

# Fortunetelling As a Fraudulent Profession? The Gendered Antigypsyist Motif of Fortunetelling and Persecution by the Criminal Police

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## Abstract

With the beginning of the Second World War the highest policy authority in the Nazi regime ordered that all fortunetelling female Sinti and Roma were to be incarcerated in concentration camps. This article traces the genesis of gendered antigypsyist motifs from the first written documentation on Sinti and Roma in Europe in the late Medieval period through the Enlightenment and the specialized discourse of criminology and penology in the nineteenth century. Furthermore, it analyzes both how the state apparatus criminalized fortunetelling as a fraudulent profession and how the criminal police under the Nazi regime implemented an order to incarcerate female Sinti and Roma by attributing the criminalized activity of fortunetelling.

## Keywords

- Antigypsyism
- Criminology
- Fortunetelling
- Policing
- Nazi genocide

## Introduction

Literary studies (Bogdal 2001; Brittnacher 2005; Solms 2008), visual history (Bell and Suckow 2008), and studies of religion, with a focus on “critical Occidentalism” (Eulberg 2020), have examined the question of fortunetelling and chiromancy as an antigypsyist stereotype that was attributed predominantly to women. The current article analyzes the antigypsyist motif of fortunetelling from the perspective of research on historic antigypsyism, examining the history of ideas as well as the implications of antigypsyism in society while putting it under the lens of gender-critical reflections, with a special focus on the relevance of the disciplines of criminology and penology. A starting point for this research is the observation that on 20 November 1939, the *Reichssicherheitshauptamt* (Reich Main Security Office, RSHA) ordered that all female “Gypsies” who had been punished for fortunetelling or were justifiably suspected of fortunetelling were to be incarcerated under “police preventive detention” in a concentration camp (Zimmermann 1996, 187; Fings and Sparing 2005, 105–106).

Here, an important research question arises: if this decree is seen in the context of a series of measures against Sinti and Roma by the Nazi regime, why was it specifically targeted at “fortunetelling female Gypsies”? What are the interconnections between fortunetelling, antigypsyism, and gender stereotypes while attributing this occupation predominantly to females? And finally, what are the implications in social reality? Had female Sinti and Roma been persecuted on the grounds of conducting fortunetelling? What were the differences between persecution on this basis before the decree from 20 November 1939 and after?

This article focuses on the history of ideas as well as its implications for social reality in the historical periods before the Nazi regime to understand the genesis of this gender-specific stereotype and to analyze in what way the National Socialist (NS) terror apparatus relied on longer traditions of policing and persecution of Sinti and Roma. The methodological foundation for this is a Critical Discourse Analysis (CDA), which by now has different academic approaches to “a type of discourse analytical research that primarily studies the way social power abuse, dominance and inequality are enacted, reproduced and resisted by text and talk in the social and political context” (Van Dijk 2004, 352). According to Fairclough’s three-dimensional framework, the text as a semantic unit corresponds with a social practice that generates and consumes the text (discourse practice), which is again embedded in and shaped by sociocultural context and practice (Fairclough 2015). Discourse is thus a form of social action, in which social and political issues are constructed and reflected,<sup>[1]</sup> power relations are negotiated and performed as well as social relations and ideologies are produced and mirrored (Fairclough and Wodak 1997).

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1 The discursive creation of the construct “Gypsy” – which is a projection by the dominant society and has little in common with the people to whom the stigma is ascribed to such as Sinti or Roma – is an example thereof. Whenever this term is used in the following text it should be read as such. “Gender” and gender inequalities are furthermore also constructed through discourse and linked to the hegemonic societal context with implications of unequal power relations and discrimination in social reality. Sinti or Roma women thus were often affected by the intersection of both constructs.

## History of Ideas: Emergence of a Multifaceted Gendered Antigypsyist Motif

The projection of fortunetelling as a typical occupation of people stigmatized as “Gypsies” is a complex motif with various expressions: the motif of fortunetelling and chiromancy, in particular, has been used to signify ethnic Otherness, religious deviance or superstition, a deviant attitude to work connected with laziness and trickery as well as a gender marker, projecting this occupation onto primarily (aged) women. The following section gives a description of the kaleidoscopic expressions of the motif of fortunetelling connected to antigypsyist stereotypes.

### 1. Dimension: Ascribed Otherness and Superstition

The first recorded appearances of a people who were characterized as foreigners “from Egypt” or “Gypsies” began to appear soon after their arrival in Europe around 1417; they were portrayed as poor and taking up occupations such as trickery, thievery, magic, and fortunetelling. One of the earliest accounts widely recited in later periods is the *Cosmographia* by Sebastian Münster from 1550 (Münster 1550/1628). The idea that fortunetelling, and the method of chiromancy, in particular, was imported to Europe from the Levant or India through migration became dominant. Thus, during the period of Enlightenment – a time in which ethnological studies of different peoples became increasingly popular – this motif became widespread (Hille 2005, 66). One prominent example is the book *A studied chiromancer (Ein gelehrter Chiromantiker)* from 1752 that was published anonymously and supposedly based on an old “Gypsy script” from 1553 (*Chiromantiker* 1752, 4). The source is not specifically contextualized but “fell into the author’s hands [...] through a lucky coincidence,” and the author’s task is to translate it into understandable German. The preface states that chiromancy was held in high esteem by earlier generations, especially among ancient Egyptians and Greeks. The practice allegedly was brought to Europe by emigrating “Gypsy” families and was regarded similarly to astrology or alchemy in Germany. The author further claims that chiromancy’s reputation gradually dissipated and generally was regarded as superstition shortly after the Reformation, especially as wandering families were no longer allowed to pass through Germany (*Ibid.*, 5).

