deportation program to a Jewish reservation (*Judenreservat*) situated in the Nisko district, located southwest of the city of Lublin. As Jewish transports were being assembled in Austria, the Protectorate and East Upper Silesia, the RKPA arranged for Gypsies to be included among these deportations to the transit camp in Nisko,

³⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle, am 17.10.1939.

³⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle, am 17.10.1939.

⁴⁰ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle, am 17.10.1939.

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where they would be expelled eastward.⁴¹ A telegram from October 13 reveals that Nebe had contacted Eichmann, who oversaw the deportation arrangements, and had asked 'for information as to where he can send the Berlin Gypsies' because 'if the transport is to take much longer, the city will have to build a special camp at great cost and still greater difficulties'.⁴² Eichmann's response to Nebe, on October 16, stated that

regarding the deportation of Gypsies, the first transport of Jews from Vienna is announced for Friday, October 20. Three to four trucks of Gypsies can be attached to this transport.⁴³

Two days later, these instructions were conveyed in a memorandum issued by Eichmann's colleague, Brunner. It stated that 'in regard to the resettlement action, the Gypsies living in the Ostmark are to be attached [to these trains] in special railroad cars [*Sonderwaggon*]', which were scheduled to take place in the following weeks.⁴⁴ However, these transport plans to Nisko were soon halted. On October 19, Himmler ordered Eichmann's initiative to be cancelled after the first transport of Jews had arrived in Lublin. The logic behind Himmler's abrupt stop order was supposedly due to 'technical difficulties'. This referred to the logistical problem that Himmler faced in finding lodging and jobs for the incoming influx of ethnic Germans (*Volksdeutsche*) from the Baltic States to West Prussia and Warthegau, who had first arrived from Danzig on October 15. As a result, the consolidation of Himmler's large-scale *Lebensraum* resettlement scheme took precedence over the Jewish and Gypsy deportations to the General Government, and the Nisko Plan was abandoned.⁴⁵

⁴¹ C Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939 – March 1942*, pp.36-43

⁴² DÖW, 17072/6, Geheime Staatspolizei – Stapostelle Berlin, SD Hauptamt 23 236, 13.10.39, 1838.

⁴³ DÖW, 17072/6, Geheime Staatspolizei – Stapostelle Berlin, SD Donau Nr. 7743, 16.10.39, 2010.

⁴⁴ DÖW, 2527, Vermerk der Zentralstelle für jüdische Auswanderung Wien über transporte von Juden aus Österreich nach Polen, Wien, den 18.10.1939.

⁴⁵ DÖW, 2528, Bericht über die ersten Juden transporte aus Wien nach Nisko 1939; C Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939 – March 1942*, pp.36-43; C Browning, "Nazi Resettlement Policy and the Search for a Solution to the Jewish Question, 1939 – 1941" in C Browning,

Despite the collapse of the Nisko Plan, Heydrich's order concerning the freeze on Gypsy mobility remained intact and the planned count of Gypsies living in Germany took place on the proposed dates of October 25, 26 and 27. Adult Gypsies were required to sign a declaration confirming that they would not abandon their homes and acknowledged that non-compliance would result in imprisonment in a concentration camp. In cases of temporary absences, in which Gypsies wished to visit a sick relative or attend a funeral in another German town, special permits were to be presented to the local police office upon arrival and surrendered after they had returned to their domicile.⁴⁶ A study by Michael Zimmerman confirms that after the promulgation of Heydrich's biopolitical measures, the consequences for Gypsies who left their place of permanent residence without authorisation were severe. For example, a Gypsy from Nuremberg who had left town via train to visit his relatives without seeking prior approval from the Kripo was sent to the Dachau concentration camp in 1940, and then later deported to Mauthausen. Similarly, another Gypsy who had left their domicile in Duisburg was, too, apprehended and subsequently deported to concentration camps in Neuengamme, Sachsenhausen and Ravensbrück.⁴⁷

Heydrich's *Festsetzungserlaß* clearly indicates a biopolitical agenda that emphasised a specifically racial rather than social criterion as the basis for Gypsy policy. Unlike earlier regulations that included Gypsy-like travellers of 'German blood', the freeze on mobility specifically targeted Gypsies and Gypsy-*Mischlinge* because of their racial affiliation and the danger that their alien blood ostensibly posed to the health of the German *Volk*. While Heydrich's 1939 decree was intended as a preliminary measure for implementing the mass-

(ed.) *The Path to Genocide: Essays on Launching the Final Solution*, Cambridge University Press, Cambridge, 1992, pp.10–11; J Moser, J. "Nisko: The First Experiment in Deportation", *Simon Wiesenthal Center Annual*, no.2, 1985, p.18.

⁴⁶ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle, am 17.10.1939.

⁴⁷ For additional cases of incarceration in camps under Heydrich's *Festsetzungserlaß*, see M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.169–170.

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scale deportations of Gypsies to the East, as well as a means of greatly streamlining the registration process for Gypsies, it also operated as a disciplinary tool for coercing Gypsies to adopt a sedentary lifestyle and severely restricting their movement.⁴⁸

Though the first attempt at mass deportations of German Gypsies to occupied Poland had failed, the Nazis' biopolitical goal of ethnic cleansing remained. In the early 1940s, the Nazis renewed their efforts to create an ethnically homogeneous and harmonious society – a racial *Volksgemeinschaft* - via the systematic forced removal of racial groups, such as the Gypsies, from German territory. On January 30, 1940, Heydrich chaired a meeting in Berlin, which was attended by forty-two SS functionaries, to discuss Nazi resettlement policy and how to achieve 'uniformity in carrying out the resettlement tasks ordered by the Führer'.⁴⁹ The memorandum of this conference reveals that Heydrich had proposed that two large-scale resettlement operations take place in the 'very near future'. The first involved the evacuation of 40,000 Jews and Poles from the 'Warthegau' (officially known as the *Reichsgau Wartheland*) into the General Government in the interest of creating living space for the Baltic Germans. The second operation, more crucially, entailed 'the deportation of all Jews within the new eastern provinces, and of 30,000 Gypsies from the Reich territory to the General Government'.⁵⁰ This was to occur after 120,000 Poles were expelled into the General

⁴⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief an die Staatliche Kriminalpolizei und Kriminalpolizeileitstelle, am 17.10.1939.

⁴⁹ A copy of these minutes have been reproduced and translated in the Nuremberg Document 5322, "Memorandum of a Conference on 30 January 1940, concerning the Evacuation of Poles and Jews from the Warthegau" in *Trials of War Criminals before the Nuernberg Military Tribunals under Control Council Law No. 10*, Washington, D.C., 1946–49, 4: 855–59. Agencies represented at this conference included the Reich Commissioner for the Consolidation of German Nationhood (*Reichskommissar für die Festigung deutschen Volkstums* or RKF), the chief of Security Police (*Sicherheitspolizei, or Sipo*) and Security Service (*Sicherheitsdienst* or SD), senior SS and police commanders of the annexed eastern territories and General Government, the Ethnic German Agency (*Volksdeutsche Mittelstelle* or VoMi), the Central Trust Agency for the East (*Haupttreuhandstelle-Ost*), The SS Race and Resettlement Main Office (*Rasse und Siedlungshauptamt, or RuSHA*) and the Reich Main Security Office (*Reichssicherheitshauptamt* or RSHA), see G Aly, G. and S Heim, "Rearranging Populations" in P Hayes, (ed.) *How was it Possible? A Holocaust Reader*, University of Nebraska Press, Lincoln, 2015.

⁵⁰ Nuremberg Document 5322, "Memorandum of a Conference on 30 January 1940, concerning the Evacuation of Poles and Jews from the Warthegau", 4: 855–59.

Government at the beginning of March, in order to make room for the incoming influx of 100,000 Volhynia Germans.⁵¹

Heydrich's deportation plan was met with some disagreement. The Surgeon General (*Reichsarzt*) and State Secretary of the Ministry of the Interior, Dr. Leonardo Conti, opposed mass Gypsy expulsions from the Reich, insisting that it would only achieve a geographical change, rather than offer a proper long-term solution for dealing with the *Zigeunerunwesen*. In a widely distributed circular to the RSHA, RKPA and Reich Health Office on January 24, he maintained that deported Gypsies would create illegal emigration and cyclical expulsion issues for officials in the General Government. He asserted that Gypsies would ostensibly resort to measures of forgery and fraud to devise false identification papers and passports, used for border crossings into Lithuania, Hungary, Slovakia, and Rumania. Equipped with foreign passports, Conti claimed that these Gypsies would eventually re-enter Reich territory, and the number of Gypsies living in Germany would undoubtedly rise.⁵² To avoid these difficulties, he insisted that the 'final solution of the Gypsy problem' could only be achieved if they employed the recommendations similarly advocated by the Gypsy specialist, Robert Ritter. That is, for the Nazis to focus their efforts on preventing the further racial mixture of 'alien' and German blood through special measures (*Sondermaßnahmen*) of forced sterilisation, which would specifically target Gypsies:⁵³

All these dangers of the further breeding of the Gypsies can be prevented if, instead of the previous policy of expulsion [*Abschiebung*], which has shown to be ineffective, we carry out the well-prepared radical solution [*Radikallösung*] for the prevention of

⁵¹ Nuremberg Document 5322, "Memorandum of a Conference on 30 January 1940, concerning the Evacuation of Poles and Jews from the Warthegau", 4: 855–59.

⁵² BA Berlin, R 1501/5644, Der Reichsminister des Innern an das Hauptamt Sicherheitspolizei, das Reichskriminalpolizeiamt, den Herrn Präsidenten des Reichsgesundheitsamts, die Abteilung I, die Abteilung VI, den 24. Januar, 1940.

⁵³ Ritter's views supporting Gypsy sterilisation during the war period are confirmed in an undated work report, sourced from BA Berlin, R 73/14005, *Arbeitsbericht*, N 1471 – 1478.

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further hereditarily unsound offspring that is now available for use. I am, therefore, of the opinion that it is too late for a legislative solution but that there must be an attempt, following certain similar practices, to carry out immediately the sterilisation (*Unfruchtbarmachung*) of Gypsies and Gypsy half-breeds as a special measure (*Sondermaßnahmen*). Once sterilisation is completed and these people are rendered biologically harmless, it is of no great consequence whether they are expelled or used as labour on the home front.⁵⁴

To discuss the possibility of developing a Gypsy sterilisation law, Conti called for a conference to take place on February 7, 1940, though further details regarding this meeting has not been preserved.

Other concerns were raised regarding the way in which the expulsions to the General Government would be carried out. To discuss the issue of deportation priorities, Hermann Göring organised a meeting with Heinrich Himmler and the governor of the newly established General Government, Hans Frank, on February 12, 1940 at his Karinhall estate. The minutes of this meeting indicate that Göring was not opposed to the orderly deportation of Jews and Gypsies; however, he did object to the further eastward deportations of any Polish workers. In his opinion, the priority was to maximise agricultural production and strengthen Germany's war potential.⁵⁵ Frank openly aligned himself with Göring's pragmatic standpoint. He further insisted that Himmler should scale-down the deportations and demanded that any further deportations would require his consent. Concerned by the prospect that the General Government would not be able to absorb a large influx of people, since the land was 'relatively

⁵⁴ BA Berlin, R 1501/5644, Der Reichsminister des Innern an das Hauptamt Sicherheitspolizei, das Reichskriminalpolizeiamt, den Herrn Präsidenten des Reichsgesundheitsamts, die Abteilung I, die Abteilung VI, den 24. Januar, 1940.

⁵⁵ The minutes from this meeting have been reproduced in, „Sitzung über Ostfragen unter dem Vorsitz des Ministerpräsidenten Generalfeldmarschall Göring“, *Trials of the Major War Criminals before the International Military Tribunal*, Vol 36, Nuremberg, 1947 – 49, Pp. 300 – 306.

poor and already overpopulated', Frank estimated that the General Government could only accept 'the transfer of some 100,000 – 120,000 Poles and 30,000 Gypsies'.⁵⁶ Himmler, on the other hand, ignored Göring's support for Jewish deportations under organised conditions. Instead, he emphasised that consolidating Germany's new *Lebensraum* through the resettlement of the *Volksdeutsche* took precedent over the Jewish expulsions. He promised, however, that he and Frank would come to an agreement 'upon the procedures of future evacuations'.⁵⁷

The deportation plans for Gypsies were eventually consolidated in a letter issued by Heydrich on April 27, 1940. This decree, generally referred to as the 'Resettlement of Gypsies' (*Umsiedlung vom Zigeunern*) was inherently biopolitical. It sought to forcibly expel citizen Gypsies from Reich Territory and incarcerate them in forced labour camps located in occupied-Polish territory, since they ostensibly endangered the racial hygiene of the German *Volk*. Heydrich's law stated that the 'first transport of 2,500 Gypsies – [selected as] full family groups – to the General Government would take place in the middle of May'.⁵⁸ Among the first German Gypsies targeted for deportation were those 'from the western and north-western border areas'. To begin the resettlement process, Kripo offices were instructed to gather Gypsies at designated collection sites, where they would be subsequently loaded onto trains after the paperwork had been completed. The transport was to be comprised of 1,000 Gypsies from Hamburg and Bremen, 1,000 from Cologne, Düsseldorf, and Hanover, and 500 Gypsies from Stuttgart and Frankfurt am Main. To support the police in carrying out this operation,

⁵⁶ H Frank, *Das Diensttagebuch des deutschen Generalgouverneurs in Polen 1939 – 1945*, in W Präg, and W Jacobmeyer (eds), Deutsche Verlags-Anstalt, Stuttgart, 1975, pp.131,146–47; C Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939 – March 1942*, p.56.

⁵⁷ „Sitzung über Ostfragen unter dem Vorsitz des Ministerpräsidenten Generalfeldmarschall Göring“, pp.300-306.

⁵⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Der Reichsführer SS und Chef der Deutschen Polizei im Reichsministerium des Innern an die Kriminalpolizeileitstellen Hamburg, Bremen, Hannover, Düsseldorf, Köln, Frankfurt a.M., Stuttgart, Betrifft: Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

officials from the RKPA and the Reich Health Office were required to arrive at the collection camps on May 14.⁵⁹

Further guidelines for implementing Heydrich's mass-scale resettlement scheme were circulated on the same day. The instructions specified that Gypsies were to be arrested in consonance with the registry lists that had been prepared under Heydrich's freeze order in October 1939. Additionally, the directive explicitly stated that the total number of Gypsy deportees was not to exceed the quota of 2,500; however, if this target could not be reached, Gypsies from adjacent provinces could also be seized.⁶⁰ Surprisingly, the implementing regulations exempted several groups from deportation: Gypsies considered to be frail and physically incapable of travel, particularly those who were over seventy years of age or women who were seven or more months pregnant, Gypsies married to a German, Gypsies with close relatives currently serving in the military, Gypsies of foreign nationality and Gypsies who owned a substantial amount of property, since there was no legal means of confiscating property at the time.⁶¹ However, the directive specified that Gypsies who did not belong to one of these categories were to be seized and interned in heavily guarded collection sites for approximately three days. Here, Gypsies over the age of fourteen were photographed and issued with an identification card, while those aged six years or more were fingerprinted. Furthermore, all Gypsies were to be deloused prior to their deportation. Every Gypsy was only allowed to take up to 50 kilos of luggage and would be provided with Polish currency of twenty zloty (worth about 10 Reichsmarks) by the RKPA.⁶² All money exceeding the sum of 10 RM,

⁵⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Der Reichsführer SS und Chef der Deutschen Polizei im Reichsministerium des Innern an die Kriminalpolizeileitstellen Hamburg, Bremen, Hannover, Düsseldorf, Köln, Frankfurt a.M., Stuttgart, Betrifft: Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

⁶⁰ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Richtlinien für die Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

⁶¹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Richtlinien für die Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

⁶² IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Richtlinien für die Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

stocks, bonds and jewellery (except wedding rings) was to be left behind - either entrusted to Gypsies exempted from deportations or deposited into special bank accounts. Finally, the guidelines ordered for each transport to be guarded by police, accompanied by a physician and to have a food supply lasting for fourteen days.⁶³

Despite the distinct biopolitical characteristics of Heydrich's deportation order, the current historiography concerned with this decree debates whether the deportations of May 1940 were racially motivated, or if criminal prevention and military considerations were determinative reasons. Some scholars, such as Hans Joachim-Döring and Michael Zimmermann, have asserted that the 1940 Gypsy expulsions were influenced by a combination of crime control and military concerns to prevent the 'possibility of espionage', based on the stereotypical image of the Gypsies as spies.⁶⁴ To support this claim, Zimmermann provides a missive from the High Command of the Armed Forces (*Oberkommando der Wehrmacht*, or OKW) on January 31, 1940, which demanded for Himmler to 'order a ban on Gypsies in the [western and north-western] border area as soon as possible'. Apparently, this was because the Gypsies were considered highly unreliable, they were 'of questionable character with a criminal record' and their presence in the frontier zone was 'intolerable from the point of view of defence'.⁶⁵ In light of the imminent attack on France and the allegations of Gypsies as spies, both Zimmermann and Joachim-Döring conclude that this persuaded Himmler to begin the expulsions of Gypsies living in the western border area of Germany.⁶⁶

⁶³ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Richtlinien für die Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

⁶⁴ M Zimmermann, *Rasseneutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.170-175; M Zimmermann, "The Wehrmacht Persecution of the Gypsies" *Romani Studies* 5. vol.11, no. 2, 2001, pp.112-116; HJ Döring, „Die Motive der Zigeuner Deportation vom Mai 1940“ *Vierteljahrshefte für Zeitgeschichte*, vol.7, no.4, October, 1959, pp.418-428; HJ Döring, *Zigeuner im Nationalsozialistischen Staat*, Kriminalistik Verlag, Hamburg, 1964, pp.99-105.

⁶⁵ BA Berlin, 31.01 RWM, Bd. 30, „Oberkommando der Wehrmacht, Betr: Zigeuner in der Grenzzone, 31.1.40“ cited by Zimmermann, *Rasseneutopie und Genozid*, P. 172.

⁶⁶ M Zimmermann, *Rasseneutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.170-175; M Zimmermann, "The Wehrmacht Persecution of the Gypsies", pp.112-116; HJ Döring, „Die Motive der

Others, such as Gunter Lewy and Hans Buchheim, have rejected military considerations as the basis for the April decree and argue that racism and cumulative radicalisation should be viewed as decisive motives. Though Lewy admits that military demands could have expedited the Gypsy 'evacuations', he strongly doubts that the planned attack on France was a primary cause for the May deportations.⁶⁷ He mentions that Heydrich's expulsion order was not only issued on April 27, but also that the transportations were not carried out until mid-May, which took place a week after the invasion of the Low Countries.⁶⁸ Lewy also rebukes the claim that the Nazi leadership deported Gypsies to alleviate the possibility of espionage, and more convincingly asserts that Gypsy spies could potentially do more harm abroad in the General Government than in Germany, where they were closely regulated by the Kripo. Furthermore, Lewy correctly points out that if the Gypsies supposedly posed an urgent military threat, it did not make sense to set a quota of 2,500 Gypsies. In his opinion, 'the quota of 2,500 is explainable only in terms of the limited availability of transport and probably Frank's insistence that his domain not be swamped by too many Gypsies all at once' - reasons that are similarly in line with Frank's concerns that were illuminated during the meeting held at Karin hall estate on February 12.⁶⁹ For Lewy, the May expulsions were the result of failed resettlement actions, envisaged by Heydrich since the start of the war, which prompted the Nazi leadership to gradually devise more radical plans to realise Hitler's goal to achieve a *Lebensraum* in the east.

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Zigeuner Deportation vom Mai 1940", pp.418–428; HJ Döring, *Zigeuner im Nationalsozialistischen Staat*, pp.99–105.

⁶⁷ According to Herbert Heuss, in the language of the National Socialists, 'evacuated' meant the same as 'resettled' or 'special treatment', namely being taken away to a concentration camp, K Fings, H Heuss, and F Sparing, *From "Race Science" to the Camps: The Gypsies during the Second World War*, p.33.

⁶⁸ G Lewy, *The Nazi Persecution of the Gypsies*, p.76.

⁶⁹ G Lewy, *The Nazi Persecution of the Gypsies*, p.76; „Sitzung über Ostfragen unter dem Vorsity des Ministerpräsidenten Generalfeldmarschall Göring“, pp.300–306.

⁷⁰ G Lewy, *The Nazi Persecution of the Gypsies*, p.76.

Though Lewy's stance is quite convincing and closely aligns with the empirical evidence, he fails to consider how the Nazis' racial perception of the Gypsies influenced the deportation decree – a view that has been persuasively argued by Hans Buchheim. In his study, *Die Zigeunerdeportationen vom Mai 1940*, Buchheim draws attention to the racial discrimination towards Gypsies living in the Third Reich and argues that they had been defined by the Nazis as belonging to an 'inferior race' since the Nuremberg Laws of 1935. Himmler's decree of December in 1938, Buchheim asserts, exposed the Gypsies to a racial persecution because they were declared as a racial threat to the health of the German *Volk* and were subjected to measures of biological control, such as forced sterilisation and the prohibition of interracial marriages.⁷¹ Thus, Buchheim insists, the Nazi agenda for racial purification had a critical impact upon the subsequent Gypsy resettlement action, as it was implemented with the intent to 'cleanse' the Reich of undesirable racial elements – a claim similarly advocated by Sybil Milton, Wolfgang Wippermann and others.⁷²

While the scholarly works of Lewy and Buchheim breaks new ground in our understanding of the historical mechanisms undergirding the May deportations, archival evidence reveals that the practical implementation of Heydrich's decree undoubtedly followed a racialized biopolitical approach. A report compiled by the Darmstadt Kripo on May 27 usefully accentuates how the Nazis employed coercive techniques of expulsion and deterrence

⁷¹ H Buchheim, „Die Zigeunerdeportationen vom Mai 1940“ *Gutachten des Institutes für Zeitgeschichte*, vol.1, Institute für Zeitgeschichte, Munich 1958, pp.52-60.

⁷² Others who share Buchheim's views include Sybil Milton, Ian Hancock, Henry Friedlander, Donald Kenrick, Gratton Puxon, Michael Burleigh and Wolfgang Wippermann. See, S Milton, "'Gypsies' as Social Outsiders in Nazi Germany" in *Social Outsiders in Nazi Germany*, R Gellately, and N Stoltzfus (eds.), Princeton University Press, Princeton, and Oxford, 2001; I Hancock, "Responses to the Porrajmos (The Romani Holocaust)" in A Rosenbaum (ed.), *Is the Holocaust Unique?: Perspectives on Comparative Genocide*, Westview Press, USA, 1996; I Hancock, 'Romanies and the Holocaust: A Re-evaluation and Overview', D Stone (ed.), in *The Historiography of the Holocaust*, Stone, Palgrave, New York, 2004; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, The University of North Carolina Press, Chapel Hill, and London, 1995; D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*. M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*; W Wippermann, *Das Leben in Frankfurt zur NS-Zeit. Vol 2: Die nationalsozialistische Zigeunerverfolgung: Darstellung, Dokumente, didaktische Hinweis*, Waldemar Kramer, Frankfurt am Main, 1986;

towards Gypsies, which were scientifically legitimised by Ritter and his research associates. It stated that on May 16, 199 Gypsies, comprised of one hundred from Mainz, eighty-one from Worms and eighteen from Ingelheim, had been seized and transported to the collection site located at the Württemberg state prison of Hohenasperg 'without problems'.⁷³ However, upon their arrival, the Kripo were unable to distinguish between those that were Gypsies, Gypsy-Mischlinge or Gypsy-like travellers, since the list of deportees had been collected without checking the racial-biological examinations conducted by Ritter and his research associates in Berlin. To resolve this issue, Dr. Adolf Würth, was immediately dispatched to Hohenasperg to perform the racial examinations. Upon completion, it was reported that twenty-two Gypsies had been exempted from deportation, on grounds that they were not Gypsies, or that their relatives served in the German army.⁷⁴ Though some were spared from expulsion, others were not so fortunate. One Gypsy man, named Richard Reinhardt, recalled his experience within the Hohenasperg prison shortly after Heydrich's deportation order was promulgated, which usefully aligns with the Darmstadt Kripo report:

In 1940, on May 16, we received the written order that all "Gypsies" should report to the police headquarters [in Karlsruhe] ... After we all arrived at the headquarters' courtyard on May 16, the vehicles were already waiting to escort us to the Hohenasperg prison: men, women and children. There, we were interned in cells. After three days, the "racial researcher" [*Rassenforscher*] arrived, who performed additional examinations, measured us and created record cards. We finally received a brown identification card with a picture and the notation "stateless" [*staatenlos*]. [Our]

⁷³ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940.

⁷⁴ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940; Anlage 8 zum Kriminalpolizeistelle Darmstadt vom 27. Mai 1940 über den Transport der Zigeuner nach dem Sammellager Hohenasperg, betr., „Erfahrungen bei Umsiedlung von Zigeunern.“

German nationality was simply revoked.... Under guard, we marched by foot to the rail station in Asperg, where we were loaded onto a train. Then, the doors were closed, and the transport went directly to Poland.⁷⁵

This eyewitness testimony, along with the Darmstadt police report is instructive for several reasons: firstly, they both confirm that the selection of Gypsy deportees under Heydrich's order followed a racial classification, clearly demonstrating the racially discriminatory nature of this decree. Additionally, this evidence illustrates the clear inter-agency between the police officials and the Ritter Institute in the implementation of Gypsy policy, as the racial evaluations of the Ritter and his research associates decisively determined whether a person fell under the racial criterion for deportation. Moreover, Reinhardt's testament reveals how several Gypsies were stripped of their citizenship status and placed into an inescapably racial category, which marked them as external to the *Volk*, and deserving of forced expulsion from the Reich.⁷⁶

Crucially, the Kripo report reveals that Gypsies over the age of fourteen were forced to sign a declaration before they boarded the train to the General Government that stated: 'I have been told today that if contrary to orders I return to Germany I shall be sterilised and taken into preventive police custody (concentration camp).'⁷⁷

The logic of this official proclamation was discernibly biopolitical: it intended to deter Gypsies from ever re-entering the Reich, as well as to limit their movement and prevent racial

⁷⁵ The eyewitness testimony of Richard Reinhardt has been reproduced in R Rose, *Den Rauch hatten wir täglich vor Augen: Der nationalsozialistische Völkermord an den Sinti und Roma*, p.152. Similar testimonies of Gypsies who were persecuted under the May deportations can be found in S Milton, S. "Holocaust: The Gypsies" in *Genocide in the Twentieth Century: Critical Essays and Eyewitness Accounts*, S Totten, W Parsons, and I Charny (eds.), Garland Publishing Inc., New York and London, 1995, Pp.180–181.

⁷⁶ Romani, R. *Den Rauch hatten wir täglich vor Augen*, p.152; HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940.

⁷⁷ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940.

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mixing with 'Aryan' citizens. This affirms how the May deportations were a part of an increasingly radical process of controlling and managing life in order to ensure the racial purification of the German *Volk*. Those who attempted to return to the Reich were threatened with sterilisation and incarceration in concentration camps. The Kripo report noted that several Gypsies were initially hesitant to sign this declaration, and it was the only major obstacle that had interrupted an otherwise smooth operation that had gone according to plan. On May 22, the missive stated that the Gypsy deportees had been successfully loaded onto the train to the General Government.⁷⁸

Following their deportation to Poland, most Gypsies were interned into forced labour camps under SS-control, or placed into ghettos, such as those in Belzec, Radom, Kielce, Krychow, Cracow, Radom, Warsaw, and Czestochowa. Here, Gypsies were forced to build airports and roads, work in quarries and munitions factories, dig military trenches or construct concentration camps. Eyewitness testimonies have revealed that Gypsies, including children and the elderly, worked up to fourteen hours of heavy labour each day, were given insufficient food, inadequate medical care and, in winter, a severe lack of clothing. Those who fell ill were left to fend for themselves, while Gypsies unable to work were shot. Disease and starvation were widespread within the camp, and many Gypsies were subjected to acts of cruelty by the SS guards. A Gypsy from Hamburg, Lani Rosenberg, recalls the harsh living conditions within the Belzec concentration camp, following his arrest in Hamburg on May 16, 1940 – shortly after Heydrich's deportation order:

After several days travel, we arrived in Poland at a place called Belzec. We were immediately received by an SS unit and were separated by age and gender. The SS took no great pains with many of the Gypsies, who were forced to dig their own graves; these

⁷⁸ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940.

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Gypsies were then shot and buried. While being beaten we were forced to run to a shack. Later we had to put barbed wire around this hut. Early every morning we had to stand for roll call. Afterwards there were more beatings, we then received our tools, and were forced to run to "work" while again being beaten. The workplace was located close to the Russian border. During the first three months of arrest, many of the younger children died of starvation and disease. There was no medical care. I often witnessed how Gypsies were shot, only because they tried to get water.⁷⁹

Even those who later managed to escape the General Government and return to their hometowns in Germany were not free from the Nazis' grasp. With the strict sanctions in place, these Gypsies were likely to be re-apprehended by the authorities and either incarcerated in concentration camps, sterilised, or expelled back to Poland.⁸⁰ Historians have estimated that roughly eighty percent of those deported from Hamburg alone failed to survive – death records of Gypsies deported from other German cities in May 1940 have not been found.⁸¹

Although the first instalment of Gypsy deportations to the East was completed, the Nazi officials soon faced major difficulties in organising the expulsion of the remaining Gypsies living in Germany, which was to be carried out over the next year. The RKPA received several requests from relatives of the Gypsy deportees wishing to join their next of kin in occupied

⁷⁹ Reproduced in Milton, S. "Holocaust: The Gypsies", pp.181–182. Another Gypsy survivor, W. Lehmann, too, describes the inhumanity of daily life for the deportees: 'after our arrival in Poland in 1940, I was put in different ghettos and concentration camps: in Radom, Cracow and others. The younger ones were used as slave labourers, the older ones and the sick, who could not work anymore, were immediately killed. Even I as a child had to do forced labour, for example carrying stones which were needed for roadbuilding. But sometimes we had to do senseless work and just carry the stones here and there. We ate nettles and grass in order to survive.' Reproduced Rose, R. *The Nazi Genocide of the Sinti and Roma*, p.99.

