

# Blacks and Gypsies in Nazi Germany: the Limits of the 'Racial State'

by *Eve Rosenhaft*

What distinguishes National Socialism from other twentieth-century dictatorships is the systematic mass murder prosecuted against the Jews of Europe and rationalized in terms of 'race'. As Tim Mason was acutely aware, this poses a particular challenge to historical understanding: On the one hand, the fact of the genocide, its human and material costs and its moral weight demand our sustained attention and an explanation adequate to its ethical and quantitative dimensions. On the other hand, it eludes explanation in terms of any materialist account of system dynamics, or any general account of Nazism that is about anything except race. For those identified as 'racial enemies', class position offered no protection against persecution in peacetime, and the expenditure of resources on genocide in wartime was if anything counterproductive to national survival.

Since the 1980s historians have responded to this challenge by exploring in detail the ways that practices which Nazism instituted in the name of race built on or exceeded the forms of discipline and exclusion characteristic of 'normal' class societies. In the last twenty years the term 'racial state' has become a shorthand for the sense that there is some kind of coherence in what we now see as a multitude of histories of internment, labour exploitation, sterilization and murder-or-letting-die, such that systematic killing emerged out of a continuum of institutional dehumanization.<sup>1</sup> There is authority for this in the intentions of Nazi policy-makers and the practice of legal, medical and social welfare agencies. The inherent unity of 'racial and eugenic policy', of policy towards those of 'alien blood' (*Fremdblütige*), like Jews, Blacks and Gypsies,<sup>2</sup> on the one hand and those who were of 'German blood' (*Deutschblütige*) but genetically damaged or incorrigibly deviant on the other, was axiomatic for Hitler. The creation of a legislative framework that would realize this unity by preventing the birth of undesirables (through a radical reform of the institutions and principles of the public health system that promoted both positive and negative eugenic measures) and by enabling the exclusion of those already present (through changes to the laws governing citizenship, civil rights and civic status) was one of the earliest projects of the regime. The Nuremberg Laws of 1935,

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the first comprehensive measures against the Jews, characteristically addressed both the biological and the civic imperatives: Jews were excluded from citizenship and marriages and sexual relations between Jews and ‘those of German or related blood’ were banned.<sup>3</sup>

In adopting the vision of the ‘racial state’, however, historians have tended to picture as a *fait accompli* something that was never more than a work in progress. Close attention to the ways in which exclusionary and genocidal practices were devised, applied and experienced in everyday life throws up substantial evidence of incoherence. National Socialism aimed to subsume all forms of difference into a unitary hierarchy of race. This meant removing race from the realm of the experiential and interactive in which actual relations among social groups were constituted and breaking its intuitive association with perceptible difference. The ‘desirable’ as well as the ‘undesirable’, insiders and outsiders alike, might be called upon at any time to demonstrate their blood-line and thereby to make their ‘race’ legible, or to submit to being tested for invisible evidence of their genetic qualifications. The logic of the notion of *deutschblütig* (or its pseudo-historical equivalent Aryan) was thus to overturn structures of assumption about self and other that are characteristic of ordinary race-stratified societies. Accordingly, everyday constructions of alterity posed a challenge to the Nazi racial project. In the case of Blacks and Gypsies, recognizable as ‘other’ through their appearance, dress and habits of life, Nazi policies encountered pre-existing structures of expectation and prejudice, each with its own history. The traces of those histories continued to be apparent in the behaviour of both the raced objects of policy and those who made and enforced it.

What I want to do here is consider what happens if we follow those traces and pay attention to their consequences. One reason for the tenacity of the concept of the racial state is its pedagogical utility. Taking the Nazis at their word makes it possible to insist on the tendential unity of everyday prejudice and genocidal racism, so we can say with the authority of evidence: that (mass murder) is what this (racism, homophobia etc.) leads to. Attention to the particularities of the process, however, exposes the story of race in Nazi Germany as one of mismatches and contests, and this opens up the question of how far everyday relations *resisted* the enforcement and radicalization of official racism. If there is a single answer to that question this essay cannot provide it. Rather, it explores some cases which expose the boundaries and crossing-points between official and everyday or common-sense discourses of difference; these may help us to think productively not only about other liminal cases but about the genocide at the core of the Nazi project and its long-term impacts.

