# Romani Law

The total number of Romani, more commonly known as gypsies,[[1]](#footnote-1) is variously estimated at from three to fifteen million[[2]](#footnote-2). If current scholarship is correct they are descendants of a population that left northern India about a thousand years ago.[[3]](#footnote-3) They first appear in Western European history in the 15th century at the court of the Holy Roman Emperor Sigismund, claiming to be from Lesser Egypt in Greece on pilgrimage as penance for the temporary abandonment of Christianity by their ancestors.[[4]](#footnote-4) Multiple accounts describe them as traveling through Europe bearing letters of safe conduct from Sigismund giving them judicial autonomy, the right to be punished only by their own authorities.

The letters may have been forgeries created by their bearers to protect them from local law enforcement authorities but they need not have been. Polylegal systems in which different people in the same country were under different legal authorities existed in medieval and Renaissance Europe. The status of Jewish communities in the diaspora, discussed in Chapter XX[Jewish], is one example, the millet system of the Ottoman Empire another. It is possible that fifteenth century Romani persuaded Sigismund that they were entitled to similar treatment.[[5]](#footnote-5)

Whether or not fifteenth century Romani obtained a grant of *de jure* judicial autonomy from a fifteenth century emperor, Romani communities through the centuries have been strikingly successful in maintaining *de facto* autonomy, staying below the radar of the official legal system while imposing their own rules on their own members.

## Romani x 3: Vlach Rom, Romanichal, Kalle

Over the thousand years since they left India, the Romani have divided into multiple communities, each with its own institutions. Many speak variants of their original language containing loan words from the lands they traveled through; the different dialects are not always mutually comprehensible. Others speak a dialect of the local non-Romany language, such as English or Spanish, with Romany loan words. The rules different communities enforce on themselves and the mechanisms by which they enforce them are in some ways similar, in some different.

I will begin with the Vlach Rom, the descendants of Romani enserfed for four centuries in Romania, and then describe the somewhat different institutions of the Romanichal, the largest of the British Romani groups, and the Kalle, the Finnish Romani.

### Vlach Rom

After serfdom was abolished in Romania in the 19th century many of the Vlach Rom emigrated. Their descendants are now scattered around the world, making up the largest Romani population. My main source for information on them is a book by Anne Sutherland based on her interactions with American Vlach Rom over a period ending in October of 1970, during nine months of which she was the principal of a Romani school in Richmond, California. While her observations were of American Rom, much of her description probably applies to Vlach Rom groups elsewhere, some to other Romani groups.

#### Social Structure

The basic unit is the *familia*: a couple, their adult sons, daughters in law, unmarried daughters and grandchildren. Above the *familia* is the *vitsa*, a larger kinship group descended from an ancestor some generations back. An individual can choose to be considered part of either father or mother’s *vitsa*; a woman may choose to identify with her husband’s *vitsa*. Above the *vitsa* is the *Natsiya*, nation. The Vlach Rom are divided into four *natsiya*: Machwaya, Lowara, Kalderasha and Churara.

Marriage is by purchase, a payment from the family of the groom to the family of the bride. Payments are substantial, typically several thousand dollars as of 1970. While consent of bride and groom is required, it is up to a man’s parents to find him a wife and negotiate with her parents. The wife lives in her husband’s *familia*; in the early years of the marriage, she is expected to do much of the work of the household. As she produces children, her status in the household gradually rises. Her parents retain the ability to cancel the marriage and retrieve their daughter; disagreement over how much, if any, of the bride price must be returned is a frequent source of conflict. The Romani term for the daughter-in-law, *bori*, is used not only by her husband’s parents but by other members of their household–she is their *bori*.

*Familia*, *Vitsa*, and *Natsiya* are all kinship structures. The geographical unit above the *Familia* is the *kumpania*. The original meaning seems to have been an encampment, a group of households camping together. In the modern American context, it describes a unit such as the Romani settlement in Richmond. A *Kumpania* usually has a *Rom Baro*, a “Big Man,” who plays an important role both in interactions with authorities such as the police and welfare department and in interactions among the Rom.

