The Roma Struggle for Compensation in Post-War Germany. Julia von dem Knesebeck. Hatfield: University of Hertfordshire Press. 2011. ISBN 978-1-907396-11-3, prices: £20/US$40 (paperback). pp. 288.

Reviewed by Yaron Matras

Deriving from the author's PhD thesis at the University of Oxford, this book joins a series of works that are devoted to the Nazi persecution of Gypsies and the treatment of victims–survivors in its aftermath (e.g. Zimmermann 1996, Lewy 2000, Margalit 2002, Sparing 2011). Quite a few other descriptions of the events leading to the Nazi genocide against Roma exist already; but I found the summary provided by von dem Knesebek useful and easy to follow. The author surveys individual key items of legislation and administrative measures. She dwells on the relevance of the historical interpretation of each of these measures for the administrative and judicial review of compensation claims that followed the war.

One of the first laws affecting Gypsies which was passed by the Nazis was the Law for the Prevention of Offspring with Hereditary Disease, effective from January 1934. This legalised the enforced sterilisation of socially 'undesirable' persons. Von dem Knesebeck points out the difficulties that the Allies encountered after the war in recognising sterilisation as part of a policy of racial genocide, given that enforced sterilisation policies were practised in various American states as well as in Denmark, Sweden and Norway, inspired by social-Darwinist eugenic ideologies. The next law that affected Roma was the Nuremberg Laws of 1935, which forbade relations between German and 'members of alien races'. Although the Roma were not mentioned explicitly in the law, a leading commentary to the law from 1936 specified that the only people in Europe who had always been considered racial aliens were Jews and Gypsies. Here again we see the relevance of archive research and the interpretation of a wide range of sources for an accurate understanding of Nazi policy measures.

From an early stage, before the National Socialist regime, German authorities' policies toward Gypsies combined a law-and-order approach with one designated as concern for public health and welfare. An example was the Bavarian Law for the Combat of Gypsies, Travellers and the Workshy from 1926. The images of Gypsies expressed by this law are partly reflected in the changes in the implementation of measures against Roma under the Third Reich. Until 1937 it was the Gestapo that had the primary responsibility for arresting Roma and taking them into 'protective custody' in concentration

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Romani Studies 5, Vol. 22, No. 1 (2012), 1–7 ISSN 1528–0748 (print) 1757–2274 (online)
doi: 10.3828/rs.2012.1

camps, as part of the campaign to improve the gene pool. From 1937 it became the task of the Criminal Police to put Roma in 'preventive arrest' as part of the campaign against criminality. The rounding up and incarceration of Roma began in 1936, when some 800 Roma were sent to the Marzahn camp in the outskirts of Berlin. A camp for Roma in Cologne, surrounded by a two-meter fence with barbed wire, had been completed in April 1935 and accommodated up to 600 people by 1937.

In 1938 Himmler was put in charge of the 'Gyspy question', and initiated the Decree for Combating the Gypsy Plague. At that point collaboration was already underway with a group of researchers led by Dr Robert Ritter, who sought 'scientific proof' that Roma belonged to an inferior race, and who introduced the distinction between 'pure' and 'mixed Gypsies'. The fact that Himmler's own proposals for a more favourable treatment of so-called 'pure Gypsies' were turned down, testifies according to von dem Knesebeck to the rigour with which the Criminal Police chose to implement anti-Gypsy decrees. Deportations of Roma increased with the beginning of the war. The 'Gypsy camp' in Auschwitz-Birkenau was set up in 1941, and its records testify to the murder of some 21,000 Roma there. The 'final solution' of the 'Gypsy question' reached its decisive moment with the so-called 'Auschwitz Decree', issued by Himmler in December 1942, which ordered the deportation directly to Auschwitz of some 10,000 Roma remaining in the Reich. All these events are covered in the first fifty pages of the book, providing, as I stated above, a useful and clear historical review. The following chapters deal with the settling of compensation claims after the war.