This source clearly underlines that there was a change in the perception and reputation attributed to chiromancy and fortunetelling after the Reformation, when people began to view it as superstition. Thus, the practice of chiromancy, which was regarded as a central occupation of people who were stigmatized as “Gypsies,” became linked primarily to an ascribed ethnic or religious Otherness as well as to deviation or even superstition. Furthermore, this source also hints at the practical implications of antigypsyism, referring to harsh policies of displacement and expulsion that were strictly enforced by the sovereigns of territorial states.<sup>[2]</sup>

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2 Prohibiting signs for “Gypsies” (also for “vagabonds,” “heathens,” and Jews) were set up at border crossings throughout the Holy Roman Empire that warned “[G]ypsies” of trespassing and illustrated the draconic punishments that would follow in case of noncompliance, for example, Zigeunerwarnstock, Universalmuseum Joanneum Graz, Folkloristic Collection, inventory number 35.867.

The Brockhaus Encyclopedia entry on “divination or fortunetelling” (*Weißsagung oder Wahrsagung*) from 1868 exemplifies the change of perception that lasted till the late nineteenth century and made the connection between fortunetelling, superstition, and the discourse of Otherness even clearer (Brockhaus 1848, 200–202). The entry starts with a definition of divination as a natural human trait to unveil one’s future and a belief to be able to influence one’s fate through interpreting signs, using magic, or receiving God’s prophecy. It goes on to state that this is a natural trait of all peoples and times, but that the three monotheistic religions – Christianity, Islam, and Judaism – make a clear distinction between God’s prophecy and fortunetelling, which they reject. Such beliefs were popular in Greek and Roman polytheistic religions, for example, the Greek *mantis* or oracles. The author of the entry further claims that the interpretation of dreams was brought from the “Orient” to the Greeks and thus depicts it in a discourse of Otherness. The author insists that some contemporary beliefs around fortunetelling in the nineteenth century date back to paganism, having survived the Medieval period.

The entry further highlights that fortunetelling or any other form of superstition was pushed back by society due to further education of the intellect, increased scientific engagement, and police decrees against fortunetelling, as it often was accompanied by trickery. Only the “fortunetelling of Gypsies” (*Zigeunerwahrsagerei*) managed to outlive the decrees alongside some other minor forms of fortunetelling. The entry concludes with the observation that the practice seemed to be increasingly popular in times of instability and when people do not find comfort in religion, that is, times “in which great events or the expectations of such excites a general tension, are fruitful of fortunetellers who promise to satisfy them” (Brockhaus 1848, 202). Eighty years later in 1928, a handbook of Prussian administration defined “fortunetelling” in a similar way connected to superstition – thus the implications of these ideas to social reality within the state apparatus becomes evident. The civil administration’s handbook also highlighted that fortunetelling was mainly undertaken by women. In the countryside female fortunetellers supposedly conducted cartomancy, telling fortunes through handwriting or chiromancy, and thereby fostered superstition, spending of money, and also trickery and robbery (Schendel 2011, 134).

Penology and criminology dealt with the phenomenon of “fortunetelling” from their perspective at the end of the nineteenth and beginning of the twentieth century in their subject-specific discourses (Streicher 1926). In 1929 Hubert Capitain wrote a dissertation on “Fortunetelling and its Significance for Law” at the Faculty of Law of the University in Cologne. In analogy to the previous sources, he also depicts chiromancy as a practice of fortunetelling that was brought to Europe in the Medieval period: “The Middle Ages then brought about the blossoming of astrology among the overwhelming majority of all peoples; alongside which gradually arithmetic, geomancy and, through the Gypsies, also chiromancy, gained ground” (Capitain 1929, 4). He projected coherence and nationhood onto Gypsies and exteriorized the practice of fortunetelling, considering it as something that has no “European roots” (*Ibid.*; Streicher 1926, 39)

A handbook of criminology also particularly connects chiromancy with people designated as “Gypsies.” Under “fortunetelling” the author Streicher states: “The Gypsies are regarded as the main carriers of chiromancy in broad sections of the population” (Streicher 1936, 1038). Likewise, Erich Block stated in his dissertation at the Faculty of Law at the University of Erlangen from June 1935 that “in the fifteenth century, the Gypsies brought this art [chiromancy] to Europe, which was even taught at universities in

the heyday of the sixteenth to the early eighteenth century” (Block 1935, 15). Block also referred to *A studied chiromancer* from 1752. He argued that this publication can be seen in the context of the “heyday” of chiromancy between the sixteenth to the early eighteenth century.