A *Kumpania* may consist of households of a single *vitsa*, with households of other *vitsa* unwelcome. It may contain households of several *vitsa*, in which case its leader will probably be the leading figure of whichever *vitsa* has the most households. It may be a closed *Kumpania*, meaning that Romani families require permission to move in, likely to be based on *vitsa* membership and kinship to those already there, or it may be open. Restrictions on entry are typically enforced by the *Rom Baro’s* influence with local authorities. An unwelcome family can be reported to the police for crimes they did or did not commit, to the welfare department for violations that would otherwise go unreported. Restrictions on entry serve in part to protect current residents against competition in income earning activities such as fortune telling.

#### Legal System

*Romania*, the system of rules, can be grouped into two categories. One consists of ordinary legal rules covering the obligations of Romani to each other, including extensive obligations of mutual help, especially but not exclusively between relatives. If a member of the *kumpania* needs medical care and cannot afford it, other members are expected to take up a collection for the purpose. If there is to be a feast for a saints day, a funeral, or some similar occasion, it is likely to be funded by a similar collection. If an impoverished family arrives at a *kumpania*, it is assumed that someone will feed them and provide them with a place to stay.

Obligations apply to fellow Rom not to outsiders, *gaje*. Swindling or stealing from a fellow Romani is an offense to be dealt with and uncommon,[[6]](#footnote-6) swindling or stealing from an outsider comes under *Romania* only to the extent that it creates problems for other Rom. “They steal too much, get caught at it too much, and generally spoil an area for others.”[[7]](#footnote-7)

In Romanes, the Romani language,

“*Rom* refers to a particular individual Romani man and *romni* to a Romani woman. *Gadjo* refers to a man who is not a Romani and *gadji* to a non-Romani woman. There is no word for all men and women. Human beings are either *Roma* or *gadje*.” [[8]](#footnote-8)

It is only a mild exaggeration to say that Romani view the non-Romani population not as part of their society but as part of their environment. Romani of other communities, such as the Romanichal, have a somewhat ambiguous status between Rom and *Gaje*.

Marushiakova and Popov, who have done extensive research among European Vlach Rom populations, describe two cases where a group of Romani acted in a way that offended the locals and then left; the locals responded by punishing a second group of Romani for the offenses of the first. The second group’s response was to claim damages via a *kris*, a Romani court, from the responsible parties–not the locals who attacked them but the first group of Romani.[[9]](#footnote-9)

The second category covered by *Romania* is an elaborate system of purity and pollution, Orthodox Judaism on steroids.[[10]](#footnote-10) Its central tenet is that the human body is clean from the waist up, unclean from the waist down. One consequence of the rules is that different wash tubs are supposed to be used for men’s lower garments, men’s upper garments, women’s lower garments, women’s upper garments, children’s garments, and eating utensils–six in all.[[11]](#footnote-11) Contact with the unclean is polluting–“*marimé*”–and the pollution is contagious. Someone who is polluted will find others reluctant to associate with him, even to permit him to touch their possessions, providing an automatic enforcement mechanism for the rules against pollution and an incentive to go through the rituals required to remove it. Thus *marimé* is really two things, the state of being polluted and the status of ostracism due to being polluted.

Because pollution is contagious and *Gaje* neither know nor follow the rules to prevent it, association with them is sharply limited. Vlach Rom in America, if they have to eat in a non-Romani setting such as a restaurant, prefer paper plates; they may eat with their fingers instead of utensils for fear that the latter may be polluted.

Excretion and reproduction, being associated with the lower half of the body, are the subject of extensive rules and restrictions. A pregnant woman is expected to eat alone, consume food cooked in her own pots, and after childbirth destroy the garments she wore while pregnant. A woman can pollute a man by skirt tossing–exposing her genitals–obliging the victim to engage in costly procedures of purification. Seniors and children prior to puberty are viewed as pure, largely free from the restrictions of the pollution rules.