The author argues that the handling of these claims was shaped by the continuity in attitudes toward Roma in Germany immediately after the war (an argument also put forward by Margalit 2002, and before that in various writings of activists such as Zülch, Rose, Reemtsma). Thus in Hesse, the law for Combating the Gypsy Menace from 1929 remained in force until 1957. In Cologne, the validity of Himmler's decree of 1938 was confirmed by the authorities in March 1949. In Bavaria, the Central Agency for Vagrants continued the work of the Gypsy Police and continued to collect photos, data, and fingerprints of Roma. A decree on 'Vagrants', restricting the movement of Roma (now simply re-labelled as 'Vagrants') remained in force until 1970.

Laws regulating reparations for injustice committed by state employees were already in existence before the specific measures were introduced to compensate victims of the Nazis. The state would pay compensation on behalf of a civil servant, but the case had to be brought individually against that civil servant. Claimants would need to identify the individual who had committed the crime. This procedure was obviously problematic in the context of those who had been imprisoned randomly. A proposal for a compensation law was

first accepted by the Allied military government in 1948 and came into effect in 1949. Its core was to separate the claims of specific victims of Nazi crimes from general damages caused to individuals through the circumstances of war. Victims were restricted to those who experienced racial, political or religious persecution. The authorities ruling on compensation claims therefore had to judge whether the crimes brought before them were committed on racial, political or religious grounds.

Initially it was clear that Nazi edicts to deport Roma to Poland before 1940 were taken at face value, that is, no critical judgement was passed on the articulated need to prevent the 'Workshy' from reproducing, and so on. In the immediate post-war period some Roma did succeed in obtaining compensation and restitution, but these individual cases did not lead to a general recognition of Roma as victims. The emerging legislation on compensation then made it more complicated for Roma to be recognised as victims.

The main obstacle for Roma claiming compensation was that their persecution had to be documented in individual cases, as they lacked the prima facie recognition as victims of racial persecution, which was granted to Jewish victims. This recognition was not applied to Roma because of long-standing prejudices suggesting that they engaged in 'criminal' and 'asocial' activities and that their incarceration might have been justified for reasons of security and maintaining the social order. In addition, Roma claimants faced specific hurdles set both by the state authorities and, on appeal, by the courts: compensation for physical damage through sterilisation was rejected as were claims for compensation for psychological damage, claims for lost possessions were rejected on the basis of a wholesale prejudice that Gypsies had no possessions, and claims for compensation for lost income on the basis of a reduction of earning capacity (as a result of physical and psychological damage, but also time lost due to imprisonment) were rejected on the grounds that Gypsies are unlikely to have sought employment even under other, more generous, circumstances.

Many Roma encountered difficulties reclaiming their German citizenship (which had been withdrawn under Nazi rule). They were then considered to be ineligible for compensation payments, which, according to the West German compensation law, could be made only to German citizens. By the time their citizenship was reinstated and compensation claims were filed again, claimants were told that they had missed the deadline.

In 1956 the Federal Supreme Court decided that the resettlement of Roma from Germany and Austria to Poland, in a series of deportations between January and April 1940, had been an illegal military act, but not one that was racially motivated, and on this basis denied survivors' claim for compensation. In 1959, the Federal Supreme Court decided even more explicitly that it was

not until Himmler's so-called Auschwitz Edict of December 1942/ January 1943 that Nazi policy was directed toward the annihilation of the Gypsies. The court further stated that the comparison with the Jews was not valid, since the Jews did not possess the kind of properties that made the 'Gypsy lifestyle' a 'national plague' even before National Socialism. This view began to be challenged by the courts soon afterwards, however. In 1961, a court in Frankfurt ruled on the basis of various SS decrees that racially motivated persecution had been prepared and planned against Roma, in a way that was quite similar to the persecution of Jews. In 1962, this view was adopted by the Federal Supreme Court, which conceded that the collection of material by Robert Ritter was racially motivated and that therefore individuals who were imprisoned as a result of Ritter's assessment had been subjected to racial persecution. A year later, in 1963, the same court ruled that deportations carried out in 1940 were partly racially motivated. From that moment onwards, Roma who had received compensation only for the period following the Auschwitz Decree of 1943 but had been deported earlier, were entitled to have their cases re-opened in consideration of compensation for the entire incarceration period.