⁸⁰ Michael Zimmermann, for example, mentions that even amid the German retreat from Poland, some families who attempted to return to their hometown, Duisberg, in August 1944 were deported, without exception, to the community camp for the Mannesmann Pipe Factory for Ukrainian workers. See, Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", pp.98

⁸¹ HStA Wiesbaden 483, Nr. 5746, Aus dem Schreiben der Kriminalpolizei Darmstadt an die Kriminhalpolileitstelle Frankfurt, betr., „Umsiedlung von Zigeunern“, den 27. Mai 1940; M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, p.122; M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", p.98.

Poland. Though they anticipated that such a reunion would eventually be possible, it was quickly ruled out by the General Government leadership, who stressed that further resettlements of Gypsy relatives would exacerbate an already chaotic situation.⁸² A circular from the RKPA on August 9, 1941, informed the local and regional Kripo offices that 'a further settlement of relatives of the Gypsies resettled in the General Government in May 1940 cannot take place for the moment because of the war in the East'. It further stipulated that all requests to join deportees would be withheld, warning that a 'reunion of relatives will be at their own expense'.⁸³ This order was reaffirmed on December 28, 1942, as authorities were reminded that it was forbidden to issue Gypsies with travel permits to the General Government and Warthe, while any Gypsies who followed their relatives or made enquiries about them 'should be arrested.'⁸⁴ At the end of 1940, Himmler decided to suspend all further Gypsy transports to the General Government 'until the general solution of the Jewish question'.⁸⁵

Thus, the plan to expel 30,000 German Gypsies to Polish-occupied territory ended with the expulsion of only 2,500.⁸⁶ Historians have speculated that Himmler's stop order occurred due to several reasons: the logjam created by the deportation of 300,000 Poles into the General Government, the lack of available transport, the objections from Frank who was trying to organise the country efficiently, the incomplete Gypsy classifications and research by Ritter and his team, and the precedence given to the expulsions of Jews to make room for the Germans returning from the Russian-occupied Baltic states.⁸⁷ Nonetheless, Heydrich's deportation order

⁸² G Lewy, *The Nazi Persecution of the Gypsies*, P. 76; D Kenrick, G and Puxon, *The Destiny of Europe's Gypsies*, p.80.

⁸³ IfZ, MS 410: Reichskriminalpolizeiamt Reichszentrale zur Bekämpfung des Zigeunerunwesens an die Kriminalpolizeistellen in Bremen, Düsseldorf, Frankfurt am Main, Hamburg, Köln, Stuttgart, den 9.8.41.

⁸⁴IfZ, MS 410: Der Chef der Sicherheitspolizei und des SD in alle Kriminalpolizeistellen und Staatlichen Kriminalabteilungen, den 28. Dezember 1942.

⁸⁵ G Lewy, *The Nazi Persecution of the Gypsies*, p.77.

⁸⁶ The figure of 2,500 may not be precise, as some historians have estimated that between 2,300 to 2,800 Gypsies were deported. See H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.263; M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", p.100; G Lewy, *The Nazi Persecution of the Gypsies*, p.244.

⁸⁷ D Kenrick, and G Puxon, *The Destiny of Europe's Gypsies*, pp.80–81; G Lewy, *The Nazi Persecution of the Gypsies*, p.77.

represents a crucial turning point in the Nazis' biopolitical management of Gypsies. After a series of failed resettlement schemes, the Nazis had taken more radical steps to rid the Reich of a racial group whom they believed did not belong to the national community. For the first time, families of citizen Gypsies were targets for systematic expulsions from German territory, where they were forced to leave their homes and possessions on racial grounds. Following the May deportations to the General Government, Gypsies were imprisoned in ghettos and concentration camps, where they were subjected to forced labour, inhumane living conditions and cruel abuse at the hands of the SS; many did not survive this mistreatment. To prevent deported Gypsies from traveling back to the Reich and to halt further racial mixing with *völkisch* citizens, the Nazis threatened other coercive biopolitical measures of sterilisation and incarceration in concentration camps to Gypsy repatriates. Furthermore, relatives of Gypsy deportees still residing within the Reich were forbidden to join their families in Polish-occupied territory and were forced to remain sedentary.

Though the Nazis' biopolitical agenda to achieve an ethnic cleansing of Gypsies from German soil was only a partial success, the May deportations arguably operated as a blueprint for other resettlement operations, such as the 'cleansing' of Alsace-Lorraine and the expulsion of the East Prussian Gypsies.⁸⁸ It further provided the foundation for the evolving killing operations that were to take place over the subsequent years – a subject which will be explored more thoroughly in the next chapter. In the wake of the failed plan to deport 30,000 German Gypsies to the East, the Nazis turned their attention towards dealing with the Gypsies who remained in the Reich. With an eye to defending society from ostensibly biologically contaminative elements, the Nazis put into effect even harsher biopolitical measures against

⁸⁸ For a detailed account of these resettlement schemes, see G Lewy, *The Nazi Persecution of the Gypsies*, p.81-83. The original edict which ordered the deportation of the east-Prussian Gypsies can be seen in IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Abschiebung der ostpreußischen Zigeuner, den 22.7.1941.

the Gypsies. The result, as we will soon see, was the total exclusion of German Gypsies from the *Volksgemeinschaft*.

The Total Exclusion of Gypsies from the German Body Politic:

As mentioned in the previous chapter, the authoritative commentaries of the Nuremberg Laws stated that Gypsies were included in the restrictions on inter-racial marriage because they were supposedly carriers of 'alien blood' (*artfremdes Blut*).⁸⁹ After its immediate promulgation, there were several cases in which the Nazis sought to legally prohibit marriage and sexual relations between German and Gypsy couples. After the outbreak of the Second World War, however, the enforcement of this race-based legislation significantly intensified. Lewy reveals that some Gypsies had tried to circumvent the inter-racial marriage bans by consenting to sterilisation. A Gypsy woman named Anna, for example, was granted permission to marry her German partner, August, after she agreed to be sterilised. Accordingly, it was believed that complying with such measures would confirm that the marriage in question did not pose a threat to the blood purity of the German *Volk* or violate the provisions of the Nuremberg Laws.⁹⁰ Lewy crucially points out, however, that consent to undergo sterilisation did not always guarantee the approval to marry. For instance, a Gypsy woman, named Maria, was prepared to be sterilised so that she was able to marry her German partner, Andreas. Her application was rejected, however, by the Kripo of Nuremberg-Fürth. They further advised that

⁸⁹ „Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 15. September 1935“ reproduced in W Stuckart and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, pp.36-37. Empirical evidence which demonstrates that the “Law for the Protection of German Blood and Honour” (*Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre*) also applied to the Gypsies can be seen in: „Erste Verordnung zur Durchführung des Ehegesundheitsgesetzes vom 29. November 1935“ reproduced in W Stuckart and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, p.195; „Der Reichs und Preußische Minister des Innern an die Landesregierungen, den 3. Januar 1936, Berlin“ reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.25–26.

⁹⁰ G Lewy, *the Nazi Persecution of the Gypsies*, p.189. This case can be viewed in LHA Magdeburg, Rep. C 29. Ahn. 2, Nr. 199.

she should be sent to Auschwitz on that grounds that she had 'violated the National Socialist principle of the purity of the German blood'; for unknown reasons, she escaped deportation.⁹¹

Others who had been inducted into military service opted to utilise the institution of war marriage and marry outside of their hometowns. In some cases, their marriage was supported by their commanding officers, who believed that the wellbeing and morale of soldiers was more important than the criteria of marriage partners.⁹² In response to this, on June 18, 1941, the district president in Arnsberg (Westfalen) admonished his marriage registrars to demand a certificate of fitness for marriage (*Ehetauglichkeitszeugnisse*) from all Gypsies, Gypsy Mischlinge or Gypsy-like itinerants wishing to marry, regardless of the wartime situation.⁹³ Two days later, a decree issued by the Reich Ministry of the Interior on June 20, 1941 declared that Gypsy blood appeared to 'greatly endanger the purity of the German blood'. Thereafter sharper scrutiny of Gypsy applications for marriage licenses was routine. Additionally, the provision from January 3, 1936 was annulled, which allowed marriages between German and *Mischlinge* with 'a quarter or less of foreign blood'.⁹⁴

It is worth pointing out that even though the Nuremberg Laws did not legally prohibit marital relations *between* Gypsies, the reinforced marriage provisions caused some officials to believe that such unions were undesirable and should be prevented. This is evident in a missive from the district administrator in Hechingen (Baden) to the marriage registrar in Burladingen on August 11, 1941. He objected to the marriage between the Gypsy *Mischlinge*, Josef Reinhardt and Elise Zulie, given their racial status, and believed that the order of June 20 still

⁹¹ G Lewy, *the Nazi Persecution of the Gypsies*, p.190. This investigation can be found in STA Nürnberg, LRA Uffenheim, Abg. 1956, Nr. 2036.

⁹² Individual cases have been documented by Michael Zimmermann, see M Zimmermann, *Rassenutopie und Genozid*, p.208-209.

⁹³ STA Münster, Reg. Arnsberg, Nr. 13155, Der Regierungspräsident in Arnsberg an den Herrn Standesbeamten, den 18. Juni 1941.

⁹⁴ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“ Schriftenreihe des Reichskriminalpolizeiamtes Berlin, Nr 15, Der Reichsminister des Innern an die Landesregierungen, Berlin, den 20.6.1941, S. 232

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applied to them.⁹⁵ The situation of marriages between Gypsies worsened after a decree was issued by the RKPA on October 25, 1941. It declared that those who continued to live together when their marriage encountered legal constraints were guilty of acting 'asocially' and would be taken into preventive police custody, or in other words, sent to a concentration camp.⁹⁶ Gypsies who engaged in sexual relations or found co-inhabiting with persons of 'German blood' faced similarly harsh penalties. Even if they had promised to end their relationship and stop living together, many Gypsies faced being taken into preventative policy custody. Such was the case for Wilhelm Hoff, a Gypsy musician who lived in Cologne. Under the threat of incarceration in a concentration camp, on July 23, 1941, he was forced to sign a declaration, confirming that he would end his living situation with his 'German-blooded' partner, Anna Streffens, and promised to avoid any further sexual relations with her, or any other person of 'German blood.' Anna, too, agreed to separate from Wilhelm and abstain from sexual relations with any other Gypsy or Gypsy *Mischlinge*. Though their relationship had ended, the police authorities believed they had moved to Danzig and that the situation required further investigation. Subsequently, Hoff was apprehended in his brother's flat in Cologne and was deported to Buchenwald concentration camp, where he was murdered on March 6, 1945. Anna was also arrested on January 29, 1942 in Oldenburg, though further details of her fate are unknown.⁹⁷

In addition to measures aimed at undesirable marriages, the Nazis sought to adopt measures that excluded Gypsies from the *Wehrmacht*. Prior to the Second World War, the Nazis passed provisions which focused on regulating the military conscription of German

⁹⁵ Der Landrat in Hechingen an den Herrn Standesbeamten in Burladingen, den 11. August 1941, reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, p.31.

⁹⁶ G Lewy, *The Nazi Persecution of the Gypsies*, p.98.

⁹⁷ Staatliche Kriminalpolizei Kriminalpolizeileitstelle in Köln, den 23. Juli 1941; Staatliche Kriminalpolizei Kriminalpolizeileitstelle in Köln an die Staatliche Kriminalpolizei Kriminalpolizeileitstelle in Danzig, den 12. Februar 1942; Staatliche Kriminalpolizei Kriminalpolizeileitstelle in Köln an die Staatliche Kriminalpolizei Kriminalpolizeileitstelle in Danzig, den 11. Mai 1942, reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, pp.33–35. Other cases are mentioned in G Lewy, *The Nazi Persecution of the Gypsies*, pp.98–99.

Gypsies. Since official commentaries of the 1935 Nuremberg Laws had established Gypsies as carriers of 'alien blood', this was used as the basis for their dismissal from the defence forces on November 22, 1937.⁹⁸ The ruling declared that 'full-blooded Gypsies' and persons 'with a significant proportion of Gypsy blood' should be excluded from active military service on the grounds that their 'alien blood' rendered them unfit to meet the requirements of 'appearance and conduct, character and demeanour' expected from a German soldier.⁹⁹ Some historians have pointed out that this law had few practical consequences for Gypsies until 1942, for two key reasons: firstly, the number of Gypsies that had been classified by Ritter and his research associates was still small. So, those who had not yet been categorised as Gypsies and whose appearance was not consistent with the typical characteristics were still conscripted into the German military. Secondly, the outbreak of the Second World War caused these measures to be largely disregarded, as several young German Gypsies still joined the armed forces during the first years of the war, with some estimates indicating the enlistment of at least 500 Gypsy soldiers.¹⁰⁰

By the end of 1942, however, the Nazis hardened their stance on Gypsy military enlistment. The research advances of the Ritter institution coupled with the pressure from political authorities in the Nazi party to purge the Gypsies from the military saw a tightening of exclusionary policy. An official of the Ministry for Propaganda, for example, reported to the Party Chancellery the names of numerous Gypsies who were still on active military service, bemoaning that he could not 'understand how alien individuals [*Fremdvölkische*] can also be

⁹⁸ References of Gypsy inclusion in the Nuremberg Laws because of their 'alien blood' can be viewed in „Gesetz zum Schutze des Deutschen Blutes und der Deutschen Ehre vom 15. September 1935“ and „Reichsbürgergesetz vom 15. September 1935“, reproduced in W Stuckart, and H Globke, *Kommentare zur Deutschen Rassengesetzgebung*, pp.36-37 and pp.55-56; Frick, W. „Das Reichsbürgergesetz und das Gesetz zum Schutze des deutschen Blutes und der deutschen Ehre“, *Deutsche Juristen-Zeitung*, Dezember 1, 1935, p.1391.

⁹⁹ „Richtlinien für die Heranziehung von nichtjüdischen fremdblütigen deutsche Staatsangehörigen zum aktiven Wehrdienst“, cited in H Riechert, „Im Gleichschritt...: Sinti und Roma im Feldgrau“, *Militärgeschichtliche Mitteilungen*, no.53, 1994, p.384.

¹⁰⁰ G Lewy, *The Nazi Persecution of the Gypsies*, p.94; M Zimmermann, “The Wehrmacht Persecution of the Gypsies”, p.117; G Margalit, *Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002, p.39.

German soldiers'. He subsequently urged for the promulgation of a decree which would allow the local recruiting stations to discharge Gypsies from their military enlistment contract.¹⁰¹ The response of the Party Chancellery made no mention of granting this request, though they did remark that the information regarding Gypsies still active in the armed forces was currently being compiled in its office and that the aforementioned Gypsies would be closely scrutinised and treated accordingly.¹⁰²

There is some evidence which shows that Hitler, too, was troubled by the presence of Gypsies in the military and viewed them as racially akin to the Jews in their level of threat. A diary entry from his aide-de-camp, Major Gerhard Engel, on May 2, 1940 reveals that after receiving word from either Bormann or Himmler that Gypsies were to fulfil their military service in the army, Hitler had stated 'with great agitation that Gypsies are aliens [*artfremd*] and, in regards to the laws laying down special status, are to be treated like Jews', who were no longer permitted to be enlisted for military service.¹⁰³ In 1941, the subject of Gypsies in the military was broached once more during a dinner conversation between Hitler and Heydrich on February 10. Heydrich had reported that even though some Gypsies with German citizenship had 'been inducted into military service', he reassured the Führer that 'Field Marshal Keitel will put this to an end immediately'.¹⁰⁴ He continued to say that Gypsy *Mischlinge* were amongst the most asocial elements in Germany, in which Hitler declared that 'the Gypsies [were] the greatest plague for the rural population'.¹⁰⁵

¹⁰¹ Fernschreiben an Pg. Reischauer, München, Parteikanzlei, Führerbau, 26.9.1941, reproduced in R Rose, *Den Rauch hatten wir täglich vor Augen*, p.110.

¹⁰² Parteikanzlei München, pg. Reischauer an Reichsamtsleiter Tiessler, Reichspropagandaleitung Berlin, den 30.9.1941, reproduced in R Rose, *Den Rauch hatten wir täglich vor Augen*, p.113.

¹⁰³ K von Hildegard, *Herresadjutant bei Hitler, 1938 – 1943: Aufzeichnungen des Majors Engel*, Deutsche Verlangsanstalt, Stuttgart, 1974, pp.79–80.

¹⁰⁴ IfZ FA 514, Nr. 39 Aufzeichnung, Dr. Koeppen über Hitlers Tischgespräche, 33ff.

¹⁰⁵ IfZ FA 514, Nr. 39 Aufzeichnung, Dr. Koeppen über Hitlers Tischgespräche, 33ff.

Presumably influenced by this conversation, the next day, on February 11, 1941, the High Command of the Armed Forces (*OKW*) renewed its stance on Gypsy presence in the armed forces. The decree ordered that the recruitment of 'racially pure Gypsies' (*vollblütige Zigeuner*) and 'part-Gypsies (*Zigeunermischlinge*) with a significant amount of Gypsy blood' (including volunteers) for active military service was strictly prohibited for 'reasons of racial policy'.¹⁰⁶ Those currently serving in the army, air or navy force were to be discharged due to 'lacking suitability for active service' and transferred to the Auxiliary Reserve II or the National Guard (*Landwehr*). The instructions also mandated that the RKPA were to register all Gypsies affected by these regulations. They were further ordered to provide the military with assessments compiled by Ritter and his team regarding their racial status, which would be subsequently used to verify young men facing military induction – indicating a clear interagency between police, military and racial hygiene institutes.¹⁰⁷ In a corresponding move, on April 23, 1941, the Reich Interior Ministry declared that all Gypsies born in the 1923 cohort and liable for recruitment into military service should be categorised in the military registration records (*Wehrstammblatt*) as either 'Z' (*Zigeuner*) or 'ZM' (*Zigeunermischlinge*).¹⁰⁸ Initially, however, few Gypsies were discharged, as it was not until February of 1942 that the RKPA had gathered enough detailed information regarding Gypsies serving in the military. Nevertheless, to rid the armed forces of all Gypsies, in 1942 the OKW rescinded its narrow definition of *Zigeunermischlinge* and reaffirmed its measures barring Gypsies from serving in the defence force on July 10, 1942, and again on August 28, 1942. New features of these directives included the provision that 'full-blooded' Gypsies were to receive a dishonourable

¹⁰⁶ *Entlassung von Zigeunern und Zigeunermischlingen aus dem aktiven Wehrdienst*, reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, p.58.

¹⁰⁷ *Entlassung von Zigeunern und Zigeunermischlingen aus dem aktiven Wehrdienst*, reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, p.58.

¹⁰⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Kennzeichnung der Zigeuner und Zigeunermischlinge bei der Erfassung des Geburtsjahrgangs 1923, RdErl.d.RmdI vom 23.4.1941.

discharge, as well as explicitly advocating the dismissal of those 'who did not fit the stereotypical Gypsy appearance'.¹⁰⁹

Despite these measures being in place, some commanding officers attempted to protect Gypsies serving in the army and prevent their discharge, presumably owing to their soldierly camaraderie or deliberate rejection of racism. Some of these efforts failed, and many were forced to dismiss high performing soldiers despite persistent requests. Such was the case for Eugen Hodoschi, a Gypsy private who served in the German Navy in Norway until the autumn of 1942. He was dismissed by a petty officer on the grounds of being a Gypsy and was subsequently transferred to Kiel. There, given his satisfactory performance, his commanding officer refused to discharge him from service, writing to his superiors that '[he] cannot find a reason [to], he's a decent lad'. Shortly after, the Commandant was forced to obey the order to dismiss Hodoschi, who was sent to Lackenbach, where he was employed as an outworker for road construction and forestry. Hodoschi lost his siblings who were incarcerated in the Lackenbach camp.¹¹⁰ Other Gypsies who served in the military, such as Stanowski Winter, suffered a harsher fate. Though Winter was very popular with his superior officers and had earned the title of 'Petty Officer' [*Bootsmann*], he was denied a promotion during his tenure in 1940 because he was 'non-Aryan'. A few weeks later, he was discharged from service, and his military pass stated that he was 'not to be used'. Soon afterwards, he was deported to Auschwitz, along with his brother who had returned from serving in the *Luftwaffe* in Russia.¹¹¹

Amongst their efforts to rid the defence forces of the Gypsies, as the war in the East intensified, the authorities faced great shortages of military personnel. As a result, on

¹⁰⁹ "Entlassung von Zigeunern und Zigeunermischlingen aus dem aktiven Wehrdienst" *Allgemeine Heeresmitteilungen* 9, (1942): 305; IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Entlassung von Zigeunern und Zigeunermischlingen aus dem aktiven Wehrdienst und Reichsarbeitsdienst, Berlin, den 28. August 1942; G Lewy, *The Nazi Persecution of the Gypsies*, p.96.

¹¹⁰ The testimony of Eugen Hodoschi was reproduced in R Rose, *Den Rauch hatten wir täglich vor Augen*, p.107.

¹¹¹ This eyewitness account is reproduced in R Rose, *The Nazi Genocide of the Sinti and Roma*, p. 57.

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September 22, 1943, the OKW modified their anti-Gypsy policy once again. Accordingly, Gypsies of mixed race would be 'permitted to stay on' in active service if they had proven their 'absolute reliability', had demonstrated their readiness for sacrifice by their 'conduct in battle' and that their 'fundamental attitude [was] beyond reproach'.¹¹² However, this provision was short-lived and completely rescinded by the OKW on July 12, 1944. At that time, the OKW once more tightened its stance, excluding Germans married to Gypsies or Gypsy *Mischlinge* from military conscription.¹¹³ This stiffening of policy, even amid military personnel shortages, demonstrates the extent to which racial thinking pervaded the High Command of the *Wehrmacht*.

The systematic removal of Gypsy children from schools was another mechanism of exclusion and stigmatisation that the Nazis employed to achieve the purification of the *Volksgemeinschaft*. As will be explored in a subsequent chapter, under Nazi influence, following the *Anschluss*, Austrian officials spearheaded the push to prevent Gypsies from attending schools because their 'alien' racial status supposedly endangered the health of German-blooded classmates.¹¹⁴ As a result of the Nazi ruling of June 15, 1939, which permitted educators to expel any Gypsy children in Austria that ostensibly posed a 'moral or other threat' to their *völkisch* schoolmates, local German officials and party functionaries demanded that similar regulations should be sanctioned in Germany.¹¹⁵ Some high-ranking officials, such as the Mayor of Cologne, suggested that Gypsy children be accommodated in a special class to

¹¹² O.K.W., 22.9.43, Wehrersatzamt/Abt. E (1a), *Allgemeine Heeresmitteilungen 10*, 1943: 734.

¹¹³ O.K.W., 12.7.44, Wehrersatzamt/Abt. E (1a), *Allgemeine Heeresmitteilungen 11*, 1944: 374.

¹¹⁴ For a detailed account of this, see G Lewy, *The Nazi Persecution of the Gypsies*, pp.59–62; E Thurner, *National Socialism and Gypsies in Austria*, The University of Alabama Press, Tuscaloosa and London, 1998, pp.40–41.

¹¹⁵ This ruling is cited in Präsidium des Stadtschulrates für Wien an den Herrn Reichskommissar für die Wiedervereinigung Österreich mit dem Deutschen Reiche, Staatliche Verwaltung des Reichsgaues Wien, am 13. November 1939, reproduced in R Rose, 'Den Rauch hatten wir täglich vor Augen', pp.94–95; the original decree can be found in ÖSTA, AVA Unterricht, F 4209, 327994 – 1939, Der Reichsminister für Wissenschaft, Erziehung und Volksbildung an das Ministerium für innere und kulturelle Angelegenheiten, Abt. IV in Wien, 15.06.1939

severely limit their interactions with German pupils.¹¹⁶ Others called for the total expulsion of Gypsies from educational settings. The *Gauleiter* in Hesse-Nassau, for example, urged for the Mayor of Frankfurt to stop 'the continued joint education of Gypsy children with German children' as soon as possible in a missive from November 19, 1940.¹¹⁷ To that end, on November 21, 1941, the RKPA proclaimed that the edict of the Reich Education Ministry from June 15, 1939, that was already in effect in Austria, would also be valid for German schools.¹¹⁸ Cities, such as Frankfurt am Main and Hamburg, used this biopolitical regulation as a means of expelling Gypsy children from educational institutions. On May 13, 1942, for example, Gypsy families residing in Hamburg were forced to remove their Gypsy children from schools 'because they are no longer tolerable for the schools and pose a threat to German-blooded children'.¹¹⁹ Here, it is clear that *Anschluss* had a decisive impact upon anti-Gypsy educational policy in some areas of central Europe, as the Nazi measures regarding Gypsy schooling in Austria were also imported into Germany. Significantly, this indicates that there were some transnational aspects of the Nazi efforts to protect the purity of the 'Aryan' race and to exclude those that did not belong to the people's community.

The status of Gypsies as social and racial outsiders was further exacerbated by the Nazi deployment of disciplinary techniques to eradicate itinerancy. On September 2, 1939, Heydrich issued an order which declared the establishment of a frontier of the German Reich [*Reichsgrenze*]. At the same time, police officials were reminded that issuance of itinerant trading licenses required special authorisation and that 'the wandering of Gypsies and Gypsy-

¹¹⁶ The intentions of the Cologne Mayor in regards to Gypsy schooling is mentioned in Staatsverwaltung der Hansestadt Hamburg Schul und Hochschulabteilung an die Gemeindeverwaltung der Hansestadt Hamburg Schulverwaltung, Hamburg, den 5. Mai 1939, reproduced in R Rose, *Den Rauch hatten wir täglich vor Augen*, p.93.

¹¹⁷ Stadtarchiv Frankfurt a.M., Mag.-Akte 2203, Bd. 1, Schreiben der Gauleitung von Hessen-Nassau der NSDAP an den Oberbürgermeister von Frankfurt A.M. vom 19.11.1940.

¹¹⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, „Zulassung von Zigeunern und Negermischlingen zum Besuch öffentlicher Volksschulen“, RdErl. des RSHA vp, 21-11-1941.

¹¹⁹ Cited in R Rose, *The Nazi Genocide of the Sinti and Roma*, p.50.

like itinerants in the border zone [was] forbidden'.¹²⁰ Further restrictions impeding itinerancy were implemented on November 10, 1939. Accordingly, Himmler ordered that all working papers (*Arbeitsbücher*) for Gypsies, Gypsy *Mischlinge* and Gypsy-like vagrants were only to be issued after their identity was ascertained by the Kripo.¹²¹ The nomadic livelihood of Gypsies was further disrupted after Heydrich received reports that the Gypsies and other fortune-tellers had caused 'considerable unrest in the population' by spreading rumours regarding the end of the war. As a result, on November 20, 1939, Heydrich banned Gypsies from practising fortune-telling and their businesses were shut down. The punishment for infringement was harsh: those convicted for such activities or viewed under suspicion would be taken into preventive police custody, and their children would be handed over to the welfare organisations.¹²² Efforts to sedentarise Gypsies and end itinerancy had also radicalised by 1942. On April 1, Gypsies were denied travel visas to Berlin, while on July 13, Gypsies were deprived of permits to change their residence, as the authorities believed that this would allow Gypsies to resume their wandering way of life.¹²³

Though the Nazi authorities sought to eradicate itinerancy, those citizen Gypsies who had successfully assimilated to German culture and held regular employment were not spared from biopolitical forms of racial persecution. By 1942, German Gypsies found themselves on equal footing with the Jews in terms of labour laws and social legislation. On March 13, the minister for employment, Franz Seldte, decreed that the special provisions of the labour laws which targeted the Jews, now applied to 'full-blooded Gypsies' and Gypsy '*Mischlinge* with a

¹²⁰ „Grenzonenverordnung vom 2. September 1939“, *Reichsgesetzblatt*, Teil 1, P. 1578 - 1581, *ALEX: Historische Rechts und Gesetzestexte Online*, viewed 1 March 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1939&size=45&page=1809>>.

¹²¹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Arbeitsbücher für Zigeuner*, vom 10.11.1939.

¹²² IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Vorbeugende Verbrechensbekämpfung durch die Polizei*, den 20.11.1939.

¹²³ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Beurlaubung von zigeunerische Personen*, am 1. April 1942; *Arbeitseinsatz von Zigeunern und Zigeunermischlinge*, vom 13.7.1942.