#### Enforcement

The mechanisms by which the rules are enforced are feud and the threat of ostracism*.* Sutherland reports an account of a feud from John Marks, one of her informants:

When I got one [a *bori*] for Danny [his son] she wouldn’t sleep with him as a wife, only a sister. Her father had put her up to it. So I got in touch with her father and said I wanted my money back. He said no, that I was trying to make love to my daughter-in-law, and he made his mistake when he said that. Now I knew that she had committed a crime before and was wanted for picking a man’s pocket of $300. I went to the sheriff there and said that I would bring her in if he would bring her father down and cost him a lot of trouble and money. …

As Marks interpreted the situation he was the victim of a swindle, an attempt to sell a daughter then reclaim her without refunding the money. He was particularly angry at the excuse offered by the father, since for a man to make advances to his son’s wife was considered a very serious offense. He retaliated with an approach common in Vlach Rom feuds, using the *gaje* authorities to impose costs on his opponent. Typically charges, true or false, are dropped once the opponent concedes.

In a society where income and power depend in large part on the ability to manipulate both outside authorities and fellow members of the community, that ability, and the ability to defend against it, are important life skills. As Sutherland reports:

The Rom often lie to each other about everyday matters, but they almost always lie to the *gaje*. There is no particular shame attached to lying to each other (except in specific circumstances, such as when one swears in front of the ‘public’ in a *kris*, swears on a dead relative, …), but to lietothe *gaje* is certainly correct and acceptable behavior, and even one’s dead grandfather might forgive a broken oath in this circumstance. Consequently, from the very beginning I decided to cross-check three times every piece of information that I received, no matter how trivial or unimportant it might seem. I might challenge several people at different times with the same piece of information or try alternative stories to test their reactions, and usually the contradictions could be ironed out and the most plausible solution gained. … Most people were at least not up to date on other people’s lies, and in this way eventually most things leaked out. …

My cross-checking technique was all the more acceptable since the Rom employ the same tactics with each other. They rarely accepted a statement from me or any other Rom without some kind of corroboration from someone else. When ‘caught out’ in this way, I never saw anyone show embarrassment. They enjoyed it when a good story was put over on them as much as they enjoyed putting one over on someone else.

When one party to a conflict is unable to force the other to yield, an alternative approach is avoidance. The Romani are by tradition a nomadic culture; even those with a fixed address such as the inhabitants of Richmond are likely to spend much of their time on the road. A *familia* unable to resolve a conflict in an acceptable way has the option of leaving town and avoiding all contact with their opponents, at least until both sides have cooled down. [[12]](#footnote-12)

Another option, the one eventually used by John Marks to settle the conflict over his son’s wife, is a *kris Romani*, a Romani court. Details of how the *kris* functions vary across accounts and probably across communities, including to what degree the judge or judges produce a verdict and to what degree they function as chairmen presiding over an open discussion.[[13]](#footnote-13) The Kris that John Marks described, an unusually large one, had two judges, selected for their reputation, and a jury of twenty-five. Judges and jurors were chosen from a much larger number attending, ideally coming from all parts of the United States and including a man and wife from each *vitsa*.

The verdict of the *kris* is imposed on the parties to the dispute, if necessary enforced by the threat of ostracism via a sentence of marimé. Ostracism can also occur, with or without a court procedure, as a result of pollution due to violation, even involuntary violation, of the *marimé* restrictions. A *familia* one member of which has violated the rules, for instance by running away to work for a year in the *gaje* world, may be declared *marimé* for some period of time.

The Rom say that *marime* means being ‘rejected’ from the Rom as a group and being ‘dirty’ or polluted. For the moment, it is the sense of rejection that is most relevant. When a person is declared *marime* publicly, whether by a group of people (such as families in the *kumpania*) or more formally in a *kris romani* (trial), he is immediately denied commensality with other Rom. Anything he wears, touches, or uses personally is polluted (*marime*) for other Rom, and he is generally avoided in person as his *marime* condition can be passed on to others. *Marime* in the sense of ‘rejected’ from social intercourse with other Rom is the ultimate punishment in the society just as death is the ultimate punishment in other societies. For the period it lasts, *marime* is social death.[[14]](#footnote-14)

Ostracism is a way in which an embedded legal system, one that exists under the rule of a state with much greater resources of coercion than the community possesses, can function. Refusing to associate with someone is not illegal, so the *marimé* penalty can be enforced without coming into conflict with state law.