#### AFTERTHOUGHTS AND TRAJECTORIES – OFFICIAL POLICY

The men who were responsible for putting into operation the unitary vision of ‘race’ after 1933 were aware that there was no natural fit between it and

existing structures of prejudice, law and custom. The association between race and skin colour haunts some of their earliest discussions, and Jim Crow was present at the birth of the Nuremberg Laws, though with paradoxical consequences. The first outline of the principles of National Socialist criminal law, published in 1933, proposed to punish not only miscegenation but also anyone who did 'damage to the honour of the race' by 'shamelessly' consorting with 'members of coloured races'; it cited American racial legislation as a precedent.<sup>4</sup> The publication provoked protests in Asia and South America which required the mediation of the Foreign Office, and this made it seem at least politic to concentrate on anti-Jewish measures, even before Hitler intervened directly to dictate the terms of what in September 1935 became the Nuremberg Laws.<sup>5</sup>

Policy towards Blacks and Gypsies therefore appears in retrospect to have developed as an afterthought to the massive public onslaught on the Jews. In the pre-Nuremberg discussions, Reich Justice Minister Franz Gürtner expressed his confidence in the healthy instincts of the German population when it came to questions of race mixing – as long as they could see who the racial aliens were: 'The idea of criminalizing race mixing as such would face far fewer difficulties if only the Jews were not de facto the ones at the top of the list.'<sup>6</sup> Jews had to be made (visible, experienced as) aliens through social isolation, the requirement to adopt 'Jewish' names, ghettoization, visible immiseration and finally the enforced wearing of the Star of David. Conversely, the tendency of Nazi policy towards Gypsies and Blacks after 1935 was to assimilate them to categories and to deal with them through administrative practices which had originally been devised for Jews. This can appear as a kind of bureaucratic tidying up, as when the Nuremberg marriage and citizenship laws were extended to cover Blacks and Gypsies in November 1935.<sup>7</sup> Moments of untidiness and error are also revealing. When from March 1943 Gypsies began to be deported to Auschwitz, their property was expropriated and the local finance officers who managed the business used printed forms originally designed for Jewish deportees, substituting 'Gypsy' for 'Jewish' and sometimes even giving Gypsies the names Israel and Sara – the ones imposed on Jews by law in 1938.<sup>8</sup>

There is reason to believe that the asynchronies of persecution were simply a matter of circumstance and context, and that the endpoint for Germany's Blacks and Gypsies, as for Jews, would indeed have been annihilation. This is most apparent in the case of Gypsies. In 1938, SS-Chief Heinrich Himmler ordered that all Gypsies in the Reich be registered and the extent to which they were of 'pure Gypsy' or 'mixed blood' be recorded, following his decision to 'solve the Gypsy question on the basis of their character as a race'. He decreed the deportation of all 'mixed-blood Gypsies and Balkan Gypsies' to Auschwitz-Birkenau at the end of 1942.<sup>9</sup> While there was no wholesale internment of Blacks, we may see the same machinery at work in Himmler's 1942 order for their statistical registration

and in the anecdotal evidence that in the later war years they were increasingly likely to be arrested on the grounds of their race alone. Between 1934 and 1940 the regime encouraged the project of employing all people of African descent in the 'Deutsche Afrika-Schau' (German Africa Show), a performance of 'indigenous' culture which toured the country celebrating Germany's colonial empire. The key Nazi leaders saw it as a way of keeping Germany's small black population segregated and under surveillance.<sup>10</sup> And as early as 1938 plans were discussed to deport all Africans and their children to Liberia.<sup>11</sup>

