

Casey Reyna  
 Professor Marcuse  
 UCSB Hist 133B  
 20 March 2024

### Roma Discrimination in Weimar Germany

The source examined derives from the legislation *Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen] vom 16. Juli 1926 mit d. Ausführungsentschließung und den sonst einschläg. Bestimmungen, Erl. von Hermann Reich*, which translates as “The Law to Combat Gypsies, Rural Travelers and Work-Shy People, 16 July 1926 with the Implementation Resolution and other Relevant Information Explained by Hermann Reich.” It is often cited by the short title “Das Bayerische Zigeuner- und Arbeitsscheuengesetz,” which translates to “The Bavarian Gypsy and Work-Shy Law.” This 69-page document originated in Munich and is cataloged at the Deutsche Nationalbibliothek Leipzig, with its table of contents available online. An English translation is published in *The Racial State: Germany 1933-1945* by Michael Burleigh and Wolfgang Wippermann. *The Racial State* uses a shorthand title of the original source, namely “Law For the Fight Against Gypsies, Travellers, and the Workshy.”<sup>1</sup>

Examining Articles 1 through 6 and Article 9 as extracted from page 359 of “Law For the Fight Against Gypsies, Travellers, and the Workshy,” as cited in *The Racial State*, illustrates the progressively worsening discriminatory conditions Roma were subjected to in Germany during the interwar period. The

#### Inhaltsübersicht.

	Seite
I. Das Zigeuner- und Arbeitsscheuengesetz vom 16. Juli 1926 mit der Ausführungsentschließung vom gleichen Tage.	
A. Zigeuner und Landfahrer.	
1. Begriffsbestimmung . . . . .	1
2. Personalausweis . . . . .	2
3. Umherziehen mit Wohnwagen . . . . .	4
4. Umherziehen mit schulpflichtigen Kindern . . . . .	7
5. Mitführen von Tieren . . . . .	9
6. Schusswaffenbesitz . . . . .	10
7. Reisen in Herden . . . . .	11
8. Lagern im Freien . . . . .	12
9. Melde-, Ausweis- und Hinterlegungs-pflicht . . . . .	14
10. Aufenthaltsbeschränkung und Arbeitszwang . . . . .	15
B. Arbeitsscheue . . . . .	20
C. Gemeinsame Bestimmungen für Zigeuner u. Arbeitsscheue.	
1. Vorläufige Entlassung . . . . .	26
2. Unterbringungskosten . . . . .	26
3. Hausordnung . . . . .	27
4. Zufriedenheit . . . . .	27
5. Beschwerden . . . . .	28
6. Festnahme und Beförderung . . . . .	29
7. Zuwiderhandlungen . . . . .	29
8. Sonstige Bestimmungen . . . . .	30
9. Inkrafttreten . . . . .	31

<sup>1</sup> As translated by Burleigh and Wippermann in, *The Racial State: Germany 1933-1945*. Cambridge, UK: Cambridge University Press, 1991, pp 114-115.

ordinance, enacted on 16 July 1926, effectively prohibited or regulated freedoms which Romas had previously enjoyed. Each provision possesses a caveat expressing that exceptions may be warranted by policing authorities, with the exceptions of Articles 5 and 9. The flexibility in enforcement demonstrates that the statutes were not absolute, suggesting there was yet to be a clear consensus regarding the “Roma Question,” as described by Burleigh and Wippermann. Nevertheless, Articles 1, 5, and 6 can be described as attempts to limit the movement and congregation of Roma peoples. Article 1 permits Roma to drive wagons if they have the proper license and the express permission of the police. The license can be revoked at any time and lasts a maximum of one year. Article 5 prohibits the assembly of Roma bands. Article 5 defines “bands” of Roma as multiple families intermingling or a lone individual amongst a family. Article 6 states that Roma may only encamp in sites “designated by the local police authorities” for a specified period of time. Articles 2, 3, and 9 can be characterized as restraints intended to inhibit the traditional Roma nomadic lifestyle, utilizing law as a mechanism to coercively assimilate the Roma population. Article 2 asserts that children may not travel alongside Roma without the consent of the authorities. Article 3 states Roma cannot travel alongside animals of a commercial nature without the appropriate license. Article 9 asserts Roma 16 and older who fail to produce evidence of regular employment may be sent to workhouses “On the grounds of public security.” Article 4 falls under similar scrutiny, as it restricts Romas from possessing firearms and ammunition without the expressed consent of authorities, elucidating the distrust of Romas.