#### Status

Age is directly correlated with power and respect – the older one gets, the more power and respect one is given. The oldest person in the family, who is still physically and mentally capable, will be the final authority in all family matters and decisions.[[15]](#footnote-15)

Within the *familia*, parents have authority over their children and grandchildren, husbands over their wives. Within the *kumpania*, the sexes are largely segregated, males interacting with males, females with females. Political matters are mostly in the hands of men, although old women may also play a role. While both men and women may bring in money, women are viewed as the primary earners, often through fortune telling, men as their assistants.

Outside of the family structure, the Romani are strikingly unwilling to engage in hierarchical relationships. Men who work together in groups do it as partners, not employer/employee. When Romani find it necessary to work for the *gaje*, picking crops for example, they do it as day labor not long term employees.

#### Legislation

*Romania* is a combination of law, religion, and medical belief–violation brings social sanctions but also bad luck and ill health. It is unwritten, existing in the memory of the individual Romani, especially the old–one of the sources of their status. There is no legislature. But it is possible, although uncommon, for a large meeting of Romani to agree on a change and have the agreement generally accepted.

In the autumn of 1969 a meeting was called of all the *vitsi* and all *natsiya* represented in Los Angeles to discuss the ‘new rules’ on the following issues: bride price, informing to *gaje* authorities about people who trespass on a *kumpania*, and the kinds of *marimé* sentences that will be effective. A man and wife from each *vitsa* were required to be present since the rules could not be effective unless accepted by all. [[16]](#footnote-16)

### Romanichal

The Romanichal, the largest of the British Romani communities, speak a dialect of English with many Romani words, practice marriage by elopement,[[17]](#footnote-17) and function in nuclear families. They have no *kris*.[[18]](#footnote-18) Like the Vlach Rom they enforce their rules through feud, although in a somewhat different form.

A Romanichal who believes his rights to have been violated responds by demanding, with threats of violence, compensation. Both parties know that if rights as defined by the norms of that community have been violated the violator’s friends will be reluctant to support him, the victim’s friends willing to support him. That makes it in the guilty violator’s interest to offer compensation or, if unwilling or unable to do so, to remove himself from the neighborhood of the victim just as, a thousand years earlier, an Icelander at risk of outlawry for failing to pay the fine imposed on him by a court might find it in his interest to leave Iceland. As with any well-functioning feud system, while the incentive to obey the laws or norms is provided by the threat of private violence, actual violence is the exception rather than the rule.

### Kaale

The Kaale, the Finnish Romani, a small population isolated for centuries, carry the Vlach Rom attitude towards the lower half of the body even further, refusing to openly admit the facts of human reproduction.[[19]](#footnote-19) They have no institution of marriage. Couples that wish to reproduce are expected to first leave their family households, flee far enough away so that their kin cannot find them and retrieve the woman, and return only when their child is weaned and so no longer requires a visible association with its mother. On returning, the father is expected to show the humility appropriate to one who has violated the norms of his society while the women of the mother’s generation smuggle mother and child into the household, where the child will be expected to treat all the women of his mother’s generation as equally mothers.

One result of the Kaale rejection of sexuality is to eliminate many of the taboos associated with it among other Romani groups. There can be no restrictions associated with menstruation since enforcing them would require recognition of the fact of menstruation, and similarly with pregnancy. A Kaale woman living in the household of her or her partner’s kin conceals the fact of pregnancy until shortly before delivery and arranges for her child to be born somewhere outside of the household–in modern times in a maternity hospital.

