

Niches of Agency: Romani Voices and Romani Allies in Compensation Procedures after 1945

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Abstract

The article explores the underrepresentation of Romani perspectives and self-perceptions in historical research. It offers a methodological reflection on the role of petitions in Romani history before unearthing the contents of Germany's compensation files. These state administrative files contain numerous acts of Romani self-assertion in the face of a rigid bureaucratic system. German Sinti and Roma countered majority society's practices of de-individualization through deliberate subjective action that challenged the authorities long before collective action in the late 1970s. The study reveals strategies that Roma developed to be entitled to the compensation due to Nazi victims. For example, they tried to provoke reaction through rhetorical stridency; organized help from third parties, professionals, and laypersons; or escalated to superiors. In doing so, the article reveals the complexity of the administrative practice of compensation for Nazi injustice, including actors such as the lawyers hired by Roma. Their ambivalent role and interests, which are sometimes supportive, sometimes less altruistic, hold potential for further research.

Keywords

- Compensation for Nazi injustices
- German history
- Romani agency
- Romani history

Introduction

International law has long supported reparations from defeated states to victorious states to compensate for war damage. But not until after the Second World War did the idea of *Wiedergutmachung* take hold in Germany. Although this term principally can be translated as “reparations” in English, there are two points to distinguish. In this context *Wiedergutmachung* did not mean compensation for general war damage but rather for Nazi persecution: individual victims – and not former enemy states – were to be the beneficiaries (cf. Goschler 2005, 13).^[1] An unprecedented political program (cf. Torpey 2003, 2–3; cf. Goschler 2005, 8; Frei, Brunner, and Goschler 2009, 12) of *Wiedergutmachung*^[2] for those persecuted under National Socialism began as a vague mandate under the Allies (cf. Féaux de la Croix 1985, 14) and soon diversified in West Germany^[3] into the legal areas of restitution (of ascertainable goods looted during the Nazi era), on the one hand, and compensation (of immaterial damage), on the other (cf. *Ibid.*). In the late 1940s it was codified in state law; then, from 1953, in federal law.

In the early days of the Federal Republic of Germany, *Wiedergutmachung* had developed not only into a complex area of law and a controversial field of domestic politics, but also into an administrative branch of its own with ramified structures of superior and subordinated offices, divisions and departments, civil servants, and employees.^[4] While compensation, which this article focuses on,^[5] was initially run by local Special Relief Committees^[6] and Support Agencies^[7] (cf. Hudemann 1987; Goschler 1992, 76–86; Scholtzseck 1994; Scharffenberg 2004, 27–34), which were personally and institutionally linked to persecutees’ associations and characterized by direct contact between former victims and caseworkers (Scharffenberg 2004, 223), the bureaucratic apparatuses became increasingly anonymous. The bureaucracy soon alienated itself from its target group as the distance between the Nazi victims applying for compensation and the responsible agencies grew. By the end of this bureaucratization process, compensation was primarily an abstract

1 However, Goschler immediately complicates this apparent clear distinction between reparations imposed by the former enemy states for their war damage and *Wiedergutmachung* directed at compensating the internal victims of Nazi persecution by pointing out that the German version of the Versailles Treaty already used the term *Wiedergutmachung* to denote reparation burdens (cf. Goschler 2005, 14).

2 Of course, the sober observation of the absence of a historical precedence does not mean that *Wiedergutmachung* can be written as a “simple success story.” There is “not the slightest reason” for such a perspective (Frei, Brunner, and Goschler 2009, 47).

3 In the other successor states to the German Reich, the GDR, which emerged from the Soviet occupation zone, and the Republic of Austria, there were also laws on individual compensation for victims, but these are not at the focus of this article. For a comparative German-German perspective, cf. Goschler 2003. For the Austrian Victim’s Welfare Act (*Opferfürsorgegesetz*), cf. Bailer 1993; Berger et al. 2004.

4 While the legal and political history of *Wiedergutmachung*, which began to be studied in the 1980s, can be considered largely understood (for example, Goschler 2005), *Wiedergutmachung* as an administrative practice, however, hardly has been studied by historians. Only first attempts at a praxeological history of administration can be found (for example, some contributions in Frei et al. 2009).

5 The by far smaller legal area of *Wiedergutmachung*, restitution, is omitted from this paper.

6 *Sonderhilfsausschüsse*.

7 *Betreuungsstellen*.

administrative act, which made the practices of decision-making appear opaque and, according to historian Heiko Scharffenberg, often led to a “feeling of powerlessness” (*Ibid.*, 224) among former victims, easily generating apathy.

For a history of compensation practices for German Sinti and Romani^[8] genocide survivors, which is only beginning to be written,^[9] it will be essential to consider this shift of the decision-making center to the anonymous structures of highly differentiated administrations. Their personnel easily could hide behind paragraphs and competence regulations. This was one of several factors that generated a practice that, due to numerous obstacles, resulted in a perceptible tone of undignified coldness in dealing with genocide survivors. Along with a protracted nature to the proceedings, this hardly could satisfy any claimants.^[10] The significance that this institutional change from around 1950 had, especially for Romani claimants, is underscored by the finding of Julia von dem Knesebeck: Roma often had a better chance of being recognized as racially persecuted victims and receiving immediate aid in the early phase of compensation when there still had been local competency with a resemblance of personal accountability (2011, 223).