Unlike Jews, neither Blacks nor Gypsies were collectively subject to summary murder in the camps where they were interned. Even in Auschwitz-Birkenau Gypsies were not sent to the gas chambers on their arrival but held in a separate compound. The first mass gassings of them took place in August 1944, when the compound was liquidated. Most of the roughly 17,000 men, women and children who died there in the preceding eighteen months were victims of disease, exhaustion, medical experiments or the violence of the guards. But genocidal intent is clear in everyday police and medical practice, where intervention was if anything licensed by the uncertainty surrounding the position of these familiar outsiders in the Nazi scale of racial values. Long regarded as shiftless and criminal in popular stereotype, Gypsies were routinely categorized as 'asocial' after 1933, and this exposed them to the threat of eugenic sterilization. The terms of the decree extending the Nuremberg Laws to Blacks and Gypsies implied that infertility or sterilization should be a precondition for entering into a 'mixed' marriage. In practice it facilitated the indiscriminate and increasingly systematic sterilization of Gypsies. There is also mounting evidence of compulsory sterilization of Afro-German adults under a variety of circumstances as well as of pressure on mixed couples to separate. And in 1940 the Colonial Section of the NSDAP drafted a 'law for the protection of German blood in the colonies' which would have instituted what we would now call full-blown apartheid in any African territory that came under German control.<sup>12</sup>

Nevertheless, the particular features of what was in sum undoubtedly a genocidal process bear the stamp of existing notions of race and sometimes anticipated the measures taken by the regime. The institutional attack on Gypsies began with extra-governmental initiatives: The 'Gypsy camps' into which they were forced from the mid 1930s onwards were created by local authorities. The work of registration and categorization started as a research project in the hands of the criminologist Robert Ritter and his Race Hygiene Research Unit as early as 1936. And the evidence for a relatively unplanned radicalization of practice from below in wartime is persuasive. Himmler's Auschwitz Decree provided for the preservation of a core population of 'pure-blooded' Gypsies, whom he believed to be Aryans of a kind and less inclined to criminality than those of 'mixed blood'. In the event, however, nearly all German and Austrian Gypsies were deported, in the context of

a wider campaign by the national police agency to solve the problem of order once and for all by interning all social deviants in concentration camps with no expectation of survival or return.<sup>13</sup> Regardless of Himmler's ambivalent racial fantasies, then, Gypsies began and ended as racialized objects of social cleansing.

There is a similar kind of interference between old and new categories of 'otherness' in the experience of Blacks. In spite of the German reception of the legacy of Jim Crow, their emergence as a coherent racial category for policy purposes was retarded by the circumstances of their presence in Germany. In particular, those born in Africa were identified first as colonials. As long as there was some hope of recovering the colonies which Germany had lost under the Versailles Treaty, and while representatives of the old Colonial Office still had the ear of those close to Hitler, former colonial subjects continued to enjoy patronage of a kind that had protected them during the 1920s. The 'Afrika-Schau' began as a project conceived by colonialist entrepreneurs and German Africans to provide work for men and women forced out of their occupations by official and popular discrimination, and it depended for its success on finding audiences attracted by the exotic. In 1937 the office of Hitler's Deputy, Rudolf Hess, approved the reinstatement of a black woman who had been dismissed from public employment, because her father was a colonial migrant.<sup>14</sup>

#### REPRESENTATION AND SELF-REPRESENTATION *IN EXTREMIS*

The moments of incoherence outlined above were no guarantee of safety. They did open up potential spaces for negotiation, though, and when the victims answered back the contradictions as well as the power of official discourse could be exposed. The execution by guillotine of Jonas N'Doki in Hamburg in 1942 features in the historical literature, as it did in the memory of survivors, as 'worst case' evidence of the deadly consequences of National Socialism for Blacks.<sup>15</sup> N'Doki had been born in Cameroon and educated in German and British schools there. Arriving in Germany as a ship's steward in 1920, he worked primarily as a dancer until he started with the 'Afrika-Schau' in 1937. The incidents which led to his trial occurred in February 1939 and February 1941. In both cases he was accused of forcing himself on white women; he acknowledged that he had initiated the sexual encounters but denied that he had used force.

In the prosecution files, N'Doki 'speaks' indirectly through a few short documents in his own handwriting. One of these is a set of notes that reads: '4 points: 1. Women and girls make a fuss: Oh let me go etc. 2. There just isn't any woman who would say to any strange man come on and kiss me or hold me. 3. Europeans sensitive skin. 4. Curiosity of the white woman and girl.' The notes refer to elements of the prosecution case: the women's verbal resistance, the marks of violence on one woman's neck, and the fact that in one case N'Doki had exposed himself by torchlight. They signal a key

feature of the case: while both N'Doki and the judges understood that he came before the court as a racialized outsider, there was room for negotiation around the terms and consequences of his 'otherness'. The decision to try him before a special tribunal (a political court instituted by the regime) for a two-year-old incident suggests that the intention was to make an example of him as a black man. The charge of attempted rape was not based on his race, nor could it be, since the Nuremberg ban on extramarital sexual relations with *Deutschblütige* was never formally extended to Blacks and Gypsies. Rather, the sentence rested on the determination that he was an incorrigible sex offender; the prosecution argued that he was incorrigible because he was black.