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predominant amount of Gypsy blood', effective from April 1.¹²⁴ Under these regulations, Gypsies were prohibited from being a member of professional German organisations and they were to be employed in special groups or segregated from other staff. Gypsies also lost their right to sick leave and holiday pay, and they could be dismissed from work without notice. Additionally, they were forbidden from being hired as apprentices and young Gypsies between fourteen and eighteen years old were denied the legal provisions which ensured their protection against child labour and exploitation.¹²⁵ Many Gypsies were affected by these restrictions. One man named Bruno Habedank, for example recalled that he 'went to school for eight years and then wanted to start an apprenticeship as a precision mechanic'. He was promised the job, 'but then the labour office refused my employer's permission, because I am a Sinto'.¹²⁶ Similarly, Mathilde Klein was immediately terminated from her employment because she was regarded 'as a Gypsy half-caste with predominantly Gypsy blood'.¹²⁷

Throughout 1942, the economic hardships for Gypsies continued to intensify. On March 26, 1942, the Minister of Finance declared that Gypsies, like Poles and Jews, were required to pay a 15 percent surtax on their income, called the *Sozialausgleichsabgabe*. This was because Gypsies were not obligated to pay a levy to the Nazi labour organisation, called the German Labour Front, as this special tax was reserved specifically for Aryan Germans.¹²⁸ Additionally, a circular issued on June 8, 1942 declared that the Nazi Party's welfare agency

¹²⁴ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Anordnung über die Beschäftigung von Zigeunern vom 13. März 1942; The parallel law for Jews was „die Verordnung über die Beschäftigung von Juden“, 3 Oktober 1941, *Reichsgesetzblatt: Teil 1*, S. 675, while the implementing instructions for this decree was „die Verordnung zur Durchführung der Verordnung über die Beschäftigung von Juden“ 31 Oktober 1941, *Reichsgesetzblatt: Teil 1*, S. 681, *ALEX: Historische Rechts und Gesetzestexte Online*, viewed 8 February 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1941&page=703&size=45>>.

¹²⁵ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Anordnung über die Beschäftigung von Zigeunern vom 13. März 1942.

¹²⁶ The testimony of Bruno Habedank, as well as others are reproduced in R Rose, *„Den Rauch hatten wir täglich vor Augen“*, p.82,83,86,87.

¹²⁷ Schreiben der Kriminalpolizeistelle Karlsruhe, cited in R Rose, *„Den Rauch hatten wir täglich vor Augen“*, p.84.

¹²⁸ „Dritte Verordnung zur Durchführung der Verordnung über die Erhebung einer Sozialausgleichsabgabe“, 26.3.42, *Reichsgesetzblatt: Teil 1*, S. 149, *ALEX: Historische Rechts und Gesetzestexte Online*, viewed 8 February 2019, <<http://alex.onb.ac.at/cgicontent/alex?aid=dra&datum=1942&page=251&size=45>>.

Nationalsozialistische Volkswohlfahrt (or NSV) was no longer obligated to provide financial support to families of Gypsies who had been deported to a concentration camp – an order that was reinforced on November 9, 1943.¹²⁹ Furthermore, on December 24, 1942, Gypsies were denied their entitlement to regular deductibles when paying their taxes.¹³⁰ Even though several Gypsies had relinquished their peripatetic way of life and had conformed to the sedentary culture of the Nazi state, their racial status as 'aliens' solidified their exclusion from all aspects of working and social life. As a result, Gypsies were stripped of various social, legal, and economic rights and privileges that had been extended to the *völkisch* population, all for the Nazi purpose to protect the *Volksgemeinschaft* from being contaminated by biologically 'dangerous' individuals.

Conclusions:

After the outbreak of the Second World War, the National Socialist biostate employed coercive strategies of systematic deportation and exclusion in order to protect the health of the *Volksgemeinschaft* from individuals deemed a biological threat, including the Gypsies. Instrumental to the conceptualisation and implementation of anti-Gypsy Nazi policy was the co-operation of the RHF, which was under the direction of Robert Ritter. Clearly, the research of Ritter and other racial scientists was used as a valuable tool for creating a system of racial identification which scientifically legitimised an increasingly stringent biopolitical approach to the *Zigeunerfrage*, spearheaded by high-ranking SS police officials. A 'scientific-police' complex grew between the two agencies. In addition to this, the war in the East gave new urgency for resolving the 'Gypsy menace'. The Nazi leadership resorted to strategies of ethnic

¹²⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichssicherheitshauptamt an alle Kriminalpolizei(leit)stellen und -abteilungen, betr: Fürsorgemaßnahmen für Zigeuner, Berlin, den 8. Juni 1942; Reichssicherheitshauptamt an die Staatliche Kriminalpolizei, Berlin am 9. November 1943.

¹³⁰ „Verordnung über die einkommensteuerliche und vermögensteuerliche Sonderbehandlung der Zigeuner vom 24. Dezember 1942“, 24.12.42, *Reichsgesetzblatt: Teil 1*, S. 740, *ALEX: Historische Rechts und Gesetzestexte Online*, viewed 8 February 2019

<<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1942&page=843&size=45>>

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cleansing to achieve a racially homogenous empire, free of 'alien' races. For the first time, 2,500 German Gypsies were forcibly 'evacuated' to the newly seized territories in the East, signifying a crucial shift in the Nazi biopolitical management of their Gypsy citizenry. Those remaining within the Reich were subjected to a stringent programme of racial social subjugation which infiltrated all spheres of everyday Gypsy life and reinforced their total exclusion from the *Volksgemeinschaft*. As the next chapter will make clear, this deployment of state racism was an important prelude to the decisions for the solutions to the 'Gypsy Question' that followed.

8. Thanatopolitics

The preceding chapter of this thesis asserted that the Nazi biopolitical treatment of the Gypsies after the outbreak of the Second World War was a form of what Foucault called state racism. To defend the *Volksgemeinschaft* from putative biological threats, the Nazis engineered a programme of racial purification which expelled citizen Gypsies from the Reich and subjected the remaining ones to exclusionary regulations which infiltrated every aspect of their lives. This arguably provided the basis for later, more radical schemes devised by local and central authorities to solve the ‘*Zigeunerfrage*’. This chapter examines how the biopolitical management of the Gypsies took a murderous turn towards genocide, in which the administration of life transformed into a politics of death.

Holocaust scholarship concerned with the Gypsy persecution during the Nazi Regime had until recently been surprisingly scarce. The ground-breaking works of Sybil Milton, Michael Zimmermann and Ian Hancock initiated some level of recognition of the systematic nature of Gypsy suffering in Nazi history. One of the most controversial issues of the *Porrajmos*, however, remains its status as a genocide, which is contested by many but confirmed by others. Gypsies were not compensated for their loss during the Nuremberg Trials, nor was their genocide formally recognised by West Germany until 1982. Exclusivists, such as Guenter Lewy, Yehuda Bauer and Steven Katz claim that it was the putative ‘asociality’ of the Gypsies that drove Nazi policy towards them. Accordingly, they believe that the Nazis viewed the Gypsies as a social rather than racial problem. Thus, they deny Gypsy inclusion in the Holocaust which they present as a uniquely Jewish experience.¹ Contrasting this, others,

¹ Y Bauer, *The Holocaust in Historical Perspective*, Australian National University Press, Canberra, 1978, p.38; Y Bauer and S Milton, “Correspondence: ‘Gypsies and the Holocaust’”, *The History Teacher*, vol. 25 no.4, 1992, p.515; Y Bauer, “Whose Holocaust” *Midstream*, vol.26, no.9, p.45; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, pp.224–228; Katz, S. “Genocide in the 20th Century: Quantity and Interpretation: Issues in the Comparative Historical Analysis of the Holocaust”, *Holocaust and Genocide Studies*, vol.4, no.2, 1989, p.145.

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specifically Michael Zimmermann, Henry Friedlander, Michael Burleigh, Wolfgang Wippermann, Sybil Milton, Ian Hancock, Donald Kenrick and Gratton Puxon, have persuasively argued that Gypsies were persecuted primarily for racial reasons, as their ‘alien’ blood was considered to be a threat to the health of the German *Volk*.² One of the major difficulties in analysing the *Porrajmos* is ascertaining its relationship to the Nazis’ systematic attempts at the destruction of European Jewry. In an attempt to overcome this problem, the following demonstrates that the Gypsy genocide constituted a separate and unique process of genocide that occurred simultaneously with the Jewish genocide, known as the Holocaust. Contrary to Lewy and Katz’s understanding of the issue, by following the work of Zimmermann and others and utilising the United Nations Convention on Genocide that was unanimously adopted in 1948, the murderous campaign of the Nazi state against the Gypsies may be defined as genocide, notwithstanding its later codification as an independent crime.³

To facilitate a deeper understanding of how the Nazi biopolitical management of the Gypsies culminated in genocide, it is worth revisiting Michel Foucault’s concept of thanatopolitics. As the Nazi program for racial purification radicalised during the war, the care

² M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, Christians, Hamburg, 1996; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, The University of North Carolina Press, Chapel Hill and London, 1995; M Burleigh, and W Wippermann, *The Racial State: Germany 1933 – 1945*, Cambridge University Press, Cambridge, 1991; Y Bauer, and S Milton, “Correspondence: ‘Gypsies and the Holocaust’”; S Milton, “Context of the Holocaust”, *German Studies Review*, vol.13, no.2, 1990, pp.269-283; S Milton, “Gypsies and the Holocaust”, *The History Teacher*, vol.24, no.4, 1991, pp.375-387; I Hancock, “Responses to the Porrajmos (The Romani Holocaust)” *Is the Holocaust Unique?: Perspectives on Comparative Genocide*, Westview Press, USA, 1996; I Hancock, “Romanies and the Holocaust: A Re-Evaluation and Overview”, in D Stone, (ed.) *Historiography of the Holocaust*, Palgrave, New York, 2004; D Kenrick and G Puxon, *The Destiny of Europe’s Gypsies*, Sussex University Press, London, 1972; B Müller-Hill, *Murderous Science*, Oxford University Press, Oxford, 1988; R Proctor, *Racial Hygiene: Medicine Under the Nazis*. Harvard University Press, London, 1988; P Friedman, “The Extermination of the Gypsies” in A Friedman (ed.), *Roads the Extinction: Essays on the Holocaust*, The Jewish Publication Society of America, New York and Philadelphia, 1980; S Enoch, “The Contagion of Difference: Identity, Bio-politics and National Socialism”, *Foucault Studies*, no.1, 2004, pp.53-70; G Bock, “Racism and Sexism in Nazi Germany: Motherhood, Compulsory Sterilisation and the State” *Signs*, vol.8, no.3, Spring, 1983, p.400-421.

³ The UN Definition of Genocide can be viewed in F Chalk, and K Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies*, Yale University Press, New Haven and London, 1990, p.10 and M Zimmermann, “Jews, Gypsies and Soviet Prisoners of War: Comparing Nazi Persecutions”, in R Stauber, and R Vago, (eds.), *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007, pp.48–50.

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of life increasingly became the administration of death. As the introduction of this thesis makes clear, Foucault deemed this shift as the transition from biopolitics to thanatopolitics. For him, the death function is operationalised through state racism. By identifying ‘those who are worthy of living’, the state can take action to kill others who are viewed as biological threats to the body politic for the purpose of preserving the health, safety, and purity of the population.⁴ In other words, the aggregate improvement of life is dependent upon the destruction of the other. He argued that:

the fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier.⁵

Thus, state racism provides the ideological basis for identifying, excluding, combating, and even exterminating ‘life unworthy of life.’

Foucault points out that the Nazi racial state was not only concerned with its homicidal motives to eliminate non-Aryan races for the preservation of the Aryan race. By consolidating the ancient ‘sovereign’ right to kill, auto-destructive mechanisms were also inscribed into the workings of the state. To immunise the social body against threat and to ensure the biological strengthening of the *Volksgemeinschaft* after racial deficiencies had been eradicated, the Nazi State effectively brought its own population into jeopardy:

Risking one’s own life, being exposed to total destruction, was one of the principles inscribed in the basic duties of the obedient Nazi, and it was one of the essential

⁴ Foucault mentions that ‘killing’ is not limited to direct homicide but can also encompass other forms of indirect murder such as exposing someone to death, increasing the risk of death for others or expulsion, etc. see M Foucault, *Society Must Be Defended, Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans Macey, D), Penguin Books, London, 2004, p.256.

⁵ M Foucault, *Society Must be Defended*, p. 255.

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objectives of Nazism's policies. It had to reach the point at which the entire population was exposed to death. Exposing the entire population to universal death was the only way it could truly constitute itself as a superior race and bring about its definitive regeneration once other races had been either exterminated or enslaved forever.⁶

Crucially, Foucault argues that 'this power to kill' was projected by means of capillary distribution. That is to say, murderous power was unleashed 'through the entire social body of Nazi society'. Consequently, the power of life and death was not only granted to the state 'but to a whole series of individuals, to a considerable number of people (such as the SA, the SS, and so on).'⁷ This decentralised application of biopower certainly applied to the policy decisions which led to the extermination of the Gypsies at Auschwitz-Birkenau. The pressure to move towards extermination as a solution to the *Zigeunerfrage* came from the 'grassroots' of the German bureaucracy, rather than Hitler, even if it reflected his own understanding of the racial threat.

To understand the genocidal nature of the *Porrajmos* within a Foucauldian framework of thanatopolitics, it is further necessary to consider the polycratic nature of the Nazi state, which was based on decentralised centres of Nazi power.⁸ The rivalry between various factions in the Nazi state was instrumental to the development of anti-Gypsy policy, as in an attempt to outmanoeuvre each other, state and party agencies advocated and pursued increasingly radical biopolitical measures.

The chaotic and competing power structures within the Nazi system were exemplified by Himmler's desire to breed a 'racially pure' minority of Gypsies, which set in motion the

⁶ M Foucault, *Society Must Be Defended*, pp.259 – 260.

⁷ M Foucault, *Society Must Be Defended*, p.259.

⁸ H Mommsen, *From Weimar to Auschwitz*. Princeton University Press, Princeton, 1991, pp.170–183.

decision-making process that led to their systematic mass murder.⁹ Himmler's plan saw the *Ahnenerbe* Office of the SS emerge as a key competitor with the Reich Criminal Police Office (*RKPA*) and the Racial Hygiene and Demographic Biology Research Unit (*RHF*) for control over the *Zigenunerfrage*. With the intent to outflank their competitor and consolidate their position of power, the *RKPA* harnessed Himmler's romantic ideals to advocate the radical initiative of systematically deporting and sterilising the remaining 'Gypsy-like' persons living in the Reich. This plan closely aligned with the recommendations of the *RHF*, indicating a clear consensus between racial scientists and the German police authorities to halt the reproduction of allegedly inferior 'Gypsy *Mischlinge*'. The result was Gypsy incarceration under murderous conditions and their intentional mass destruction via medicalised killings, such as the administration of Zyklon B in gas chambers and forced sterilisation - both of which were purposive acts of genocide.

This decentralised operation of lethal power is a striking example of Foucault's model of thanatopolitics at work. By examining the various disputes within the polycratic structure of the Third Reich, this chapter will show how 'bureaucratic chaos' led to the disorderly nature of Gypsy policy, and the 'cumulative radicalisation' of biopolitical provisions which eventually ended in the genocide of Gypsies.¹⁰

Polycratic Power and the Struggle to Preserve 'Racially Pure' Gypsies:

In the previous chapter, it was demonstrated that the *RHF* had been essential to the radicalisation and scientific legitimisation of Gypsy policy under National Socialism. The research conducted by the organisation's director, Robert Ritter, argued that despite their apparent Indian racial origins and Sanskrit linguistic roots, the Gypsies should not be regarded

⁹ To read more on the polycratic system of rule within the Nazi state, see H Mommsen, *From Weimar to Auschwitz*, pp. 163-188.

¹⁰ On 'cumulative radicalisation' see H Mommsen, "Cumulative Radicalisation and Progressive Self-Destruction as Structural Determinants of the Nazi Dictatorship", in I Kershaw and M Lewin (eds.), *Stalinism and Nazism: Dictatorships in Comparison*, Cambridge University Press, Cambridge, 1997, pp.75-87.

as ‘Aryans’.¹¹ Ritter’s argument was based on the premise that the Gypsies’ racial mixing with other asocial elements during their long migration had corrupted the purity of their blood. He concluded that only a small minority of Gypsies - approximately ten percent of the population - were still ‘racially pure’, though they were seldom found in Europe.¹² In Ritter’s opinion, the remaining Gypsy population were persons of mixed ‘racial’ heritage (*Mischlinge*) who belonged to an ‘alien race’ because of their putative ‘foreign blood’. These Gypsy *Mischlinge*, he declared, were genetically inclined to lead an asocial and criminal lifestyle and could destroy the social and biological health of the German body politic.¹³

To protect the German *Volksgemeinschaft* from such a danger and to ensure the effective implementation of existing anti-Gypsy measures, Ritter argued that Nazi officials required a more accurate system for classifying Gypsies. Working in close co-operation with the Reich Criminal Police Department (*Reichskriminalpolizeiamt, or RKPA*), Ritter’s institute was tasked with the systematic registration of all German Gypsies, which made clear racial distinctions between ‘racially pure’ Gypsies, ‘half-breed’ (*Mischlinge*) Gypsies and ‘persons travelling in a Gypsy-like manner’. These racial assessments formed the basis for later, more radical police initiatives targeting Gypsies, such as their incarceration into concentration camps.¹⁴ In addition to this, Ritter’s research offered material which Himmler and the *SS-Ahnenerbe* utilised to assert the romanticised claim that ‘racially pure’ Gypsies were of Aryan descent. This belief consequently drove Himmler to organise an effort to exempt ‘racially pure’ Gypsies from Nazi biopolitical measures.¹⁵

¹¹ R Ritter, „Bestandsaufnahme der Zigeuner und Zigeunermischlinge in Deutschland“, *Der Öffentliche Gesundheitsdienst*, no.6, 5. Februar 1941, p.477.

¹² This view is elucidated in R Ritter, R. „Bestandsaufnahme der Zigeuner und Zigeunermischlinge in Deutschland“, p.477.

¹³ R Ritter, „Primitivität und Kriminalität“, *Monatsschrift für Kriminalbiologie und Strafrechtsreform. Organ der Kriminalbiologie Gesellschaft*, vol.31, no.9, Munich and Berlin, 1940a, pp.197-210; BA Berlin, R 73, Nr. 14005, Ritter, R. “Arbeitsbericht”, p.7.

¹⁴ H Friedlander, *The Origins of the Final Solution*, p.293.

¹⁵ To see more on the romantic perceptions of the Gypsies, see G Margalit, *Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002, p.xvi,17–19,40-43.

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In 1935, Himmler established the *Ahnenerbe* research institute, which operated as an appendage of the *Schutzstaffel* (SS) and a think tank for Nazi policies. This organisation was assigned with promoting the racial doctrines espoused by Hitler and the Nazi party, specifically by investigating the ancestral heritage of the Nordic Indo-Germanic race.¹⁶ Though Ritter's studies had already positioned 'racially pure' Gypsies as inferior stock, some rival researchers in the *Ahnenerbe* institute believed that Ritter's approach 'had overlooked the Aryan heritage of pure Gypsies'.¹⁷ The leading director of *Ahnenerbe* in 1937, Walther Wüst, for example, declared in a lecture delivered in 1939 that 'a thorough examination of the Gypsy legends, which were originally told in an Indo-Aryan dialect, never fail to reveal a treasure of Aryan thinking and perception that has not been corrupted'.¹⁸

It was certainly possible that Himmler believed the scientific claims that the Gypsies were of Aryan origin. If the research conducted by the *Ahnenerbe* institute confirmed the Aryan ancestry of the Gypsies and that they were valuable racial stock, Himmler would have scientific grounds for not only protecting the 'racially pure' Gypsies from mixing with non-Gypsy elements, but also for exempting them from measures which threatened to destroy them.¹⁹ Thus, in September 1942, Himmler ordered the *Ahnenerbe* to work in cooperation with the head of the German Criminal Police (*Kripo*), Arthur Nebe, to 'establish a closer and very positive liaison with Gypsies still living in Germany' with the aim 'to study the Gypsy language and learn about Gypsy customs' and to grant them limited freedom of movement.²⁰ To carry out Himmler's mandate, the *Ahnenerbe* commissioned an Austrian doctoral student, Johann Knobloch, to carry out a study of the language and customs of the Gypsies living in Burgenland.

¹⁶ G Lewy, *The Nazi Persecution of the Gypsies*, p.136; G Margalit, *Germany and its Gypsies*, p.42.

¹⁷ H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.293.

¹⁸ W Wüst, „Deutsche Frühzeit und arische Geistesgeschichte“ *Indogermanisches Bekenntnis: Sechs Reden*, Ahnenerbe Stiftung, Berlin, 1942, p.37.

¹⁹ G Lewy, *The Nazi Persecution of the Gypsies*, p.139; G Margalit, *Germany and its Gypsies*, p.17.

²⁰ Though Himmler's original order has not been preserved, it has been cited in a letter from Wolfram Sievers, the new director of *Ahnenerbe*, to the Vienna Kripo on January 14, 1943, see IfZ München, NO-1725, Ahnenerbe Brief vom 14.1.1943.

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The Kripo in Vienna were requested to grant him entry to the Lackenbach concentration camp in order to conduct interviews of the Gypsy inmates.²¹ His dissertation, *Romani-Texte aus dem Burgenland*, was later completed in 1943, and provided the contributions to the Gypsy language that Himmler had demanded.²²

Himmler's intervention saw the rapid emergence of the *Ahnenerbe* institute as a competitor to the RHF and RKPA for dealing with the 'Gypsy Question'. Though Ritter and his associates had acquired a firm monopoly over the resources and funding concerned with Gypsy research, by 1942, the *Ahnenerbe* institute had gained a stronger foothold within the field. As a result of the September order, the *Ahnenerbe* foundation was granted new research opportunities for exploring the Aryan heritage of 'racially pure' Gypsies, which appealed to Himmler's romanticism and his fanciful plans to preserve this 'pure' racial group.²³ More importantly, however, less than one month after Himmler had ordered liaising closely with the Gypsies, the romanticised Gypsy concepts advocated by the *Ahnenerbe* institute began to influence actual Nazi policy – a role that was typically reserved for the RHF. On October 13, 1942, the RKPA advised regional and local Kripo offices of a new provision creating a special status for 'racially pure' Gypsies, which assumed certain 'privileges'. Decreed by Himmler, the directive stated that

in the future, racially pure Sinti-Gypsies (*reinrassige Sinti-Zigeuner*) will be allowed a certain freedom of movement, so that they can itinerate in a fixed area, to live

²¹ IfZ München, NO-1725, Ahnenerbe Brief vom 14.1.1943.

²² Knobloch, J. *Romani-Texte aus dem Burgenland*, Burgenländische Forschungen: Herausgegeben vom Landesarchiv und Landesmuseum. Heft 24, Eisenstadt, 1953; P Heuss, „Kulturpolitik im Dritten Reich: Das ‚Ahnenerbe‘ der SS und seine Funktion für Himmlers Rassenpolitik“, in D Strauss, (ed.), *Die Sinti/Roma Erzählungskunst im Kontext Europäischer Märschenkultur*, Dokumentations- und Kulturzentrum deutscher Sinti und Roma, Heidelberg, 1992, p.103; Hohmann, J. *Robert Ritter und die Erben der Kriminalbiologie, im Nationalsozialismus und in Westdeutschland im Zeichen des Rassismus*, Lang, Frankfurt am Main, 1991, pp. 320–323.

²³ H Friedlander, *The Origins of the Final Solution*, p.293.

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according to their customs and habits, and to follow an appropriate traditional occupation.²⁴

Accordingly, Himmler expected that Gypsies included in this order would behave in an ‘irreproachable’ (*einwandfrei*) manner, without causing any complaints. A more crucial aspect of Himmler’s directive, however, was its instruction to assign ‘good [Gypsy] *Mischlinge*’ with the same status as ‘racially pure’ Gypsies via their integration into ‘pure’ Sinti Gypsy clans – a notion that had been persistently opposed by Ritter. The decree stated:

Gypsy *Mischlinge*, who from the point of view of the Gypsies are good *Mischlinge*, shall be returned to specific racially pure Sinti Gypsy clans. If they apply for membership in a racially pure clan and the latter has no objections, they shall be assigned the same status as racially pure Gypsies.²⁵

To assist in the task of designating ‘racially pure Gypsies’, nine spokesmen or ‘Gypsy chiefs’ were to be appointed by the RKPA – one for each different area of the country – based on the nominations made by the RHF. Though the Gypsy spokesmen were assigned to liaise between the ‘pure’ Gypsies of their clans and the police, the parameters of their activities were narrowly defined. Their primary task was to compile lists of all known ‘racially pure’ Gypsies for the RKPA, which contained details of their residence and occupation.²⁶ Additionally, they were to recommend ‘good *Mischlinge* in the Gypsy sense’ as potential candidates for admission into the ranks of the ‘racially pure’ Gypsies. In addition to acting as a ‘kind of involuntary body of informers’, the Gypsy chiefs were expected by the RKPA to exert a disciplining influence

²⁴ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichssicherheitshauptamt an alle Kriminalpolizeileitstellen und Staatliche Kriminalabteilungen, Betrifft: Zigeunerhauptlinge, Berlin, den 13. Oktober 1942.

²⁵ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichssicherheitshauptamt an alle Kriminalpolizeileitstellen und Staatliche Kriminalabteilungen, Betrifft: Zigeunerhauptlinge, Berlin, den 13. Oktober 1942.

²⁶ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichssicherheitshauptamt an alle Kriminalpolizeileitstellen und Staatliche Kriminalabteilungen, Betrifft: Zigeunerhauptlinge, Berlin, den 13. Oktober 1942.

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over their respective clans by encouraging an orderly lifestyle.²⁷ To maintain their blood purity, Gypsy spokesmen were required to ensure that all members of their 'racially pure' clans obeyed the Nazi racial laws and refrained from engaging in sexual or marital relations with *Zigeunermischlinge* or those of German blood. It is worth pointing out that while the Gypsies were ostensibly granted freedom of movement and permission to resume their traditional occupations, the scope of these 'privileges' were quite limiting. Gypsies were only allowed to move within their designated area, and they were forced to remain sedentary at their place of residence until further notice.²⁸

Procedural details concerned with Himmler's October order were mentioned in an express letter issued by the RKPA, circulated to the regional Kripo offices on January 11, 1943. It reported that, until now, only five of the nine Gypsy spokesmen had provided lists of individuals to be integrated into the 'racially pure' Gypsy clans.²⁹ Upon receiving these lists, the regional Kripo authorities were reminded to carefully examine them and determine whether these Gypsies were suitable for admission. Those Gypsy *Mischlinge* who held a criminal record were to be denied membership. Once a decision was made, the Kripo were required to meet with the Gypsy spokesmen and provide an explanation for the acceptance or rejection of a particular individual. In cases where the Kripo had not received a list from the Gypsy Chiefs, they were ordered to compile their own list based on the available information. After consulting with the Spokesman over the individual in question, the Kripo officials were to

²⁷ U Engbring-Romang, *Die Verfolgung der Sinti und Roma in Hessen zwischen 1870 und 1950*, Brandes and Apsel Verlag GmbH, Frankfurt am Main, 2001, p.333.

²⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Reichssicherheitshauptamt an alle Kriminalpolizeileitstellen und Staatliche Kriminalabteilungen, Betrifft: Zigeunerhauptlinge, Berlin, den 13. Oktober 1942.

²⁹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Einordnung von Zigeunermischlingen in die Sippen der reinrassigen Sinte und Lalleri Zigeuner, Berlin am 11. Januar 1943.

make a decision, though the circular emphasised that it was forbidden for applicants to join ‘racially pure’ clans without the assent of the Gypsy chief.³⁰

While on the surface this order may indicate that that the Gypsy chiefs wielded influence over the fate of some Gypsy *Mischlinge*, a closer analysis of this decree reveals that this was hardly the case. The Kripo, rather than the Gypsy spokesman, carried the greatest authority in the process of selecting those to be included in the ‘racially pure’ group. Although the Gypsy Chiefs certainly held discretionary power in putting forth applicants for admission and approving those selected by the police authorities, the racial status of each individual was ultimately decided by the Kripo. Nonetheless, the Gypsy spokesmen served as active informants for the Nazi officials and were swiftly integrated into the persecution apparatus.³¹

Not all Nazis agreed with Himmler’s preservation plans for the ‘racially pure’ Gypsies. A typescript from Ritter’s closest research associate at the RHF, Eva Justin, revealed how they were ‘extremely astonished’ by the sudden change in Gypsy policy, as well as Himmler’s increasing collaboration with the *Ahnenerbe* institute. After all, the October order incorporated some key ideas originally suggested by Ritter.³² His research advocated for the ‘pure’ Gypsies to continue their itinerant lifestyle in an isolated area away from the German population under careful supervision. Ritter had also advised for these Gypsy tribes to elect a spokesman who would act as a liaison to the police authorities.³³ Justin points out, however, that this proposal

³⁰ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Einordnung von Zigeunermischlingen in die Sippen der reinrassigen Sinte und Lalleri Zigeuner, Berlin am 11. Januar 1943; According to Fings, there is only one case that has documented a Gypsy Chief’s refusal to admit a man into his clan. See K 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*, vol.27, no.3, 2013, p.186.

³¹ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Einordnung von Zigeunermischlingen in die Sippen der reinrassigen Sinte und Lalleri Zigeuner, Berlin am 11. Januar 1943; K Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies?” p.186.

³² The typescript of Eva Justin has been reproduced in J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.495.