This article chooses to flip on its head the perspective of classical antigypsyism research which tends to embrace the perceptions and actions of majority society and its institutions (Gress and Reuter 2018). How Sinti and Roma reacted will be examined here – not antigypsyist discrimination against Sinti and Roma in the context of the *Wiedergutmachung*, together with their overreaching and material disadvantage at the hands of German state offices for compensation. After all, the “feeling of powerlessness” did not mean that the former victims had been deprived entirely of possibilities for action in the administrative process that was compensation. *A priori*, it may be plausible that the alienation of the compensation bureaucracy from its own clientele had a detrimental effect, especially for Sinti and Roma. Not only were many of them marginalized (Widmann 2001; Reuss 2015), but they also lacked any professional interest representation that was used by other victim groups to lever their compensation (Margalit 2001, 278; cf. in more detail, Woolford and Wolejszo 2006). As a result,

8 I use, following Joskowicz (2020, 1206) the noun “Roma” as well as the adjective “Romani” to refer to various minority ethnic groups. Sinti were historically the largest Romani group living in Germany. As they often seek to distinguish themselves from Roma, the self-description of Eastern European groups, I speak of “Sinti and Roma,” as is customary in German discussions, when it comes to Romani groups in the country, or simply “Sinti” (singular: Sinto/Sintezza) when I consider it likely that all individuals concerned would have referred to themselves in this manner.

9 Most of the literature on compensation of German Sinti and Roma (Spitta 1989; Margalit 2001, 117–160; Stengel 2004; Woolford and Wolejszo 2006; Feyen 2009; Sparing 2011) essentially deals with the political, legal historical, and societal framework. So far, only the study of von dem Knesebeck (2011) works on the individual case files of Roma, the majority of which still lie dormant in the archives. This instructive work exemplifies the potential of looking behind the facades of bureaucracy and exploring how and why decisions came about. For Austria, such file-based research focusing on compensation practices was done by Berger et al. (2004) and Strutz (2006). Specifically on the Roma and Sinti victim group, cf. Baumgartner, Freund, and Greifeneder (2004, 212–243) and Strutz (2011), with the latter, however, using an extremely narrow source base.

10 Thus, the general dissatisfaction with the course of compensation is a constant element in the memorial literature of Romani genocide survivors. Out of 35 memoirs of surviving Sinti published in Strauß (2000), 20 explicitly referred to their compensation procedure – without exception negatively.

their possibility to extricate themselves from the thicket of administrative procedures and actively influence the course of their compensation to their benefit was limited. Nonetheless, the institutional developments in the background encircling stricter bureaucratization affected the applicants' scope of action, and thus raise the question of how this scope of action can be assessed in concrete terms. To this end, the actions and forms of self-assertions that Roma articulated despite their sense of powerlessness will be uncovered here.

As already recognized by von dem Knesebeck (2011, 222), the sources do provide numerous examples of Roma who expressed a feeling of powerlessness, but at the same time responded by creating small niches of agency in the rigid system of bureaucratism. Roma made their voices heard through petitions, applications, demands, and accusations of all kinds (*Ibid.*, 51–71), and thus made themselves audible as individuals with independent thoughts, hopes, aims, and moving personal stories, which the homogenizing antigypsyist gaze denies (End 2015, 57).

This is by no means the first attempt to trace Romani agency in history. Although the efficacy of antigypsyism with its tradition of de-individualization intentionally has obscured the subjectivity of Roma, and even academic writing on Romani history has long failed to take into account their first-person perspective by mainly having “focused on analysing the policies towards them” (Rosenhaft and Sierra 2022, 1),^[11] scholars from Critical Romani Studies and German antigypsyism research have made considerable effort to uncover these marginalized, hidden, and overheard voices. A recent example is an anthology edited by Eve Rosenhaft and Maria Sierra that seeks to break the ongoing exclusion of Roma by academia and present members of these groups as “insiders to European societies” (*Ibid.*). Namely, in the context of Nazi persecution, historians have struggled with issues of Romani agency,^[12] asking how they can be “voiced”^[13] or how they can be “acknowledged as subjects in a process that treated them universally as objects” (Rosenhaft 2010, 154). By engaging with the concepts of agency and voice (cf., for example, Woodcock 2007, 42), they position themselves within the theoretical tradition of postcolonial studies. Historians of antigypsyism already have demonstrated how fruitful can be the application of postcolonial theory due to similarities in the structures of “Othering” of those oppressed by colonialism as well as “Gypsies” (Robel 2015; cf. Meier 2018). Following theorist Robert J. C. Young, this article conceptualizes the postcolonial as a preoccupation with questions of how individuals' national or racial origin defines their place in society, human experiences that have

11 This applies to the so-called “tsiganologist” research conducted by ethnologists, who, following the tradition of nineteenth-century “Gypsylorsm,” set out to find the “true” Gypsy (for example, Münzel and Streck 1981) and largely to certain parts of critical research in Germany that regressed into reducing the history of Sinti and Roma to a single sequence of discrimination, persecution, and annihilation (for example, Hohmann 1988; Schenk 1994).