For Kaale feud, the relevant unit is the household, not, as among the Romanichal, the individual. All households are considered peers and there exists no mechanism above the household for peacefully settling disputes. Conflict within the household is settled internally in a society in which authority is centered in male elders. Violation of *marimé* rules leads to a loss of status and honor by the group whose member is responsible, providing an incentive to prevent such violations by enforcement within the household.[[20]](#footnote-20) The same is true for the Vlach Rom at the level of the *vitsa*.

Conflict between individuals of different households, if sufficiently serious, leads to duels between the parties under rules designed to reduce the risk of death or serious injury. If death or serious injury does occur, the result is a blood feud between the kin groups of the parties. The feud can be pursued by any member of the group one of whose members was killed or injured against any member of the other group, although in practice women or children are unlikely to be targeted, the responsible individual in the other group particularly likely to be. Successful retaliation exchanges the position of the two kin groups. There is no equivalent of the court procedures or arbitrated settlements that terminated Icelandic feuds. While these rules could lead to a succession of killings, in practice feud mostly takes the form not of violence but of avoidance–of all members of each kin group by all members of the other.

As you can see from these examples, the different Romani groups have much in common. What seems at first glance to be a difference in kind is often only a difference in degree. All three groups have similar rules of pollution, differing in detail. The Vlach Rom may settle their disputes in a *kris* but they conduct them, like the disputes of Kaale and Romanichal, largely by feud. Marriage by elopement is the norm for Romanichal and, in a stronger form, the Kaale, marriage by purchase among the Vlach Rom, but elopement exists for them as a disfavored option.

“If the father-in-law breaks it up there is not much the kids can do about it unless in a few cases in the past the kids did elope, run away with one another, and got lost as long as a year from both parents from both sides and made a go of their marriage.”

“They may have to disappear for a period of time until things cool down and they have had a baby. When the first baby is born, the *Xanamik* [parents and grandparents of the couple] make a greater effort to accept the marriage.” [[21]](#footnote-21)

### Explaining the Differences

What are the reasons for the differences among the different Romani groups, all coming out of the same original population and culture? A number of scholars have proposed theories; it is not clear which, if any, are correct.

Thomas Acton, Susan Caffrey, and Gary Mundy, the authors of Chapter 3 of *Gypsy Law* whose account of the Romanichal system is reflected in my description above, offer a conjectural explanation of differences between the Romanichal and the Vlach Rom. They argue that the feud system depends in part on the ability, when all else fails, of one party to walk out on the other and their dispute; absent that, the risk of serious violence becomes too large. Romani have, for most of their history, been a migratory population. But there was at least one large exception, the period of four centuries during which the Vlach Rom were enserfed in Romania. Serfdom meant the loss of mobility. Hence they argue that the feud system represents the original institution, the *kris* and associated institutions an adaptation to the special circumstances of serfdom arising among the Vlach Rom based on institutions of the Romanian peasantry.

It is an ingenious conjecture, but Marushiakova and Popov, who have studied a much larger variety of Romani groups, find that the pattern does not hold:

“Some authors have looked at the Gypsies’ marriage traditions, which are connected to their way of life. Allegedly, the two possibilities are (a) nomadic life style + elopement = feud system of private vengeance, or (b) settled way of life + arranged marriages = kris (Acton, Caffrey, and Mundy 2001: 89–100; Acton 2003: 646). However, our data refute this model and show that the reality is much more complicated, not allowing such simplified conclusions.”

“… it is certain that most (but not all) Gypsies who are or used to be nomadic have or had a Gypsy court, while the court is not known among permanently settled Gypsy groups.” [[22]](#footnote-22)

Marushiakova and Popov argue that enserfment in Romania did not necessarily conflict with nomadism, undercutting the explanation of why they had to develop the *kris*. Some Romani were tied to the land but others remained mobile, owing annual dues to their owner[[23]](#footnote-23) but with a considerable degree of both freedom and legal autonomy.[[24]](#footnote-24)