³³ R Ritter, *Bestandaufnahme*, pp.477–489; Ritter, R. „Die Zigeunerfrage und das Zigeunerbastardproblem“ *Fortschritte der Erbspathologie, Rassenhygiene und ihrer Grenzgebiete*, no.3, Leipzig, 1939, pp.2–20; J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.495.

was created during a time of peace and it would have been impractical to implement during a period of war, given the difficult conditions. Owing to the problems of supplying Gypsies with horses and the strict rationing of food, as well as the lack of caravan ownership, she asserted that it would be difficult for these Gypsies to survive and make a living.³⁴ There were other elements of Himmler's decree that she also believed to be unfeasible. While each Gypsy tribe may have had its own Chief, she maintained that these were not collectively recognised by all German Gypsy clans, since various tribes were often internally divided. She further criticised the appointment of Gypsies as a liaison to police intelligence services, claiming that this was based on 'an outdated, fairy tale-like idea', rather than on an objective, proven knowledge of the Gypsy nature.³⁵ Additionally, the contents of Justin's typescript reflected upon their rivalry with the *Ahnenerbe* institute. She queried the need for other researchers to investigate Gypsy language and customs, suggesting that their intrusion into their field of research had upset Ritter, presumably because it could undermine his status as the sole authority on Gypsy science. To calm Ritter, Nebe had assured him in private that Himmler's plans would 'come to nothing', though, in the meantime, Ritter ought to comply.³⁶

Such sentiments seem to accurately depict the position of the RKPA. Though they were averse to granting Gypsies further freedom of movement, since it contradicted their long-standing aims to sedentarise the Gypsy population and prevent their itinerancy, Nebe was nonetheless compelled to carry out the wishes of his superior. Still, he made an effort to entrench the authoritative position of the RKPA in Gypsy policy-making decisions. Following a meeting at the Reich Security Main Office on November 4, 1942, Himmler tasked the RKPA with revising the treatment of all Gypsies in the Third Reich.³⁷ Later that month, the RKPA

³⁴ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.495–496.

³⁵ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.496.

³⁶ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.496.

³⁷ BA Berlin R14 Nr. 156. Cf. 14.11.1942.

created a proposal for renewed regulations targeting German Gypsies, in which some of these recommendations heavily leaned towards Himmler's desire to protect the 'racially pure' Gypsies, but also reflected the views of the RKPA.³⁸

In a decision not dissimilar to the abandoned 'Nisko' territorial solution to the Jewish question, the RKPA suggested that Sinti and Lalleri Gypsies be settled in a 'reservation in the General Government' and even put forward the idea for pure Gypsies to join an 'Indian legion' recruited from Indian prisoners of war.³⁹ They additionally reinforced the integration of *Zigeunermischlinge* into racially pure clans upon request, though it was assumed that this only applied to those deemed 'good *Mischlinge*'. The remaining *Zigeunermischlinge*, on the other hand, were to undergo sterilisation, on the grounds of their ostensibly congenital asociality and criminality. Yet the RKPA recommended for some groups of Gypsies who had endured sterilisation to be exempted from other restrictive measures. For instance, those Gypsy *Mischlinge* who were married, had served in the army, or were considered as 'socially adjusted' should be assigned with the category of 'non-Gypsy' after their sterilisation procedure was completed and ought to be treated as such.⁴⁰ Other Gypsy groups, such as the Rom, by contrast, were to be unaffected by these new changes, and would remain subject to the current regulations.

Finally, the RKPA advised halting compulsory education for Gypsies, to administer 'Z-identification cards' and to begin negotiations for Gypsy dismissal from employment.⁴¹

³⁸ BA Berlin Zsg 142 Nr. 22, *Vorschläge vom RKPA an RF*. See also an elaborate transcript of these suggestions in M Luchterhandt, *Der Weg nach Birkenau: Entstehung und Verlauf der nationalsozialistischen Verfolgung der 'Zigeuner'*, Verlag Schmidt-Römhild, Lübeck, 2000, p.238–239. These recommendations were also mentioned in a handwritten memo of November 1942 by Eva Justin, which can be viewed in BA Berlin, ZS 142/21.

³⁹ Further discussions on this resettlement proposal apparently took place in a thirty-five-minute meeting between Sievers and Nebe on February 10, 1943; however, a special directive was not forthcoming. See G Lewy, *The Nazi Persecution of the Gypsies*, p.138; M Luchterhandt, *Der Weg nach Birkenau*, p.245.

⁴⁰ BA Berlin Zsg 142 Nr. 22, *Vorschläge vom RKPA an RF*; BA Berlin, ZS 142/21; M Luchterhandt, *Der Weg nach Birkenau*, pp.238–239.

⁴¹ BA Berlin Zsg 142 Nr. 22, *Vorschläge vom RKPA an RF*; BA Berlin, ZS 142/21; M Luchterhandt, *Der Weg nach Birkenau*, pp.238–239.

Though this proposal certainly reinforced the key features of Himmler's October directive, the notion of sterilising the *Zigeunermischlinge* was an idea that had been favoured by Ritter for quite some time. This indicates that the RKPA and RHF had continued to collaborate closely on Gypsy policy and exert significant influence upon the direction of Nazi Gypsy regulations, even though the *Ahnenerbe* researchers were emerging as key players in steering 'racially pure' Gypsy policy of the Third Reich. More importantly, the recommendations of the RKPA demonstrate how, under Himmler's orders, solutions for the *Zigeunerfrage* were swiftly moving towards a combination of Ritter's eliminationist designs and the romantic notions of the *Ahnenerbe*.

Working Towards the Extermination of the Gypsies:

While Himmler's special preservation plans were beginning to take shape, simultaneous discussions regarding a more rigorous attack upon asocial elements in Germany were emerging. On September 14, 1942, the newly-appointed *Reichsminister* of Justice, Otto Thierack, met with the Minister of Propaganda, Joseph Goebbels, who proposed 'the extermination [*Vernichtung*] of asocial forms of life'. His diary entry states that 'Dr. Goebbels is of the opinion that the Jews and Gypsies... should simply be annihilated [*vernichtet*]. The notion of extermination through work is [considered] best.'⁴²

After agreeing with this proposal, Thierack reveals that it was discussed with Himmler during a meeting held four days later. According to his remarks, they had reached the conclusion that 'asocial elements would be handed over to the Reichsführer-SS for extermination through work'.⁴³ To be included in these plans, he noted, were all 'Jews, Gypsies, Russians and Ukrainians, Poles sentenced to three-year prison terms, [and] Czechs or

⁴² This entry from Thierack is reproduced in J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.107–108.

⁴³ Thierack's entry which makes reference of his meeting with Himmler on September 18, 1942 is reproduced in J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.108.

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Germans sentenced to more than eight years of prison'.⁴⁴ Thierack's notations also revealed that in future, any members of these groups living in eastern-occupied territory that violated the criminal code would not be turned over to criminal proceedings. Rather, they would be handled directly by Himmler's police apparatus, which implied that they would be immediately interned in concentration camps.⁴⁵

To gain Hitler's support for this plan, on October 13, Thierack wrote a letter to Martin Bormann, who headed the party chancellery and was Hitler's private secretary. He appealed to Hitler's desire to create a *Lebensraum* and justified his extermination plans as a necessary measure for creating settlement space for German nationals. While he recognised that 'the administration of justice pronounces severe sentences on such persons' he urged his superiors to consider granting the police far-reaching powers to 'take the necessary measures unhampered by any legal criminal evidence'.⁴⁶

On November 5, the Reich Security Main Office (*RSHA*) informed the Kripo and Security Service (*SD*) that this plan had been apparently approved by Hitler.⁴⁷ Consequently, on December 14, a letter from Bormann permitted Thierack to begin purging the prisons of Jewish inmates. He requested, however, that Thierack to postpone the criminal prosecution of Gypsies until further notice, presumably because he was aware of Himmler's plans to deport the *Zigeunermischlinge* to Auschwitz.⁴⁸

Even though there was no official authorisation to transfer Gypsies from prisons into concentration camps, Guenter Lewy has documented some cases of Gypsies affected by

⁴⁴ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.108.

⁴⁵ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.108.

⁴⁶ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.109–110.

⁴⁷ Schnellbrief des RSHA am 5.11.1942, reproduced in J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.111.

⁴⁸ IfZ Munich, GYA 2/4. *Betrifft Abgabe der Strafverfolgung gegen Polen, Sovietrussen, Juden und Zigeuner*, Dezember 14, 1942; A copy of this quote is also in M Luchterhandt, *Der Weg nach Birkenau*, p.240: „hinsichtlich der Strafverfolgung der Zigeuner... noch einige Vorfragen zu klären... Ich bitte daher, auch insonderheit die Angelegenheit zurückzustellen, bis sie von mir nähere Nachricht erhalten haben.“

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Thierack's deadly purges. For example, one Gypsy man named Peter, who was convicted of 'several thefts, as well as one instance each of vagrancy and illegal fishing', was due to finish his prison term on April 6, 1944. However, as a result of 'an agreement between the minister of Justice and the *Reichsführer-SS*', on June 10, 1943, Peter was transferred to the Neuengamme concentration camp – a site known to operate under the SS practice of 'extermination through work'. His subsequent fate is not known.⁴⁹ Lewy's study also reveals that some Gypsies faced incarceration in work camps *after* completing their prison term. Such was the case for a Gypsy man named Ludwig from Giessen who had been imprisoned for petty crime. After quitting his job without permission, Ludwig was given a six-month prison term. On April 24, 1941, after completing his sentence, he was taken into 'preventive police custody' and sent to Dachau concentration camp – further details of his fate have not been preserved.⁵⁰ Eyewitness accounts also confirm that Gypsies incarcerated in concentration camps were subjected to Thierack's programme of annihilation through work. A Gypsy survivor, named Hugo Franz, for instance, recalled his experience of slave labour within the Sachsenhausen concentration camp:

14 days after my arrival in Sachsenhausen, I was moved from the so-called "quarantine block" to another block, whose block senior was called Hasenreiter. There I was assigned to a work-detail, in which I had to do forced labour at the notorious brick works in the harbour... In the brick works we had to carry bags of cement weighing a metric hundredweight over a walkway which consisted only of a thick plank. The weight of the load caused this plank to oscillate easily, so that physically-weak prisoners lost their balance and fell into the water, some of them

⁴⁹ The original case has been preserved in the Magdeburg police files, see LASA, Rep. C 29, Ahn. 2, Nr. 174. Other cases have been mentioned in G Lewy, *The Nazi Persecution of the Gypsies*, p.170.

⁵⁰ The case study can be viewed in HSTA Wiesbaden, Abt. 409/4, Nr. 3940; G Lewy, *The Nazi Persecution of the Gypsies*, p.171.

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even drowning. Those who had fallen into the water were beaten out again by the sticks of the SS and made to continue working. If one of the bags of cement burst open, the prisoner had to shovel the cement from the ground in his jacket in order to carry it further. The forced labour in the brick works was the cruellest thing imaginable.⁵¹

Thierack's plans to establish forced labour as the means for exterminating those perceived as asocial, made no allowances for Himmler's preservation plans for the 'racially pure' Gypsies that were forming around the same time, accentuating the polycratic or at the very least disordered nature of Nazi anti-Gypsy policy and decision-making, as well as the possibility that this policy dissent was intentional. Someone who was soon privy to Himmler's ideas, however, was Martin Bormann. After a conversation with Nebe, which probably mentioned the proposal the RKPA had been working on, Bormann was informed that the *Reichsführer-SS* intended to allow the 'so-called racially pure' Gypsies to itinerate freely and cultivate their 'language, rites and customs', and even join special units of the armed forces. The logic of this exceptional treatment was on the basis that these Gypsies had 'not behaved in an asocial manner' and because 'their system of belief preserved Germanic customs.'⁵² In response to this, Bormann lodged a letter of protest to Himmler on December 3, 1942, objecting to his plans to protect the 'racially pure' Gypsies. He wrote:

I consider this view of your expert as exaggerated. Such special treatment would mean a fundamental deviation from the simultaneous measures for fighting the

⁵¹Interviews of Hugo Franz's experience can be found in R Rose, *„Den Rauch hatten wir täglich vor Augen“: Der nationalsozialistische Völkermord an den Sinti und Roma*, Dokumentations und Kulturzentrum Deutscher Sinti und Roma, Wunderhorn, Heidelberg 1999. p.266, S Milton, "Holocaust: the Gypsies" in S Totten (ed.), *Genocide in the Twentieth Century: Critical Essays and Eyewitness Accounts*, Garland Publishing Inc. New York and London, 1995, pp.247–251 and J Gutheil, *Einer muß überleben: Gespräche mit Auschwitzhäftlinge 40 Jahre danach*, Der kleine Verlag, Düsseldorf, 1984, pp.50–52.

⁵² BA Berlin, NS 19/180, Der Leiter der Partei-Kanzlei an den Herrn Reichsführer SS. Heinrich Himmler, 3.12.1942.

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Gypsy plague and would not be understood at all by the population and the lower leaders of the party. The Führer too would not approve of it if a segment of the Gypsies is given back their old freedoms. Since the aforementioned facts have been unknown to me till now and seem to be improbable, I would be grateful for an immediate briefing.⁵³

This document usefully illustrates the polycratic pressures to implement increasingly radical initiatives against the Gypsies at the grassroots level. Though a reply to this letter has been not been preserved, Himmler apparently met with Hitler on the afternoon of December 6, and later with Bormann during the evening.⁵⁴ No record of this conversation has been found. However, Bormann's letter shows a handwritten notation by Himmler which reads: 'Führer. Tabulation [of] who are Gypsies', indicating that Himmler planned to present Hitler with information on the Gypsies, possibly with the intent to exempt 'racially pure' ones from future measures.⁵⁵ This seems to align with a remark in Thierack's notebook on February 27, 1943, which acknowledged how 'new evidence has shown that among the Gypsies are racially valuable elements'.⁵⁶ In any case, Himmler appeared to have swiftly overcome the objections of Bormann and persuaded Hitler, as the October 13 decree of 1942 was never retracted and the 'racially pure' Gypsies were, at least in theory, to be exempted from the Auschwitz deportations.

Ten days later, on December 16, 1942, Himmler enacted what is generally referred to as the Auschwitz decree, which ordered the 'deportation of Gypsy *Mischlinge*, Romani Gypsies and Balkan Gypsies to a concentration camp'. It further mandated that, 'the majority of these

⁵³ BA Berlin, NS 19/180, Der Leiter der Partei-Kanzlei an den Herrn Reichsführer SS. Heinrich Himmler, 3.12.1942.

⁵⁴ This is in accordance with Himmler's appointment calendar, Sonderarchiv Moscow, 1372/5/23, cited by M Zimmermann, *Rassenutopie und Genozid*, p.300.

⁵⁵ BA Berlin, NS 19/180, Der Leiter der Partei-Kanzlei an den Herrn Reichsführer SS. Heinrich Himmler, 3.12.1942.

⁵⁶ BA Berlin, R 43 II/1512, Bl. 134f.

Gypsy-like persons (*zigeunerische Personen*) [were] to be deported' with exemptions being granted 'only in special cases.'⁵⁷ No copy of the original law has been located, nor is there evidence to sustain the claim that Himmler issued this regulation as a response to Bormann's pressure. Furthermore, contrary to the beliefs of some historians, there is no substantial evidence to ascertain Hitler's role in the promulgation of the Auschwitz decree and, more specifically, the claims that the order was a result of his direct intervention, or even initiative. What remains clear though, was that Hitler did not appear to voice any objections to the murderous direction that Nazi policy towards the Gypsies was taking, signalling the transition from biopolitics to thanatopolitics.⁵⁸

Coordinating the 'Final Solution' to the 'Gypsy Question':

Notwithstanding Himmler's promulgation of the Auschwitz decree, many of the details still required fine-tuning. In particular need of clarification was the issue of 'what [was] to be done with the remaining Gypsy-like persons (*zigeunerische Personen*)' who were exempted from the deportations.⁵⁹ To discuss the future treatment of this group, a meeting took place in the RKPA on January 15, 1943, attended by the leadership of institutions that played a crucial role in shaping Nazi policies towards Gypsies. In addition to four representatives of the RKPA, others who were present at this conference were personnel from the RHF, including Robert Ritter and Eva Justin, and one official each of the SD – which was under the authority of the

⁵⁷ The original decree is mentioned in the implementing regulations for the Auschwitz decree, issued on January 29, 1943, see IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943, and is also mentioned in a conference at the RKPA, which took place on January 15th, 1943, and was transcribed by Joachim Hohmann, see J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.75.

⁵⁸ Ian Hancock and Sybil Milton are some historians who have suggested that the Auschwitz decree was the result of a direct decision from Hitler, while Guenter Lewy and Michael Zimmermann believe otherwise, see I Hancock, "Is the Holocaust Unique", p.47; S Milton, "'Gypsies' as Social Outsiders", p.226, G Lewy, *The Nazi Persecution of the Gypsies*, p.141, M Zimmermann, "The National Socialist 'Solution of the Gypsy Question': Central Decisions, Local Indicatives, and Their Interrelation," *Holocaust and Genocide Studies*, vol.15 no.3, 2001, p.420.

⁵⁹ Cited from the minutes of the January 15 meeting in 1943, reproduced by J Hohmann, in *Robert Ritter und die Erben der Kriminalbiologie*, p.75.

RSHA – and the Race and Settlement Main Office (*RuSHA*).⁶⁰ In order to achieve their objective of creating a racially pure *Volksgemeinschaft*, the conference delegates agreed upon a biopolitical approach of deportation and sterilisation, which was intended to completely isolate and destroy the Gypsies who remained in the Third Reich.⁶¹ The transcribed minutes of the conference reveals that sterilisation would be applicable in the following cases: (1) Gypsy *Mischlinge* ‘with predominantly German blood’ and those Gypsy *Mischlinge* ‘with equal parts of Gypsy and non-Gypsy blood’; (2) lawfully married Gypsy *Mischlinge* ‘with predominantly non-Gypsy blood’ as well as their children; and (3) Gypsy *Mischlinge* ‘with predominantly non-Gypsy blood’ in a legal marriage to a person ‘of German blood’ and their children, on the condition that they were also considered Gypsy *Mischlinge* ‘with predominantly non-Gypsy blood’. A fourth category of Gypsies designated those eligible for Germanisation: Gypsy *Mischlinge* ‘with predominantly non-Gypsy blood’ with a valid marriage to spouses ‘of German blood’, given their children were regarded non-Gypsies and their ‘genotype (*Erbbild*) [was] good.’⁶²

Crucial to the implementation of the planned sterilisations was a declaration of consent from the individual in question. In cases of refusal, officials were to check ‘whether they, too, [were] to be placed in a concentration camp’.⁶³ Following the sterilisation procedure, the RHF would be required to complete new evaluations, which adjusted their racial status to ‘non-Gypsy’. As a result, this categorisation denoted exclusion from anti-Gypsy measures, and they were to be treated by the police as ‘persons of German blood’. Notwithstanding this change,

⁶⁰ Though the original document has not been located, a record of this meeting prepared by the RKPA has been transcribed by Hohmann, which includes the conference participants, see J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.75–77.

⁶¹ According to statistical data produced by Ritter, the number of Gypsies who lived in Germany at this time were an estimated 28,607 persons, of which 12,360 persons were defined as “Gypsy *Mischlinge*”.

⁶² J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.76. The English translation of this section of Hohmann’s transcript is similar to that of Karola Fings, see K Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies?”, pp.180.

⁶³ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, p.76.

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the legal status of these individuals would remain limited.⁶⁴ Since this classification would categorise these persons as ‘genetically impaired’, they would not be Germanised and would consequently still be forced to adhere to the marriage bans on racial mixing. Additionally, the RHF, along with the RuSHA, were required to promote the Germanisation of Gypsies, though the final decisions regarding each applicant were to be discussed with the RKPA. In exceptional situations, the RKPA would be given the authority to make decisions on a case-by-case basis.⁶⁵

To date, historians have generally attached little importance to this event, though a recent study by Karola Fings warrants renewed interest on this subject. She posits that the January 15 conference was reminiscent of the Wannsee Conference - convened a year earlier on January 20, 1942 - which planned the ‘Final Solution’ (*Endlösung*) to the so-called ‘Jewish Question’ (*Judenfrage*). To that end, she asserts that the lessons learned from the persecution of the Jews informed the culmination of Nazi policy towards the Gypsies.⁶⁶ To support her thesis, Fings draws attention to two key participants at the January meeting, whose presence was often overlooked: Hans Ehlich, the head of the SD’s Department III B for Racial and Ethnic Policy (*Volkstumspolitik*), and Georg Harders, a top racial specialist from the RuSHA.⁶⁷ After a close examination of their career profiles, Fings contends that both of these men were ‘makers of extermination policy’, concluding that their involvement in the meeting on January 15 was crucial in expediting a solution to the ‘final regulation of the Gypsy question’. She writes:

As strategists *and* practitioners, they were equipped with the experience in the killing of the European Jews. Mass sterilisation and the displacement of millions of people were just as much a part of their sphere of action as the ‘racial’ selection

⁶⁴ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.76–77.

⁶⁵ J Hohmann, *Robert Ritter und die Erben der Kriminalbiologie*, pp.76–77.

⁶⁶ K Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies?”, p.174.

⁶⁷ To view their career profiles in more detail, see K Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies?”, pp.177–178.

of individuals for an eventual decision on, for example, their Germanisation or extermination.⁶⁸

Certainly, it is possible that the involvement of Erlich and Harding could have accelerated the radicalisation of Nazi policy against Gypsies. It is worth pointing out, however, that the guiding principles of the January conference were primarily determined by the initiative of the RKPA and, to a lesser extent, the RHF, rather than the Nazi functionaries who participated in the organisation of anti-Gypsy policy at the behest of their superiors.⁶⁹ Furthermore, the recommendation to sterilise the remaining Gypsy *Mischlinge* in the Third Reich, as well as the suggestion to exempt certain Gypsy *Mischlinge* from other restrictive measures once they had undergone the procedure, was first mentioned in a proposal created by the RKPA in November 1942, and was obviously influenced by the earlier research of the Ritter institute.⁷⁰ Although Fings is not wrong to note the parallels between the context, participants and issues negotiated at both January 15 conference and the planning stages for the 'Final Solution', she tends to overemphasise the correlation between these events and the impact of the earlier decision-making process regarding Nazi Jewish policy on the development of measures targeting the Gypsies.⁷¹ Rather than seeing the racially motivated elimination of Gypsies as conforming to a specific blueprint for genocide established by the persecution of European Jewry, it is perhaps worth focusing on the individuating circumstances surrounding the *Porrajmos*.

Such concerns notwithstanding, the January 15 conference remains an event of key significance, as the negotiations at this meeting formed the basis for the implementation of the

⁶⁸ K Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?", p.178. Emphasis in original.

⁶⁹ Zimmermann is one scholar who has argued that Ehrlich participated primarily under the demands of Himmler, the RKPA and the RHF, with the intent to diminish their share in the responsibility, see M Zimmermann, *Rasseneutopie und Genozid*, p.303.

⁷⁰ BA Berlin Zsg 142 Nr. 22, *Vorschläge vom RKPA an RF*; BA Berlin, ZS 142/21; M Luchterhandt, *Der Weg nach Birkenau*, pp.238–239.

⁷¹ K Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies?", P. 178.

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regulations of the decree of December 16, 1942. Crucially however, rather than determining the ‘final solution to the Gypsy Question’, this meeting was called with the intent of finalising the details of how Himmler’s decree of December 16 would be implemented. The fate of the Gypsy *Mischlinge*, Rom and Balkan Gypsies did not require any further discussion. Rather, the central focus of negotiations was to determine precisely which categories of Gypsies should be targeted for sterilisation and to delegate responsibility for the administration of genocide.⁷² Furthermore, this meeting was not called to initiate an existing plan to exterminate the Gypsies, but rather to create the dynamics of that plan, marking a murderous new direction in Nazi Gypsy policy, which took its final shape in the wake of this conference. It is part of the process of cumulative radicalisation undergirding the *Porrajmos*, and reflects the polycratic nature of the Nazi state, accentuated by the competition for competency between different agencies and players in the escalation of anti-Gypsy policies.⁷³

The radicalisation of the Gypsy persecution under the Nazi regime was primarily spearheaded by the RKPA, who were granted far-reaching powers for dealing with them. As a result, they were in a position to develop regulations that reflected their own views and interests. This is particularly evident in the implementation of the regulations of the decree of December 16, 1942. Though Nebe was unable to dissuade Himmler from preserving the ‘racially pure’ Gypsies, the RKPA was still able to maintain control over how the remaining Gypsies living in the Third Reich should be treated. Once having received the authorisation from Himmler, on January 29, 1943, they issued an instruction which reinforced that ‘regardless of their degree of racial impurity’, all Gypsy *Mischlinge*, Rom- Gypsies and members of Gypsy clans from the Balkans were to be taken into preventive police custody and

⁷² Hohmann, J. *Robert Ritter und die Erben der Kriminalbiologie*, pp.76–77.

⁷³ H Mommsen, *From Weimar to Auschwitz*, p.175.

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sent to the concentration camp (*Zigeunerlager*) at Auschwitz.⁷⁴ The deportations were scheduled to begin on March 1 and were to be completed before the end of the month. However, the following categories denoted those Gypsies to be exempted from deportation:

1. Racially pure Sinti and Lalleri Gypsies.
2. Gypsy *Mischlinge* who were deemed as ‘good *Mischlinge* in the Gypsy sense’ to be part of the racially pure group pursuant to the decree of October 13, 1942.
3. Gypsies legally married to persons of German blood.
4. Socially adjusted Gypsies who had a regular job and a permanent residence before the general registration of Gypsies.
5. Gypsies who were exempted by the RKPA from regulations applied to Gypsies.
6. Gypsies who remained in military service or were discharged from military services during the current war after being wounded or with decorations.
7. Gypsies engaged in work considered important to the war effort.
8. The spouses and dependent children of Gypsies enumerated in categories 3 – 7.
9. Gypsies whose placement in the Gypsy camp is to be suspended for special reasons indicated by the relevant Kripo district office.
10. Gypsies who could prove foreign citizenship.⁷⁵

The exclusion of the ‘racially pure’ Gypsies, as well as the admission of ‘good *Mischlinge*’ into the ranks of the ‘racially pure’ clearly reflects Himmler’s wishes to preserve this group. It further confirms that the notion of ‘Aryan’ residue among Gypsies, advocated by racial scientists at the *Ahnenerbe* institute, seems to have been accepted and that the divide

⁷⁴ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943.

⁷⁵ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943.

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between citizen and non-citizen Gypsies remained intact. Apart from the ‘racially pure’ Gypsies and foreign nationals, all those exempted from deportation over twelve years of age were advised to consent to sterilisation. Interestingly, the orders for sterilisation were not issued by the genetic health courts, but rather by the RKPA. Those Gypsies who refused would face the risk of being dispatched to a concentration camp, as per the January 15 conference directive.⁷⁶ Additionally, Gypsies were categorised into three distinct racial groups: those to be transported to Auschwitz, those to stay behind and be subjected to sterilisation, and those admitted to the ranks of the so-called ‘racially pure’. The logic of this programme was discernibly biopolitical: it intended to remove Gypsy *Mischlinge* by systematically expelling them to work camps and to sterilise those remaining in the Reich in order to halt their reproduction and prevent the racial contamination of the German *Volk*.

The idea to intern Gypsy *Mischlinge* within concentration camps and to prevent their propagation via sterilisation had been advocated by Ritter for some time, suggesting that the Auschwitz regulations were significantly influenced by Ritter’s research and his close collaboration with Nebe.⁷⁷ More crucially, this decree firmly entrenched the RHF and the RKPA as the authoritative agencies responsible for persecuting the Gypsies. Central to determining the racial status of a Gypsy was the racial assessments prepared by the RHF, rather than the lists submitted by the Gypsy spokesmen in accordance with the October 1942 order. Furthermore, the Kripo were provided with a wide degree of flexibility for deciding whether a Gypsy was to be deported to Auschwitz or exempted. If the evaluations of the individual in question were not available, local Kripo officers were able to make the executive decision of determining whether the person was to face deportation or was deserving of exemption, based

⁷⁶ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943; Hohmann, J. *Robert Ritter* Pp. 76 – 77.

⁷⁷ Ritter, R. „Primitivität und Kriminalität“, pp.197–210; BA Berlin, R 73, Nr. 14005, Ritter, R. „Arbeitsbericht“, p.7.

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on criteria such as racial origins, lifestyle and use of the Gypsy language. All cases in dispute would be resolved by the RKPA.⁷⁸

According to a study by Hansjörg Riechert, between 1943 and 1945 an estimated 2,000 Gypsies living in the German Reich were forcibly sterilised, as part of what has justifiably been called the ‘biological death’ of the Gypsies.⁷⁹ The sterilisation clause of the Auschwitz decree was often employed by the Kripo as a biopolitical tool for exerting pressure upon Gypsies. Some agreed to undergo the procedure in order to be excluded from the stringent Gypsy measures, however as Luchterhandt points out, consent to sterilisation did not necessarily guarantee protection against deportation to Auschwitz.⁸⁰ Such was the case for Karlsruhe woman Luise Wolff. Although her father was classified by the police as a ‘socially adjusted’ Gypsy *Mischling*, when the Kripo in Karlsruhe discovered that she was five months pregnant in January 1943, she agreed to have an abortion and undergo sterilisation, on the condition that she would be exempted from deportation. Although the Karlsruhe Kripo supported this, the Central Office of Gypsy Affairs refused to grant this request and subsequently deported Luise to Auschwitz, where she died in May 1943.⁸¹

Not all Gypsies agreed to sterilisation. Lewy has documented a few exceptional cases of those who were spared from sterilisation and exempted from regulations on the grounds of ‘social adjustment’, but this was hardly the norm.⁸² In cases of refusal, the Kripo would often threaten Gypsies with preventive police custody, to be carried out in a concentration camp,

⁷⁸ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943.