12 Older studies tended to focus on a classical understanding of resistance to National Socialism, cf. very early and rich in material is the study by König (1989), which, however, occasionally lacks a source-critical approach. New studies, in contrast, work with more nuanced notions of nonconformity and self-assertion (cf. in addition to those mentioned in the text, Krokowski (2001, 75–89) regarding scope and autonomy of action in concentration camps).

13 This goal is also served by the section “Voices of the Victims” curated by historian Karola Fings at RomArchive, which presents a range of self-testimonies of Roma in the context of Nazi persecution. Available online: <https://www.romarchive.eu/en/voices-of-the-victims>.

hitherto been silenced, the resistances of oppressed groups against their invisibility, and a concern for the recovery of silenced voices (cf. Young 2009, 13 f.).

Therefore, it seems evident that the tools of postcolonial theory fit the study of a group that has been characterized as “Europe’s most hated” (Stender 2016, 2). Undoubtedly, Roma are subsumed under those subaltern minorities oppressed and marginalized by a dominant society. Rosenhaft put them as “subaltern ‘others’” (2010, 150). More concretely, Gerhard Baumgartner and Éva Kovács speak of an “internal colonialism” with regard to the modern “Gypsy” image and a colonialist view that assigned Roma the role of the “last savages of Europe” (Baumgartner and Kovács 2008, 52). In consequence, the question of how Roma can be “voiced” (Rosenhaft 2010, 154) can be answered in the same way that Gayatri Chakravorty Spivak, one of the founding mothers of postcolonialism, eventually answered her own question about whether subalterns can speak: they can indeed speak and they do, but – and this is where it often fails: one must listen to them (Chakravorty Spivak 1988).

This article is a plea to listen. Here, I present documents of courageous self-empowerment and self-assertion in a fundamentally asymmetrical power relationship between single applicants and officials entrusted with state authority. As such, this effort intends to be part of a common search for Romani voices in twentieth-century history (cf. Rosenhaft 2010; Joskowicz 2020; Donert and Rosenhaft 2021). Moreover, I will illustrate some of the opportunities that existed for Romani applicants to organize external support – from lawyers, family members, acquaintances, or later social organizations – to improve their chances for compensation payments. Thereby, I will also point out the ambivalent roles of these sometimes-feigned allies. As one important way of coalition building, some considerations will be made of the role of lawyers for Sinti and Roma, contributing to a broader research discussion on allyship and its significance to Romani history. Not only should the indispensability of the Society for Endangered Peoples in the recognition process of the civil rights movement of Sinti and Roma in Germany, as shown by Daniela Gress (2020), be mentioned here. The importance of non-Romani supporters like Otto Pankok, Franz Calvelli-Adorno, or Kurt May for the enforcement of claims and in the overall context of compensation itself is also emphasized (von dem Knesebeck 2011, 223; Lotto-Kusche 2022, 63). Finally, I will reflect on the notion of agency from postcolonial theory, by now accepted as a commonplace analytical tool, and consider the extent to which the voices discussed here were also expressions of agency.

Before doing so, I will delve further into the sources and place them within a rough typology of self-testimonies and other documents found in compensation files. I also will discuss the perils that arise from combining an intended empowering reading with a proper source-critical analysis.

Generally, the primary sources in this article are from single case files from the holdings of the State Compensation Offices in Freiburg and Tübingen that are stored in the State Archives of Freiburg and Sigmaringen. The cases presented here were selected from a corpus of nearly 360 compensation files on Sinti and Roma from the federal state Baden-Württemberg as part of my dissertation research. At this point, it must be emphasized that this case study does not claim to be absolute: it is only a regional study and the case files identified – despite their number – presumably are incongruent with the totality of all Sinti and Roma who survived Nazi persecution in this region, as an indeterminable number of individuals may not have applied for compensation (c.f. Frei, Brunner, and Goschler 2009, 28 f.). Whether this was due to a refusal to

relieve traumatic experiences in front of alien, possibly insensitive bureaucrats or due to a refusal to undergo a transformation from persecutee to applicant, which the compensation procedure entailed and which was perhaps seen as degrading, we can only hazard a guess. In any case, this act of refusal of the state's offer of compensation also contains a momentum of Romani individual expression of will which is unavailable in the primary sources of this article. The decisive factor for the selection of the exact twelve cases presented in the following text was that Romani actions and reactions to bureaucracy are not isolated but rather repeated when reading the files, so that the focus is on more or less common practices rather than on single actions.