Entangled mechanisms and functions can be found in the representation of the colonial “Other” and Sinti or Roma. Ethnologists and “Orientalists” also did comparative descriptions of fortunetelling “Gypsies” and indigenous peoples in the peripheries. For instance, the Dutch ethnologist van Hasselt also referred to chiromancy as a typical occupation of female “Gypsies” and compared it to the fortunetelling practices of the Noeforezen tribe on Noefoor island close to Papua New Guinea (Van Hasselt 1876, 186–187). His depiction highlights the ascribed “primitive” nature and behavior of indigenous people. In contrast to people stigmatized as “Gypsies,” indigenous people supposedly made use of much easier forms of fortunetelling. Postcolonial approaches to the study of historical forms of antigypsyism among missionaries or “Orientalists” and linguists demonstrate that dominant society had congruent underlying ideologies and uses similar mechanisms to label “Others” in colonial peripheries as the mechanisms labelling Sinti and Roma in the peripheries at home (Meier 2016).

As Sinti and Roma as well as others who are stigmatized with discriminatory language are regarded as non-European – “de-Europeanizing” according to Bogdal (2011, 269–280) – and as importers of such practices as fortunetelling through their migration, there is a close ideological link between these two different oppressed groups. Scholarship from the Enlightenment thus constructs a body of knowledge that allows for governing and representing people designated as “Gypsies” differently to other Europeans. Thus, the grounds were laid for early modern and Enlightenment scholarship on Sinti, Roma, and others who were already “contaminated” (Van Baar 2011, 77–106).

Intertextual references reveal the continuities of these stereotypes. Whereas the tropes of Otherness and fortunetelling as an import remained little changed, their embeddedness in a frame of religious explanation transformed during the Enlightenment to an ethnic one, and a particular discourse around this motif arose in the emerging fields of criminology and penology where it was linked to fraud and deception (Streicher 1926; Captain 1929). This specialized discourse is, however, interwoven and entangled with the popular discourse in the late nineteenth century and mutual exchanges took place (Becker 1992, 288).

## 2. Dimension: A Gendered Stereotype in the Context of Labor

People who were stigmatized as “Gypsies” were not only regarded as foreign and heathen but also as a people who did not work formally and who were suspected of suspicious forms of mobility. They were depicted as lazy and only capable of dishonest work such as begging, fortunetelling, prostitution, or stealing. Changes in systems of the state’s care of the poor, and the perceptions of the deserving and undeserving poor, have been very influential on the perception of practices of begging and fortunetelling (Willems 1997, 31–32). Whereas the poor had been dependent on the support of the church before the eighteenth century, the church and local government reformed social policies for the state’s care of the

poor later and started to criminalize idleness or begging. Workhouses for compulsory work were spaces that underscored this change. The notion of work was loaded with the moral values of dominant society.

Fortunetelling was not just in itself regarded as a dishonest profession but also as a method linked to distract victims of theft. This can be observed in several encyclopedia entries from this time. Zedler's universal encyclopedia from 1749 states, for instance, in its entry on "Gypsies" that they were a "hord [sic] of evil rabble that does not want to work but instead do idleness, stealing, whoring, devouring, guzzling, gambling, etc. as their profession. [...] They were said to be very known in giving horoscopes, in chiromancy and fortunetelling, particularly. Over time the occupation of fortunetelling became stereotypically associated with females of the group and often with old women in particular" (Solms 2008, 6). Cordula Bischoff analyzes this motif in Fine Arts and observes that female fortunetellers were portrayed predominantly with female clients after 1700 (Bischoff 2004, 145–155; Bell and Suckow 2018, 537).

The idea of ascribing this motif to women dates back much further. As with the ascription of religious Otherness and superstition, the roots date back to the late Medieval period. Sebastian Münster writes in his *Cosmographia* that old "Gypsy" women earn a living by fortunetelling, and while they give answers to the enquirer how many children, men, and women they will have, they reach with great agility into a purse or bag and empty the contents so that a person does not notice (Münster 1550/1628, 603).

Unsurprisingly, the motif of fortunetelling women can also be found in an influential study about "Gypsies" by the Enlightenment writer Heinrich Moritz Gottlieb Grellmann in 1783. He states that winter is the time when women tried "how much their list of stealing can achieve: then many men stay in their hut and send the women out to earn a living. They beg [...] and also do fortunetelling [...] and cheat simple people with amulets" (Grellmann 1783, 114–115). Grellmann also cites at this point the *Cosmographia* by Sebastian Münster from the late Medieval period.

Grellmann's motif was repeated among scholars and found its way into public discourse. Grellman himself points out that fortunetelling "Gypsies" were known for deceiving simple people all over Europe. He highlights the gender aspect in this respect. He states that it was peculiar that women were so wicked to claim that they can see the future of someone by looking at their hands. Men who performed fortunetelling were exempt (Grellmann, 1783, 96–97). Grellman foreshadows that only if "Gypsies" settled permanently, recognized a home country, and were encouraged to do formal work – even doing so by force – then this superstition of fortunetelling would decrease.