A similar issue arises for the difference between feud as practiced by the Romanichal and feud as practiced by Kaale–more generally, between the individualism of the Romanichal and the household-based society of the Kaale. Martti Gronförss, on whose account of the Kaale mine is based, suggests that the pattern of Kaale blood feud is one reason for Kaale non-marriage. Mating among the Kaale is exogamous, pairing within the household strictly forbidden. The recognition of a stable relationship created by sexual partnership and reproduction would create kinship links between households, subverting institutions based on autonomous and coequal households. Under institutions of non-marriage, one partner resides in the household of the other’s kin as a sort of resident alien. Blood feud involving the household of one partner does not concern the other or his kin either as participants or potential targets. If a blood feud arises between the households of partners the result is the immediate and complete severing of the connection between them, with the one who was dwelling in the household of the other’s kin returning to his or her own kin’s household.

Peter Leeson offers a different explanation of differences among Gypsy groups, in his case between the Kaale and the Vlach Rom.[[25]](#footnote-25) The Vlach Rom law enforcement system depends on a crucial feature of the *marimé* rules: contagion. The fact that *marimé* is contagious makes it in the private interest of each individual Rom to shun anyone infected with it. That makes it less likely that members of the society will break ranks in order to take advantage of opportunities for interaction with someone who has been ostracized.

Since all non-Rom are carriers of *marimé*, the fact that it is contagious also blocks interaction with non-Rom and so makes the individual Rom dependent on his ability to associate with his fellow Rom. Thus contagious *marimé* solves, for the Vlach Rom, some of the problems of enforcing rules of intra-Rom behavior. It is, however, a costly solution. Each individual must be careful to obey the elaborate pollution rules of *Romania*. Each individual must monitor those around him to avoid associating with someone who has violated those rules and is thus polluted.

There are, Leeson argues, two major sources of intra-Rom conflict among the Vlach Rom–marriage relations, in particular disputes over the return of bride price when a marriage fails, and economic associations beyond the *familia*, the extended family. Neither exists among the Kaale. With no institution of marriage there is no issue of bride price. With economic interaction almost entirely within, not across, households, there are few opportunities for disputes across households. The Kaale version of *marimé* is not contagious and cannot be caught from non-Romani. Male *Kaale* are free to have sexual relations with non-Romani women and under no obligation to conceal them. For male Vlach Rom, such relations would be polluting and openly admitting them would result in ostracism. The *Kaale*, with less need for mechanisms to enforce rules outside the household, have no institution of *kris*.

One question raised by the *marimé* system is to what extent it is supported by religious/magical belief, to what extent convention. Insofar as people believe that pollution brings bad luck and disease, the rules are in effect self-enforcing. On the other hand:

“In private a woman may step over her husband’s clothes, pass in front of him, or touch him with her skirts, but she would be very ashamed to do this in public, and if she lapsed in her conduct several times her husband would risk becoming *marime*.[[26]](#footnote-26)

That is not how you would expect moderns to treat a contagious disease. The same issue is raised by other societies and legal systems we will be looking at in later chapters. One is reminded of George Orwell’s comment that “Never, literally never in recent years, have I met anyone who gave me the impression of believing in the next world as firmly as he believed in the existence of, for instance, Australia.”[[27]](#footnote-27)

## Defensive Strategy

One way in which an embedded system can defend itself against the system it is embedded in is to use control over information to substitute for control over physical force. I started this chapter by reporting a range of estimates for the world population of Romani. That the estimates range over almost an order of magnitude is not an accident. Romani do not wish to be controlled by *gaje*. It is hard to control people if you cannot count them and it is hard to count people when there is no one to one correspondence between person and name.[[28]](#footnote-28) Romani, at least the Vlach Rom, the largest and most studied group, treat a name used in dealing with outsiders as fungible, belonging to the extended family to be used by any member who finds it useful. By this tactic and others, modern Romani have made it difficult for the states that claim authority over them to monitor and control them.[[29]](#footnote-29) That may explain the fact that although the Nazis targeted Romani as well as Jews for extermination, they seem to have been considerably less successful in the former case. Both the total number of European Romani and the number killed are uncertain, but it is estimated that about three-quarters of the Romani survived.[[30]](#footnote-30)