1. Compensation Files as Historical Sources

Compensation files – here understood as individual case files produced by the regional compensation office for each respective applicant according to the *Bundesentschädigungsgesetz* (Federal Compensation Law)^[14] – are a valuable source that can shed light on a variety of research questions. First, the files provide information on the matter of compensation itself. How an individual victim of Nazi injustice was compensated, whether their experience of persecution was recognized as entitling compensation payments in the sense of the law, how much money was paid out, and how the proceedings were conducted – all these questions can be clarified by examining the personal case file. Thinking of future research – against a background of comprehensive digitization projects^[15] in archives and the increasing elimination of retention periods^[16] – it will be possible to perform quantitative research on the practice of compensation and to make statements about the handling of entire collective groups of victims by German compensation bureaucracy, whereas until now compensation files have been used primarily for illustrative purposes (for example, Hesse 2021, 168–174) and for the reconstruction of individual fates of Nazi victims before and after 1945 (for example, Haumann 2016, 193–223).

This leads to the second topic that can be explored in the compensation files: the actual history of National Socialist persecution. Using the case of the Alsatian Sinti, the French historian Théophile Leroy has shown how fruitful the attempt can be to trace the social history of Roma during the interwar period as well as the persecution trajectories in the compensation files (Leroy 2023), for compensation offices often undertook extensive investigations to verify the legitimacy of an application. Here, *administrative cooperation*^[17] enabled the gathering of documents and obtaining of information from other authorities, while applicants and witnesses who shared their fate were questioned and their statements about their

14 Topic-related subject files and the personnel files of the staff were also created by the compensation offices. They were not used for this article.

15 The German Federal Ministry of Finance is working with other project partners to set up a “Thematic Portal on Reparations for National Socialist Injustice” to make the entire “document heritage of reparations files” digitally accessible. Available online: <https://www.archivportal-d.de/content/themenportale/wiedergutmachung/vorhaben>.

16 In most state archives laws, retention periods of around 100 years after birth apply to personal files. For the Baden-Württemberg state archive law, see:

<https://www.landesrecht-bw.de/jportal/?quelle=jlink&query=ArchivG+BW&psml=bsbawueprod.psml&max=true&aiz=true>.

17 *Amtshilfe*.

own individual paths of persecution were added to the files. In this way, early self-testimonies about the Romani genocide were created, hundreds of which remain in the archives unprocessed and unnoticed by historical scholarship on the Holocaust.

This article, however, focuses on another sort of hitherto unheard voice of the victims. Unlike testimonies on the past, which the applicants were compelled to give in the context of their legal duty to cooperate, these Sinti and Romani petitions, demands, and accusations commented on the ongoing compensation process and served the purpose of accelerating or otherwise influencing the outcome. These self-testimonies, which can be found scattered in the files – unlike the structurally alienated (cf. Jaskowicz 2020, 1212) minutes and affidavits – were written on the initiative of the authors themselves. They must be understood as unsolicited voices because they were not foreseen in the administrative procedure. Hence, they also speak more directly to readers, as they tend to come directly from the survivors’ pens and do not represent extraneous summaries by a notary, police, or compensation official (in some cases the claimants do appear to have had writing assistance from non-Roma). This does not mean, however, that these voices do not need to be treated with source criticism and explained in their context.

2. Methodological Reflections on Petitions in a Postcolonial Perspective

Just as the outdated search for the so-called “true Gypsy” that stands in the tradition of nineteenth-century “Gypsyism” (cf. Bogdal 2014, 242) is based on essentialist misconceptions, the petitions, requests, and complaints displayed here do not reveal any kind of “unadulterated voice” of Roma. As the Dutch historian Lex Heerma van Voss stated for the analysis of petitions in general, these documents require the “usual critical attitude towards argumentative historical sources” (2001, 9).

This appeal leads to a fundamental fact: the writing of petitions as “demands for a favor, or for the redressing of an injustice, directed to some established authority” (*Ibid.*, 1) is a “global phenomenon, stretching back in time almost as far as writing” (*Ibid.*, 2). Consequently, both the practice of petitioning as part of political culture and the petition as a specific source genre consistently have attracted the attention of historians (cf., for example, Boyens 1944; Heerma van Voss 2001; Wettengel 2022; Miller 2023). Thereby, it was precisely the middle and lower social classes that made frequent use of the right to petition (Heerma van Voss 2001, 10; Würzler 2001). Even colonial subjects in India uttered protest in this way (Swarnalatha 2001). If the petition was a means of making oneself heard even in fundamentally asymmetrical power relations such as colonialism, and of testing residual agency, it cannot be surprising that the victims of National Socialism also resorted to this method to respond to the pressure of persecution, to seek clemency, and to formulate objections to their treatment. For the Jewish victims, Isaiah Trunk pointed out this phenomenon more than 50 years ago in his seminal work on the Jewish Councils (cf. Trunk 1996, 388–394). Historians of Romani genocide have also noted a brisk petitioning as a desperate reaction to persecution (for Austria, Baumgartner and Brettl 2020, 281 f. cf. for Germany, Zimmermann 1996, 88, 91, 181 f. 339; Fings and Sparing 2005, 62 f. 102 f., 232 f. for Romania, Rose 2003, 187; Woodcock 2007). In more recent works, a detailed reappraisal also began of the petitions for