Cordula Bischoff stresses that one reason why it is attributed to women since the Enlightenment may be that gender values of the "rational" eighteenth century stereotypically did not link such practices of what was regarded as superstition or trivial magic to men. Thus, the motif carries and reflects deeper meanings about gender constructions. An intersectional perspective further highlights that the notion of "irrationality" was attributed to women through this motif and that they were stereotypically regarded as "Others" who did not belong to "civilized" and "enlightened" people (Bischoff 2004, 145–155; Bell and Suckow 2018, 537).

The ascription of fortunetelling as a gendered occupation for aged women can also be read in several other encyclopedic entries. The Brockhaus *Bilder-Conversations-Lexikon* (Picture conversation lexicon)

from 1841 states that the “slightly brighter-looking women are in recent years often very graceful [in] appearances, but usually also frivolous and crafty women. They are often dancers, beat the tambourine, sing, and do fortunetelling or cartomancy and other kinds of scams in their old age” (Brockhaus 1841, 802, author’s translation). This stereotype is persistent in encyclopedia entries across the centuries. In an entry from 1905, aged women are depicted in a similar way and contrasted with young female dancers: “They [the male “Gypsy”] prefer to earn their living by begging and stealing, fraudulent livestock cures and the like. However, they are skilled smiths in iron and copper, tinkers, wire braiders, wood carvers [...], horse and cattle dealers, the old women are fortunetellers, the young girls excellent dancers” (Meyers 1905, 925, author’s translation). Whereas fortunetelling and ageism become evident in the depiction of women of age, younger ones were portrayed at the seductive “exotic Other.”

Also, in the specialized discourse of penology and criminology at the beginning of the twentieth century, the motif of fortunetelling was also ascribed predominantly to women. A handbook of criminology from 1936, for instance, frames it as fraud that often accompanied “sleight-of-hand tricks” such as conjuring money (Paterna 1936, 1151). This depiction is entirely framed in the context of deviant and criminal behavior and how the state apparatus – legislative, judicative, and particularly executive – could act against such criminality.

A collection of regulations for police officers to combat “Gypsies and vagabonds” from 1931 underlines this observation. The pocket-size police publication starts with a brief overview of relevant official instructions and then provides a systematic list of “possible offenses.” The second regulation that is listed in this collection is “fraud with little damage from need” (*Notbertug*), fortune telling, interpreting dreams, and so on, which conflicts with §55 Abs. 2 VollzB (Dorsch 1931, 12). In contrast to the writings from ethnographers and anthropologists in the Enlightenment, these antigypsyist stereotypes differ as they are connected to instructions on how to combat crimes conducted by certain people. If fortunetelling was used as an antigypsyist marker for women, then it was done so in the frame of the fight against crime. Thus, the very same motif had different connotations depending on its context.

### 3. Dimension: Fortunetelling of “Gypsies” As a Phenomenon of the Peripheries

The notion that this occupation was undertaken by Sinti or Roma women in the geographical peripheries of the German states, that is, mainly in villages and rural areas, is linked to the idea of fortunetelling as a marker of Otherness, “primitivity,” and superstition. On the same token, fortunetelling gained popularity and became a specialized profession predominantly in the bigger cities during times when occultism was on the rise.

Although many publications were written and (police) laws passed against fortunetelling, there were also attempts to justify fortunetelling with scientific arguments. One early highlight is *A studied chiromancer* from 1752. Chiromancy also was taught at several universities, for instance, in Halle in 1780 (Riedel 1920, 120–121). Nevertheless, fortunetelling was promoted in public discourse by a minority, and this



profession was conducted by people who became increasingly professional. Concerning the status of chiromancy in Germany, Riedel observes in 1920: “Just a few decades ago people smiled and scoffed at this ‘Gypsy art’, today they take this ‘science’ devilishly seriously” (*Ibid.*, 121).

Following in the footsteps of the Industrial Revolution, job professionalization, and urbanization, fortunetellers also became more professional and advertised their services in newspapers and magazines. In 1934 the journalist and private detective Heinz Lehmann-Lamari – a harsh critic of fortunetelling – calls Berlin a “stronghold of superstition,” reported that 23 fortuneteller newspapers were in circulation, and that almost every daily newspaper published advertisements for fortunetellers, who advertised their service as “scientific chiromancy” (Lehmann-Lamari 1934, 12–13). Well over 2000 fortunetellers who lived comfortable lives from their “dishonest” business were said to be in Berlin. Lehmann-Lamari portrays them as coming from different parts of the world – France, Spain, or Turkey – staying in hotels, asking for a lot of money for their exclusive services from their customers, and wrapping their businesses with a certain “nimbus” through a certain “layout” (*Aufmachung*). A “magic darkness, furniture covered in black, two lit candles, etc.” supposedly attracted mainly female customers (*Ibid.*, 24).

This depiction of highly professional fortunetellers in the big cities is, however, not ascribed to the figure of “Gypsies.” In general, they are depicted as living a “primitive” and nomadic lifestyle in the peripheries, undertaking non-professional occupations. For instance, Walther Thieme, director of the City Mission in Berlin, gathers many different antigypsyist stereotypes, including romanticized views, in his article from 1927, which was published upon the 50-year anniversary of the City Mission in Berlin. Among them was one account on fortunetelling in the peripheries, describing a campfire scene in the Tegel forest and “brown fellows and the passionate eyes of the women with their red and yellow garments.” He furthermore undertakes an exoticized characterization of “travelling people with their foreign customs and gestures” and warns the reader not to get closer because of “their fortunetelling and stealing, their casualness and sluggishness.” He closes off with racist remarks that all these traits “do not give one any confidence in permanent change” (Thieme 1927, 82).