These articles fall under a long-lasting legacy of prejudice against Roma people. Exacerbated by economic turmoil and fascism, new discriminatory legislation would be leveraged against Romas, effectively monitoring and assimilating the ‘dangerous’ or ‘untrustworthy’ Traveller communities. These statutes were a legal response that limited the status of the Roma. Bavarian legislators sought to burden Romas’ lifestyle by enacting policies that prohibited or restricted several aspects of their daily lives. This legislation can be interpreted as early attempts to assimilate Romas into traditional German society.

However, an interesting feature of these laws revolves around infractions, as the only recommended form of punishment mentioned states that those who violate the law are to be sentenced to serve at a workhouse. This could suggest that Bavaria enacted these ordinances to regulate Roma communities, as well as possibly to improve local employment. This source

evidenced the discriminatory policies and early restrictions enforced upon Romas that existed before the Nazi regime, demonstrating that anti-Roma sentiment was deeply rooted in the German bureaucracy. In addition, the existence of this legislation suggests that coercive assimilation was the initial response to the “Roma Question” before the genocidal conclusion committed by the Third Reich. Beyond the Roma community, the undertones of this early legislation depict the preliminary measures utilized to enforce violence in response to the overarching obsession of ‘racial purity’ adopted by the Nazi regime.

### **Annotated Bibliography in Chronological Order:**

Reich, Hermann, *Das bayerische Zigeuner- und Arbeitsscheuengesetz [Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen] vom 16. Juli 1926 mit d. Ausführungsentschließung und den sonst einschläg. Bestimmgn / Erl. von Hermann Reich*. Munich, Germany: Bavarian Municipal Publication Publishing House, 1927.

The source was extraordinarily difficult to unearth. Searches on Google yield null results, though references to the statute can be found on Wikimedia Commons under *Template: Bayerisches Gesetz- und Verordnungsblatt 1926*, though information regarding the author and full title is missing entirely. References to the statutes exist on German Wikipedia under the articles “Porajmos” and “Sinti,” although they cite *Die “Bekämpfung des Zigeunerunwesens” im Wilhelminischen Deutschland und in der Weimarer Republik, 1871-1933*, a book published nearly 60 years after the original legislation. Furthermore, searches through the Karlsruhe Virtual Catalog and The Deutsche Digitale Bibliothek fail to provide results. However, searching the title provided by Burleigh and Wipperman through WorldCat redirects to the Deutsche Nationalbibliothek Leipzig, where information on the primary source can be found. Information that can be accredited to the contributor, as there is no author accredited to designing the legislation, can be found on WorldCat Entities. The information there merely lists Hermann Reich as a German politician who lived from 1886 to 1955.<sup>2</sup>

---

<sup>2</sup> “Hermann Reich.” WorldCat Entities. Accessed March 13, 2024.  
<https://entities.oclc.org/worldcat/entity/E39PBJhmO9B3WHvjXJmWqb8t8C.html>.

Höhne, Werner K., *Die Vereinbarkeit der Deutschen Zigeunergesetze und Verordnungen mit dem Reichsrecht, Insbesondere der Reichsverfassung*. Unpublished Dissertation, Ruprecht-Karls-Universität, Heidelberg, 1929.