clemency and release that the relatives of deportees addressed en masse to the persecution authorities (cf. for Estonia, Weiss-Wendt 2023; for Germany, Meier 2024; for Romania, Matei 2024). In doing so, many of the persecuted Roma took up a practice of action that their ancestors already had adopted a century earlier, as a study by the Romanian historian Viorel Achim was able to show for Moldavian and Wallachian Roma in the period around their liberation from slavery in the mid-nineteenth century (cf. Woodcock 2007, 30–32; Achim 2016).

This historicizing insert refers to the fact that the petitions from the compensation files, which are at issue here, form part of a long tradition within Romani communities. At the time they pursued their compensation, German Sinti and Roma were marked by the fresh experience of sending petitions to state authorities. This is part of the larger contemporary historical context of these letters, and this revisits Heerma van Voss's plea for a critical reading of petitions, which is, of course, also applicable to the Romani petitions analyzed here. For this sort of personal material from compensation files, it must be recognized that it is confined to its legal and administrative context of origin. Von dem Knesebeck has shown how this influenced the content of these letters and ensured the omission of certain topics that were central for surviving Sinti and Roma after the war (cf. 2011, 222). Thus, even if it is possible to determine the actual appeals written by the Romani petitioner and to filter out foreign influences by writing assistants (cf. Heerma van Voss 2001, 8 f.), to understand the texts and its narrative strategies, it is necessary to consider the background and the concrete communicative situation (cf. Meier 2024, 2 f.). Otherwise, one would risk achieving the opposite goal and would step into the trap that Chakravorty Spivak warned about: if the voices of Roma are taken out of their genesis and presented in isolation without critical appreciation of their contexts in order to serve a particular narrative or thesis, the historical voices are deprived of their agency – even if this is done in the name of a historiography that wants to emphasize Romani agency (cf. Lindner 2011, 5). Historians have drawn attention to the fact that Voice and Agency may well diverge in Romani history. Ari Joskowicz has pointed out, for example, that the silence of many Roma after the war was often not so much imposed as a deliberate strategy of dealing with the past (Joskowicz 2020, 1210, 1217). Conversely, Eve Rosenhaft has shown that the speaking of Roma in oral history interviews has not always been an expression of free speech: the German recognition policy field of the 1980s produced an institutionalized Holocaust memory of Sinti that was fixated on certain aspects such as the “absolute [...] identity with the Shoa” and prevented individuals from speaking “openly to outsiders about the specifics and details of their experience” (Rosenhaft 2010, 153) and thus exerting voice.

Keeping these pitfalls in mind, the petitions from the compensation proceedings of German Sinti and Roma can provide valuable insights with regard to a Romani history inspired by postcolonial theory, as they can provide information about the ways in which Roma perceived their situation and the state administrative measures acting upon them – a perspective generally underrepresented in historiography (cf., for example, Rosenhaft 2010, 151, 154) – and are thus valuable sources of an experience history of compensation “from below.” At the same time, these documents provide evidence of Romani individuality and agency, as they show how Roma stood up for their cause on their own initiative, and thus counteract simplistic victim and object narratives of Romani history.

3. Unsolicited Romani Voices and Agency Strategies in Compensation Procedures

Out of an emotional state that vacillates between despair and courage, Bernhard Heinrich Pfisterer, a Sinto living in the Black Forest, created a prototype of a complaint to compensation offices. Even before the Office for Compensation in Rottweil^[18] had decided on Pfisterer's application, he resorted to the ultimate threat of taking his own life if he did not receive help. "I am," he stated, "already being led by my nose for four years, and so far to no avail. No one can understand what a bitter life I live. Which I am not used to. Five years of torture with strokes and a broken leg, unable to work due to mistreatment, now helplessly abandoned" (Zimmermann 2009, 100). After the application was rejected in 1950 because of the assumption that he had not been persecuted for "racial" reasons (*Ibid.*), Pfisterer once again protested vigorously against his treatment: he complained that his statements had been discarded as "laughable."^[19] But he will show "that I have spoken the truth to you. [...] The truth as it was." Finally, he went on to make a general accusation against what he saw as an aloof bureaucratic class: "You take it so easy when a person has lost his health, suffered under hard labor for five and a half years because you are a Gypsy. [...] We are not mass murderers! Like the Hitlerian party. We fight for truth and justice."^[20] With this, Pfisterer even implied an intimacy between the staff of the compensation office and the National Socialist persecutors.^[21] This shows how deep the mistrust of German state authorities ran after recent experiences of genocidal persecution. The perceived common front of German state representatives before and after 1945, characterized by continuity, was opposed by what Pfisterer conceived as "We" – the persecuted, surviving and now again discriminated Roma, whose fight for "truth and justice," thus for reappraisal, and the recognition and compensation that he invoked.