Throughout her survey of these judicial developments, the author argues that the failure to accept that the persecution of Roma was racially motivated derived from a failure to understand what the Nazi regime had come to define as 'race'. Race for the National Socialists and for Hitler personally were not just ethnic attributes, but also social attributes, and Nazi ideologues and scientists were hard at work to prove that social attributes were just as hereditary as race in the sense of ethnic affiliation. In this respect, she argues, even if the persecution of Roma by the Nazis was, initially at least, directed toward the eradication of a lifestyle rather than a people, from the perspective of Nazi ideology there was no difference between the two, since lifestyle was considered a genetic–biological, hereditary trait that could not be altered. This is partly a response to authors such as Lewy and Margalit, who point out the differences between Nazi persecution of Jews and Gypsies especially in regard to its position on the Nazi political agenda. The question is, partly at least, whether persecution is to be interpreted in light of its outcome, or in light of the perpetrators' intentions, in which latter case these intentions become a matter for historical interpretation.

Von dem Knesebeck's sources are, apart from judicial decisions and related commentaries, also a selection of compensation files from several different state archives (according to the author, some 1 to 2 per cent of compensation cases were put forward by Roma). In addition, she relies on video testimonies of Roma survivors from Germany residing in the United States. The interviews were conducted in the 1990s, mainly in English. There are two corpora: the Fortunoff Video Archive and US Holocaust Memorial Foundation, and the

SHOAH Video Archives. The author is very much aware of the fact that survivors tend to frame events in terms of their post-war experiences. Consequently she is cautious to reflect on the statements as testimonies of attitudes rather than as descriptions of historical facts. She emphasises that stories are told and retold in the circle of friends and acquaintances and that rather than represent an individual 'remembered past' they become a 'collective past'. One of the strongest themes of the interviews is the humiliation and the attack on cultural values by shaming prisoners publicly and in front of their families.

It is interesting to note the author's use of the term 'Roma' to denote the population usually referred to nowadays in Germany as 'Sinti and Roma'. Von dem Knesebeck remarks correctly that 'Roma' is an acceptable and perfectly accurate cover term for the populations that speak Romanes, including the Sinti. It is evident that, unlike some historians based in Germany, von dem Knesebeck is not concerned about adopting the official terminology used by the Central Council, which flags a distinct political identity on behalf of the German Sinti. Sometimes, however, the use of 'Roma' as a paraphrase of the word *Zigeuner* cited from the sources is a bit confusing, for example, when she writes (pp. 81–2) that compensation guidelines explicitly included 'Roma'. This raises the question of whether terminology should reflect the historian's perspective or the perspective of the contemporary events dealt with. Both Zimmermann (1996) and Margalit (2002) choose the term *Zigeuner* (translated as 'Gypsies' in the English edition of Margalit's book), arguing that the Nazis' conceptualisation of the group differed from the one represented by the concept 'Roma' (or 'Sinti and Roma'). For this same reason, Zimmermann, too, argued publicly in favour of the use of *Zigeuner* rather than 'Sinti and Roma' on the planned commemoration site for victims of Nazi genocide in Berlin (see Zimmermann 2007). Von dem Knesebeck's use of 'Roma' shifts the discussion into today's perspective, relating the group of victims directly to the population that is recognised today as a distinct non-territorial ethnic or national minority, yet at the same time avoiding the separation of German Roma as manifested by the Central Council's preferred term 'Sinti and Roma'.