N'Doki's own notes refer to his putative victims as both 'white' and 'European'. That his behaviour might be construed in terms of his being not only not white, but not European became explicit in the course of the proceedings. Following conviction by the special tribunal N'Doki applied to the (ordinary) district court for a retrial. His lawyer requested a psychological examination to determine whether or not N'Doki's 'race' and 'frame of mind' were such that he could recognize when a woman was genuinely resisting his advances. These judges declined to entertain the possibility of a misunderstanding. N'Doki, they argued, had spent twenty years in Germany and was perfectly familiar with German life and culture; he had enough experience with German women to take 'no' for an answer. By the time N'Doki's head was cut off, then, it been 'whitened' by the court; he died as an ordinary German criminal.

A second revealing document in N'Doki's file is his request that his prison earnings be used to pay his debts. One of those debts was in the amount of 7.75 Marks, to the Douglas perfume shop. This was a substantial amount, and his expenditure on toiletries is in keeping with the full set of men's clothing and fashionable accessories listed among his effects. N'Doki's care for his appearance, and in particular his determination to dress at the height of European fashion, was typical of African men in Germany. It was a practice inherited from the homeland which also asserted their sense of their elite status back home.<sup>16</sup> In N'Doki's generation, this self-image was under constant pressure both from material processes of proletarianization and from the dismissive attitudes of the metropolitan authorities. Still, N'Doki was described by one of his putative victims as 'downright refined'. His self-representation as an exotic and his cultivation of the habitus of a 'gentleman' – both of which were acknowledged by the court as part of the scenario – show how the practice of race (and indeed class) continued to be informed by the post-colonial context. By 1942, when N'Doki was tried, the colonial irredentism that had protected him and others was off the policy agenda, but the ambivalent culture of colonialism remained embedded in everyday life.

In the case of the Sinto Kurt A. the negotiation centred on the right to subsistence, expressed in claims on both sides to define honest work and

inflected by a contest over what 'family' meant.<sup>17</sup> Here National Socialism authorized and provided a new vocabulary for everyday prejudice with a vision of Germanness that claimed a monopoly on the definition of both work and family.<sup>18</sup> This had a particular impact on Sinti and Roma because of the family practices and forms of work that characterized their culture. Their opaque kinship networks had been a source of permanent frustration to the police authorities since the nineteenth century. Nazi racism, with its insistence on making genealogy legible, came to the aid of the police by licensing the use of violence and invasive physical examinations to establish kinship and the bureaucratic reordering of Sinti families. As with Jews, this extended to naming practices. Romanies were forced to adopt new (though – another paradox – still German) names: baptismal first names, rather than the familiar 'Gypsy' ones, and the surnames of their mothers when it became apparent that their parents had not been legally married. Similarly, the presumption that they were constitutionally resistant to honest work meant that most were subject to some form of forced labour from the mid 1930s onwards. In the summer of 1938 Himmler ordered a nationwide sweep of 'workshy' men, and Kurt A. was transferred to Buchenwald concentration camp from the Magdeburg Gypsy camp with some twenty others. He was sixteen years old.

An initial application for Kurt A.'s release and that of his father Albert L. was rejected by the Magdeburg police, in spite of his mother's claim that she and her five younger children depended on their income. The first reason for this was that Albert L. had never been married to the woman he claimed was the mother of his children, but had 'only lived with her' before his internment. Albert L. also claimed responsibility for the children of his sister-in-law, whom he called his wife. As far as the police were concerned Albert L. was not her husband, but was living with her only 'in Gypsy fashion' (in a marital relationship sanctioned by custom) and was therefore 'childless'.