In the process of searching for the original document, Fitzpatrick's *Purging the Empire: Mass Expulsions in Germany, 1871–1914* (2015) was a result that emerged from the general Google search of, 'Ziguener, Landfahrern und Arbeitsscheuen.' Fitzpatrick cites Höhne's dissertation multiple times throughout his chapter "The 'Gypsy Plague' in Bavaria and Beyond" as its source on anti-Roma policies instituted throughout the German Empire/Wiener Republic. Information on the dissertation can be found via SintiundRoma.de under the article titled, "Die Vereinbarkeit der deutschen Zigeunergesetze und -verordnungen mit dem Reichsrecht, insbesondere der Reichsverfassung / vorgelegt von Werner K. Höhne." This dissertation resides in the Library of Dokumentations- und Kulturzentrum Deutscher Sinti und Roma, though currently unavailable to be loaned. A link to the author on the SintiundRoma website reveals nothing about him. Searching, 'Werner Kurt Höhne' or 'Werner K. Höhne' yields several obituaries for an individual bearing the same name. However, *this* Höhne was born in 1931, therefore unable to produce the 1929 dissertation. The only information known of Höhne is that he attended Ruprechts-Karls-Universität zu Heidelberg, as that is the institution where the dissertation was written.<sup>3</sup>

Hehemann, Rainer, *Die "Bekämpfung des Zigeunerunwesens" im Wilhelminischen Deutschland und in der Weimarer Republik, 1871-1933*. Frankfurt am Main, Germany: Haag + Herchen, 1987. Library record: <https://ucsb.on.worldcat.org/oclc/18049582>, or <https://d-nb.info/871219700>.

Hehemann's book emerges as a source often associated with *Das Bayerische Zigeuner-*

---

<sup>3</sup> "Die Vereinbarkeit der Deutschen Zigeunergesetze und -Verordnungen mit dem Reichsrecht, Insbesondere der Reichsverfassung / Vorgelegt von Werner K. Höhne." Dokumentations- und Kulturzentrum Deutscher Sinti und Roma. Accessed 13 March 2024. <https://bib-katalog.sintiundroma.de/cgi-bin/koha/opac-detail.pl?biblionumber=2519>

*und Arbeitsscheuengesetz* when searching ‘*Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen.*’ The Wikipedia articles that mention this legislation, “Porajmos” and “Sinti,” refer to this book as their source. There are no Ebooks available on Google Books or other sites, despite there being pages for the title. Therefore, I must speculate rather than interpret why, despite being printed 60 years after the original legislation, this publication is used as the source of laws. Perhaps, similar to Burleigh and Wippermann, the source records the legislation in a digestible manner. Another possibility is that it was the Wikipedia author’s only access to *Das Bayerische Zigeuner- und Arbeitsscheuengesetz*. Rainer Hehemann, born 1955, is a historian and author. Information on Hehemann is somewhat limited, though he is listed as the author of *Osnabrück - Geschichte einer Stadt*.

Burleigh, Michael, and Wolfgang Wippermann, *The Racial State Germany, 1933-1945*.  
Cambridge, UK: Cambridge University Press, 1991, pp 114-115.

This textbook allows for a glimpse into *Das bayerische Zigeuner- und Arbeitsscheuengesetz* by publishing the otherwise elusive legislation in addition to translating the material into English. Before uncovering the primary source, this source allowed for the closest reading of the law as it had a direct extract of the statutes. Despite being a secondary source, *The Racial State* remains the most accessible route to examining the legislation. Burleigh received his modern history degree from University College London in 1977, distinguished alongside Pollard, Dolley, and Sir William Mayer Prizes.<sup>4</sup> He received his Ph.D. in modern history from Bedford College, London in 1982 and is a member of the Royal Historical Society.<sup>5</sup> Burleigh has authored multiple books focusing on the interbellum period and World War II, including *Sacred Causes* and *The Third Reich*. Wippermann received his history and political science education at

---

<sup>4</sup> “Michael Burleigh.” Wikipedia. Last edited on 12 November 2023. Accessed 13 March 2024.  
[https://en.wikipedia.org/wiki/Michael\\_Burleigh](https://en.wikipedia.org/wiki/Michael_Burleigh).

<sup>5</sup> “Michael Burleigh.” Wikipedia.

the University of Göttingen and the University of Marburg.<sup>6</sup> Wippermann received his doctorate at the Free University of Berlin.<sup>7</sup>

Fitzpatrick, Matthew P., *Purging the Empire: Mass Expulsions in Germany, 1871–1914*. Oxford, United Kingdom: Oxford University Press, 2015.