Indeed, this proclaimed fight was underway. Many Sinti and Roma drew attention to themselves through repeated inquiries and urged that their cases be processed more quickly. Some remained emphatically polite or imitated the pale officialese of their correspondence partners. This represents, so to speak, the standard case of a relatively modest way of Romani self-efficacy in the context of compensation proceedings. This approach, as diachronic comparison shows, also reflects the general appearance of petitions in history, which usually took humble and deferential forms, which could lead to an adoption of the jargon of the appealed instances (Heerma van Voss 2001, 2 f.). Sinto Johann Reinhardt from Kempten in Allgäu, for example, turned

18 *Amt für Wiedergutmachung Rottweil*.

19 Letter from Heinrich Pfisterer to the *Amt für Wiedergutmachung Rottweil*, 18 February 1951, in: Staatsarchiv Sigmaringen Wü 33 T 1 No. 2568, Heinrich Pfisterer, fol. 114.

20 *Ibid.*, fol. 113.

21 The question raised by Pfisterer here in the mode of accusation about the degree of infiltration of the compensation authorities with former NSDAP members and old Nazi cadres hardly has been pursued by historical research so far. Initial data indicate that from the early 1950s onward, former party members could be hired in a few instances. At the same time, however, former persecutees were also employed in the compensation offices, often in leading positions. For most of those employed in the compensation administration, neither the one nor the other applied (cf. Volmer-Naumann 2009, 569).

to the Office for Property Control and Reparations^[22] – later the State Office for Compensation Freiburg.^[23] The anger speaking from Pfisterer’s letter is a feeling that he apparently could suppress at first. “I politely ask the Compensation Office to [...] inform me immediately how things stand with my compensation, because all these people who were in the same situation with me have already received a partial payment.” Although he showed a less offensive tact toward compensation officials, he also took his fate into his own hands after the processing of his application seemed to take too long. After an ostensibly polite opening, Reinhardt then made his dissatisfaction unmistakable: “I believe that the law must not make any exceptions. I have lost my wife and a son. I myself am ill. I have not received anything to this day.”^[24] When Reinhardt received no reply to this letter for more than half a year, he repeated his concern in March 1953. Now, however, he concluded with a poorly veiled threat of escalation: “I believe that you [...] will settle this matter without further ado. Otherwise, I would unfortunately see myself forced to go on to a higher authority.”^[25] Reinhardt thus performed a rapid strategy change from a more restrained approach.

This threat was not uncommon among Sinti and Roma,^[26] and occasionally it was carried out. In November 1960, Arthur Trollmann received mail from the Ministry of Justice of Baden-Württemberg, to which a previous letter from Trollmann to the Federal Chancellery had been forwarded for reasons of competence. To be sure, the Ministry of Justice did nothing more than repeat the reasoning of the negative report of the subordinate State Office for Compensation Karlsruhe.^[27] But Trollmann’s initiative does mark a remarkable self-confidence. After all, Trollmann was an Auschwitz survivor who, 15 years after his liberation, had not yet received any recognition as a persecutee of National Socialism worthy of compensation. Instead, he had served three prison sentences for minor offenses in the same time span.^[28] He would have had every reason to lose faith in the capability of a German state exercising justice. Still, Trollmann did not despair and continued to hope that the letter to Adenauer’s office might solve his problem. And, as if that were not enough, eight years later he even used the same technique again. After years of writing letters to the compensation authorities had not led to them agreeing with his standpoint, which Trollmann strikingly described as “the law must remain the law,”^[29] he asked Chancellor Kiesinger in January 1968 “to help me settle my case,” because he had been “trying for so long and was only ever put off.”^[30]

22 Dienststelle für Vermögenskontrolle und Wiedergutmachung.

23 Landesamt für die Wiedergutmachung Freiburg.

24 Petition of Johann Reinhardt to the *Landesamt für Vermögenskontrolle und Wiedergutmachung Freiburg*, 20 August 1952, in: Staatsarchiv Freiburg F 196/1 No. 2807, Johann Reinhardt, fol. 97.

25 Johann Reinhardt to the *Landesamt für die Wiedergutmachung Freiburg*, 17 February 1953, in: *Ibid.*, fol. 113 revers.

26 Bernhard Birkenfelder from Emmendingen threatened the State Office for Compensation Freiburg in December 1954 to appeal to the Ministry of the Interior of Baden-Württemberg, and again in March 1955 to the Federal Constitutional Court, cf. Staatsarchiv Freiburg F 196/1 No. 2945, Veronika Geschwind, fol. 259, 263.

27 *Landesamt für die Wiedergutmachung Karlsruhe*; Ministry of Justice of Baden-Württemberg to Arthur Trollmann, 19 November 1960, in: Staatsarchiv Freiburg F 196/1 No. 5846 Arthur Trollmann, fol. 171.