In this connection, von dem Knesebeck comments in several places in the book on the discrepancy between images of the ethnic identity of Roma victims. In the video testimonies as well as in many of the claim forms, victims tend to emphasise their belonging to the German nation and the fact that their removal from it under the National Socialist regime was unjust. Their claim for compensation was thus based on the argument that they were wrongly and unjustly treated as 'aliens'. On the other hand, the politicisation of the campaign for compensation by the Central Council (and other organisations that preceded it, which the author does not name) emphasised the victims' belonging to an ethnic minority (of Sinti and Roma) and made the case that

their discrimination had the character of ethnic–racial discrimination. The fact that this latter argument ultimately proved more successful in influencing decisions on compensation is regarded by von dem Knesebeck as paradoxical: While the victims viewed the fact that they were singled out as 'aliens' as an historical injustice, it was the recognition that they in fact do constitute a separate ethnicity that paved the way for recognition of their persecution as racially motivated.

The author is certainly correct in pointing out this ambiguity, which continues to accompany the politics of Romani identity in Germany. However, there may be less of a paradox here than she has been led to believe. Firstly, Romani culture in general, and that of western European Romani groups such as the German Roma in particular, very much promotes the effort to appear 'invisible' to the surrounding community. Victims' self-presentation as 'Germans' (without denying the fact that they are Roma), especially in the context of an interview with outsiders, is therefore to be expected as a way to minimise potential tension. Claimants' arguments to have been German like the majority will also have had its tactical goals from the very beginning of the process, as eligibility to compensation was directly linked to German citizenship, and since the claims themselves were often linked to victims' efforts to have their citizenship reinstated. In this connection, the campaign for compensation must be seen in its political dimension.

Von dem Knesebeck correctly observes that the campaign took on a new momentum with the involvement of the Central Council. However, she neglects to mention the circumstances under which the Central Council was formed. Its roots are in the coalition of Sinti activists in the mid-1970s with the Society for Endangered Peoples, a German NGO led by Tilmann Zülch, himself an ethnic German refugee whose family had been displaced at the end of the war from eastern Prussia. Zülch's involvement with Roma began as a campaign in support of Sinti families from eastern Prussia who, unlike himself, were not recognised by the authorities as ethnic Germans. It was Zülch who was the architect of the Central Council's structure and strategy and the principal advocate of its recognition by the Federal Government in 1982 (see Matras 1998, Margalit 2002, Matras & Margalit 2007). The issue of belonging to the German nation was thus part of the political agenda upon which the Central Council was formed, as seen later, in 1994, when it released its manifesto defining the 'German Sinti and Roma' as a *volksdeutsche Minderheit* or 'ethnic German minority' within the boundaries of Germany (using the term usually reserved for ethnic-German minorities in eastern European countries).

East Prussia

To conclude, the book under review offers a useful summary of the events leading up to the genocide of Roma in Germany under the Nazis, as well as of the judicial road that led to the granting of compensation to Roma vic-

tims. The discussion includes some interesting reflections on the connection between historiography and legal decisions, especially in connection with the understanding of persecution as racially motivated. However, the book presents few if any facts that have not been previously known and documented. The use of compensation files and victims' testimonies enriches the discussion, but it does not lead to any new insights. Surprisingly, the author chooses to avoid almost entirely the political dimension of Roma claims for compensation (although she cites the Central Council's campaign and admits that it had a decisive effect on the outcome of compensation cases), leaving us to wonder why the book deserves the title "the Roma struggle for compensation". The famous declaration by Chancellor Schmidt from 1982 recognising the Roma as victims of racial persecution is not mentioned, nor is the political side of the compensation – the Federal Government's commitment to recognise the Central Council and to support it financially. Finally, I could find no mention of what was probably the most important breakthrough in the history of Roma compensation claims, namely the initiative in the late 1980s to create special compensation funds in the individual states that offered compensation to 'forgotten victims', and which usually had Roma represented on the boards. It is a pity that the author did not go that extra length to provide a picture that would have been genuinely comprehensive.

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