*Purging the Empire* resulted from searching ‘Ziguener, Landfahrern und Arbeitsscheuen’ during the process of finding *Das Bayerische Zigeuner- und Arbeitsscheuengesetz*. Fitzpatrick cites Höhne throughout the chapter, “The ‘Gypsy Plague’ in Bavaria and Beyond” as its source on anti-Roma policies instituted throughout the German Empire/Weimar Republic. Interestingly, there is no reference to Hermann Reich in the bibliography of *Purging the Empire*. This suggests that Fitzpatrick may not have had access to the original document, or perhaps Höhne’s dissertation proved adequate in explaining the legislation without having to consult the primary account. According to his university webpage Fitzpatrick is a professor at Flinders University who focuses on “The history of European imperialism, German liberalism and nationalism.”<sup>8</sup> He received his Ph.D. at the University of New South Wales, Sydney, and was a recipient of the Australian Research Council Future Fellowship. He is the president of the History Council of South Australia and the series editor of Bloomsbury Modern German History. He is the author of *Liberal Imperialism in Germany* and *The Kaiser and the Colonies: Monarchy in the Age of Empire*.

### Bibliography

“Das bayerische Zigeuner- und Arbeitsscheuengesetz [Gesetz zur Bekämpfung von Zigeunern, Landfahrern und Arbeitsscheuen] vom 16. Juli 1926 mit d. Ausführungsentschließung und den sonst einschläg. Bestimmgn / Erl. von Hermann

---

<sup>6</sup> “Wolfgang Wippermann.” Wikipedia. Last Edited on 26 September 2023. Accessed 13 March 2024. [https://en.wikipedia.org/wiki/Wolfgang\\_Wippermann](https://en.wikipedia.org/wiki/Wolfgang_Wippermann).

<sup>7</sup> “Wolfgang Wippermann.” Wikipedia.

<sup>8</sup> “Professor Matt Fitzpatrick.” Flinders University. Last Edited 18 October 2021. <https://www.flinders.edu.au/people/matthew.fitzpatrick>. Accessed 13 March 2024.

Reich.” Deutsche National Bibliothek. <https://d-nb.info/576241237>. Accessed March 13, 2024. (Source of photo in addition)

“Hermann Reich.” WorldCat Entities. Accessed March 13, 2024.

<https://entities.oclc.org/worldcat/entity/E39PBJhmQ9B3WHvjXJmWqb8t8C.html>.

“Die Vereinbarkeit der Deutschen Zigeunergesetze und -verordnungen mit dem Reichsrecht, Insbesondere der Reichsverfassung / Vorgelegt von Werner K. Höhne.” Dokumentations- und Kulturzentrum Deutscher Sinti und Roma. Accessed 13 March 2024.

<https://bib-katalog.sintiundroma.de/cgi-bin/koha/opac-detail.pl?biblionumber=2519>

“Michael Burleigh.” Wikipedia. Last edited on 12 November 2023. Accessed 13 March 2024. [https://en.wikipedia.org/wiki/Michael\\_Burleigh](https://en.wikipedia.org/wiki/Michael_Burleigh)

“Wolfgang Wippermann.” Wikipedia. Last Edited on 26 September 2023. Accessed 13 March 2024. [https://en.wikipedia.org/wiki/Wolfgang\\_Wippermann](https://en.wikipedia.org/wiki/Wolfgang_Wippermann)

“Professor Matt Fitzpatrick.” Flinders University. Last Edited 18 October 2021. Accessed 13 March 2024. <https://www.flinders.edu.au/people/matthew.fitzpatrick>.

Hermann Reich, ‘Das bayerische Zigeuner- und Arbeitsscheuengesetz’, Juristische Rundschau, 2 (1926), pp. 834-7.

### **Works Consulted**

“Porajmos.” Wikipedia. Last edited on 7 March 2024. Accessed 13 March 2024. <https://de.wikipedia.org/wiki/Porajmos>

“Sinti.” Wikipedia. Last edited on 26 February 2024. Accessed 13 March 2024.

<https://de.wikipedia.org/wiki/Sinti>