16th - 18th Century

The time when the Roma were received in a friendly way in Central and Western European countries, and even given letters of safe conduct, alms and lodging by the local authority district, lasted only briefly. Already a few years or decades after the Roma’s first appearance, their situation turned worse everywhere.

The better known the Roma got, the more the population’s initial interest and support for the supposed pilgrims, seen as Christian duty, turned into disapproval and rejection. Just like the exotic charm lost its appeal when more and more groups arrived, the story of the seven-year penitential pilgrimage lost its interest after repeated performance. While hospitality and generosity waned, the prejudices against the Roma increased.

Die abnehmende Bereitschaft der Kommunen, die Roma auf eigenem Gebiet zu dulden, beruhte einerseits auf den anfallenden Kosten, die sich angesichts wiederholter Besuche allmählich zu häufen begannen. Folgenschwerer war andererseits jedoch der schlechte Ruf, der den Roma schon bald nach ihrem erstmaligen Erscheinen anhaftete. Er sorgte dafür, dass ihre Anwesenheit zunehmend als Bedrohung der öffentlichen Ordnung und des Eigentums empfunden wurde.

To the church, on the other hand, the "gypsies" strange – and thus "unchristian" - medical practices, the women’s art of palm reading and other "witchcraft" was a thorn in the flesh. During the 16th century, Reformation also had a negative effect on the sympathy for strangers: firstly, the papal letters did no longer carry weight in many regions; secondly, the population’s deeply-rooted enthusiasm for pilgrimage waned under the influence of new teachings. Additionally, living from alms, which had been interpreted as an appeal to Christian compassion and brotherly love during the Middle Ages, now was considered reprehensible. Having lost the protective status of pilgrims, the picture of the Roma as pitiable creatures changed – and turned them into idle, useless beggars and thieves.

Just like Luther, the secular authorities also realized that they had to do something against that "vagabond and begging life". To the rulers, who wanted to impose their sovereign rights in their territory and have more control over their subjects, the Roma seemed to be vagabonds without home or master, unwilling to take their place in the existing social order, being no productive forces. As a consequence, most rulers decided not to tolerate the Roma anymore, and expelled them from their territory.

In the course of this stigmatization of the "gypsies" as socially and culturally "inferior" groups, they did not take into consideration that many Roma did try to earn their living by gainful employment. When they offered their services as manual workers to the settled population, the local workers and guilds considered their income and monopoly threatened. Consequently, they also tried to eliminate this unwanted economic competition by all means.

Contrary to the 15th century, when the Roma still were under the protection of secular and religious dignitaries, the New Age brought an attitude of re- and expulsion. Numerous edicts against the "gypsies" were to cause their disappearance – if necessary at the cost of their physical extinction. Letters of safe conduct were repealed, entry bans passed, drastic punishments decreed. To make those new laws public, the authorities had the decrees –as was customary – called out and read on the pulpits in church. Additionally, signboards were put up on the boarders, on which the punishment (whipping, torture, gallows) for "gypsies" daring to enter the territory were depicted.
The Roma were accused of "being spies" for the Turks, which initiated the first phase of "gypsy persecution" at the beginning of the 16th century in the German Empire. The Roma tried to avoid this pressure by switching to neighboring countries, forests or mountainous regions. As a consequence of this movement, the neighboring countries of the German Empire soon took sanctions against the "gypsies", in order to keep their number at the same level in their territory. In the end, with a little delay, all Central and Western European countries passed "anti gypsy laws".

This flood of laws would have succeeded in driving out all Roma from Europe by the mid-1600s. This did not happen, thanks to certain circumstances: firstly, the authorities charged with executing the laws did only rarely carry them out with the necessary severity; secondly, some members of the nobility still refused to comply with their ruler’s orders and offered protection to the Roma; additionally, the police force did not work as efficiently as in modern countries. The cornered Roma could use loopholes in order to avoid persecution. They often stayed in frontier areas when danger was threatening.

The lacking effect of the first measures, however, led to new, and more and more strict laws in all European countries. In the German Empire alone, approximately 150 "gypsy edicts" were passed between 1500 and 1800, and new laws always surpassed the old ones in cruelty. The beginning of a period of suffering is marked by an edict by Maximilian I, who ordered all "gypsies" to leave the Empire’s territory by Easter 1501. After that deadline, they were considered "outlaws", and could be caught and killed by every citizen. Emperor Karl V confirmed these laws and extended them in so far as local rulers were forbidden to issue passports to the Roma.

Not only were all past letters of safe conduct repealed in the Polizeiordnung of 1577, but also all such documents which might – against the explicit order of the authorities -, be issued in the future. Kurfürst August of Saxony decreed that all passports of those "verzweifelt los Gesellen" were to be confiscated and destroyed. In order to keep the Roma away from Saxony, he granted impunity for "everybody who would take action against the gypsies with acts of violence". Such attacks were equally not punished, and even encouraged, in other countries, but those who offered protection to the Roma had to prepare themselves for severe punishment.