Thus, there is a clear distinction between fortunetelling by people who are perceived as highly professional working in the bigger cities and advertising their services and the image of “Gypsies” fortunetelling in the peripheries, knocking on private doors and betraying simple people. Iulia Patrut highlights that the figure of the “Gypsy” served as a “border figure” in which one’s own uncertainty is transferred and German collective self-perceptions are negotiated (Patrut 2017, 37). The spatial separation and the location of this figure in the peripheries thus highlighted the notion of Otherness.

This also corresponds with the depiction of women in Fine Arts and visual media, who are stereotypically portrayed in an open, unidentifiable wide space and within a natural landscape. This localization highlights the ascribed nomadic lifestyle, homelessness and a “primitive” life in the peripheries or wilderness (Bell and Suckow 2008, 504). The large distribution of this motif can also be observed in picture books for children (*Ibid.*, 547–549). For example, *The Biggest Picture-ABC* by Theodor Hosemann from 1828 depicts an older woman with an infant on the back and another child with her, reading the palms of a young woman. In the background a church tower can be seen, which locates them outside the city and possibly serves as an image of contrast between religion and “superstition” (Hosemann 1828, 22; Reuter 2017). The letter “Z” was

illustrated with the word “Zigeunerinn” [sic] and the letter itself was a combination of a Black person dressed only in trousers who is beating a crocodile with a baton. This combination with a person from overseas further ascribes “primitivity” and locates “Gypsies” in social and geographical peripheries.

## Implications for the Social Order: German State(s) against Fortunetelling

In modernity fortunetelling is connected with ideas of dishonest work, superstition, and a gendered occupation, and these images were often mirrored in antigypsyist stereotypes. Peter Becker highlights in an article on police attitudes to marginalized groups that images of alleged criminals in this specialized discourse and practice are shaped by popular discourses but that there also has been a mutual exchange between specialized and popular discourse, which explains its heterogeneity. A common feature of these discourses is that the idea of “middle-class normality” is taken as a yardstick for ascribing deviant behavior (Becker 1992, 288).

Fortunetelling became an offense from the seventeenth century and mainly was prohibited in the context of fraud or disorderly conduct but also could be persecuted in terms of assault – depending on the harm done – or a special offense such as jugglery (Capitain 1929, 36). One of the first legal prohibitions of fortunetelling can be found in a police decree from Saxony from 1661 (Brockhaus 1848, 201; Schendel 2011, 134). In Prussia, fortunetelling was forbidden under a royal rescript from 24 May 1797, which directed the police authority that a law against fortunetelling or cartomancy was necessary (Mannkopff 1838, 128). This rescript was cited under the laws against the misuse of religion and the prohibition of “jugglery” (§220 – §222), which hints at the close connection between fortunetelling and the perception of religious deviance.

The legal and police prosecution of witchcraft and magic, including fortunetelling as one manifestation thereof, was hotly debated among scholars of the new academic fields of penology and criminology in the nineteenth century (Dorn-Haag 2016, 132). These scholars aimed at establishing abstract penal principles within a scientific discourse. Witchcraft and magic, including fortunetelling, were less regarded as religious offences and considered to belong to the context of fraud and trickery. Dorn-Haag points to the historical frame of a developing industrial and trade society based on the division of labor and seeking effective criminal protection against fraud, which further contributed to the relevance of such academic discussions and following legal prohibitions (Dorn Haag 2016, 133–134). Therefore, legal prerequisites of fraud were discussed among scholars. Two questions were crucial: first, the development of an abstract legal concept of fraud in comparison to deception and, second, the differentiation between prohibited fraud and permitted business. Furthermore, it was also discussed in what respect the aggrieved can also be held responsible for fraud because of his or her credulity. In the cases of fortunetelling, contributory negligence was seen in the aggrieved person’s lack of discrimination, belief in superstition, or gullibility (*Ibid.*, 137–138). Central characteristics of prohibited fraud thus were seen in the making of false promises, the exploitation of the aggrieved person’s credulity, and above all the reception of money or any other personal benefit in return. Scholars of penology and criminology took into consideration whether the

practitioner of fortunetelling believed in the accuracy of the fortunes that he or she had told. If so, it was assumed that he or she was “insane” or superstitious and thus the fortuneteller was not to be persecuted for fraud (*Ibid.*, 140).

For instance, the legal scholar and lawyer Karl August Tittmann writes in his handbook of penology and German penal legislation in 1823 that the “evil will to deceive must always be suspected” if there was no “no manifestation of misery of the soul or simple superstition” (Tittmann 1823, 496–497). He suggests that the punishment varied depending on the promised effects of the fraud and that only those should remain completely unpunished who did not treat fortunetelling as a business or source of income and who offered the service without financial compensation. The legal persecution of magic and fortunetelling as a religious offence is visible in Tittmann’s explanation when referring to a “religiously illegal act.” Nevertheless, this excerpt demonstrates the strong focus on prohibiting fortunetelling and other forms of magic as fraud when used as a source of income and based on trickery. Furthermore, the notion of work also played a role in the list of possible punishments in which manual labor in jail was named.