The second set of arguments was about work: Kurt A., the police argued, could not be expected to get work, to keep work or to support his mother if he did, while Albert L. 'has never worked in his life', but rather had 'survived by peddling, without ever having a licence'. When he was finally released from Buchenwald, Kurt A. was bound by the terms of his parole to accept any work assigned to him. By June 1940 he was in trouble with his employer, a building contractor, who reported that he had needed to get the police to force Kurt A. and two workmates out of bed with their truncheons: 'It's completely unacceptable that the youth of Germany should have to bleed to death on the battlefield while these non-Aryans... bum around and work just when they please.' Kurt A.'s explanation was that he had not been able to earn enough at that job to support his younger siblings, and that during a period of absence from the building site he had been doing casual work that paid better. He was nevertheless required to return to his original employer, with whom he stayed until he was jailed for four months

for being involved in a fight in the Gypsy camp. In that case, the court took into account that he was young and had been acting in self-defence, and that only other Gypsies had been injured. The relatively lenient sentence, given that a gun had been used in the fight, marks out the Gypsy camp as a space that was still in some sense 'negotiable'. But once Kurt A. was back at work he was again under permanent suspicion of shiftlessness, and this ended only when he was deported to Auschwitz in March 1943, along with all the other inhabitants of the Magdeburg Gypsy camp.

In this story, the characteristic double-bind of racializing discourse is apparent in a series of contradictions. Gainful employment did not qualify as 'work' when a Gypsy did it, and Gypsies were to be both forced to fill the place of 'German workers' and at the same time disqualified by definition from being acknowledged as either Germans or workers. A similar logic was operating when the police denied the status of family to the Gypsies' domestic arrangements. And the two are of course linked, in that it was their obligation to the family whose meaningful existence the police denied that motivated Albert L. and Kurt A. to seek the gainful employment which the police disqualified as non-work. In the event, the vision of Gypsies as people for whom by their nature work was a punishment and family a pretext for waywardness, and whose living bodies were therefore infinitely exploitable, saved Kurt A.'s life. He was among 800 Gypsy men selected to return to Germany as slave labour in advance of the liquidation of their section of Auschwitz-Birkenau, and was back in Buchenwald at the liberation.

#### CONCLUSION: SITUATING RACISMS

National Socialism intruded violently on the history of both the Gypsy and the Black populations in Germany; loss of life, health and dignity left families and communities irretrievably broken. In the event, everyday racism offered little or no protection, and it is not my purpose to recommend it here. It pays to be attentive, though, to the ways in which the sufferings and the resistance of people like Jonas N'Doki and Kurt A. display the workings of alterities which challenged the Nazi project of redefinition. In a sense they exceed 'race'. By the same token, these histories exceed the narrative of National Socialism. After 1945 Blacks and Romanies encountered forms of everyday discrimination not unlike what they had known before 1933. Popular and scholarly writing which emphasizes this apparent continuity of racist attitudes tends to treat the Nazi period as a climax, rather than as a conjuncture which might have incurred qualitative change. In the spirit of critique which informed Tim Mason's work, let us try turning this vision on its head, and picturing the Nazi racial state as a project which posed a radical challenge to historic forms of racism. This might provoke us to readjust our critical focus on those longer histories of 'race', the variations within and between them and their dynamic interactions in shifting landscapes of prejudice. It might also help us to see in a new

light those victims of Nazism whose circumstances appear to have offered no scope for negotiation.

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#### NOTES AND REFERENCES

Research for the projects on which this article is based was funded by the University of Liverpool, the Center for Advanced Holocaust Studies in Washington DC, and the Arts and Humanities Research Council (grant number 112228). I am grateful to Dr Robbie Aitken, Sheffield Hallam University, for his contribution to some of the archival research, and to attendees at the Oxford conference and the editors of HWJ for their comments on earlier versions.

1 See Michael Burleigh and Wolfgang Wippermann, *The Racial State: Germany 1933-1945*, New York, 1991; the most radical case for a continuum has been made by Henry Friedlander, *The Origins of Nazi Genocide: from Euthanasia to the Final Solution*, Chapel Hill, 1995. Both works synthesize the research of the 1980s.