⁷⁹ H Riechert, *Im Schatten von Auschwitz: Die nationalsozialistische Sterilisationspolitik gegenüber Sinti und Roma*, Waxman, Münster, 1995P. 135; The term ‘biological death’ has been mentioned in HJ Döring, *Zigeuner im Nationalsozialistischen Staat*, Kriminalistik Verlag, Hamburg, 1964. P. 168.

⁸⁰ See K Fings, “A ‘Wannsee Conference’ on the Extermination of the Gypsies?”, p.189.

⁸¹ M Luchterhandt, *Der Weg nach Birkenau*, p.225. The original case can be found in ZS Ludwigsburg 930/61, S. 22 – 23.

⁸² Cases of Gypsies who refused their consent and escaped sterilisation and were granted exemption from deportation can be viewed in G Lewy, *The Nazi Persecution of the Gypsies*, pp.191–192.

which usually achieved complicity. A Gypsy man named Johann S, for example, who was a highly decorated *Wehrmacht* veteran since October 1943, refused to be sterilised on the grounds that he had served his country and had a minimal amount of Gypsy blood. Impervious to his claim, the RKPA ordered for the local Kripo office in Nuremberg to apply pressure ‘so that he will agree to his sterilisation’; though, even after being threatened with ‘preventive police custody’, Johann’s stance remained firm. Subsequently, he was arrested on October 10, 1943, and his transportation to Auschwitz was approved by the RKPA on October 31. A day later, Johann relented and agreed to his sterilisation, to be carried out by September 1. Whether this procedure actually took place is unknown.⁸³ Despite the effectiveness of the Kripo’s pressure tactics, the requirement of consent often caused bureaucratic delays. Such interruptions occurring during the final years of the Nazi regime, coupled with the requirements of the ‘total war effort’, which demanded limiting sterilisation to the ‘most urgent cases’, meant that many of the planned sterilisation procedures were not carried out.⁸⁴ This partial implementation of the RKPA’s sterilisation programme demonstrates how the chaotic entanglement of Nazi agencies, compounded by the deteriorating economic circumstances of the war, often led to disorganised and poorly executed anti-Gypsy policy.

The Chaotic Implementation of the Auschwitz Decree:

Notwithstanding the clarity of the January 29 Auschwitz directive, most works on the subject have made clear that in practice the lists of exemption were not rigidly adhered to.⁸⁵

⁸³ G Lewy, *The Nazi Persecution of the Gypsies*, p.191; The original case can be found in STA Nürnberg, Polizeipräs. Mfr. Abg. 1983, Krip. Insp. Nbg., Nr. 318.

⁸⁴ G Lewy, *The Nazi Persecution of the Gypsies*, p.187; See K Fings, “A ‘Wannsee Conference’ on the Extirpation of the Gypsies?”, p.190.

⁸⁵ Historians who champion this view include: Ian Hancock, Henry Friedlander, Gilad Margalit, Donald Kenrick, Grattan Puxon, Romani Rose and Michael Zimmermann, see I Hancock, “Responses to the Porrajmos (The Romani Holocaust)” p.44,47; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.293; G Margalit, *Germany and its Gypsies*, p.51; D Kenrick and G Puxon, *The Destiny of Europe’s Gypsies*, pp.90-91; M Zimmermann, *Rassenutopie und Genozid: Die nationalsozialistische „Lösung der Zigeunerfrage“*, pp.307–315; M Zimmermann, “The National Socialist ‘Solution of the Gypsy Question’: Central Decisions, Local Initiatives, and their Interrelation”, p.420.

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The Kripo, who were primarily responsible for the implementation of the Gypsy deportations to Auschwitz, often had considerable latitude with their instructions. Crucially, they did not discriminate between ‘pure’ and ‘mixed-blood’ Gypsies, either because they wished to ensure their own districts were ‘free of Gypsies’ or because they lacked the requisite racial assessments from the RHF and resorted to their personal judgement in making selections for transportation.⁸⁶ Additionally, there is an abundance of evidence for Gypsies arriving at Auschwitz even though they were intended to be free from deportation. This included members of the Nazi party, those married to Germans, individuals deemed as ‘racially-pure’ as well as discharged *Wehrmacht* soldiers who were wounded or highly decorated.⁸⁷ First person testimony from Josef Reinhard, makes this clear:

My father just could not understand any of it. He had been in the First World War and was proud of having been a German soldier. After all, it was his fatherland, for which he had bled. My oldest brother, Anton, was also a soldier, he had already been taken to Auschwitz in 1943. Before that, he had been in the war. He fought in Poland and France, even been wounded (...). In 1943, he came in a transport to Auschwitz with his three children and heavily pregnant wife, and they “died” there from ill-treatment.⁸⁸

His account aligns with the testimonies of high-ranking SS-officials who worked within the extermination camp. For example, Pery Broad, who served as a non-commissioned SS-officer in the political department at Auschwitz, confirmed how the clause regarding exceptions

⁸⁶ I Hancock, “Responses to the Porrajmos (The Romani Holocaust)”, p.44,47; H Friedlander, *The Origins of Nazi Genocide*, p.293; G Margalit, *Germany and its Gypsies*, p.51; D Kenrick and G Puxon, *The Destiny of Europe’s Gypsies*, pp.90-91; M Zimmermann, *Rassenutopie und Genozid*, pp.307–315; M Zimmermann, “The National Socialist ‘Solution of the Gypsy Question’: Central Decisions, Local Initiatives, and their Interrelation”, p.420

⁸⁷ For further individual case studies, see D Kenrick and G Puxon, *The Destiny of Europe’s Gypsies*, pp.90-91; R Rose, *„Den Rauch hatten wir täglich vor Augen“: Der nationalsozialistische Völkermord an den Sinti und Roma*, pp.105–109; M Zimmermann, *Rassenutopie und Genozid*, pp.307–315.

⁸⁸ Testimony of Josef Reinhardt reproduced in R Rose, *„Den Rauch hatten wir täglich vor Augen“: Der nationalsozialistische Völkermord an den Sinti und Roma*, p.219.

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‘was a mere formality and was never observed...[they] were just paper decorations on the extermination decrees’.⁸⁹ He emphasised that Gypsy *Mischlinge* who were ‘socially adjusted’ with steady employment and a permanent residence ‘formed the largest percentage of the camp inmates’. He further described the situation in Auschwitz:

Hundreds of soldiers, who had not the slightest idea that they were half-breeds, were transferred from the front lines, deprived of their uniforms and sent to the concentration camp, just because they happened to have twelve or even less per cent of Gypsy blood. Those decorated with the Iron Cross and other medals for bravery were overnight imprisoned behind the barbed-wire fences of Auschwitz as ‘anti-socials.’ According to secret orders, this should not have happened. Mixed-blood Gypsies who had distinguished themselves as soldiers during the war, should have been exempted from the general rule, on condition that they consented to be sterilised. But the majority of them were never asked to consent, they were simply arrested.⁹⁰

Broad’s statements are supported by the testimony of Auschwitz’s camp commandant, Rudolf Höss, who confirmed in his memoir how the implementation of the January 1943 orders was not closely adhered to, since the family camp housed many veteran Gypsies who were not supposed to have been there in the first place. He recalled how ‘a very senior party member, whose Gypsy grandfather had settled in Leipzig’ was among those interned in the Auschwitz extermination camp, even though he owned ‘a large business in Leipzig and had been decorated more than once during World War One’.⁹¹ Such evidence accentuates the polycratic chaos existing between various administrative centres of the Nazi system and demonstrates how

⁸⁹ “Reminiscences of Pery Broad” in *KL Auschwitz Seen by the SS*, The Auschwitz-Birkenau State Museum, Oswiecim, 1996, pp.139–140.

⁹⁰ “Reminiscences of Pery Broad”, pp.139–140.

⁹¹ “Autobiography of Rudolf Höss” in *KL Auschwitz Seen by the SS*, p.50.

Himmler's orders were not strictly observed by lower-ranking officials, even though the system was directly subordinate to him. Rather, regulations were overzealously implemented in accordance with the different interests of local-level functionaries keen to cleanse their jurisdictions of Gypsies.

Regardless of this evidence, in recent years some historians have challenged the view that only a small number of Gypsies were spared from deportation to Auschwitz. Yehuda Bauer, for instance, asserted that approximately 14,000 of the 37,000 Gypsies registered in Reich territory (including Austria) were categorised as 'racially pure' and were thus exempted from deportation and sterilisation measures.⁹² Building on Bauer's thesis, Guenter Lewy inquired into the quantitative extent of the Gypsies spared from imprisonment at Auschwitz. He documented several cases of Gypsies that were free from deportation, on the grounds of social adjustment, commendable military service, or admission into the ranks of the 'racially pure'. For example, a Gypsy *Mischlinge* named Josef who was accepted into the 'racially pure' Lalleri Gypsy clan on March 3, 1944.⁹³ Another Gypsy *Mischling*, named Ursula was also excluded from Gypsy regulations, according to a decision from the Kripo on January 2, 1945. This was on account of her 'social adjustment', determined by her upbringing by her 'Aryan' parents, lack of contact with Gypsies and physical appearance which did not fit the typical Gypsy attributes.⁹⁴ As a result, Lewy goes as far as to conclude that 'a substantial number of the Gypsies living in the Reich, perhaps even a majority' remained living in Germany and did not face deportation to Auschwitz.⁹⁵

⁹² Yehuda Bauer, „Zigeuner“, in Jäckel, E. Longenrich, P. and Schoeps, JH. (eds.), *Enzyklopädie des Holocaust. Die Verfolgung und Ermordung der europäischen Juden*, vol. 3, Argon, Berlin, 1993, pp.1630–1634.

⁹³ Staatliche Kriminalpolizei, Kriminalpolizeileitstelle Berlin, KPSt. – Dienststelle für Zigeunerfragen, Berlin am. 3 März, 1944, reproduced in G Lewy, *The Nazi Persecution of the Gypsies*, p.182.

⁹⁴ Reichskriminalpolizeiamt "Feststellung", Berlin am 2. Januar 1945, reproduced in G Lewy, *The Nazi Persecution of the Gypsies*, p.186.

⁹⁵ G Lewy, *The Nazi Persecution of the Gypsies*, p.181, 221.

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Unsurprisingly, these claims have been subjected to sharp criticism from others. Karola Fings, for example, has insisted that the conclusions drawn by Bauer and Lewy erroneously suggest that the persecution of Gypsies was ‘random, selective or sloppily carried out’.⁹⁶ Though she acknowledges that the total number of Gypsy victims will never be accurately quantifiable, she has nonetheless attempted to ascertain whether the 1943 directive followed the course negotiated at the conference convened on January 15, 1943. Her research was based on Gypsies registered in the Kripo administrative districts Aachen, Coblenz, Cologne and Trier – one of the largest surviving collections available. She suggests that between 1943 and 1945, a total of 348 Gypsies were not sent to Auschwitz, the most common reason being that one parent was deemed to be ‘of German blood’, confirming that some Gypsies were exempted from deportation, and that the definition of ‘Gypsy’ has moved on from merely designating a peripatetic lifestyle towards a harder biological edge.⁹⁷ However, she cites a statistical report from the Kripo District Office in Cologne which reveals that between 1940 and 1944, 1095 of 1583 Gypsies - or 75 percent of those thought to have been Gypsies - faced expulsion from the Reich. The bulk of these deportations, specifically 622 people, were carried out as a result of the May 1940 order, while those deported to Auschwitz pursuant to the 1943 decree consisted of roughly 414 people.⁹⁸ This confirms that, although the implementation of policy did see some Gypsies spared deportation to Auschwitz, contrary to Lewy and Bauer, the total number of German Gypsies exempted from deportation in accordance with the regulations of January 1943 was relatively small. That said, there is evidence which suggests that planned policy was not always carefully carried out, but that deviations from policy erred towards deporting more

⁹⁶ K Fings “‘A Wannsee Conference’ on the Extermination of the Gypsies?”, p.183.

⁹⁷ To see the statistical report in its originality and the categorical breakdown of Gypsy exclusions from deportation, see K Fings “‘A Wannsee Conference’ on the Extermination of the Gypsies?”, p.187.

⁹⁸ The report is reproduced in K Fings “‘A Wannsee Conference’ on the Extermination of the Gypsies?”, p.191.

than was legally required, not less, with many Gypsies ending up at Auschwitz, even though according to the 1943 decree they were not supposed to be there.

The Liquidation of the Gypsy Family Camp at Auschwitz-Birkenau:

Though some Gypsies were certainly spared from death, most were not as fortunate. As a result of Himmler's 1942 decree, a total number of 23,000 Gypsies were deported to Auschwitz-Birkenau.⁹⁹ This site had the largest concentration of Gypsies, and it operated as both a forced labour camp and mass extermination centre. On February 26, 1943, the first transport of Gypsies from Germany arrived at Auschwitz-Birkenau, while a second transport reached the *Zigeunerlager* on March 1. Subsequent transports of Gypsies appeared in rapid succession soon after.¹⁰⁰ Upon their arrival, the Gypsies were tattooed with a number, their heads were shaven, and they were given no special clothing, except for a black triangle. Their possessions were confiscated and all the Gypsies were assembled into a family camp – where they would remain until they were liquidated.¹⁰¹ Antonin Absolon, a Gypsy who faced deportation to Auschwitz-Birkenau, recalls the delousing process upon arrival at the camp:

We came to one great gate where they ordered us to halt, and they started counting us there. Afterwards we walked along a broad road between wooden barracks to one of them, where we had to put down our possessions. Afterwards they called us out and lined us up in a row and tattooed numbers on our arms... They sewed numbers on our clothes and used red paint to make a cross on them, and stripes on the trousers. It took all night. In the morning they lined us up in a row, we had to leave our things in the

⁹⁹ This figure has been confirmed by several historians including: Gunter Lewy, Karola Fings, Michael and Zimmermann, see G Lewy, *The Nazi Persecution of the Gypsies*, p.152, K Fings, "Romanies and Sinti in the concentration camps", in K Fings, H Heuss, and F Sparing (eds.), *The Gypsies during the Second World War. 1, From 'Race Science' to the Camps*, (trans Kenrick, D.), University of Hertfordshire, Paris and Harfield, 1997, p.95, M Zimmermann "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Persecution of the Gypsies", *Dachau Review*, vol.87, no.2, 1990, p.109.

¹⁰⁰ G Lewy, *The Nazi Persecution of the Gypsies*, p.152.

¹⁰¹ Kenrick, D. & Puxon, G., *The Destiny of Europe's Gypsies*, Pp. 155 – 156, K Fings, "Romanies and Sinti in the concentration camps", pp.96-97.

barracks, and they led us to the adjacent camp, all the way to the back. In that building was a big room where we all had to strip naked. It was horrible... We had to tie up our clothes into a bundle in such a way that the number could be seen. Then they cut our hair and shaved us... Then they herded us under cold, freezing showers. We didn't have anything to dry ourselves with and we were cold. In the meantime, they disinfected our clothing; they called out our names and numbers and we got our clothes back.¹⁰²

Some historians, such as Margalit and Lewy, have speculated that the *Zigeunerlager* was created as a privilege not granted to other prisoners.¹⁰³ Zimmerman and Hancock rightly point out, however, that the Gypsy family camp was not created to bestow them with special 'privileges'.¹⁰⁴ Rather, this internment was considered to be appropriate for the medical experiments undertaken by the *SS Hauptsturmführer*, Josef Mengele, and his associates. Furthermore, Zimmermann persuasively argues that the Gypsies were kept together in a family camp because:

The Nazi institutions involved with the persecution of the Gypsies knew about the particularly close family ties in this ethnic group. If these family ties were not taken into account... there were certainly difficulties for the police which were recorded negatively. To this extent, [the Gypsies were deported] ... "in families" ... to keep friction and resultant bureaucratic problems associated with the deportation and internment as small as possible.¹⁰⁵

¹⁰² The excerpt of Antonin Absolon's memoir is reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, Auschwitz-Birkenau State Museum, Oswiecim, 2011, p.75

¹⁰³ G Margalit, *Germany and its Gypsies*, p.51; G Lewy, *The Nazi Persecution of the Gypsies*, p.157.

¹⁰⁴ M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", pp.107; I Hancock, "Response to the *Porrajmos*: The Romani Holocaust", p.48.

¹⁰⁵ M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", pp.107 - 108.

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Unlike other Auschwitz prisoners, the Gypsies were not regularly subjected to compulsory labour assignments, although, men, women and children often laboured at roadbuilding, carrying construction materials, or cleaning up their own camp.¹⁰⁶ Initially, a special order to exterminate the Gypsies interned at Auschwitz-Birkenau was not necessary. Countless Gypsies were killed by neglect, as the atrocious hygiene facilities and poor nourishment caused many to die from starvation and diseases, such as typhus, scarlet fever, diphtheria, tuberculosis, diarrhoea and scabies.¹⁰⁷ This purposive, homicidal neglect was emphasised in the memoir of Rudolf Höss, who wrote that the ‘conditions in Birkenau were utterly unsuitable for a family camp. Every prerequisite was lacking, even if it was intended that the Gypsies be kept there only for the duration of the war.’¹⁰⁸ The terrible living conditions in Auschwitz-Birkenau have been described in detail by Elisabeth Guttenberger, a prisoner of the *Zigeunerlager*, who was deported from Stuttgart in March 1943:

The hunger was the worst thing. Indescribable sanitary conditions. There was no soap and there was no possibility of washing. When the typhus epidemic broke out, it was impossible to care for the sick because there was no medicine. It was hell. One cannot imagine anything more horrifying. First, the children died. They cried day and night for bread. Soon they all starved to death. The children who were born in Auschwitz did not live long either. The only thing the Nazis were concerned with was that the newborns were properly tattooed and registered. Most infants died several days after their births. There was no childcare, no milk, no warm water, let alone powder or diapers. The older children, above the age of ten, had to carry

¹⁰⁶ This is confirmed an account by Tadeusz Joachimowski, a former prisoner in Auschwitz who held the post of a clerk in the main camp and in the *Zigeunerlager*, reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, pp.100–101.

¹⁰⁷ K Fings, “Romanies and Sinti in the Concentration Camps”, p.101; M Zimmermann, “From Discrimination to the ‘Family Camp’ at Auschwitz: National Socialist Perception of the Gypsies”, p.109.

¹⁰⁸ “Autobiography of Rudolf Höss”, p.50.

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rocks for the camp road, despite the fact that starvation caused them to die every day.¹⁰⁹

Additionally, the Gypsies were required to line up daily for the evening roll call, regardless of their age or physical condition. In cases where someone was missing, the prisoners were forced to stand in formation for hours, while the SS insulted and jeered at them.¹¹⁰ As Hermine Horvath recounts:

We often had to stand for hours in the open air, in rain and snow, wind and cold, with almost nothing on our bodies, and, among us, children. They died like flies. After all, we Gypsies were supposed to be thinned out. They tormented us. Often, we had to jump up and down for hours and throw ourselves down into the mud.¹¹¹

Furthermore, the Gypsies fell victim to deliberate brutality and abuse by the *Kapos* and SS guards, as the testimonies of numerous witnesses reveal that the Gypsies were subjected to various forms of degrading and often deadly cruelties, even for the smallest infractions of rules. Maria Peter, deported to the *Zigeunerlager* in March 1943, remembers how she was flogged by an SS-man named König because she defended herself:

All I wanted was for the children to have something to eat. So, I complained. It was the day an SS inspection came to the camp...When the inspection was over, we went back to the blocks. Before much time had passed, the block supervisor appeared and called out my number. I had to go to the *Schreibstube*. König was waiting there with his legs in a wide stance, one hand in his pocket and the other

¹⁰⁹ An excerpt of Elisabeth Guttenberger's testimony is reproduced in *Memorial Book: the Gypsies at Auschwitz-Birkenau*, ed. and rev. Auschwitz-Birkenau State Museum and Documentation and Cultural Center of German Sinti and Roma in Heidelberg, vol. 2, K.G. Saur, Munich, London, New York, and Paris, pp.1499–1500.

¹¹⁰ J Talewicz-Kwiatkowska, "The Roma and Sinti in Auschwitz", in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, p.20.

¹¹¹ Eyewitness account by Hermine Horvath is reproduced in *Memorial Book: the Gypsies at Auschwitz-Birkenau*, pp.1512–1513.

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holding a bullwhip that was snapping against his high boots. I reported, giving my number. Then König came up to me and hit me in the face so hard I fell to the ground...On his orders, I had to undress and put on a pair of wet men's swimming trunks, which had been soaked in some kind of black liquid. I had to lie down on a trestle and count...I counted and counted, and then the first blows fell.¹¹²

There was also the routine of forcing Gypsy prisoners do 'sport', during which they were made to spin while running, roll on the ground or jump in a crouched position. These exercises were often accompanied by floggings administered publicly, which often resulted in death. Moreover, the Gypsies – most especially Gypsy twins – were extensively used as subjects for the medical experiments conducted by Mengele. As a result, many Gypsies were maimed, disfigured, killed, and, later, dissected in order to further Nazi scientific research.¹¹³ Helmet Clemens, a former Gypsy prisoner within Auschwitz, recalls the time he spent working for Mengele as a messenger:

I was there when Mengele looked for twins for his experiments. I had to take them to him afterwards and he gave them special numbers. I was not allowed to be present when he was experimenting. He would always send me somewhere then. Once, however, I accidentally happened to be present in the room in which Mengele conducted experiments. I saw then how he put drops of some kind of fluid into the children's eyes, after which they had very dilated pupils. Several days later, I saw those children's corpses in the morgue.¹¹⁴

For some Gypsies, the nightmare of living in Auschwitz prompted efforts to escape from the camp. Given the tight security of the site, this was quite difficult to achieve. According

¹¹² Maria Peter's testimony can be found in *Memorial Book: The Gypsies at Auschwitz-Birkenau*, pp.1519–1520.

¹¹³ J Talewicz-Kwiatkowska, "The Roma and Sinti in Auschwitz", in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, Pp. 20 – 24; Lewy, G. *The Nazi Persecution of the Gypsies*.

¹¹⁴ The eyewitness account of is reproduced in *Memorial Book: The Gypsies at Auschwitz-Birkenau*, p.1494.

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to extant records, approximately thirty-eight Gypsies tried to flee from Auschwitz – of this number, only seven were successful.¹¹⁵ One known attempt of escape was reported in a telegram sent by the Commandant's office in Auschwitz to the Secret State Police on May 27, 1943. This document stated that three Gypsy prisoners, Anton, Viktor, and Ludwig Daniel, had tried to break away from the camp. Two of them, Ludwig, and Viktor, were apprehended and subsequently shot at Death Wall on May 22.¹¹⁶

The first mass murder of the Gypsies in Auschwitz took place on March 23, 1943. On this day, a group of approximately 1,700 Gypsies, who had arrived from the Białystok region, were killed in gas chambers by the administration of Zyklon B.¹¹⁷ This took place because these Gypsies were suspected of being infected by typhus and their immediate extermination would prevent the sickness from spreading to other camp inmates. Crucially, it demonstrates that the Nazi genocide of the Gypsies took place also outside of German territory. A subsequent killing was known to occur on May 25, when 1,035 Gypsies declared to be infected with typhus were also gassed.¹¹⁸ The first attempt to liquidate the *Zigeunerlager* took place on May 16, 1944. At this time, the family camp held approximately 6,000 Gypsy inmates. Though there is insufficient evidence to confirm the rationale behind this action, the failure of this operation, as well as the events which followed, has been closely documented in a testimony by Tadeusz Joachimowski, who held a post as a clerk for the main camp. According to Joachimowski, upon learning of the intended Gypsy gassing from his commanding officer, Georg Bonigut, he decided to warn the most 'trustworthy' Gypsies of these plans. As a result, the Gypsies chose

¹¹⁵ These statistics were estimated in J Talewicz-Kwiatkowska, "The Roma and Sinti in Auschwitz", in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, p.22.

¹¹⁶ The deaths of Ludwig and Viktor Daniel were also recorded in the so-called Bunker book from block no. 11. This evidence, along with the Telegram from 27.5.43 are both reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, pp.122–123.

¹¹⁷ G Lewy, *The Nazi Persecution of the Gypsies*, P. 156; H Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, p.300.

¹¹⁸ M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz: National Socialist Perception of the Gypsies", p.109; G Lewy, *The Nazi Persecution of the Gypsies*, p.162.

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to resist against their captors by arming themselves with ‘knives, shovels, iron tools, crowbars and rocks’ and refusing to leave the barracks, subsequently prompting the SS men to retreat.¹¹⁹ The following day, Joachimowski was ordered by the *Lagerführer* to ‘draw up a list of Gypsies who had served in the German army and [had] been decorated’, which included their families and those still on active service. Allegedly, those who consented to sterilisation would be freed, though there is no sufficient evidence of prisoner releases to sustain this claim. On May 23, more than 1,500 Gypsies were transferred to the main camp, Auschwitz I, and placed in blocks 9 and 10.¹²⁰ A day later, 82 Gypsy men were transported to the concentration camp in Flossenbürg, while 122 Gypsy women were dispatched to Ravensbrück.¹²¹ At the end of July, more Gypsy veterans and their families were transferred to the main Auschwitz camp and approximately 918 men were transported to Buchenwald, arriving on 3 August.¹²² Although these Gypsies were certainly spared from extermination in the gas chambers, it is unknown whether they survived the appalling living conditions in other concentration camps.

It seems that the transfer operations between May and July of 1944 emerged for two reasons: firstly, Gypsies that were healthy and considered fit for work would assist in replenishing the German work force in other camps, which currently faced a dire shortage and was considered necessary for sustaining the war effort. Secondly, transferring the *Wehrmacht* Gypsies to other sites allowed the Nazis to address the errors made in executing the policy guidelines of January 29 by appearing to ‘save’ these Gypsies from immediate gassing operations.¹²³ The following passage from the memoir of Höss confirms this logic:

¹¹⁹ Testimony of Tadeusz Joachimowski, reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, p.102.

¹²⁰ Testimony of Tadeusz Joachimowski, reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, p.102.

¹²¹ Czech, D. *Auschwitz Chronicle, 1939 – 1945*, Henry Holt, New York, 1990, p.632.

¹²² K Fings, “Romanies and Sinti in the concentration camps” p.84.

¹²³ G Lewy, *The Nazi Persecution of the Gypsies*, p.162.

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I pointed out to [the *Reichsführer SS*] that the personnel of the Gypsy camp were not precisely what he had envisaged being sent to Auschwitz. He thereupon ordered that the Reich Criminal Police Office should carry out a sorting as quickly as possible. This in fact took two years. About 4,000 Gypsies were left by August 1944, and these had to go to the gas chambers.¹²⁴

Soon after the transfer of veteran and healthy Gypsy inmates to other concentration camps, the *Zigeunerlager* was totally liquidated. On August 2, 1944, the remaining 2,898 Gypsy prisoners, comprised of the sick, older men, women, and children, were ordered by the SS men to leave the barracks and line up in rows. By that point, they were already aware of what awaited them and carried out a bitter resistance, while others cried or tried to hide in the camp. Only with reinforcements and acts of brutality did the SS manage to load the Gypsies onto the trucks. Upon seeing the gas chambers – crudely disguised as showers – the Gypsies tried once more to resist and save themselves. Unsuccessful, the Gypsies were gassed, and their bodies were subsequently burnt in nearby pits to conceal the murders.¹²⁵ In his recount of the liquidation of the Gypsy family camp, the Auschwitz commandant, Rudolf Höss, wrote that, ‘it was not easy to lead them into the chambers. I did not see it myself, but Schwarzhuber told me that no liquidation of Jews had ever been so difficult.’¹²⁶

Despite the abundance of eye-witness accounts which confirm how the remaining *Zigeunerlager* inmates were led to their death, there is no conclusive information which indicates who made the decision to liquidate the Gypsy family camp at Auschwitz-Birkenau or precisely when this decision was reached.¹²⁷ Historians agree that several factors played a

¹²⁴ “Autobiography of Rudolf Höss”, p.51.

¹²⁵ Testimonies of Marian Perski, Alfred Galewski, Tadeusz Joachimowski and Josef Piwko, who witnessed the camp closure are reproduced in S Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, pp.88–91 and 100–104.

¹²⁶ “Autobiography of Rudolf Höss”, p.51

¹²⁷ Other eyewitness accounts of the final liquidation of the *Zigeunerlager* can be found in K Fings, “Romanies and Sinti in the concentration camps” pp.108–109; G Lewy, *The Nazi Persecution of the Gypsies*, p.164, S

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decisive role in the decision to murder the Gypsies. Some have attributed the deteriorated condition of the *Zigeunerlager* as a reason for its closure, given the rampant and increasing epidemics within the camp, while others point to the decisive role played by Rudolf Höss.¹²⁸ After resuming command of the Auschwitz camp on May 8, 1944, he prepared the facilities for the extermination of the Hungarian Jews, who were due to arrive on May 16. Since the capacity of the gas chambers and crematoria was considered insufficient, temporary housing options were needed to create more space within the camp.¹²⁹ Unsurprisingly, Höss implicates Himmler as the mastermind of this murderous episode, possibly as a ploy to deflect his own part in the mass atrocities he committed. He alleged that following his camp visits in July 1942, Himmler ordered for Höss to ‘destroy’ the Gypsies after those capable of work were separated from the others, even though it was likely that once their labour had been utilised, they too would be killed.¹³⁰ An obvious inaccuracy of this accusation is that Himmler could not have possibly visited the family camp in 1942, since the *Zigeunerlager* did not exist until February 1943. However, it is doubtful that Höss took the initiative for such a large undertaking and he was likely tasked by his superiors in Berlin, though precisely who it was remains unclear.¹³¹ Some evidence has suggested that the RKPA possibly had a hand in the decision to liquidate the *Zigeunerlager*, since they were in charge of selecting those to be transferred from the camp pursuant to the implementing regulations of 1943. The only preserved document which loosely connects the RKPA to these decisions was the proposal put forth by Nebe on May 5, 1944 to

Kapralski, M Martyniak, and J Talewicz-Kwiatkowska, *Voices of Memory: Roma in Auschwitz*, pp.60–105; F Müller, *Sonderbehandlung. Drei Jahre in den Krematorien und Gaskammern von Auschwitz*, Steinhausen, Munich, 1979; M Zimmermann, *Rassenutopie und Genozid*, p.343.