At the end of the nineteenth and beginning of the twentieth century fortunetelling, cartomancy, interpreting dreams, divination, astrology, and other forms of “jugglery” were put under larger legal prohibitions in the laws of several German states – at a time when occultism was on the rise. These decrees against fortunetelling were abstract, general prohibitions that were in force in certain police districts only. Their number increased dramatically at the beginning of the twentieth century so that the legal terms “*Wahrsageverordnungen*” (decrees against fortunetelling) or “jugglery-paragraphs” were established (Dorn-Haag 2016, 297–298; BArch, R 58/9059, fol. 173).

With the foundation of the German Reich in 1871, a coherent and supraterritorial collection of laws was published in the Criminal Code for the German Reich. Several paragraphs of this penal code could have been used to persecute fortunetellers. According to §263 RStGB, fraud is punishable if someone deceives someone else, including fraudulent representations, and is thus gaining an illegitimate advantage thereof. Fortunetelling and other forms of magic also could be legally subsumed as “disorderly conduct” (*grober Unfug*) under §360 I No. 11, Alt 2 RStGB. Central for a persecution according to this paragraph was a real or perceived disturbance of public order. This in return matched with the new self-conception of the police who were responsible for prosecuting these crimes. Since the eighteenth century the police force’s task was to ensure peace, security, and public order, which was a broader range of tasks than previous police work closely connected to military means (Becker 1992, 284). Although fortunetelling is conducted generally on a one-to-one basis, it frequently was persecuted with reference to this law because it stood in contradiction to “general morals” (Streicher 1936, 146–148; Dorn-Haag 2016, 304–307). For instance, the administrative appeals court of the province of Prussia ruled in 1881/82 that fortunetelling was a breach of morals. Fortunetellers, interpreters of dreams, and “similar wandering people” were engaging in a more or less disorderly conduct, which went against “good morals” and regularly served bogus purposes (Schendel 2011, 134).

Another method of curtailing fortunetelling as a business was the denial of trade licenses for traveling salespeople. A book on Prussian administrative law from 1914 remarked that no trade licenses for traveling salespeople should be handed out to “Gypsies” as well as other individuals who perform fortunetelling

as a business as it goes against “good morals” (Reichelt 1914, 822). Such prohibitions on fortunetelling also depended on governmental power or institutions and their main motivations behind the prohibition of fortunetelling. Sometimes it was prohibited and punished according to trade laws and sometimes according to police decrees and prohibitions (Streicher 1936, 149).

Fortunetelling is thought to increase in popularity in times of war and instability, and which is amplified as a danger to social order and state, as this description of the general discourse has shown. Implications for the social order can be observed in measures that are taken by a state apparatus in times of social, economic, and political unrest. Social and legal implications have been observed during the First World War. For instance, the governor of the ring of fortresses around Cologne declared in 1916 the expulsion of fortunetellers who predicted concerns about Germany winning the war and therefore disturbed general society (Capitain 1929, 35; Korzilius 2005, 45). The city of Leipzig also prohibited fortunetelling on 5 July 1916, in similar connection to the war and the social, political, and military instabilities that concerned the general public (Korzilius 2005, 44).

This analysis demonstrates that, in step with the emergence of the modern state apparatus, local laws and prohibitions of fortunetelling were created. As documented on the level of ideas, the context of the periods of both the Enlightenment and Industrial Revolution is important for linking “fortunetelling” to fraud. However, it was the specialized discourse of criminology and penology that paved the way for legal measures and state repression.

## Measures against Fortunetelling Female “Gypsies” during the Nazi Regime

In 1934, under National Socialist dictatorship, several police decrees were made by different regional administrations. On 26 January 1934, the police criminal law of Württemberg introduced a revised version of the police criminal law based on the criminal code of December 1871, thereby introducing Article 28b that prohibited fortunetelling (Münch 1962, 502). In February and June 1934, the Cologne’s police authority prohibited the announcement and exercise of fortunetelling through police decrees and fined violations with 50 Reich Mark (RM) or one week imprisonment (Fings and Sparing 2005, 107). Other local measures followed in Berlin, Bremen, and Hamburg (Schendel 2011: 133–134). All district police offices in Cologne were ordered in June 1934 to report any people who perform fortunetelling. One hundred fifteen people were listed in this card index of fortunetellers in Cologne by the end of 1936 – the majority of them were women and among them appeared one Sinti or Roma woman (Fings and Sparing 2005, 107).

The individual files kept at the local criminal police authority (*Kriminalpolizei*, *Kripo*) in Magdeburg further reveal how female Sinti and Roma were persecuted according to such decrees. On example is Anna L., who was convicted on 22 February 1937, to one month of imprisonment because of fraud and to 40 RM fine or alternatively 10 days imprisonment because of fraud and doing business without a trade license for travelling salespeople (Landesarchiv Sachsen-Anhalt (LASA), Rep. C 29, Anh. II. No. 6, fol. 7, 32).