It soon became clear that these are people who, through centuries of experience in avoiding the prying questions of outsiders, have perfected their techniques of evasion to an effortless art. They delight in deceiving the *gajo*, mostly for a good reason, but sometimes just for the fun of it or to keep in practice.[[31]](#footnote-31)

Anonymity and invisibility combined with intense secretiveness are keys to the ability of the Rom to adapt and survive in an alien culture. Most are not registered at birth, in school, in a census, or with draft boards. Outside police records and welfare departments officially they do not exist. Even when they do have a name officially registered, it is usually not their own, and they may claim to be Mexican, Indian, or anything else besides Gypsy.[[32]](#footnote-32)

This approach has become more difficult as increasingly bureaucratic states have made increased efforts to keep track of their residents, taking advantage of a variety of modern technologies.[[33]](#footnote-33)

1. In this chapter I use the label “Romani” rather than “Gypsy.” One reason is that it is the label preferred by at least some Romani activists, who view “Gypsy” as pejorative. Another is that “Gypsy” has acquired a secondary meaning, a style of life rather than an ethnicity, a sense that does not include all Romani and does include some who are not Romani, such as the Highland Travelers. [↑](#footnote-ref-1)
2. Weyrauch 2001, p. 28. [↑](#footnote-ref-2)
3. Ian Hancock has offered an ingenious, if somewhat speculative, linguistic detective story, deducing the history prior to the arrival in western Europe from the origin and subject of words in Romani dialects. He argues that the group that originally left India were not farmers and had some military connection, since words of military relevance are derived from Indian languages while words relevant to farming are borrowed from other languages, presumably picked up en route. He dates their departure from India no earlier than the 11th century, when the Indian languages lost their neuter gender, since the Romany dialects have no neuter and assign gender to words that earlier were neuter in the same pattern as the Indian languages (Hancock 2010, Chapter 5). Mendizbata et. al., however, argue on the basic of genetic evidence for a departure from India about 500 A.D. [↑](#footnote-ref-3)
4. This may be the origin of “Egyptian” and hence “Gypsy” as labels for the Rom, although other explanations have also been offered. “Lesser Egypt” may have been a region in the Peloponnesus called Modon, ruled by Venice, where there was a Romani community. Alternatively, it could have been a reference to Asia Minor. [↑](#footnote-ref-4)
5. Marushiakova and Popov (2007), p. 76, describes Romani in Moldavia in the eighteenth century as having a considerable degree of legal autonomy. [↑](#footnote-ref-5)
6. According to accounts by observers, Rom rarely cheat or steal from fellow Rom. See sources cited in Leeson 2013, p. 284. [↑](#footnote-ref-6)
7. Sutherland 1975 p. 200, reporting on the view high-status Vlach Rom held of a low-status group.

   “Staley and Janet [a local welfare official] worked together to get the community to stop shoplifting. They had found a place where they wanted to stay, and Staley and the other two leaders, John Davis and George Lee, made sure no one broke the law. Anyone who did had to leave town.” (Sutherland 2017, p. 6).

   For a similar approach by modern Shia Muslims:

   “Q197: Is it permissible for a Muslim to steal from the unbelievers in their country [Europe] or to deceive them in taking their properties by employing means that are known to them (the unbelievers)?”