¹²⁸ G Margalit, *Germany and its Gypsies*, p.52, M Zimmermann, “From Discrimination to the ‘Family Camp’ at Auschwitz”, p.112; M Zimmermann, *Rassenutopie und Genozid*, pp.339-344.

¹²⁹ G Lewy, *The Nazi Persecution of the Gypsies* p.164; M Zimmermann, “From Discrimination to the ‘Family Camp’ at Auschwitz”, pp.111–112.

¹³⁰ “Autobiography of Rudolf Höss”, p.51; Similar allegations were also made by Perry Broad, see “Reminiscences of Pery Broad” p.140. See the Wannsee Protocol on the logic of work in the case of the Jews, specifically how they were considered useful as a labour force during the war, but were not intended to survive, reproduced in *The Wannsee Conference and the Genocide of the European Jews*, House of the Wannsee Conference Memorial and Educational Site, Gedenkstätte Haus der Wannsee-Konferenz, Berlin 2002, p.107.

¹³¹ An order from Berlin authorities is mentioned by M Luchterhandt, *Der Weg nach Birkenau*, p.303.

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use Gypsy *Mischlinge* from the Auschwitz-Birkenau camp for sea water experiments. He wrote: 'I shall present a special proposal to *Reichsführer* concerning these Gypsy persons in the near future.'¹³²

The lack of evidence regarding the exact decision to liquidate the Gypsy family camp has prompted historians to discuss whether there was an intentional plan to exterminate them. Lewy speculates on the delay to totally liquidate the *Zigeunerlager* at Auschwitz-Birkenau, suggesting that, 'if a program of annihilation had been in effect, why wait over one year to murder them? Keeping Gypsies alive for seventeen months cost precious and scarce wartime resources as well as manpower.'¹³³ Kenrick and Puxon also acknowledge this concern, claiming that 'it cannot be said for certain on the basis of existing knowledge that the Gypsies were sent to Auschwitz to be killed'.¹³⁴ The post-war memoir of Höss assumes that the Gypsies were to be held at Auschwitz for the duration of the war. Once the war was over, Höss was under the impression that the Gypsies would be released.¹³⁵ However, Zimmermann rejects this notion, stating: 'if there had been any intention of keeping the Gypsies there for the duration of the war, the place lacked every kind of pre-condition to make this possible.'¹³⁶ Nonetheless, it can be argued that the murder of the Gypsies was carried out with the intent to provide solutions to critical wartime situations, such as preventing the spread of typhus, or making room for the Hungarian Jews, who were subsequently housed in the former Gypsy camp. Even though the evidence surrounding the decision to liquidate the *Zigeunerlager* is fragmented, what remains clear is that it, alongside the sterilisation program, constituted part

¹³² Cited in M Zimmermann, *Rassenutopie und Genozid*, p.341.

¹³³ G Lewy, *The Nazi Persecution of the Gypsies*, p.165.

¹³⁴ They suggest that the Gypsies were not exterminated upon their arrival to Auschwitz because the gas chambers were possibly preoccupied with the Jews, D Kenrick and G Puxon, *The Destiny of Europe's Gypsies*, pp.153–154.

¹³⁵ "Autobiography of Rudolf Höss", p.50.

¹³⁶ M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz", p.109.

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of the *Porrajmos*, itself a response to changing circumstances and the polycratic character of Nazi decision-making, rather than because of a pre-war plan for genocide.

Of the 23,000 Gypsies who were deported to Auschwitz, approximately 5,600 were murdered in the gas chambers, while close to 14,000 died in the *Zigeunerlager* from disease, medical experience, maltreatment or killing at the hands of the camp guards. It is believed that perhaps as few as 2,000 survived Auschwitz.¹³⁷ One of the few Gypsies who survived Auschwitz-Birkenau and carried the permanent letter 'Z' and prison number tattooed on her skin was Maria Peter, who witnessed the death of numerous relatives:

I cannot forget, even today, everything I lived through. I have nightmares regularly; I dream of all the horror that I experienced in Auschwitz and elsewhere. I wake up in the middle of the night from my dreams, my whole body trembled. These frightening dreams come back all the time, they have become a part of me that I can never be free from.¹³⁸

Thousands of Gypsies were deported to other concentration and extermination camps in Nazi occupied territory, where they died from similar mistreatment.¹³⁹ Many Gypsies also fell victim to systematic mass shootings in Nazi-occupied eastern territories, carried out by the *Einsatzgruppen* (Special Task Forces of the SS). In December 1941, for example, approximately 800 Gypsies were shot by *Einsatzgruppen D* in Simferopol, a city on the Crimean Peninsula.¹⁴⁰

¹³⁷ G Lewy, *The Nazi Persecution of the Gypsies*, p.166.

¹³⁸ A copy of Maria Peter's testimony can be found in *Memorial Book: The Gypsies at Auschwitz-Birkenau*, p.1522.

¹³⁹ For a closer study of the Gypsy treatment in other concentration and extermination camps see Fings, K. "Romanies and Sinti in the concentration camps" Pp. 71 – 94; Lewy, G. *The Nazi Persecution of the Gypsies*, Pp. 167 – 180.

¹⁴⁰ More information on this can be found in G Lewy, *The Nazi Persecution of the Gypsies*, pp.117-122 and R Rose, *The Nazi Genocide of the Sinti and Roma*, 2nd edition, Documentary and Cultural Center of German Sinti and Roma, Heidelberg, 1995, pp.110-119.

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Other countries also participated in the eradication of Europe's Gypsies. Mass killings of Gypsies were carried out by puppet regimes that cooperated with the Third Reich during the Second World War. Most notably was the notorious Ustaša regime in occupied Croatia, Syrmia, Bosnia and Herzegovina which carried out its campaign of ethnic cleansing following the Axis invasion of Yugoslavia in April 1941.¹⁴¹ Alexander Korb points out that there is limited evidence which proves that anti-Gypsy policymaking under the Ustaša regime was directly influenced by the Nazis. He does, however, confirm that the German police and army executed en masse thousands of Gypsies in occupied-territories, such as Serbia, indicating that the Nazis 'exercised their will indirectly'.¹⁴² The total number of Gypsies killed under the Ustaša regime, he estimates, is considered to range between 16,000 and 40,000.¹⁴³ Similar cases, where governments allied with Nazi Germany developed their own independent genocidal policies against Gypsies, existed in Slovakia, Italy, Vichy France, Hungary and Romania.¹⁴⁴

¹⁴¹ More information on the persecution of Gypsy populations in Croatia can be found in E Marushiakova, and V Popov, *Gypsies in the Ottoman Empire: A Contribution to the History of the Balkans*, University of Hertfordshire Press, Paris and Hatfield, 2001; S Trubeta, "'Gypsiness', Racial Discourse and Persecution: Balkan Roma During the Second World War", *Nationalities Papers*, vol.31, no.4, 2003, pp.495-514.

¹⁴² A Korb, "Ustaša Mass Violence Against Gypsies in Croatia, 1941-1942" in A Weiss-Wendt (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, London, 2013, p.76.

¹⁴³ A Korb, "Ustaša Mass Violence Against Gypsies in Croatia, 1941-1942", p.89.

¹⁴⁴ For France see I About, "Underclass Gypsies. An Historical Approach on Categorisation and Exclusion in France in the Nineteenth and Twentieth Centuries", in M Stewart (ed.) *The Gypsy 'Menace'. Populism and the New Anti-Gypsy Politics*, Hurst, London, 2012; S Fogg, "Assimilation and Persecution: An Overview of Attitudes Towards Gypsies in France" in A Weiss-Wendt (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, London, 2013; MC Hubert, "The internment of Gypsies in France" in D Kenrick (ed.) *The Gypsies during the Second World War. 2, In the shadow of the swastika*, University of Hertfordshire Press, Paris and Hatfield, 1999; For Hungary see E Kállai, *The Gypsies/The Roma in Hungarian Society*, Teleki László Foundation, Budapest, 2002; D Crowe, "The Gypsies in Hungary" in D Crowe and J Kolsti (eds.) *The Gypsies of Eastern Europe*, M.E. Sharpe, Armonk, 1991; G Feher, *Struggling for Ethnic Identity: The Gypsies of Hungary*, Human Rights Watch, New York, 1993; K Katalin, "Story History and Memory: A Case Study of the Roma at the Komarom Camp in Hungary" in Stauber, R. and Vago, R. (eds.), *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007; For Italy see P Trevisan "The Persecution of Rom and Sinti in Fascist Italy", *Trauma and Memory*, vol.6, no.3, pp.48-55; For Romania see V Achim, *The Roma in Romanian History*, Central European University Press, Budapest, and New York, 1998; D Crowe "The Gypsy historical experience in Romania" in D Crowe and J Kolsti (eds.) *The Gypsies of Eastern Europe*, M.E. Sharpe, Armonk, 1991; V Solonari, "Ethnic Cleansing or 'Crime Prevention'? Deportation of Romanian Roma" in A Weiss-Wendt (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, London, 2013; For Slovakia see E Sobotka, "Human Rights and Roma Policy Formation in the Czech Republic, Slovakia and Poland" in Stauber, R. and Vago, R. (eds.), *The Roma: A Minority in Europe*, Central European University Press, Budapest and New York, 2007.

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Though historians have admitted that the total number of Gypsies murdered by the Nazis is still uncertain, research by Michael Zimmermann estimates that at least 90,000 Gypsies were killed in the territories controlled by the Nazis. Yehuda Bauer and Yad Vashem, on the other hand, believe the number is much higher, at about 150,000.¹⁴⁵ A more recent estimate by Anton Weiss-Wendt suggests that, overall, the total number of Gypsies killed in Europe was more than 200,000.¹⁴⁶

Himmler's decree of 1942 and its consequences was arguably the zenith of the cumulative radicalisation of Nazi policy towards the Gypsies. This endpoint saw Gypsies subjected to biopolitical measures of subjugation, expulsion, sterilisation, and mass murder. Alongside the sterilisation measures, the authorisation of deportations of Gypsy *Mischlinge* to Auschwitz signifies the shift to a policy that included the extermination of life unworthy of life. This transition from biopolitics to thanatopolitics saw a turn to genocide by the Nazis, who inflicted annihilatory conditions upon the Gypsies primarily because of their presumed congenital characteristics.

The decentralised and chaotic operation of power which followed Himmler's Auschwitz decree is a strong illustration of Foucault's concept of thanatopolitics at work. The genocide was unleashed through the entire social body through multiple points of agency ranging from Bormann and Himmler all the way down to local authorities. It was comprised of mass sterilisations, restrictions on marriage, the organised gassings that took place in killing centres, the organised neglect that led to avoidable deaths from hunger, cold and disease, the

¹⁴⁵ Mentioned in G Lewy, *The Nazi Persecution of the Gypsies*, p. 222. The original death toll was assessed by Donald Kenrick and Grattan Puxon, who estimated that approximately 219,600 Gypsies were killed between 1939 and 1945. In 1989, Hermann Arnold, challenged this assessment, arguing that the total number of Gypsy victims throughout Europe was at most 100,000. For further information regarding this debate see D Kenrick and G Puxon, *Sinti und Roma: Die Vernichtung eines Volkes im NS Staat*, Gesellschaft für bedrohte Völker, Göttingen, 1981, p.135; Arnold, H. *Die NS-Zigeunerverfolgung: Ire Ausdeutung und Ausbeutung. Fakten, Mythos, Agitation*, Kommerz, Karl Heinz Gerster, Aschaffenburg, 1989, pp.30–39; G Margalit, *Germany and its Gypsies*, pp.53–55; R Stauber and R Vago, *The Roma: A Minority in Europe*, p.x.

¹⁴⁶ A Weiss-Wendt, *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, London, 2013, p.1.

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work to death orders, the punishment and torture methods the SS guards inflicted upon Gypsy prison inmates and the decision to liquidate the Gypsy family camp at Auschwitz-Birkenau. Though some Gypsies were certainly spared from deportation to Auschwitz, many of those remaining in Germany were subjected to systematic sterilisation, intended to prevent their reproduction and to protect the blood purity of the German *Volk*.

Conclusions:

By examining the state's pursuit of thanatopolitics, the Nazis' murderous campaign against the Gypsies constitutes a crime of genocide; that is, acts of destruction aimed at the permanent crippling of a specific national or ethnic group. The origins of the Gypsy genocide began with their subjugation to the new rigours of the Nazi state's biopolitical intervention in their capacity to live and reproduce. Since the Gypsies were viewed as a danger to the health of the German *Volksgemeinschaft*, they were subjected to racialised measures designed to protect the type of life the NSDAP wished to nurture and produce. The escalation of biopolitical regulations, which led to the Gypsy deportations to Auschwitz-Birkenau and elsewhere, can also be attributed to the polycratic character of the Nazi dictatorship, evinced by the rivalries between different agencies, as well as the interactions between the centre and the grass roots of the party in the conceptualisation and implementation of anti-Gypsy policy.

Himmler's Auschwitz decree in 1942 signified a murderous turning point in the treatment towards the Gypsies, in which the care of life was seen as necessitating the administration of death. As Foucault argues, this transition from biopolitics to thanatopolitics, was the Nazis' attempt to consolidate their right to kill, which combined the characteristics of a racist and murderous state in order to ensure the biological survival of 'valuable life' within the *Volksgemeinschaft*.¹⁴⁷

¹⁴⁷ M Foucault, *Society Must be Defended*, p.260.

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Although several scholars, referred to as exclusivists, have argued against the Gypsy inclusion in the Holocaust while others insist open it, it appears that the Gypsy genocide needs to be recognised as the *Porrajmos*: a genocide that occurred simultaneously with the Jewish genocide, but one which had its own individuating processes, pre-history, rate of development and internal logic. Through this differentiated approach, historical scholarship can not only move beyond comparisons and conflations of differing histories of victimisation but can also offer a deeper understanding of the unique attributes of the Gypsy genocide.

9. A Centralised, Biopolitical European Solution to the ‘Gypsy Question’?

In the preceding chapters it has been argued that the biopolitical persecution of the German Gypsies began in the late nineteenth century with a series of regulatory and disciplinary provisions designed to assimilate citizen Gypsies and expel foreign ones. Following the Nazi ascension to power, however, a significant rupture in anti-Gypsy policy occurred, and the Gypsy persecution gradually shifted from measures of assimilation towards their physical elimination. Owing to the research of Robert Ritter and his colleagues, who established Gypsy criminality as a biological condition, the Gypsies were considered to be dangerous to the social wellbeing and racial hygiene of the German population and thus, the Nazis undertook a drastic biopolitical programme of subjugation that was designed to control, nurture and protect the type of life they wish to produce.¹ Once the Nazi campaign of racial purification was radicalised, however, it unleashed an unprecedented and murderous dynamic that Foucault has characterised as the transition from biopolitics to thanatopolitics.² In light of this radicalisation, this chapter will investigate whether the Austrian and Swiss authorities pursued a similar shift in their model of biopolitical persecution against their own Gypsy populations.

Besides explicitly comparing and contrasting the treatment of Gypsies within Central Europe, this chapter attempts to draw these cases of persecution together in a transnational study by placing the persecution of the European Gypsies within a broader, international context. Previously, it was argued that before the rise of Nazism, a partially centralised, European framework for combatting the Gypsy problem was created by the International Criminal Police Commission (ICPC); an international police organisation known today as

¹ R Ritter, „Primitivität und Kriminalität“, *Monatsschrift für Kriminalbiologie und Strafrechtsreform. Organ der Kriminalbiologie Gesellschaft*, vol.31, no.9, Munich and Berlin, 1940a, pp.197-210.

² M Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-76*, (trans Macey, D), Penguin Books, London, 2004, pp.256-260.

Interpol. Switzerland, along with its staunch supporters, Austria, and Czechoslovakia, led the push for the ICPC to create an international Gypsy registry to assist in identifying and controlling European Gypsies roaming across the continent. Against this background, this chapter will explore whether the role of Switzerland and Austria as major frontrunners for international crime-fighting operations against Gypsies changed once the ICPC was gradually under the control of the Germans. By closely examining critical activities and antiziganist ICPC discourse between 1933 and 1945, it will determine whether the international approach to the *Zigeunerfrage* aligned with the direction of Nazi anti-Gypsy policy and establish whether Austria and Switzerland were complicit in Germany’s genocidal treatment of Europe’s Gypsies.

The purported *Zigeunerplage* in Austria:

Discriminatory legislation against the Gypsies was enacted long before the *Anschluss*. By the end of the nineteenth century, the Gypsies were denounced as a criminal sub-population, whose nomadism and alarming ubiquity ostensibly endangered the public safety of Austrian citizens. The growing presence of this peripatetic group coupled with the perceived failure of the bureaucratic efforts to control them initiated widespread concern about an ostensible ‘Gypsy plague’. The government response to this so-called *Zigeunerplage* launched the inception of a biopolitical campaign against the Gypsies. To create a sedentary population, Austrian officials employed strict measures which focused on deporting foreign Gypsies and assimilating Austrian-born ones. With an eye to similar German attempts, Austrian officials made several efforts prior to 1933, without much luck, to create a national Gypsy law which would reflect the regulations of the Bavarian Workshy Law of July 16, 1926.³

³ BA Berlin ZSG142/21 „Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen“, *Gesetz und Verordnungsblatt für den Freistaat Bayern*, Nr. 17. München, 22. Juli 1926. For discussion on the influences of the Bavarian Gypsy Laws on Austrian anti-Gypsy policy, see ÖSTA, BKA 20/2 Kt. 4750, Amt der Vorarlberger Landesregierung an das Bundeskanzleramt (Inneres) in Wien, 15. Juni 1931; ÖSTA, BKA 20/2 Kt. 4745, Der

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While a national law was never enacted in Austria, itinerancy continued to pose an urgent problem in the period of the Austro-fascist regime. Since many people had lost their unemployment benefits, most relied on the poor relief system or resorted to petty crime in order to survive. Though the principles of the *Heimatrecht* (permanent right of residency) bound local authorities to provide social and economic support for its impoverished members, the global economic crisis had put this welfare system under severe strain, and provincial governments were consequently unable to meet the growing demands for poor relief, particularly among the homeless.⁴ To resolve this issue, a reform of the *Heimatrecht* was discussed in a series of four conferences, convened in local government districts between 1935 and 1936.⁵ As a result, the law was amended to reduce the social and economic support local municipalities provided for their itinerant populations, as well as heavily discouraging their nomadic movement and lifestyle. Those without a fixed residence were forbidden from seeking support from outside local communities without an *Unterstützungsausweis* (support identification card). They were also obliged to perform the work requirements administered by their local communities. Penalties for violating these regulations were harsh: they included being detained for up to six weeks or being forced into public labour.⁶ Though this law did not

Kärntner Landesregierung an das Bundeskanzleramt in Wien, 24. Jänner, 1928; Der Landeshauptmann an das Bundeskanzleramt in Wien, 31. Oktober, 1927; Der Vizekanzler an alle Landesregierungsämter und die Polizeidirektion in Wien, Graz, Salzburg und Linz, 27. August, 1927; Der Hofrat und Polizeidirektor Salzburg an das Bundeskanzleramt Wien, am 27. Oktober, 1927; ÖSTA, BKA, 20/2 Kt. 4751, „Verhandlungsschrift über die am 15. Jänner 1933 in Oberwart“, A close timeline of these events can be viewed in ÖSTA, BKA 20/2, Kt. 4750.

⁴ I Reiter, *Ausgewiesen, abgeschoben: Eine Geschichte des Ausweisungsrechts in Österreich vom ausgehenden 18. bis ins 20. Jahrhundert* Lang, Frankfurt am Main, 2000, Pp. 36ff – 44ff; S Wadauer, “Establishing Distinctions: Unemployment versus Vagrancy in Austria from the Late Nineteenth Century to 1938”, *IRSH*, no.56, 2011, pp.45–58.

⁵ The series of conferences can be found in ÖStA, AdR, BKA, Inneres Allgemein 20/2, Grundzahl 113.786/35, Geschäftszahl 134.244-6/35: Heimatgesetznovelle 1935, Niederschrift über die Länderkonferenz in Wien, Bundeskanzleramt (Inneres) am 8. April 1935: Bekämpfung des Landstreicherwesens. Abschrift zur Zahl 126147-6/35; and Grundzahl 113.786/35, Geschäftszahl 137.123-6/35: Heimatgesetznovelle 1935. Einbringung als Regierungsvorlage. Niederschrift über die Länderkonferenz in Salzburg (Landeshauptmannschaft) am 29. und 30. April; and Grundzahl 113.786/35, Geschäftszahl 216.773-6/1935: Heimatgesetznovelle 1935, Länderkonferenz am 15. und 16. Oktober 1935 in Wien. 20/2; and Grundzahl 126.964/1936, Geschäftszahl 160.442-6/1936: Heimatgesetznovelle 1936, Ergebnis der Länderkonferenz vom 22. und 23. Mai 1936.

⁶ *Bundesgesetzblatt für den Bundesstaat Österreich*, Jahrgang 1935, Stück 57, Nr. 199, pp.749–780, ALEX Historische Rechts und Gesetzestexte Online, viewed 9 July 2020 < <http://alex.onb.ac.at/cgi-content/alex?aid=bgl&datum=19350004&seite=00000749>>

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specifically mention Gypsies, they were intentionally caught up in this attempt to combat vagrancy and to remove the burden of undesirable elements of society which threatened the social and economic order of rural populations.

Following *Anschluss* in 1938, the St. Germain Treaty and Austrian constitution were annulled, meaning that the national and international sanctions in place which had, until this point, prevented the escalation of anti-Gypsy policy were entirely removed. The elimination of these obstacles offered an impetus for the radicalisation of regulations towards the Austrian Gypsies, as they fell into line with the biopolitical measures targeting Gypsies in Nazi Germany.⁷ As with the development of anti-Gypsy policy in Hitler’s Germany, the initiative to tighten regulations against the Gypsies came from local authorities. A central figure in the escalation of Gypsy policy in Austria was the Burgenland governor, Tobias Portschy, an active member of the NSDAP since 1931. In August 1938, he circulated a lengthy memorandum entitled *Die Zigeunerfrage*, in which he demanded a National Socialist solution to combatting the ‘Gypsy plague’. Portschy argued that the Burgenland Gypsies seriously imperilled the preservation of the purity of German blood. For him, ‘the Gypsies, as it has been proved, are hereditarily tainted and a people of habitual criminals [and] parasites causing enormous damage to our body politic’.⁸ In order to impede the population growth of Gypsies, Portschy strongly recommended their sterilisation and forced labour within settlement sites – ideas which closely aligned with that of the Nazi racial scientist, Robert Ritter, and earlier measures that had been mooted but failed to be legislated in Austria.

As a result of Portschy’s *Denkschrift*, biopolitical regulations towards the Austrian Gypsies rapidly escalated. On March 17, 1938, he ordered that Gypsies be denied their right to

⁷ F Freund, “Genocidal Trajectory: Persecution of Gypsies in Austria: 1938 - 1945”, in Weiss-Wendt, A. (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York, and Oxford, 2013, p.53.

⁸ DÖW Vienna, Nr. 4969, T Portschy, *Denkschrift: Die Zigeunerfrage*, Eisenstadt, August 1938, pp.1–2.

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vote in the referendum of April 10.⁹ Other restrictive decrees that followed prohibited begging, vagrancy and playing Gypsy music.¹⁰ Additional regulations further subjected Gypsies to compulsory labour at ‘public construction sites, roads and quarries’ for up to ten hours a day. Approximately half of their wage earnings were to be paid to the local communities, as compensation for the welfare relief accumulated over the years.¹¹ Crucially, on the May 23, 1938, the Nuremberg Laws came into effect in Austria. Based on the assertion that Gypsies were of ‘alien blood’, this law prohibited marriage and sexual relations between Gypsies and persons of ‘German or related blood,’ signalling the onset of overtly racial persecution.¹² Furthermore, as a previous chapter made clear, it is possible that Gypsies were targeted by the Nazi Sterilisation Law, enacted in Austria on January 1, 1940, on the basis of ‘feeble-mindedness’. There is not enough evidence, however, to confirm this.¹³

Nevertheless, as with Germany’s Gypsies, the systematic expulsion of Austrian children from schools was another exclusionary mechanism which affirmed their status as racial enemies of the national community. Some Gypsy children in Burgenland were prohibited from attending school as early as May 1938. This campaign was spearheaded by Kurt Krüger, an Austrian official of the Ministry of Education and a Nazi party member. He urged the staff of the deputy of the Führer to create special measures that would treat Gypsy children similar to Jewish ones through their immediate expulsion from Austrian public schools, on the

⁹ DÖW Vienna, 11.151, Der Landeshauptmann (Portschy) an der Burgenländische Landeshauptmannschaft, Eisenstadt, am 17. März 1938, Volksabstimmung, Stimmrecht der Zigeuner.

¹⁰ DÖW Vienna, Nr. 16532, Dokumentationsarchiv des Österreichischen Widerstandes, *Widerstand und Verfolgung im Burgenland, 1934 – 1945*, Vienna, 1983, P. 259;

¹¹ These measures were mentioned in Portschy’s position paper, see DÖW Vienna, Nr. 4969, T Portschy, *Denkschrift: Die Zigeunerfrage*, Eisenstadt, August 1938, Pp. 6 – 7.

¹² „Verordnung über die Einführung der Nürnberger Rassengesetze im Lande Österreich vom 20. Mai 1938“, *Reichsgesetzblatt*, 1938, Teil 1, ALEX Historische Rechts und Gesetzestexte Online, viewed 1 August 2019, <<http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1938&size=45&page=772>>.

¹³ Kundmachung des Reichskommissars für die Wiedervereinigung Österreichs mit dem deutschen Reich, wodurch die Verordnung über die Einführung des Gesetzes zur Verhütung erbkranken Nachwuchse und des Gesetzes zum Schutze der Erbgesundheit des deutschen Volkes in der Ostmark vom 14. November 1939 bekanntgemacht wird, *Gesetzblatt für das Land Österreich 1939*, 1. Dezember 1939, Nr. 1438, pp. 4953 – 4990, ALEX Historische Rechts und Gesetzestexte Online, viewed 7 February 2020 <<http://alex.onb.ac.at/cgi-content/alex?aid=glo&datum=1939&size=45&page=5157>>.

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grounds that Gypsies were an alien race that posed a threat to German-blooded schoolmates.¹⁴ This request was successfully realised in a decree promulgated on June 15, 1939 by the Ministry of Education in Berlin. The decree stated that Gypsy children who held German citizenship theoretically had the right to attend schools. At its core, however, this ruling was characteristically biopolitical, as it declared that ‘if such children constitute a moral or other threat to their classmates of German blood, they can be expelled from the school’.¹⁵ Indeed, this law not only announced the stringent biopolitical measures which sought the immediate expulsion of Austria’s Gypsy children from the educational system on racial grounds. As mentioned earlier, it also had a decisive impact upon Gypsy schooling in Germany, as the Austrian decree regarding Gypsy education was later applied to German schools on November 21, 1941. This shows that there were some transnational flows from annexed Austria to Nazi Germany which focused on the racial exclusion of Gypsies from German society.¹⁶

In addition to these biopolitical measures, *Anschluss* also brought about the centralisation of Austrian policing operations targeting Gypsies, indicating a more co-ordinated international approach for fighting the putative Gypsy plague. With the intent of restricting Gypsy movements between Germany and Austria, on May 13, 1938, Heinrich Himmler ordered all Gypsies of the ‘*Ostmark*’¹⁷ above the age of fourteen to be fingerprinted. This

¹⁴ For a detailed account of this, see G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, pp.59–62; E Thurner, *National Socialism and Gypsies in Austria*, The University of Alabama Press, Tuscaloosa and London, 1998, pp.40-41.

¹⁵ This ruling is cited in Präsidium des Stadtschulrates für Wien an den Herrn Reichskommissar für die Wiedervereinigung Österreich mit dem Deutschen Reiche, Staatliche Verwaltung des Reichsgaues Wien, am 13. November 1939, reproduced in R Rose *„Den Rauch hatten wir täglich vor Augen“: Der nationalsozialistische Völkermord an den Sinti und Roma*, Dokumentation und Kulturzentrum Deutscher Sinti und Roma, Wunderhorn, Heidelberg 1999, pp.94–95; the original decree can be found in ÖSTA, AVA Unterricht, F 4209, 327994 – 1939, Der Reichsminister für Wissenschaft, Erziehung und Volksbildung an das Ministerium für innere und kulturelle Angelegenheiten, Abt. IV in Wien, 15.06.1939

¹⁶ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, „Zulassung von Zigeunern und Negermischlingen zum Besuch öffentlicher Volksschulen“, RdErl. des RSHA vp, 21-11-1941.