28 Information from the criminal records of the Braunschweig public prosecutor’s office, 10 September 1958, in: *Ibid.*, fol. 77.

29 Arthur Trollmann to the *Landesamt für die Wiedergutmachung Karlsruhe*, 28 May 1966, in: *Ibid.*, unpag.

30 Arthur Trollmann to Chancellor Kiesinger, 29 January 1968, in: *Ibid.*, fol. 289. Kurt Georg Kiesinger was the third Chancellor of the Federal Republic of Germany from 1966 to 1969.

Sintezzas and Romani women also contributed their clear and urgent appeals in the correspondence to the clerks. Perhaps the female applicants at large were less threatening and more subtle in their approach. But this does not mean that they did not also find reproachful formulations at times. Take the case of Elvira Bühler, mother of 17-year-old Anton Reinhardt who was executed at the end of March 1945 in a typical *Endphaseverbrechen* (final phase crime) by Wehrmacht and SS officers (Herden 2012). In one of her many letters to the authorities, Bühler bluntly expressed her plight: “I have submitted the papers properly and yet I am only put off from one month to the next. I am now old and sick and without income, because I need the money now for my last years. If I must bite the dust then I won’t need it anymore.”^[31] With that, she listed the problems that arose from the often extraordinarily long processing times for older persons. Also worth mentioning is the case of Rosa Winter as she showed admirable endurance with the grindstone of administration. Between 1957 and 1977, she made repeated personal contact with the Compensation Office. Even when, in the mid-1970s, a rethink took place and the office informed Winter that it was ready to pay out a lump-sum of 6,000 German marks, the Sintezza was unable to switch from the hostile mode that had been forced upon her and had by now become a habit. She likely expected only bad things from the authorities that stalled and disappointed her for decades. In the granting of the Emergency Aid for Repatriates^[32] to the maximum amount of 6,000 German marks, which annulled an already legally valid conclusion of the proceedings as a gesture of goodwill,^[33] she sensed another move by the authority to put her at a disadvantage. Irreconcilable, she explained that she did “not agree that I am only entitled to 6,000 DM for all that time.”^[34] Her position, beyond the legal point of view, certainly is morally convincing.

Rosa Winter, like Elvira Bühler, must have had help with her correspondence with the authorities. Both stated that they were unable to read and write because of the persecution that occurred during their school years.^[35] It is nearly impossible to determine whether the actual writer was dictated to or also influenced the contents and formulations. It would be reasonable to assume that an illiterate person at least sought some advice on phrasing matters. Beyond widespread writing assistance by family, friends, or acquaintances, there were more opportunities for Roma to get their claims supported by others. To substantiate a damage to education, the Sintezza Paula Reinhardt, among others, countered the antigypsyist authorities’ skepticism about the basic proficiency for academic success by having her former teacher assure^[36] that she once had been a promising student.^[36] The same woman organized help from a local Caritas worker, who assured that “not only migrating Gypsies were persecuted by National Socialism, but also longtime resident and good middle-class families were suddenly marked as Gypsies

31 Elvira Bühler to the *Landesamt für die Wiedergutmachung Freiburg*, 11 October 1958, in: Staatsarchiv Freiburg F 196/1 No. 11111 Anton Reinhardt, fol. 39.

32 *Soforthilfe für Rückwanderer*.

33 *Landesamt für die Wiedergutmachung Baden-Württemberg* to Rosa Winter, 17 May 1977, in: Staatsarchiv Freiburg F 196/1 No. 1741, Rosa Winter, unpag.

34 Rosa Winter to the *Landesamt für die Wiedergutmachung Baden-Württemberg*, n.d., in: *Ibid.*, fol. 456.

35 Rosa Winter to the *Landesamt für die Wiedergutmachung Freiburg*, 5.3.1957, in: *Ibid.*, fol. 59.

36 Retired teacher Frieda Schumann (illegible) to the *Landesamt für die Wiedergutmachung Freiburg*, 8 October 1955, in: Staatsarchiv Freiburg F 196/1 No. 2591 Paula Reinhardt, fol. 72.

by the National Socialist Regime.”^[37] Others, like Veronika Birkenfelder, mobilized former employers who vouched for their upright character to prove that the applicants’ detention had to be the result of “racial” policies.^[38] This signals that at least some Roma were involved in social networks beyond their own community, and that in emergency situations they had support from the majority society who were willing to stand up for them. These relationships and social contacts put into perspective the idea that Germany’s Sinti and Roma lived largely in isolation and formed a parallel society until the emancipation movement evolved (cf. Meier 2024, 9). In the case of several Sintezzas, fathers or husbands appeared in the offices, insisting on payments.^[39] In most of these cases, it is unclear and impossible to decide from the sources whether the interests of the men coincided with those of the daughters and wives for whom they spoke. Especially when the assignment of claims to male relatives was declared,^[40] there is the strong possibility that these females had to contend with patriarchal family structures on top of their struggle for compensation.