Other examples of exercising police force over female Sinti or Roma under the suspicion of fortunetelling included depriving them of their license as traveling sales people and thus taking away means for their income. This was, for instance the case for Ernestine P. who traded in lace and haberdashery (LASA, Rep. C 29, Anh. II. No. 229, fol. 19). The Kripo accused her of also practicing fraudulent business by fortunetelling (chiromancy), occasional theft, and other kinds of fraud. Her husband was described as “work shy.” The Kripo officers concluded that it was impossible that she could feed her family of eight children with this kind of business and thus deprived her of her legal means. For Sinti or Roma women fortunetelling could be an important source of income due to high demand from dominant society due to clichés from popular discourse.

In 1934, the publicist and private detective Lehmann-Lamari described the difficulties of courts to convict fortunetellers according to decrees that criminalized fortunetelling as a form of fraud, and he demanded stricter regulations of fortunetelling per se on the level of the state through harsher prohibitions like in Italy, Japan, or Turkey (Lehmann-Lamari, 21–24). One of the difficulties for the criminal court was to prove that the delinquent intended to deceive and defraud the aggrieved party, as fortunetelling was connected to the concept of fraud. Another difficulty was the judicial tradition of establishing the burden of proof, whereby suspects were innocent until proven guilty (*Ibid.* 22). Lehmann-Lamari’s rhetoric against fortunetelling was on a par with National Socialist ideologies, equating fortunetellers with “varmint-people” (*Volksschädlinge*) (*Ibid.*, 22).

The decree by the RSHA from November 1939 against fortunetelling female “Gypsies” was related to the beginning of the Second World War. In the decree the “preventive police detention”, that is, incarceration in a concentration camp, was justified by repeated reports of how women designated as “Gypsies” made use of the beginning of the conflict to spread “considerable concern within the population.” This line of argumentation underlines the interconnection between an assumed increase in fortunetelling in times of political and social unrest as well as war and regulations against this practice. A report by the Security Service (*Sicherheitsdienst, SD*) from the same day served as the basis for the RSHA decree:

The rumor-making by fortunetellers, clairvoyants, Gypsies, has again recently been observed, especially in rural areas. The rumors mostly deal with the end of the war, which is still usually presupposed at a short-term appointment. Similar fortunetelling was spread around Reichenberg, Salzburg, and Bayreuth by traveling female Gypsies. From Königsberg it is reported that a Gypsy village situated on the outskirts of the city is overrun. From Silesia it is reported that the immoral custom of creating horoscopes is spreading (BArch, R 58/145).

This decree joins a long tradition that connects an increase in fortunetelling to times of social and political instability and wars, and it also can be seen in relation to the perception of fortunetelling as a dishonest or fraudulent profession in outskirts and rural areas. Thus, the RSHA decree from 1939 crystallizes all the aforementioned dimensions of this gendered antigypsyist motif and demonstrates the persistence of these projections throughout different periods and socio-political contexts.

Karola Fings and Frank Sparing observed that the Kripo of Cologne (*Kriminalpolizeileitstelle*) held one woman into preventive custody in a concentration camp in October as a “fortuneteller constituting public

danger” even before the central decree from November 1939 was issued by the RSHA. They go on to assume that this local incident was significant in the formulation of the central decree (Fings and Sparing 1005, 105–107).<sup>3</sup> The criminal police in Cologne also combed through their card index of fortunetellers in Cologne, which they had maintained since 1934, in order to find female “Gypsies” that fell under the decree from November 1939. The officers only found one woman and she was released – spared the fate of deportation to Ravensbrück concentration camp because she had not been convicted by a court (*Ibid.*, 107–108).

The situation was somewhat harsher in the criminal police district police in Magdeburg, where at least two women were deported to Ravensbrück upon the announcement of the 1939 decree (LASA, C 29, Anh. II. No. 1, No. 6). In addition, two more requests for concentration camp transfers were made by the Kripo in Magdeburg at the highest police authority in Berlin. Incarceration in a concentration camp had to be requested by the local *Kriminalpolizeistelle* and approved by the *Reichkriminalpolizeiamt* (RKPA) according to the decree on “preventive police detention” from 14 December 1937. The Kripo in Magdeburg also requested to put 69-year-old Hulda L. in “preventive police detention” according to this RSHA on 18 January 1940 (LASA, C 29, Anh. II. No. 241, fol. 63), but the RKPA did not grant permission because of her age and she was released from police detention on 3 February 1940 (*Ibid.*, fol. 73–75). Maria L. was not transferred to a concentration camp because she was seventh-months pregnant. The police’s medical professional attested that she could not be incarcerated at the end of May 1940 (LASA, C 29, Anh. II. No. 525, sheet 18), so she was released from police custody.