¹⁷ It is worth noting that after 1942, the term ‘Ostmark’ was renamed to *Donau- und Alpenreichsgaue* (Danubian and Alpine Reichsgaue), see M Healy, “Local Space and Total War: Enemies in Vienna in the Two World Wars”, in S Goebel and D Keene (eds.), *Cities into Battlefields: Metropolitan Scenarios, Experiences and Commemorations of Total War*, Taylor and Francis Ltd, Great Britain, 2011, p.124.

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biometric data was to be sent to the RKPA in Berlin, allowing for an intensive exchange of information between the Austrian and German police authorities.¹⁸ One month later, on July 26, 1938, Himmler ordered that the police circular of December 14, 1937, also be applied to Austria. This law legitimised preventive arrest practices of criminals and provided the pretext for major roundups of Gypsies. It authorised the systemic surveillance of criminals and habitual offenders, while those under arrest could be placed into preventive custody and sent to a concentration camp without trial; the duration of their stay was unlimited.¹⁹ Nearly a year later, on June 5, 1939, the RKPA notified the regional Kripo office in Vienna that Himmler desired a decree allowing ‘Gypsies or Gypsy half-breeds of the Burgenland who [were] work-shy and asocial... to be taken into preventative custody’.²⁰ According to these guidelines, this regulation was viewed as ‘an objective safeguarding measure’, which would prevent the endangerment of the *Volk*.²¹ This measure marks the beginning of Gypsy arrests and incarcerations in concentration camps in both Austria and Germany. As a result, approximately 553 Gypsy men were deported to Dachau, while 440 women were sent to Ravensbrück.²² In her book, *Die Frauen von Ravensbrück*, Erika Buchmann recalls the horrific brutalities that the Gypsies suffered at the hands of the SS within this concentration camp:

One morning there they were, sitting there...utterly bewildered by fear, by expulsion from their usual neighbourhood, by forcible separation of the families.... The little Gypsy girls clung to the skirts of their mothers and started to cry whenever an SS man was to be seen. For two days and one night, the SS left the prisoners sitting on the

¹⁸ DÖW Vienna, Nr. 12543, Der Reichsführer SS und Chef der Deutschen Polizei im Reichsministerium des Innern, Berlin, den 13. Mai 1938.

¹⁹IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Vorbeugende Verbrechensbekämpfung durch die Polizei vom 26.7.1938; Grundlegender Erlass über die vorbeugende Verbrechensbekämpfung durch die Polizei vom 14.12.37*.

²⁰ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Vorbeugende Maßnahmen zur Bekämpfung der Zigeunerplage im Burgenland vom 5.6.1939*.

²¹ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, *Vorbeugende Maßnahmen zur Bekämpfung der Zigeunerplage im Burgenland vom 5.6.1939*.

²² BA Berlin, RD 19/29, *Jahrbuch Amt V Reichskriminalpolizeiamt des Reichssicherheitsamtes 1939/40*.

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ground in front of the bath, mocked by the female guards and the SS, spit at, beaten, kicked, exposed to the burning sun in the day and the cold at night until they were registered, bathed and clothed, and sent to a block at last.²³

As previously mentioned, sterilisation experiments were also performed on Gypsy women interned in the Ravensbrück concentration camp.²⁴

Austrian policy towards the Gypsies gradually escalated after the outbreak of the Second World War, as the Nazis devised systematic mass resettlement schemes in the newly acquired territories in the east in order to purge the German Empire of those who ostensibly threatened the racial health of the German *Volk*. Although the *Ostmark* Gypsies were initially exempted from the deportation of German Gypsies to the General Government, which took place in May 1940, they were eventually included in the plan to cleanse the German Reich of undesirable elements.²⁵

On account of the partially implemented Gypsy ‘evacuations’ to the east, coupled with pressure from the ‘grassroots’ of the party and state administrators to solve the *Zigeunerfrage*, the RKPA issued a decree on October 31, 1940, which provided instructions concerning the treatment of Gypsies living in the *Ostmark* in the immediate future.²⁶ The Gypsies of *Burgenland* were to be concentrated in heavily guarded ‘settlements’, under the supervision of a member of the Kripo. All male Gypsies, except those who were gainfully employed, were required to work in special labour camps situated near Linz and Eisenerz. Gypsies were only allowed to retain ten percent of their wage earnings, while the rest would be used to defray meal costs and cover the welfare support for their families. Gypsy women and children were

²³ E Buchmann, *Die Frauen von Ravensbrück*, Kongress-Verlag, Berlin, 1961, P. 30.

²⁴ For more on this, see Chapter Five: Eugenics and Population Policies in Twentieth Century Central Europe.

²⁵ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Richtlinien für die Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

²⁶ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief: Bekämpfung der Zigeunerplage in der *Ostmark*, Berlin, am 31.10.1940.

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also required to work, though they were limited to the cottage trade. The Gypsies from other areas of the *Ostmark* too were to be transformed into a productive labour force. Employed Gypsies would support those unable to work, while able-bodied women were utilised for clearing snow and cleaning the streets. Public funds could only be accessed when Gypsies fell below ‘a bare minimum standard of existence’. Those who intentionally breached these rules would face preventive police custody.²⁷

Though camps were erected on Reich territory or expanded as a result of this decree, such as those situated in Salzburg and Lackenbach, these settlement sites were viewed as a provisional arrangement for the internment of Gypsies.²⁸ These camps did not undertake any systematic exterminations; instead, their purpose was imprisonment and forced labour. Those who died, perished on the grounds of illness, starvation, or exhaustion, rather than because the state had moved to expressly exterminatory mass killings. Crucially, however, these sites also provided the foundation for later deportations to extermination centres, such as Auschwitz-Birkenau and Chelmno. Following Himmler’s 1942 Auschwitz decree, for example, the Salzburg camp was dissolved in the spring of 1943. The majority of Gypsy inmates, estimated to be around 2,760 people, were transferred to the extermination camp at Auschwitz, while a small group was transported to Lackenbach a week later.²⁹ In addition to this, the prevailing camp conditions, such as the danger of epidemics, later formed the rationale for the liquidation of its prisoner inmates, which was the case for approximately 5,000 Ostmark Gypsies who were initially deported to the ghetto in Łodz.³⁰ This systematic expulsion had deadly

²⁷ IfZ DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief: Bekämpfung der Zigeunerplage in der Ostmark, Berlin, am 31.10.1940.

²⁸ Camp Salzburg had already been in existence since May or June in 1939 and was expanded with two additional barracks in late August 1940 to accommodate the new influx of Gypsies. Camp Lackenbach, by contrast, was established on November 23, 1940. For the camp construction timeline, conditions and administration, see E Thurner, *National Socialism and Gypsies in Austria*, pp.19–28 and 42–102.

²⁹ E Thurner, *National Socialism and Gypsies in Austria*, pp.34–35.

³⁰ G Lewy, *The Nazi Persecution of the Gypsies*, p.110; E Thurner, *National Socialism and Gypsies in Austria*, pp.19–35; M Zimmermann, “From Discrimination to the ‘Family Camp’ at Auschwitz: National Socialist Persecution of the Gypsies”, *Dachau Review*, vol.87, no.2, 1990, pp.96–105.

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consequences for the Gypsies, many of whom died due to the terrible living conditions and rampant diseases which broke out in the ghetto. In an attempt to stop the spread of the typhus epidemic, by early January 1942, the Nazis decided to liquidate the ghetto and the remaining Gypsies, approximately 4,400, were deported to the killing centre of Chelmno, where they were murdered in gas vans.³¹

As in Germany, Austrian Gypsies too experienced the cumulative radicalisation of Nazi racial policy, which ended in a genocidal campaign at the hands of the Nazis. The persecution of the Austrian Gypsies demonstrates how this once sovereign country underwent a swift process of Nazification following the *Anschluss* of 1938. Until this point, policy towards the Gypsies had focused on their assimilation and the eradication of their peripatetic way of life. As a markedly Catholic country, pre-*Anschluss* Austria had also refused to implement the sterilisation measures of other nations that had embraced eugenicist policies. The annexation of Austria, however, signifies the point at which this continuity was ruptured, as regulations towards the Gypsies rapidly radicalised and aligned with those of Nazi Germany. To preserve the racial purification of the *Volksgemeinschaft*, Austrian Gypsies were subjected to biopolitical laws and regulations that were already in place in Germany under the Nazi Regime, such as the Nuremberg Laws, re-settlement schemes, and the decrees issued by Himmler and Heydrich. The cumulative radicalisation of measures against Austrian Gypsies gradually resulted in their extermination, in which the care of life became the administration of death in the Chelmno and Auschwitz extermination camps. The Austrian case demonstrates how the solution to the 'Gypsy Question' was, to some extent, forcibly centralised by the expansion of the Nazi state, which sought to protect and immunise 'valuable life'. Given this dynamic, the

³¹ According to Donald Kenrick, of the '8,000 Gypsies living in the Burgenland in 1938, only 870 survived and only 234 of these had not been imprisoned in a camp', see D Kenrick, "Book Reviews: The Nazi Persecution of the Gypsies", *Romani Studies* 5, vol.11, no.1, 2001. p.69; G Lewy, *The Nazi Persecution of the Gypsies*, pp.112–115; M Zimmermann, "From Discrimination to the 'Family Camp' at Auschwitz", pp.96–105.

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fate of the Gypsies under a non-totalitarian government, such as that of Switzerland, becomes an important comparative example.

Antiziganism in Switzerland During the 1930s:

The Gypsies in Switzerland also endured a long history of suffering, discrimination, and ill treatment. The Swiss authorities, too, viewed nomadism as a purported danger to the stability of the local community and sanctioned biopolitical practices of exclusion against foreign Gypsies in order to control immigration, and socially regulated the lives of those residing in Swiss territory. By the time of the rise of Nazism, however, Swiss bureaucrats had believed that their solution to the *Zigeunerfrage* had been largely solved by measures of assimilation and expulsion. The Swiss delegate to the Conference of the International Criminal Police Commission (ICPC), Dr. Heinrich Zangger, remarked in 1932 that a Gypsy problem in Switzerland no longer existed since the war, given its tight controls at the border which refused Gypsy entry and the naturalisation of all those remaining on Swiss soil.³² Thus, during the period of the Nazi regime in Germany, Swiss Gypsy policy focused squarely on foreigners rather than citizen Gypsies. In contrast to the Austrian persecution of the Gypsies, the Swiss case shows no rupture in Gypsy policy, nor a lurch to biopolitical measures to protect the racial integrity of the *Volk*. Instead, Swiss authorities maintained their earlier stiff prohibition on Gypsies entering Switzerland. Hence, foreign Gypsies continued to be persecuted on a sociological basis, rather than for racial reasons. It also remained outward looking, keeping intact the citizen / foreigner distinction, rather than seeking to comb through the domestic Swiss population in order to ‘purify’ it.

This divide between liberal and Nazi Gypsy policies is not, however, the whole story. In some ways, Nazism’s genocidal radicalism conceals the different but nonetheless forceful

³² BAR E 4260C 1000/837 Nr. 46, *Kommissions – Berichte*, Mittwoch, den 19. Oktober, 1932.

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forms of exclusion that characterised non-fascist Switzerland, as well as some of the enduring transnational links between Switzerland and Nazi Europe. As made clear in an earlier chapter, through its involvement with the ICPC, Switzerland, along with Austria and Czechoslovakia, continued to lead the push for co-ordinating international crime-fighting operations to solve the alleged ‘Gypsy Question’ prior to 1933. In 1931 it called, once again, for European states to forcibly naturalise their Gypsy populations, and for the ICPC to create an international database registry for Gypsies.³³ While this proposal was rejected by the ICPC conference delegates at the annual meeting held in Paris in 1931, a transnational, biopolitical set of guidelines to assist in the struggle against the ‘Gypsy nuisance’ was approved. This imposed stricter surveillance techniques, extensive data collection and heavier restrictions of movement upon wandering Gypsies and vagrants.³⁴ The Swiss suggestion for the establishment of an international headquarters for dealing with Gypsy affairs, however, was widely endorsed by the ICPC representatives, and its creation became a high priority after the rise of National Socialism.

It was mentioned again at the ICPC conference in Vienna, which took place between September 17 and 21, 1934. In his policy report, the Czechoslovak representative, Josef Vaňasek, urged for the immediate establishment of an international office for handling Gypsy affairs in Vienna. Such an agency, he argued, would ‘collect news concerning so-called international Gypsies...[and] provide the necessary information, required by other states, of Gypsies arrested within their territory’.³⁵ For this organisation to be successful, he

³³ BAR E 4260C 1000/837 Nr. 45, Der Chef der Polizeiabteilung Sig. Rothmund to Prof. Dr. Zangger, 23. September 1931.

³⁴ The original proposal from the Austrian government can be found in ÖStA BKA 20/2 Kt. 4750, 108.881/1931, Abschrift, Wien, am 14. Oktober 1931. Similar copies can be viewed in BAR E4322 1991/156 Nr. 46, *Die internationale Zusammenarbeit auf kriminalpolizeilichem Gebiete*, Pp. 109 – 110 and Dressler, O. *Die Internationale Kriminalpolizeiliche Kommission und Ihr Werk*, Herausgegeben für den Dienstgebrauch von der Internationalen Kriminalpolizeilichen Kommission in Berlin-Wannsee, am Kleinen Wannsee 16, 1942, Pp. 97 – 98.

³⁵ BAR E4260C 1000/837 Nr. 47, Dr Josef Vaňasek, *Kampf gegen die Zigeuner*, Internationale Kriminalpolizeiliche Kommission X. ordentliche Tagung, Nr. 15.

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recommended the creation of Gypsy administrative offices within each country, tasked with compiling information of known Gypsies including their fingerprints, name, tribal affiliation, personal documents (such as their passport and itinerant trading license), and any criminal convictions. This collected data, he continued, would be subsequently transmitted to the international office in Vienna and circulated to the relevant authorities.³⁶ The Commission responded positively to Vaňasek’s remarks and agreed to establish the Gypsy headquarters in Vienna as soon as possible. Additionally, the conference participants decided to set up a permanent committee for handling Gypsy matters, who were assigned with continuing to study the ‘Gypsy question’ and assisting in erecting the central department for international Gypsy affairs.³⁷

The following year marked a critical shift in the international approach towards the *Zigeunerfrage*, owing to the Nazi infiltration of the ICPC. After Hitler’s rise to power, Nazi police authorities did not strive for the immediate control of the ICPC; rather, they opted to gradually exert their influence through their active participation at meetings and communicating their experiences with international crime-fighting. In this way, the National Socialists would be ‘accepted as a viable partner in international affairs, a nation among nations.’³⁸ The presence of Nazi officials was first felt in the ICPC meeting in Copenhagen in 1935, which they used as a platform for espousing their racial ideology and radical regulations for controlling the Gypsies. A position paper on the National Socialist persecution of the

³⁶ BAR E4260C 1000/837 Nr. 47, Dr Josef Vaňasek, *Kampf gegen die Zigeuner*, Internationale Kriminalpolizeiliche Kommission X. ordentliche Tagung, Nr. 15.

³⁷ The Committee members consisted of ICPC representatives from Czechoslovakia, Italy, Germany and Austria. See BAR E4260C 1000/837 Nr. 47, Beschlüsse der „Internationalen Kriminalpolizeilichen Kommission“ (Gefaßt in der X. ordentlichen Tagung in Wien vom 17. Bis 21. September 1934.)

³⁸ M Deflem, “The Logic of Nazification: The Case of the International Criminal Police Commission (‘Interpol’)”, *IJCS*, vol.43, no.1, pp.27–28; M Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford University Press, Oxford, 2002, p.195.

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Gypsies was presented by Dr. Kurt Bader, an undersecretary from Karlsruhe, who proclaimed in front of his international audience that

The Gypsies, in so far as they are pure-blooded, constitute a race of a special kind. In it, the instinct to wander is congenital and anchored in the blood. If this instinct to wander is forcibly suppressed, then one can expect a phenomenon of degeneration to occur. This really functions to turn the Gypsy into a criminal.³⁹

Owing to their racial predisposition towards criminality, Bader concluded, Gypsies would never completely assimilate into German society. Thus, he recommended that ICPC members consider sterilisation, incarceration into workhouses or expulsion as biopolitical solutions for dealing with these ‘incurable elements’.⁴⁰ Karl Zindel, who at the time was working on a national Gypsy law, also gave a presentation regarding ‘the fortunate success’ of the Third Reich’s measures against criminals.⁴¹ Interestingly, these presentations were positively received by the conference delegates.

Austria nonetheless remained a key player regarding Gypsy matters. To reinforce the urgency of a database for the international exchange of Gypsy intelligence, Schultz presented a draft proposal for the long-standing ‘guidelines concerning the establishment and management of an international central agency for the fight against the Gypsy nuisance’. This stipulated that the International Headquarters would store and exchange information on ‘roving Gypsies and other persons travelling in a Gypsy-like manner’ who were stateless, had left their country of nationality or were unable to have their identity or place of origin ascertained by the

³⁹BAR E4326A 1991/157 Nr 3. Dr. Bader, *Bekämpfung des Zigeunerunwesens*, Internationale Kriminalpolizeiliche Kommission XI. ordentliche Tagung, Nr. 9.

⁴⁰BAR E4326A 1991/157 Nr 3. Dr. Bader, *Bekämpfung des Zigeunerunwesens*, Internationale Kriminalpolizeiliche Kommission XI. ordentliche Tagung, Nr. 9.

⁴¹BAR E4326A 1991/157 Nr 3. Dr. Bader, *Bekämpfung des Zigeunerunwesens*, Internationale Kriminalpolizeiliche Kommission XI. ordentliche Tagung, Nr. 9.

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authorities.⁴² Responsibility for the transmission of data was to be determined by the governments of each country, and the ICPC was to be informed of the authorities entrusted with this task. The information regarding registered Gypsies to be stored within the international database included their name, personal details, and biometric data (such as photographs and fingerprints, to be stored in a special collection), as well as known criminal records or prosecutions. Crucially, based on the available information, the ICPC was tasked with producing ‘reliable genealogies’ (*Stammbäume*) of individual Gypsies – a model which had already proved successful through the work and research of the Robert Ritter Institute in Hitler’s Germany.⁴³

The ICPC expressed its unqualified approval for Schultz’s initiative and the decision was made to collect genealogical data and information regarding the Gypsies in order to build an international registry in Vienna, which functioned similarly to the Central Gypsy Affairs Office in Nazi Germany.⁴⁴ While, at this point, Austria still maintained a key role in the international fight against the Gypsies, the conference resolutions of 1935 demonstrate that Nazi representatives exercised considerable influence over the Commission’s policies and agenda. The police delegates elected to endorse Nazi race theories and adopt their racial methods of classification, even though there was not a clear and comprehensive definition of those who could be termed or registered as ‘Gypsies’. This broader categorisation of European Gypsies was still preferred presumably because it served as a ‘catch-all’ term for itinerant groups and individuals who behaved in a ‘Gypsy manner’.

⁴² BAR E4326A 1991/157 Nr 3., Entwurf Richtlinien für die Anlage und Führung der „Internationalen Zentrale zur Bekämpfung des Zigeunerunwesens“.

⁴³ BAR E4326A 1991/157 Nr 3., Entwurf Richtlinien für die Anlage und Führung der „Internationalen Zentrale zur Bekämpfung des Zigeunerunwesens“.

⁴⁴ BAR E4260C 1000/837 Nr. 48, Beschlüsse der „Internationalen Kriminalpolizeilichen Kommission“ (Gefaßt in der XI. ordentlichen Tagung in Kopenhagen vom 17. Bis 20. Juni 1935.)

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Following the Copenhagen meeting, the Austrian ICPC commissioners began immediate preparations for creating an international office for handling Gypsy affairs.⁴⁵ On March 18, 1936, the ICPC General Secretary informed the commission delegates that the International Central Office for Combatting the Gypsy Nuisance had been set up by the Federal Police Directorate in Vienna. The directive confirmed the creation of an international database network, containing genealogical and biometric data, such as photographs, fingerprints and criminal records, of Gypsies whose information had already been collected and compiled by local and national registries of ICPC member states.⁴⁶ A German memorandum from June 5, 1936, confirmed the creation of the ICPC office and subsequently instructed the German police to work in full co-operation with the ICPC, confirming a close liaison between these two institutes.⁴⁷

The establishment of this international Gypsy cataloguing system represents a key turning point in the transnational effort to combat the so-called *Zigeunerplage*. This international data base would chart the transnational networks of Central Europe’s Gypsy populations, enabling the identification, policing, and deportation of European Gypsies to be managed in a swifter and more centralised manner via stricter border controls, co-ordinated sweeps and intensive exchanges of information and intelligence between ICPC member states. As such, it is clear that prior to *Anschluss*, a partially centralised and transnational approach to the Gypsy Question had already been achieved. The long-standing aim of Central European

⁴⁵ The draft plans for this office, which began around December 1935, can be viewed in ÖSTA 4751.

⁴⁶ The establishment of the International Office in Vienna was confirmed in ÖSTA 4751 Bundespolizeidirektion in Wien an das Bundeskanzleramt, Generaldirektion für die öffentliche Sicherheit, Wien, am 26. Juli 1937. The directive can be found in BAR E4260C, 1974/34 Nr. 307, „Richtlinien für die Anlage und Führung der ‚Internationalen Zentralstelle zur Bekämpfung des Zigeunerunwesens‘“, Internationale Kriminalpolizeiliche Kommission an alle Mitglieder der Internationalen Kriminalpolizeilichen Kommission, Wien am 18. März 1936; BAR E 4322 *Richtlinien für die Anlage und Führung der Internationalen Zentrale zur Bekämpfung des Zigeunerunwesens*.

⁴⁷ IfZ MS 410, „Bekämpfung der Zigeunerlage“ Runderlass des Reichs und Preußischen Ministers des Innern vom 5. Juni 1936.

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states to establish an international headquarters for handling Gypsy affairs had finally succeeded.

The ICPC after *Anschluss*:

After the *Anschluss* in 1938, the ICPC came under the firm control of the National Socialists, offering a strategic apparatus for advancing their own approach to policing. Only those Austrian police officials deemed relatively loyal to the Nazis were exempted from dismissal, consolidating the Nazification of the ICPC. Oskar Dressler, who had been the Secretary General of the ICPC since 1923, managed to maintain his position and was not among the Austrians held under political arrest following *Anschluss*.⁴⁸ He continued to cooperate with the Nazi-appointed ICPC President, Otto Steinhäusel, edited the ICPC periodical, which was renamed *Internationale Kriminalpolizei*, and contributed towards the Nazification of international policing. In the March 1939 issue of the Commission's magazine, for example, Dressler promoted the book of Dr. Wilhelm Stuckart, an architect of the Nuremberg Laws, and declared that 'racial care is of immense importance for the combat of criminals.'⁴⁹

Following the annexation, the Gypsies remained a subject of international interest. On March 23, 1939, Zindel circulated a report to the ICPC commissions ahead of their meeting that was scheduled to take place in Berlin in September 1939. A crucial component of this report indicated the international progress towards combatting the alleged Gypsy nuisance. To procure an extensive collection of Gypsy intelligence for the international headquarters, Zindel requested the transmission of data to the newly established ICPC Gypsy office and also urged individual states to establish their own national Gypsy registries.⁵⁰ The report noted that several European countries communicated that the 'Gypsy Question' was no longer a matter of

⁴⁸ M Deflem, *Policing World Society*, p.184.

⁴⁹ F Bressler, *Interpol*, Mandarin, Great Britain, 1992, p.50; M Deflem, *Policing World Society*, p.184.

⁵⁰ BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939.

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significant importance, either because the existing regulations in place already dealt with citizen and foreign Gypsies, or because Gypsies had not been found residing within their territory. Crucially, Switzerland was one of these countries who shared this view, with the Swiss representative stating that while few citizen Gypsy families resided on Swiss soil, they had not encountered any foreign Gypsies within their borders.⁵¹

Zindel’s missive further stated that both the German and Latvian representatives had requested for the ICPC to have at their disposal a collection of existing anti-Gypsy laws already enforced in different areas of Europe. As such, drawing on the information that they had received from several ICPC representatives, the report summarised the provisions to combat the ‘Gypsy nuisance’ that had been enacted in Bulgaria, Denmark, Danzig, Lithuania, Hungary, Switzerland, and Czechoslovakia. Other European nations, such as Belgium, Finland, Ireland, Luxembourg, Norway, Portugal and Yugoslavia, by contrast, had not promulgated specific anti-Gypsy regulations; rather, they had opted to deal with their respective nomadic populations through legal provisions which targeted vagrancy more generally.⁵²

Additionally, Zindel also discussed the successful anti-Gypsy regulations implemented in Germany. He declared that pursuant to Himmler’s decree issued on December 8, 1938, a centralised registration system had been successfully established for all Gypsies, Gypsy ‘half-castes’ and those ‘vagabonding in a Gypsy manner’, which was being co-ordinated by the Ritter institute and implemented by the RKPA, headed by Arthur Nebe.⁵³ Zindel concluded his report

⁵¹ Other countries who had little or no interest in the ‘Gypsy Question’ included: Denmark, Danzig, Finland, Great Britain, Ireland, Latvia, Lithuania, Luxembourg, Norway and Portugal, see BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939. Regula Ludi documents in detail one case in which during the mid-1920s a Gypsy family was taken in from Italy and allowed to reside on Swiss soil after being apprehended at the Swiss border, see R Ludi, “Swiss policy towards Roma and Sinti Refugees”, pp.126–129.

⁵² BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939. Further information regarding Gypsy treatment in Hungary, Yugoslav and Norway can be viewed in D Kenrick, *The Gypsies During the Second World War: The Final Chapter*, the University of Hertfordshire Press, Hertfordshire, 2006.

⁵³ BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939.

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by calling for the circulation of biometric data such as photographs and fingerprints of Gypsies whose identities could not be determined by the authorities.⁵⁴ Though the 1939 meeting was initially postponed, it is possible that Zindel intended to infuse the German police efforts for combatting the Gypsy problem with those of the ICPC so as to further Nazi goals. Nonetheless, this document demonstrates that the Nazis still wielded significant influence upon the direction of international action against the Gypsies. It highlights how the Nazis attempted to pursue their agenda of centralising European policing practices and the collection of Gypsy data, which would assist them in persecuting their own Gypsy population. More importantly, the activity of the Nazified ICPC also shows a pan-European movement for combatting the ostensible *Zigeunerplage*, which confirms that there were other European nations apart from Germany, Switzerland and Austria that had introduced measures aimed at controlling Gypsies.⁵⁵

There is considerable controversy in the literature regarding the course of the ICPC after the Nazi infiltration. Some scholars, such as Michael Fooner and Peter Lee, have contended that the Commission ceased to function following the *Anschluss*, while others, including Mathieu Deflem and Fenton Bressler, have argued more persuasively that the ICPC was strategically utilised to advance Nazi goals.⁵⁶ Although there were no conferences that were convened after the outbreak of the Second World War, the members of the Commission still maintained communication via written correspondence. A 1940 report in *Die Deutsche Polizei* further confirms that the ICPC remained functional during the war, declaring that ‘all the states of the Commission – except of course England and France – continue international

⁵⁴ BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939.

⁵⁵ BAR E4260C 1974/34 Nr. 276, Internationale Kriminalpolizeiliche Kommission: Internationale Bekämpfung des Zigeuner-(Nomaden)-Unwesens, den 23. März, 1939.

⁵⁶M Fooner, *Interpol: Issues in World Crime and International Criminal Justice*, Plenum Press, New York, 1989, p.40; P Lee, *Interpol*, Stein and Day, New York, 1976, p.19; F Bressler, *Interpol*, pp.55–75; M Deflem, *Policing World Society*, pp.180–195.

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criminal-police collaboration in the frame of this Commission’.⁵⁷ Furthermore, there is evidence showing that reports of wanted criminals continued to be issued in the official ICPC magazine during the war. The following excerpt, for example, was a ‘wanted’ notice of an apparently Gypsy woman who was being pursued by the ICPC for her alleged crime as an international trickster:

In the period between April 21 and 26, 1944, an unknown woman appeared in Prague, who succeeded by fraudulent means in persuading persons of German and Czech nationality to part with large sums in cash and various objects such as furs and coats. The damage so far amounts to more than KR 150,000. She is in possession of a passport in the name of Madeleine de la Croix, born on 3.10.13 in Marseilles, issued by the Police headquarters in Paris on 13.1.42 No. 378/42,

According to her victims she represents herself as the daughter of the former French ambassador, also as an artiste or film actress.

This is a travelling confidence trickster, who is certainly not the person she has claimed to be. She speaks Slovak, Czech, good German, French, Hungarian, Russian and has accurate local knowledge of Prague, Vienna, Budapest, Berlin and several other cities. She is alleged to have come to Prague from Budapest by way of Vienna.

Personal description: about 31 years old, about 155cm tall, slim, notable black dyed hair, shaved eyebrows made up with eyebrow pencil, very big mouth.

Special features: both her middle upper teeth are obviously false and badly fitted. She has rather the look of a Spanish woman but could even be a Hungarian Gypsy.

Request is made for energetic search and arrest.⁵⁸

⁵⁷ *Die Deutsche Polizei*, 1940:305, cited in M Deflem, “The Logic of Nazification”, p.30.

⁵⁸ Reproduced in F Bressler, *Interpol*, p.77.