2 In this essay the term Gypsy is used to denote people identified by the German authorities as such; ethnographic terms (Sinti/Sinto, Roma, Romanies) are used for self-identified members of the ethnic group.

3 Günter Neliba, *Wilhelm Frick, der Legalist des Unrechtsstaates. Eine Politische Biographie*, Paderborn, 1992.

4 Hans Kerrl, *Nationalsozialistisches Strafrecht. Denkschrift des Preußischen Justizministers*, Berlin, 1933, pp. 47f.

5 Lothar Gruchmann, '“Blutschutzgesetz” und Justiz. Zu Entstehung und Auswirkung des Nürnberger Gesetzes vom 15. September 1935', *Vierteljahrshefte für Zeitgeschichte* 31: 3, 1983.

6 Cited by Alexandra Przyrembel, '“Rassenschande”. Reinheitsmythos und Vernichtungslegitimation im Nationalsozialismus', Göttingen, 2003, p. 142.

7 First Decree for Implementing the Reich Citizenship Law, 14 Nov. 1935, *Reichsgesetzblatt*, 1935, I, p. 1,333; Wilhelm Frick, 'Das Reichsbürgergesetz und das Gesetz zum Schutze des deutschen Blutes und der Deutschen Ehre', *Deutsche Juristen-Zeitung*, 1935, p. 1,391.

8 Documents in the files of the Berlin Finance Office, United States Holocaust Memorial Museum Archives, RG-07.008.03.

9 For an overview of policies towards 'Gypsies', see Guenter Lewy, *The Nazi Persecution of the Gypsies*, Oxford, 2000.

10 Susanne Lewerenz, *Die Deutsche Afrika-Schau (1935-1940)*, Frankfurt am M., 2006.

11 Notice, Brückner, n.d. (1935), Bundesarchiv Berlin R1001 7562, p. 113; French Chargé d'Affaires in Liberia to the Minister of Foreign Affairs, 19 Aug. 1938, Centre des Archives Diplomatiques de Nantes, Monrovia A5.

12 The 1937 sterilization of several hundred adolescent children of French colonial troops who had been stationed in the Rhineland after World War One was a prelude whose relationship to subsequent individual sterilizations remains unclear. Observations about the situation of Blacks draw on my own primary research towards a forthcoming monograph. Key publications in this field are the work of Tina Campt, including *Other Germans: Black Germans and the Politics of Race, Gender and Memory in the Third Reich*, Ann Arbor, 2004; Clarence Lusane, *Hitler's Black Victims*, New York and London, 2003.

13 Patrick Wagner, 'Kriminalprävention qua Massenmord. Die gesellschaftsbiologische Konzeption der NS-Kriminalpolizei und ihre Bedeutung für die Zigeunerpersecution', in *Zwischen Erziehung und Vernichtung. Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, ed. Michael Zimmermann, Stuttgart, 2007.

14 Hauptmann, Gauleiter Hamburg, to Wiedemann, Adjutant to the Führer, 2 May 1938, Bundesarchiv Berlin NS 10-374, p. 111.

15 Marianne Bechhaus-Gerst, ' "Hinrichtung 6.18 Uhr durch das Fallbeilgerät" – Ein Askari vor dem Sondergericht Hamburg,' in *Die (koloniale) Begegnung. AfrikanerInnen in Deutschland 1880–1945, Deutsche in Afrika 1880–1918*, ed. Marianne Bechhaus-Gerst and Reinhold Klein-Arendt, Frankfurt am Main, 2003. The documents in the case are in the Staatsarchiv Hamburg 213-11 4807-42.

16 Lynn Schler, 'Bridewealth, Guns and other Status Symbols: Immigration and Consumption in Colonial Douala', *Journal of African Cultural Studies* 16, 2003.

17 The principal documentation for this account is in police files in the Landeshauptarchiv Sachsen-Anhalt, Magdeburg, Rep. C29.

18 On the radical redefinition of both work and family in National Socialism see (respectively) Alf Lüdtke, 'The "Honor of Labor": Industrial Workers and the Power of Symbols under National Socialism', and Gisela Bock, 'Antinatalism, Maternity and Paternity in National Socialist Racism', both in *Nazism and German Society 1933-1945*, ed. David F. Crew, New York and London, 1994.