In 1688, Kurfürst Wilhelm I of Brandenburg passed an edict according to which "neither the gypsies nor their trading" were to be tolerated. The men were threatened with forced labor (building forts), the women with whipping and branding, and the children with "confiscation". His successor, Friedrich I, king of Prussia between 1701 and 1713 did not consider these laws sufficient, and so he passed an "aggravated edict" in 1710.

One year later, August II of Saxony gave his authorities the permission to shoot "gypsies" should they resist arrest. At the same time, he and Herzog George III of Saxony agreed to take common measures for their persecution. These measures included corporal punishment and branding if they were taken once. If such marked "gypsies" were apprehended once more, they were sentenced to death.

King Friedrich Wilhelm I of Prussia (1713-1740) allowed the authorities in his "Instruction" (1725) to hang all "male and female gypsies" over 18 without trial. In order to be able to torture, break on the wheel, and decapitate "robbers, thieves, and gypsies", Friedrich’s father, the most important ruler of Enlightenment, re-introduced the "Peinliche Gerichtsordnung" of Emperor Karl V. At the same time, the "gypsies" were for the first time brought to prison, work camps and orphanages.
In 1720, Emperor Karl VI decreed that the "gypsies and all other slovenly riff-raff in Austria" be exterminated. In 1725, he ordered to kill all "gypsies" that were responsible for a criminal offence; all others should be expelled with a branding on their back, and threatened with decapitation should they ever return. Those legally justified cruelties culminated in the regulation of 1726, according to which all male "gypsies" were to be executed, and one ear of all women and children cut.

In the inherited Austrian territories (including Bohemia, Moravia and Silesia) the Roma were not treated less brutally than in other parts of the Holy Roman Empire. Only in Hungary, more exactly in the Western parts of Hungary, which had stayed under the reign of Habsburg after the Turkish invasion, some local rulers tended to tolerate the Roma as long as they could be useful. For instance, Graf Georg Thurzo, Palatin of the Hungarian Empire, allowed a group of Roma to settle on his territory in 1616, and go about their work as ← smiths, which was important for the Hungarian nobility – for war.

In 1734, the Landgraf of Hesse offered six Reichstaler for every "gypsies" captured alive, and half the amount for every killed one. Incentives of this kind were at the basis of the notorious "gypsy hunts", during which the Roma were hunted like game by the inhabitants. In Saxony, such houndings were called "Kesseltreiben". Strangely enough, this inhuman persecution was at the time considered as an adventurous form of public entertainment.

In France, it took almost 150 years until the Roma’s repression and persecution was pushed ahead with the same vigor as in the German Empire. When Louis XIV passed his "anti gypsy laws" in the second half of the 17th century, they were – thanks to the strong centralization and administrative control – translated into action far more efficiently than the laws which were restricted to small areas in the fragmented Heiliges Römisches Reich Deutscher Nation.

Already Louis XII (1504), Francois I (1539) and Charles IX (1561) had expelled "gypsies" form their kingdom. In accordance with their edicts, the Roma should be banned; Roma who return, however, were chastised with corporal punishment. But also working as galley slaves and cropping of hair were included early on in the catalogue of punishments. There was, however, a great discrepancy between the law’s wording and their execution by the responsible authorities. An inefficient police force, the laxness and inconsequence of the execution of royal orders as well as the liberality of some members of the nobility at thirst thwarted the king’s intentions.

Only in the mid-1600s – that is with the advent of the absolute regime – the authorities’ measures got vigorous and the penalties stricter. Already in 1666, Louis XIV decreed that all male "gypsies" were to be arrested and sent to the galleys without trial. In 1682 the "Roi Soleil" confirmed and intensified the existing rules: male Roma should get life sentences on the galleys, women should be cropped, and children put into poorhouses. If they still did not give up their vagabond life they were threatened with torture, branding and banishment. What was exceptional about these drastic measures was the fact that the Roma did not even have to be convicted of a criminal offence. In France, like in many other countries, their being "gypsies" was reason enough for their persecution.

But the authorities did not only take actions in a rigorous way against the Roma. All noblemen and judges who offered protection to the Bohemes or Égyptiens were threatened with dispossession and the loss of their jurisdiction. With the help of these sanctions and by appointing so-called "Intendantes", working as control organ of the central power, the royal edicts were obeyed all over the country. In order to avoid the authorities’ attention, bigger groups of Roma split up; many families became settled
for at least one part of the year. Some tried to find refuge in the border areas – Alsace, Lorraine or the Basque region – and in other rough areas.