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The Nazi intention to take over the ICPC presidency and logistics was accelerated after the death of Steinhäusel in June 1940, and Nazi control of the ICPC was solidified through pseudo-legal means. After his candidacy was ‘passed unanimously’, Reinhard Heydrich resumed the presidency of the Commission.⁵⁹ As a result, the ICPC headquarters was moved to the Reich Criminal Police Department (or RKPA) offices in Berlin and the Commission’s new leadership was ‘institutionally linked with Nazi police structures’.⁶⁰ Furthermore, the Nazis’ authoritative position within the ICPC was firmly entrenched in a circular issued by Himmler on December 8, 1941 which reiterated that the ICPC would work in close accord with the RKPA. It stated: ‘the central organs of the ICPC will under German leadership become more and more systematically expanded to real-world criminal police.’ The Commission further required the support of all German police authorities, especially ‘when negotiating with foreign police forces and... [when] visiting their representatives in Germany’.⁶¹ By adapting to historical circumstances and opportunities, the Nazis pursued what Deflem describes as a ‘two-step’ process to dominate the ICPC, which followed the foreign policy of the Third Reich and reflected their overall aim for European domination. This involved a strategic shift from seeking influence through active international participation to striving for total control of the organisation by securing the presidency of the ICPC, consequently allowing the Nazis to use the Commission as a tool for advancing their aims.⁶² Deflem rightly points out, however, that in practice, the co-ordination of the ICPC did not function as planned, and with the exception of the passport issue, the Nazification of the ICPC did not ultimately achieve any concrete results. Even staunch anti-communists, such as J. Edgar Hoover, were reluctant to co-operate

⁵⁹ In reality, only 27 police officials representing 15 states consented, while the countries that could not be addressed were not counted and those that had abstained were considered as not voting against the motion, see M Deflem, “The Logic of Nazification”, p.25.

⁶⁰ M Deflem, *Policing World Society*, pp.184-185.

⁶¹ The Himmler’s decree of December 8 1941 is reproduced in „Zusammenarbeit mit der ‚Internationalen Kriminalpolizeilichen Kommission““ in O Dressler, *Die Internationale Kriminalpolizeiliche Kommission und Ihr Werk*, pp.25-26.

⁶² M Deflem, *Policing World Society*, pp.180–195; M Deflem, *The Logic of Nazification*, pp.30–33.

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with the ICPC following *Anschluss*, as they were aware of the growing Nazi influence upon the ICPC. After Hoover clarified that the Commission had ‘assumed a distinctly Austro-German atmosphere’, this was deemed as the ‘principal objection to joining the Commission’ and after the ICPC headquarters was moved to Berlin, the FBI leadership consequently decided to ‘terminate all communications’ with the Commission.⁶³

Even though the Nazi goal of achieving an SS-dominated policing order was ultimately unsuccessful, by adapting to circumstances and opportunities, the Nazis sought to gradually infiltrate the ICPC, harnessing the European police organs to not only create systematic networks of information exchange, which assisted in cross-border crime fighting, but also to persecute antagonists or racial enemies of the Nazi state.⁶⁴ Some scholars, such as Thomas Huonker, have asserted that the increasing collaboration between the ICPC and RSHA implies that all structures, networks, personnel and logistics of the ICPC were at the disposal of the Nazis, and thus the ICPC played a decisive role in the execution of the genocidal policy towards the European Jewry and Gypsies.⁶⁵ It is difficult to discern the exact extent of such activities, though it is certainly possible that the pre-existing networks between Germany and other European police organs were utilised to further the racial and political agenda of the Nazis. However, what remains clear is that the Commission was functional after the outbreak of the Second World War, and that the fight against the ostensible *Zigeunerplage* continued to remain a matter of international interest, pursued by a transnational approach under a thoroughly Nazified ICPC.

⁶³ Cited in M Deflem, *Policing World Society*, p.180.

⁶⁴ M Deflem, *Policing World Society*, pp.180–195.

⁶⁵ Huonker, T., „Roma, Sinti, Jenische Strukturen, Haltungen, Entwicklungen in der Schweiz vor, während und nach dem 2. Weltkrieg. Unabhängige Expertenkommission Schweiz - 2. Weltkrieg Forschungsmandat Huonker, Stand Teilbericht 22. Oktober 1998“ in Huonker, T and Ludi, R, *Roma, Sinti, Jenische Schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, zunächst als Teilbericht zum Flüchtlingsbericht, Publikationen der Unabhängigen Expertenkommission Schweiz - 2. Weltkrieg, Chronos Verlag, Zürich, 2001., pp.70-75.

Switzerland's Role in the *Porrajmos*:

Evaluating the position and level of complicity of the Swiss ICPC members in the genocide of the Gypsies is quite difficult. The limited evidence available indicates that the Swiss commissioner, Werner Müller, had a good relationship with Heydrich, audited the ICPC books and was a co-editor, alongside Nebe, of the ICPC Journal. The personal papers of Müller make clear that he was devoted to the ICPC, protecting his country, and showed unwavering loyalty to high-ranking Nazi police officials. What is unclear is whether he was aware of the radically escalating policies targeting Gypsies living under the Third Reich.⁶⁶

There is some evidence which suggests that the Swiss authorities were aware of the National Socialists' growing Gypsy persecution. For example, on May 27, 1940, the Cologne consul, Franz Rudolf von Weiss, in strict confidence, informed the Swiss ambassador in Berlin that 'after talking to a police officer, quite a number of Gypsies have been recently deported to Poland, allegedly because several had attempted to give our traffic signals to enemy aircraft'.⁶⁷

The timing of this letter could indicate that this was a pretext masking Heydrich's deportation order to systematically remove citizen Gypsies from Reich territory, which had been issued a month earlier, as this missive was sent to the Swiss soon after the first instalment of Gypsy transportations to the east had been completed in mid-May. Indeed, it is likely that this group of Gypsies were expelled to the General Government in conjunction with Heydrich's decree and because they ostensibly endangered the racial hygiene of the *Volk*, rather than merely because they were suspected of espionage.⁶⁸ Additional evidence also exists which

⁶⁶ Huonker, T. „Roma, Sinti, Jenische Strukturen, Haltungen, Entwicklungen in der Schweiz vor, während und nach dem 2. Weltkrieg. Unabhängige Expertenkommission Schweiz - 2. Weltkrieg Forschungsmandat Huonker, Stand Teilbericht 22. Oktober 1998“, pp.70-75.

⁶⁷ BAR E 27 9564, Weiss to Fröhlicher, 27 Mai 1940.

⁶⁸ Heydrich's 1940 order can be viewed in IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Der Reichsführer SS und Chef der Deutschen Polizei im Reichsministerium des Innern an die Kriminalpolizeileitstellen Hamburg, Bremen, Hannover, Düsseldorf, Köln, Frankfurt a.M., Stuttgart, Betrifft: Umsiedlung von Zigeunern, Berlin, den 27.4.1940.

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confirms that the Swiss knew of organised Nazi violence against the Gypsies. For example, in 1942, a private Swiss citizen informed the Swiss Consulate in Hamburg of the mass killings that they witnessed being carried out in the east by the *SS-Sonderkommando* during their stay in Poland.⁶⁹

Yet the knowledge of the racial persecution of Gypsies living under National Socialism did not trigger any relaxation of Swiss policies against foreign Gypsies, as the Swiss essentially closed the doors on their last options for escape. In the mid-1930s, Gypsies in Switzerland continued to be viewed as undesirable foreigners who should, without hesitation, be ‘expelled immediately at the border’ and denied an entry visa.⁷⁰

During the Second World War, the Swiss also maintained their ban on Gypsy asylum seekers. This is evident in correspondence from August 13, 1942 when Swiss officials informed appropriate state agencies that ‘those individuals who seek asylum in Switzerland on racial grounds...are not to be considered political refugees’.⁷¹ As a result of this rigid approach, many were unable to find safe haven from the Nazis and were consequently sent to their death. Such was the case for Anton Reinhardt, a seventeen-year-old German Gypsy, who swam across the Rhine to Switzerland on August 25, 1944, where he was apprehended and brought to the district jail.⁷² Though he attempted to claim asylum in Switzerland as a conscientious objector, the police officials could not ascertain his identity. Based on their interactions with German police officials, the Swiss had also believed he supplied a false statement, as he had registered using the name of his stepfather. As German sources indicate, he was awaiting enlistment in the

⁶⁹ Ludwig, C. *Die Flüchtlingspolitik der Schweiz: Seit 1933 bis zur Gegenwart. Bericht an den Bundesrat zuhanden der eidgenössischen Räte*, Bern, 1957, p.234.

⁷⁰ R Ludi, “Swiss policy towards Roma and Sinti refugees from National Socialism: Defensive walls instead of asylum”, 126; Independent Commission of Experts Switzerland – Second World War *Switzerland and Refugees in the Nazi Era*, Bern, 1999, p.133.

⁷¹ Reproduced in Szita, S. *Trading in Lives? Operations of the Relief and Rescue Committee in Budapest, 1944-1945*. CEU Press, Budapest, 2005, p.95 Cited in *Switzerland and Refugees in the Nazi Era*, p.130.

⁷² The case documents are reproduced in R Rose, ‘*Den Rauch hatten wir täglich vor Augen*’, pp.331-335.

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armed services, had refused an order for forcible sterilisation and was being pursued by the Gestapo. During a Swiss interrogation, Reinhardt mentioned that relatives of his Swiss-born mother were incarcerated in Auschwitz and he also revealed that he had been threatened with deportation to this concentration camp. This seems quite plausible, given that such threats were generally made by the Kripo to those Gypsies who refused sterilisation, as stipulated in the implementing regulations of the Auschwitz decree issued in January 29, 1943.⁷³ Nonetheless, the Swiss authorities denied his request for asylum, contrary to the new Swiss guidelines of July 12, 1944, which declared that those ‘foreign nationals who, for political or other reasons, face actual bodily harm or death, and have no other recourse but to seek asylum in Switzerland must be rescued from danger’.⁷⁴ Reinhardt was subsequently deported to Alsace on September 8, 1944 and, shortly thereafter arrested by the German authorities. Though he was able to flee, he was eventually re-apprehended by the Nazis and shot.⁷⁵

In addition to this, Regula Ludi points out that there are other cases which indicate that Swiss Gypsies under police scrutiny who were unable to prove their nationality were subject to deportation to Auschwitz-Birkenau. Such was the case for Josef. F, who had been born in Switzerland and was able to confirm his citizenship from his town district. The authorities doubted the authenticity of his documents, owing to his connections with the ‘roving Gypsy band B’ and his profession as a street musician.⁷⁶ Following a federal police investigation, the authorities determined that Josef was an illegitimate child of Katharina F. and had falsely assumed the family name of his mother’s former husband. Though he made attempts to prove

⁷³ IfZ, DC 17.02, „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“, Schnellbrief, Betr. Einweisung von Zigeunermischlingen, Rom-Zigeunern und balkanischen Zigeunern in ein Konzentrationslager, Berlin am 29. Januar, 1943.

⁷⁴ Reproduced in R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130.

⁷⁵ R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130.

⁷⁶ The original case files can be found in BAR E 4264 1988/2, Vol. 142, and a detailed overview of this study has been translated and explained by R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130–132.

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his citizenship, the Swiss authorities considered him to be a ‘Gypsy who wrongly claims he is Swiss’.⁷⁷ He was denied a Swiss passport and, since he was unable to prove his Swiss nationality to the German authorities, the consequence was that he was deported to Auschwitz on May 19, 1944. Though Josef managed to survive his ordeal at Auschwitz, this case study shows how even Gypsies who originated from non-fascist countries such as Switzerland were not safeguarded from Nazi persecution, especially in cases where they could not ascertain their identity and the relevant diplomats were unable to intervene on their behalf to release them from German custody. It further demonstrates how the Swiss authorities continued to treat Gypsies within a framework which intended to deny entry and citizenship to those suspected of conducting an itinerant lifestyle.⁷⁸

Conclusions:

Unlike Austria and Nazi Germany, Swiss anti-Gypsy policy was based on social motivations, rather than biological reasoning. Due to the prevailing attitude that the Gypsies were a large-scale nuisance, if not a menace, Swiss officials sought to deny all foreign Gypsies entry into their territory. While Swiss policies were not as radical as their German and Austrian counterparts, the concept of biopolitics nonetheless applies to the situation in Switzerland. Swiss authorities too intended to shape their population to privilege a certain way of living, while denying others the chance for residency because their lifestyle was perceived to be a danger to host communities. Here the definition of the term ‘Gypsy’ continued to follow a sociological criterion, rather than a racial one. As such sedentarisation of citizen Gypsies always remained central to the Swiss objectives. In contradistinction to Nazi biopolitics, the Swiss did not root out their own Gypsy citizenry. The decision to close Swiss borders to

⁷⁷ BAR E 4264 1988/2, Vol. 142; R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130–132.

⁷⁸ BAR E 4264 1988/2, Vol. 142; R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130–132.

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refugees seeking asylum from Nazi persecution, however, demonstrates that Switzerland acted as a complicit bystander to the genocide of both European Jewry and Gypsies, characterised by its refusal to offer assistance. There are some case studies which demonstrate that even Swiss Gypsies were not protected from deportation to Auschwitz, especially when they were unable to prove their citizenship beyond doubt.⁷⁹

Through the utilisation of the International Criminal Police Commission, a centralised Central European approach towards solving the *Zigeunerfrage* was at least partially implemented. Although Swiss policy was clearly not as radical as that of Austria and Germany, Switzerland still spearheaded the charge for more stringent international measures for controlling Gypsies and managed to garner support from other European powers to achieve its long-standing aim of creating an International Gypsy Office. For its part, the ICPC exerted a major influence over sovereign institutions and shaped the professionalisation of European policing practices for fighting cross-border crime, such as the ostensible ‘Gypsy plague’. The annexation of Austria on March 12, 1938, allowed Nazi authorities to radicalise Austrian policies towards the Gypsies and align its biopolitical regulations with that of Germany. It also permitted the Nazi police to infiltrate the International Criminal Police Commission, which was traditionally under Austrian leadership, and gradually bring its activities under Nazi control. In this way, the ICPC too was complicit in the genocide of the Gypsies, and a partial transnational approach that supported Nazi approaches to the *Zigeunerfrage* was achieved. Central European police authorities operated as a crucial tool for implementing radical biopolitical policies against the Gypsies which would ultimately seek their total eradication.

⁷⁹ See R Ludi, “Swiss policy towards Roma and Sinti Refugees from National Socialism: Defensive Walls Instead of Asylum”, pp.130–132.

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Following the collapse of the Nazi regime, the Gypsy community was in serious disarray. More than ninety percent of the Gypsies who were deported from the German Reich to Auschwitz-Birkenau failed to return. Those who did survive were not only traumatised by their experiences in the family camp but were also destitute and deeply demoralised. Family structures had been broken with the death of the elders and communities were unable to reproduce due to their sterilisation.¹ To make matters worse, the Gypsies were still victims of exclusionary mechanisms. Swiss policies towards the Gypsies did not constitute a break in continuity until the 1970s, while Germany and Austria also returned to liberal practices of biopolitics as a way for controlling vagrancy.² The genocide was recognised by Western Germany in 1982.³

The origins of this disaster, and of the biopolitical persecution of Central European Gypsies more broadly can be dated back to the late nineteenth and early twentieth century. During the *Kaiserreich*, German authorities made use of a range of strategies to combat the Gypsies who were purportedly plaguing the countryside with their nomadic behaviour. Motivated by the demands of rural populations and the media that the state ensured the safety

¹ I Hancock, "Responses to the Porrajmos (The Romani Holocaust)" in A Rosenbaum (ed.), *Is the Holocaust Unique?: Perspectives on Comparative Genocide*, Westview Press, USA, 1996, pp.39-60; I Hancock, "Romanies and the Holocaust: A Re-Evaluation and Overview", in D Stone, (ed.) *Historiography of the Holocaust*, Palgrave, New York, 2004, pp.383-394; G Lewy, *The Nazi Persecution of the Gypsies*, Oxford University Press, New York, 2000, p.199; G Margalit, *Germany and its Gypsies*, the University of Wisconsin Press, Wisconsin, 2002, pp.83-123.

² For a critical study of post-war Gypsy treatment in Germany, Austria and Switzerland see T Meier, "The Fight Against the Swiss Yenish and the 'Children of the Open Road' Campaign", *Romani Studies* 5, vol.18, no.2, 2008, p.118; R Ludi "Swiss policy towards Roma and Sinti refugees from National Socialism: Defensive walls instead of asylum" in Kenrick, D. (ed.) *The Gypsies During the Second World War. 3, The Final Chapter*, University of Hertfordshire, Paris and Hatfield, 2006, pp.119-120,132; F Freund, "Genocidal Trajectory: Persecution of Gypsies in Austria, 1938-1945" in A Weiss-Wendt, (ed.) *The Nazi Genocide of the Roma: Reassessment and Commemoration*, Berghahn Books, New York, and Oxford, 2013; G Lewy, *The Nazi Persecution of the Gypsies*, pp.199 – 215; G Margalit, *Germany and its Gypsies*, pp.83-123.

³ To view a comprehensive discussion on the post-war struggle for Gypsy compensation, see G Margalit, *Germany and its Gypsies*, pp.83-142 and J von dem Knesebeck, *Roma Struggle for Compensation in Post-War Germany*, University of Hertfordshire Press, Hertfordshire, 2011, pp.99-220.

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of its citizenry, the authorities employed disciplinary and regulatory measures which concentrated on the expulsion of foreign Gypsies and the assimilation of German-born ones into sedentary communities by restricting their movement and itinerant trading, collecting biometric data, mandating registration, and forcibly removing Gypsy children from their parents. Even with increased policing and enhanced surveillance making use of biometric data and descriptions, the practical implementation of anti-Gypsy measures was far from complete, which increased the calls for a national approach for dealing with the '*Zigeunerfrage*'. While such legislation was never passed, an authoritative, administrative definition of the term 'Gypsy' emerged before the outbreak of the First World War, one which identified Gypsies according to a specific set of sociologically determined behaviours, such as itinerancy, rather than any racial criteria.

The *Kaiserreich*'s regulatory regime to eradicate Gypsy itinerancy continued unabated after the war broke out. The fears of espionage and the demands of a war economy caused the German authorities to renew existing biopolitical measures upon the Gypsies and enforce more rigid restrictions on movement, as well as increase police surveillance and introduce stiffer penalties such as imprisonment for itinerancy. Once the war had ended, the Bavarian government pioneered two key initiatives to rapidly consolidate its control over the Gypsies. The first was the creation of a special Gypsy law. This, for the first time, sanctioned the incarceration into workhouses of any Gypsies who did not partake in regular wage labour, so as to deter Gypsies from leading a peripatetic lifestyle. Additionally, Bavaria spearheaded the push to achieve a unified, national Gypsy agreement. The efforts for this accord ultimately fell flat, as the German states preferred to deal with their respective Gypsy populations within their own jurisdiction. They did, however, agree to the creation of a national Gypsy headquarters in Munich, indicating that a partial centralisation of anti-Gypsy biopolitical policy had been achieved before the Nazi ascension to power.

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These biopolitical interventions to eradicate Gypsy itinerancy were not, however, unique to Germany. Austrian and Swiss authorities implemented similar measures of persecution against their respective Gypsy populations. These measures were geared towards deporting foreign Gypsies and encouraging citizen ones to adopt a sedentary lifestyle. In some ways, the Swiss approach for dealing with the Gypsies was distinctly different from that of Germany and Austria. Switzerland was the only country out of the three to enact a federal law to keep foreign Gypsies off Swiss soil. The Swiss officials further adopted a policy of forced naturalisation which was intended to forcibly sedentarise those with no fixed address and Gypsies of Swiss ancestry. Austria, by contrast, closely followed the German model for combatting the Gypsy problem. The authorities attempted to implement, without much luck, increasingly radical measures, such as the incarceration of Gypsies in concentration camps and the creation of a national Gypsy law which would operate similarly to the Bavarian Workshy Law of 1926. Notwithstanding these measures, the difficulties in migration control prompted the pre-war push for an international framework for controlling the Gypsies, led by Switzerland and Germany. While these initiatives collapsed because of conflicting state interests, attempts at international co-operation were revived after the creation of the International Criminal Police Commission (ICPC) in 1923. With Switzerland once again leading the push, supported by Czechoslovakia and Austria, the conference delegates agreed upon a common Central European set of procedures for resolving the Gypsy question, confirming that a transnational approach was at least partially achieved before Hitler's rise to power in 1933.

The local, national, and international attempts to curb Gypsy itinerancy are not, however, the whole story. There is substantial evidence which makes clear that racism played an increasingly important role in anti-Gypsy legislation between 1919 and 1933, signifying some continuity between Weimar and Nazi Germany. Critical to the origins of biological racism against the Gypsies was the earlier global embrace of eugenics, as well as the

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development of criminal biology as a discipline, both of which engendered a wealth of scientific works which viewed Gypsies as a 'degenerative threat' to society, owing to their genetic predisposition to criminality and asociality. As a result, a new initiative emerged during the Weimar era to include Gypsies in eugenic sterilisation in order to halt their reproduction. This proposal, titled the 'Lex Zwickau', was submitted to the *Reichstag* by Gerhard Boeters. Though unsuccessful, it is still instructive, as it not only provided the blueprint for the subsequent sterilisation drafts which were swiftly enforced after the Nazis seized power, but it also reveals the increasingly biologically racist attitudes towards Gypsies which gained ground during the Weimar period. Most crucially, it demonstrates how anti-Gypsy policy was slowly moving towards coercive eugenic sterilisation as a biopolitical solution for eradicating unwanted social segments. Under the National Socialist regime, the Gypsies were targeted for eugenic sterilisations, performed both within and outside the boundaries of law, on the grounds that their asociality and criminality was a biological condition which endangered the blood purity of the *Volksgemeinschaft*.

Undoubtedly, eugenic thinking and practices, such as the coercive sterilisation of Gypsies, were not limited to Germany. Although it expressed itself differently in different states, there was a pan-European eugenic movement between 1900 and 1945, which influenced the treatment of Gypsies living in Germany, Austria, and Switzerland. While eugenic sterilisation had not found legislative support before 1938 in Catholic Austria, after the *Anschluss* occurred, the extremely radical mass sterilisation programme of the Nazis was applied to the Austrian population, including its Gypsies. Despite this, as the Swiss case makes clear, Nazism was not a fundamental requirement for the development of eugenic sterilisation. While it is difficult to confirm that Gypsies were included in the Swiss sterilisation programmes *qua* Gypsies, they were certainly subjected to semi-official initiatives that were firmly embedded within eugenic ideas, such as the *Hilfswerk für die Kinder der Landstrasse*, which

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aimed to ‘correct’ the ostensibly inherent hereditary flaws of Yenish children. Biological racism towards Gypsies, that is, was evident in other European countries apart from Germany.

Once the Nazis seized power, the biopolitical management of citizen Gypsies gradually shifted from policies of assimilation towards their expulsion and ultimately extermination. At first, the NSDAP continued its fight against Gypsy itinerancy by employing stiffer measures to ensure that domestic Gypsies remained sedentary within their communities and foreign ones remained outside of German territory. Once the police force was centralised in 1936, it was granted the power to take preventative measures against suspected asocials, criminals and work-shy, leading to their imprisonment in concentration camps. Alongside these regulatory and disciplinary controls to control the social behaviour of Gypsies, new developments in racial theory and criminal biology facilitated the inclusion of Gypsies in racial laws, such as the Nuremberg Laws and Sterilisation Law, in order to halt the reproduction of Gypsies and to protect the ‘blood purity’ of the German *Volk* from being contaminated by ‘degenerative’ threats and ‘alien blood’.

For some, however, these measures were not enough to solve the *Zigeunerfrage*, and the struggle for control over the fate of the Gypsy question in Central Europe saw more radical solutions devised which resulted in the promulgation of Himmler’s 1938 decree. Up to this point, a period of transition from the social to the expressly racial persecution of Gypsies occurred, during which the two overlapped and existed side by side. Himmler’s 1938 order, however, centralised pre-existing biopolitical practices and put a halt to the coinciding racial and social engineering techniques of biopower.

After the outbreak of the Second World War, the Nazi biopolitical treatment of the Gypsies sharply intensified. To protect the biological purity and strength of the *Volksgemeinschaft* from ‘racial enemies’ of the State, the Nazis introduced a programme of

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racial purification and ethnic cleansing that targeted Gypsies. For the first time, approximately 2,500 citizen Gypsies were systematically deported from Reich territory and imprisoned in concentration camps within the General Government. Those who attempted to return were threatened with forced sterilisation. Gypsies who remained on German soil, on the other hand, were bound to rigorous racial policies which infiltrated all spheres of everyday life and reinforced their total exclusion from the body politic. This direction of Nazi policymaking towards the Gypsies was undoubtedly influenced by the work of the racial scientist Robert Ritter. The ongoing research and co-operation of his institute, the RHF, was viewed as necessary for the scientific legitimacy of the Nazi's biopolitical population policy and was instrumental in assisting police authorities implementing measures of racial control. Thus, a 'scientific-police' complex developed between the two organisations, which played a critical role in the deadly decisions which followed.

Once Himmler's Auschwitz decree on December 16, 1942, was issued, the Nazi persecution of the Gypsies took a murderous turn. In a bid to defend and immunise the body politic from 'degenerative' threats, the Nazis mandated the deportation of Gypsy *Mischlinge*, Romani, and Balkan Gypsies to the family camp at Auschwitz-Birkenau. Those who were exempted from the deportations were forcibly sterilised. This 'cumulative radicalisation' of Nazi anti-Gypsy policy was arguably the result of the bureaucratic rivalries and disputes within the polycratic structures of the Third Reich, including the RHF, RKPA and Himmler's *Ahnenerbe* institute.

In Foucauldian terms, Himmler's Auschwitz decree signified a fundamental shift in the biopolitical management of the Gypsies, in which the care of life transformed into the politics of death. Foucault has viewed this shift as the switch from biopolitics to thanatopolitics. As a result, lethal power disseminated throughout various levels and in several directions, manifested in the gassing operations which took place in the Nazi killing factories, the brutal

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treatment that prison guards wreaked upon its inmates and the administrative decision made by the officials regarding the liquidation of the Gypsy family camp at Auschwitz-Birkenau. The Gypsies were subjected to a genocidal biopolitical campaign which sought their total destruction through large scale murder and sterilisations because their biological makeup ostensibly threatened the Nazis intention for racial purification.

Moving past the objections of exclusivists who have sought to deny the Gypsies inclusion in the Holocaust, a more recent approach suggested by Ian Hancock persuasively advocates recognising this Gypsy persecution as the *Porrajmos*: a separate genocide which occurred simultaneously with the Jewish genocide but had its own unique processes, history and internal logic.

‘Cumulative radicalisation’ also accurately describes developments affecting Gypsy populations living in European countries under Nazi occupation, such as Austria. Following the *Anschluss* in 1938, the ‘racial wars’ waged by the Nazis were extended to Austria. Consequently, Gypsies were subjected to radically discriminatory racial legislation, devised to protect the blood purity of the ‘Aryan’ race, and reinforce their exclusion from the national community. As the Nazi treatment of Gypsies moved towards a policy of deportation and extermination, this murderous shift to suppress life was swiftly applied to the Austrian Gypsies, as many were incarcerated in concentration and extermination camps where they faced the possibility of death.

While the shift from biopolitics to thanatopolitics characterised the experience of Austrian Gypsies living under Nazi rule, the Swiss case did not see a break with earlier anti-Gypsy policies. Decisions made and directions taken by the Nazi leadership did not directly influence how the Swiss dealt with their Gypsy population, as they did not seek to root out Gypsies from their own citizenry on racial grounds. Switzerland’s refusal to offer asylum to

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Gypsy victims of Nazim, however, demonstrates that it was a complicit bystander to the genocide of Europe's Gypsies. This is further solidified by Switzerland's involvement with the ICPC after its Nazification. Even though new international initiatives for dealing with the Gypsies did not emerge once the ICPC fell firmly into Nazi hands, a centralised transnational approach to the 'Gypsy question' was achieved with the creation of an international Gypsy registry in 1936 and continued even throughout the war years.

This thesis has examined the transnational and cumulative nature of the biopolitical persecution of peripatetic populations described as 'Gypsies' living in Germany, Austria and Switzerland from 1870 to 1945. Biopolitical approaches to the so-called *Zigeunerfrage* were in evidence in all three states. A close examination of the interactions between Switzerland and Austria in the development of German Gypsy policy makes clear that a Central European approach for dealing with an ostensible 'Gypsy plague' was implemented as early as 1931 through the utilisation of the International Criminal Police Commission. The shift from biopolitical control to thanatopolitical destruction, however, was a feature only of Germany and Austria under the Nazis.

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MA 59999

MA 92790

MA 92791

MIInn66433

MIInn 66434

MIInn 66435

MIInn 66436

MIInn 66437

MIInn 71561

MIInn 72576

MIInn 72577

MIInn 72578

MIInn 72579

MF 67417

Federal German Archives (*Bundesarchiv Dienststelle Berlin* or BA Berlin):

NS 19/180

R14 Nr. 156.

R43 II/720

R 43 II/1512

R73 Nr. 14005

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DC 17.02 „Vorbeugende Verbrechensbekämpfung Ersammlung 1941“

IfZ, Eich 983

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GYA 2/4.

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483, Nr. 5746

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Nr. 2527

Nr. 2528

Nr. 4969

Nr. 16532

Nr. 17072/6

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State Archives of Lower Austria (*Niederösterreichisches Landesarchiv* or *NÖLA*)

BH Korneuburg, Gr. XI 153/1945, Kt. 450

Switzerland:

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BBI 1906 IV 349.

E21 1000/131 15796

E21 1000/131 20602.

E21 1000/131 20603.

E21 1000/131 20605.

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E27 9564

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