Another request for the detention of a “fortunetelling female Gypsy” was made by the Kripo in Magdeburg for Emma K. (LASA, C 29, Anh. II. No. 460, fol. 44). She had been arrested by the police on 17 May 1940 after being denounced by a housewife who accused her of fraud through fortunetelling (*Ibid.*, fol. 41). Emma K. was detained in the court jail until she was presented to the judge on 10 June, who did not issue an arrest warrant. Nonetheless, the Kripo arrested her again on 12 June, placed her in a police prison, wrote a request for “preventive police detention” in a concentration camp on the same day, and argued to the RKPA: “It is therefore urgent to take her into preventive police detention on the basis of the aforementioned legislation in order to protect the population from further harm and also to have a deterrent effect on other Gypsies” (*Ibid.*, fol. 44). This request was drafted by low-ranking Kripo officers but not signed by their director Overbeck. A corresponding letter from the RKPA to confirm or reject the request is missing, and this case hints at an intervention by the head of the Magdeburg Kripo. The case was closed on 14 June 1940 with the remark that Emma K. was handed over to the labor office to place her in permanent work (*Ibid.*, fol. 50).

The case of Lina S. demonstrates that the implementation of this decree was rather arbitrary. She was accused of targeting elderly women at home and in nursery homes and providing fortunetelling or “healthy prayers” for them in March 1941 (LASA, C 29, Anh. II. No. 493, fol. 30). The Kripo in Magdeburg did not rely on this decree to transfer her to a concentration camp but kept her in the police custody until she was

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3 In contrast Martin Luchterhandt emphasized the context of the outbreak of the war and that the Nazi regime wanted to contain rumors about the war.

tried by the district court. She was sentenced to five months imprisonment on 24 April 1941 for theft (*Ibid.*, fol. 42). Fortunetelling was in this case regarded by the Kripo as trickery and preparation for theft. The handling of these two cases from 1940 and 1941 reveals that the Magdeburg Kripo initially asked for incarceration through conviction at a court. As this was not achieved in the case of Emma K., the police relied on their own measures of repression such as “preventive police detention” in a concentration camp or repressive labor measures together with the labor office.

The November decree from 1939 was a measure by the police apparatus that combined the persecution of “fortunetelling” with measures against Sinti and Roma. It is less to be regarded as a measure against fortunetelling and more as one against female Sinti and Roma: in other words, a gender-based and intersectional measure against female Sinti and Roma. The context of the beginning of the war and the areas on the peripheries of the German Reich are crucial: borderlands generally had been regarded as areas of increased threats to state security by the state apparatus (Luchterhand 2000, 144). It is furthermore crucial to highlight its context and the series of measures against so-called “Asocials” such as the “*Aktion Arbeitsscheu Reich*” between 1938 and 1939, in which a great number of male Sinti and Roma, who were perceived as not working “properly,” were deported to concentration camps. They thus aimed at creating a racially and socially segregated performance community (*Leistungsgemeinschaft*) (Buggeln and Wildt 2014, ix–xxxviii).

The practical implementation of this decree in Magdeburg furthermore highlights an ambivalent police practice. This decree appears mainly to serve as a basis for incarcerations in the period of winter 1939 to spring 1941. In the local police records the explanations for incarcerations are linked to the perception of fortunetelling as a fraudulent profession rather than as a security threat during the course of the war, as the *Sicherheitsdienst* (Security Service, SD) perceived it when it triggered the RSHA decree in November 1939 with its report from the German borders. This new decree seems to have little changed the local criminal police officers’ perception of fortunetelling in the new context of war. Similar to the early 1930s, fortunetelling was regarded as a fraudulent profession, but the means of persecution were different due to the decree that enabled “police preventive detention” in concentration camps since 1937.

## Conclusion

This article shows that fortunetelling has been a marker of social deviance in the popular discourse throughout the centuries. It was the specialized discourse of criminology and the attribution of fortunetelling with criminality in this discourse that was very influential for the police decrees to criminalize fortunetelling. It was not regarded as proper work but as dishonest and often was connected to fraud. The notion of work was loaded with cultural and moral valence, and it was regarded as not improper. Connecting the motif of fortunetelling with antigypsyist ideas serves as a marker for Otherness and superstition and is predominantly ascribed to female Sinti and Roma in the peripheries, and females and aged women, in particular. In the main, police have been active in trying to ban fortunetelling through local decrees.

This article also shows that for decades there had been a close connection among the rise of fortunetelling, measures against it, and times of social and political instabilities. For the police and security apparatus this

may have indeed been the trigger to implement larger persecution measures that were based on a set of older beliefs and stereotypes about fortunetelling female Sinti and Roma and others who were stigmatized as “Gypsies.” The Cologne example highlights the influence of local criminal police authorities on an overall policymaking that was to be applied across the Reich. The number of incarcerations were, as regional studies show, fairly low as it was a decree unconnected to a specific deportation “action” that the criminal police implemented on a larger scale like in June 1938 during the course of the “*Aktion Arbeitsscheu Reich*.” However, the Kripo always could refer to this decree when exercising power over female Sinti and Roma, and then threaten to incarcerate them in a concentration camp, especially when other forms of repression such as imprisonment following a conviction after a court sentence were not applied.

The gendered motif of fortunetelling also was attributed in the representation of Roma women in other periods and geographical contexts, for example, Poland or the Soviet Union (Dunajeva 2021; Matkowska 2021, 64–67), which opens a question on its transnational dimensions. Such a transnational and cross-temporal approach would be fruitful for future studies to question the specificities of this motif on the level of ideas as well its consequences for the social reality of affected Sinti and Roma communities in different socio-political contexts.



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