   A: “It is not permissible to steal from their private and public properties, and likewise to damage or destroy them (properties), if this tarnishes the reputation of Islam and Muslims in general.” (http://www.al-islam.org/contemporary-legal-rulings-shii-law-ayatullah-ali-al-sistani/b-muamalat#stealing-cheating-and-deceiving). al-Seestani 2014. The response continues with additional restrictions. [↑](#footnote-ref-7)
8. Sutherland 2017, p. 9. [↑](#footnote-ref-8)
9. Marushiakova and Popov 2007, p. 82. [↑](#footnote-ref-9)
10. For details see Weyrauch 2001, pp. 3-7, Hancock 2010, Chapter 7, pp. 105-113. [↑](#footnote-ref-10)
11. Sutherland 1975 p. 268. The description is of Vlach Rom in America. [↑](#footnote-ref-11)
12. “In general, the most accepted and common way to solve any problem arising between two families is for the families to leave the *kumpania* until they can come back in peace.” Sutherland 1975 p. 50. [↑](#footnote-ref-12)
13. For descriptions see Sutherland 1975, pp. 134-137, 292-297 and Ronald Lee, “The Rom-Vlach Gypsies and the Kris-Romani” in Weyrauch 2001.The former source describes a pattern with a judge or judges, a jury, and observers. For a discussion of Romani societies in Eastern and Central Europe with and without the *kris*, see Marushiakova and Popov 2007. In the American Vlach Rom society described by Sutherland, a *kris* can be used to settle disputes between parties from different communities (*kumpania*), with participants drawn from many. [↑](#footnote-ref-13)
14. Sutherland 1975 p. 98. [↑](#footnote-ref-14)
15. Sutherland 1975, p. 150. [↑](#footnote-ref-15)
16. Sutherland 1975 p. 203. [↑](#footnote-ref-16)
17. Marriage by elopement occasionally occurs among the Vlach Rom but is strongly disapproved of. Sutherland 1975, p. 230-234. [↑](#footnote-ref-17)
18. This account is based on Weyrauch 2001, Chapter 3, written by Thomas Acton, Susan Caffrey, and Gary Mundy. For the Icelandic feud system, see Chapter XX[Iceland]. [↑](#footnote-ref-18)
19. This account is based on research done by Marti Gronforss, mostly from 1976-8, and reported in Chapter 7 of Weyrauch 2001. [↑](#footnote-ref-19)
20. This account is based on Weyrauch 2001, Chapter 7, written by Martti Grönfors. [↑](#footnote-ref-20)
21. Sutherland 2017. The first quote is by Romani John Marks (p. 44), the second by Sutherland (p. 61). [↑](#footnote-ref-21)
22. Marushiakova and Popov 2007 p. 72 discussing their observation of groups in Central and Eastern Europe. [↑](#footnote-ref-22)
23. Marushiakova and Popov 2007 pp. 75-77. See also Fraser 1995 pp. 50-51 for institutions elsewhere in which a feudal lord was entitled to revenues from the local Romani. [↑](#footnote-ref-23)
24. “Consider, for example, the royal decree of the Moldavian prince Michael Sutsu, dated 25 March 1793: ‘. . . every kind of quarrel among them [the Gypsies, the slaves of the prince] and its judgement so as giving and carrying out the sentence is in the power of their leaders, who are to find justice according to their own old customs [sic], and the governors and other dignitaries are not to interfere unless there is a death case’ (Potra 1939: 327–31).” Marushiakova and Popov 2007 p. 76. [↑](#footnote-ref-24)
25. Leeson 2013, pp. 285-286. [↑](#footnote-ref-25)
26. Sutherland 1975 p. 266. [↑](#footnote-ref-26)
27. Orwell 1944, p. 122. [↑](#footnote-ref-27)
28. For a much more extensive discussion of this issue in the context of problems faced by governments trying to control their populations, see Scott 1998. [↑](#footnote-ref-28)
29. For a more detailed description of the ways in which Romani communities restrict information about themselves and control over them by the states within which they live, see *Gypsy Law* pp. 52-3. For a different example of a community enforcing its rules in violation of state law, sometimes by lethal force, see D.R. Chaudhry’s account of how the Khap Panchayet, communal authorities, enforce restrictive marital rules among the Jat in Haryana in modern India (Chaudhry 2014). [↑](#footnote-ref-29)
30. The Holocaust Encyclopedia contains a [detailed account](https://www.ushmm.org/wlc/en/article.php?ModuleId=10005219) of the Romani holocaust. [↑](#footnote-ref-30)
31. Sutherland 1975, p. 21. [↑](#footnote-ref-31)
32. Sutherland 1975, p. 26. [↑](#footnote-ref-32)
33. Sutherland 2017 p. 31. [↑](#footnote-ref-33)