Also in the Netherlands, which had become virtually independent from Spain in 1609, the constant intensification of laws was at first ineffective because they were executed insufficiently. The Roma’s successful persecution was even more difficult in the "United Provinces" because each of the seven provinces had separate regulations, and the police’s authority ended at the individual province’s border. The "anti gypsy policy" only got effective with the gradual standardization of the law and the police force. In particular the Roma’s strategy to flee into the neighboring provinces in case of danger was made impossible. By waiving the strict interpretation of their sovereignty in home affairs, by allowing rights to the central power, and by signing treaties among each other, the provinces laid the foundation of a coordinated and thus efficient persecution.

In the course of this common, better organized action of the police force, the so-called "Heidenjachten" (="heathen hunts") took on greater and greater proportions. They were carried out with the help of the military forces, and even the neighboring German lands, such as the duchies Kleve and Münster, took part. After the last "Heidenjacht", held in 1728, the majority of the victims had either been murdered, had fled, or had submitted themselves to the authorities’ orders.

Spain was the only European country that alternately – and with consequence – pursued both the Roma’s extinction and their complete assimilation. Emperor Charles X (as Spanish king Carlos I) ordered in 1539 to execute nomadic "gitanos" or to bring them on the royal galleys. Philippe II, in 1619, ordered all "egipcianos" to leave the country and forbid them – with the threat of death penalty – ever to return. At the same time, however, he allowed them to stay if they became settled and gave up their accustomed life style. In his "Prematica" the king pushed this wish for assimilation forward by forbidding the Roma to live in small groups, to use their language, and to dress differently from the Spanish. Violation of this law was punished with six years on the galley, whipping or banning.

This strict policy of assimilation continued under Carlos II, the last Habsburg monarch of Spain; under his rule, the "gitanos" only were allowed to live in towns with more than 200 inhabitants, and they were not allowed to build their own "barrios" (quarters). Noblemen who helped the Roma could be sentenced to a fine of 6.000 gold ducats, all other subjects to working on the galleys for many years.

Philippe V, founder of the Bourbon dynasty, confirmed his predecessor’s laws and additionally determined 41 towns in which the Roma were to live. His son, and successor on the throne, Ferdinand VI, seemed to continue his father’s policy by enlarging the number of towns where the Roma were allowed to settle by 34. The Spanish "gitanos"’ process of becoming settled had already gone very far, but is was by no means a complete assimilation. The Roma stubbornly refused to comply with certain demands by the king, and so he let himself be carried away – by bishop Oviedo – into making a radical decision: On the 20th of July in 1749 he decreed that all Roma were to be rounded up in the whole of Spain and were to be used as forced labor in the state’s mines, shipyards, and factories. On this day, which went down in Spanish history as "Black Wednesday", an estimated 9.000 – 12.000 Roma were murdered.

Portugal was the first country to invent a new method to get rid of its "ciganos". As Roma who were born in the country could not, by law, simply be expelled from Portugal, Johann III passed a decree in 1538 through which deportation to Africa was made possible. From 1574 onwards, the Roma were also shipped to Brazil. When, at the end of the 17th century, numerous Roma came from Spain into
its neighboring country, the Portuguese authorities organized the deportation of entire groups of Roma. Of course, work on the gallows and whipping were also used as punishment, and the Roma condemned to forced labor.

In England, Henry VIII passed a law in 1530 which ordered the Roma’s expulsion. At the same time, the king forbade bringing more Roma into the country. Every ship owner or captain who flouted these orders could be punished with a 40-pound-fine. The captured Roma, on the contrary, were put on the gallows. Under Edward VI’s reign, a new law was introduced in 1547 – bringing capturing, branding, and a two-year slavery for the Roma. Roma who had fled and were recaptured should work as slaves for the rest of their lives.

In the period between 1550 and 1640 the actions of the English state against all subjects without master – and thus against the Roma – reached their climax. From Mary’s reign (1553-58) onwards, violations of the law of 1530 were punished more severely. All Roma who came to England illegally by ship and did not leave the country within 40 days were considered traitors and could thus be punished with the "loss of life, land, and possessions".

Later, a new regulation was necessary because, in the course of time, only few Roma came to England from the continent, the vast majority had already been born in England. In accordance with the law of 1562, the "Act for further punishment of Vagabonds, calling themselves Egyptians", Roma born in England or Wales could not be expelled from the country as long as they gave up their "idle" and "unchristian" life. All the others, however, should – as usual – lose their possessions and be condemned to death penalty. The last death sentence to be pronounced solely on the grounds of them being members of the ethnic group of Roma was executed in 1650; later, the English also exiled the Roma to America.

For more than 250 years, persecution and expulsion were dominant in the authorities’ dealings with the Roma. Notwithstanding draconian punishment, the measures which had been taken in the 16th to 18th century to solve the supposed "gypsy problem" did not have the wished-for effect and did, by no means, add to the "gypsies disappearance". This fact, the influence of Enlightenment and the principles of absolutism made the European rulers find new ways in their "gypsy policy". The Habsburgs in Austria, and the Bourbons in Spain, in particular, started a less cruel – but equally relentless – forced assimilation of the Roma.

**Literature**