Paternalistic tendencies among supposed or actual advocates of Sinti and Roma also can be observed much later. The civil society association *Nachbarschaftswerk Freiburg e.V.*, which in its own terms “takes care of the social fringe groups on the western edge of Freiburg,”^[41] in 1976 asked the Compensation Office, which had recently awarded the Sinto Albert Wagner a sum of 12,000 German marks, “to examine whether the amount could be paid to him on a monthly pension basis.” This way, they said, the money could be used “for the longer-term improvement of his living conditions.” However, the client should be explicitly bypassed in this process: “We ask, however, not to mention [...] that this proposal comes from us, as otherwise our good relationship with Mr. Wagner would be jeopardized.”^[42] This statement reflects a “philogypsyist” attitude typical of the 1970s when large sections of social work, social science, and social policymakers reproduced and codified notions of alterity with the intention of helping the “Gypsies” (cf. Stender 2016, 10–21).

A similar problem exists with an important and widespread strategy for coalition building in the struggle for compensation: the engagement of legal representatives. In principle, it should be noted that – as first evaluations have pointed out – the advocacy services of a lawyer were a huge advantage.^[43] Nevertheless,

37 *Deutscher Caritasverband e.V. – Verfolgtenfürsorge* to the Öffentlicher Anwalt beim Amtsgericht Freiburg, 1 September 1955, in: *Ibid.*, fol. 68.

38 Affidavit of Gertrud Krautschneider (illegible) to the *Dienststelle für Vermögenskontrolle und Wiedergutmachung Lörrach*, 1 March 1952, in: Staatsarchiv Freiburg F 196/1 No. 2945 Veronika Geschwind, fol. 115.

39 *Landesamt für die Wiedergutmachung Freiburg*, file note, 27 April 1954, in: Staatsarchiv Freiburg F 196/1 No. 2841 Johanna Patay, fol. 87.

40 Bernard Birkenfelder to the Chairman of the *Wiedergutmachungsausschuss beim Badischen Amtsgericht*, 9 January 1952, in: *Ibid.*, fol. 95a.

41 *Nachbarschaftswerk Freiburg e.V.* to the *Landesamt für die Wiedergutmachung Baden-Württemberg*, 14 September 1975, in: Staatsarchiv Freiburg F 196/1 No. 8064 Albert Wagner, unpaginated.

42 *Nachbarschaftswerk Freiburg e.V.* to the *Landesamt für die Wiedergutmachung Baden-Württemberg*, 6 September 1976, in: *Ibid.*, fol. 392.

43 This fits with the initial findings on the impact of lawyers in compensation proceedings for non-Roma victims (cf. Winstel 2009, 552 f.).

a closer inspection of the individual cases reveals that their work was not always beneficial. The spectrum ranged from dedicated fighters for the just cause of their clients to representatives who believed that they could earn an easy paycheck from clueless Sinti and Roma and only had to do the most necessary work in return.^[44]

After the adoption of the Final Federal Compensation Act (BEG-Final Act)^[45] in 1965, and the resulting improvements for Romani survivors,^[46] numerous rejected applications were re-filed. The Compensation Offices, in consequence, were overwhelmed as many lawyers tried to speed up the process for their clients by pestering officials with constant streams of letters. In 1966/67, the Cologne law practice of Dr. Stoffel and Dr. Latz appealed almost monthly for the Compensation Office to decide on Maria Reinhardt's case. Increasingly indignant formulations – “We are of the opinion that now, in view of the simple facts, a decision on the matter can be made”;^[47] “[t]o this day, you have not made a decision on this request despite repeated reminders”;^[48] “[i]n the matter described above, we have heard nothing from you since 24.2.1966. Our various letters remained unanswered”;^[49] “we have to note with consternation that no decision has yet been made on our application”;^[50] or “it is incomprehensible to us that no decision has yet been made”^[51] – suggest that these lawyers were ready to stir up trouble to achieve the best outcomes for Romani clients. In numerous individual cases, lawyers challenged the settlements reached in previous years and negotiated higher amounts of compensation because they realized that these settlements had taken advantage of their clients.^[52]

Many a lawyer has also overshot the mark, even with the best of intentions. For instance, a lawyer from same Cologne firm, who could not be identified by name,^[53] allegedly influenced a distant relative of his

44 Which, in reverse, corresponds to the contemporary mockery of the legal profession as the actual beneficiary of *Wiedergutmachung* (cf. Hockerts 1989, 250).

45 *Zweites Gesetz zur Änderung des Bundesentschädigungsgesetzes (BEG-Schlußgesetz)*.

46 BEG-SG, Article IV, Paragraph 1 (2), in: *Bundesgesetzblatt*, Vol. 1965, Part 1, 1335.

47 Dr. iur. Michael Stoffel/ Dr. iur. Hans Latz to the *Landesamt für die Wiedergutmachung Karlsruhe*, 3 October 1966, in: Staatsarchiv Freiburg F 196/1 No. 1009 Maria Reinhardt, fol. 151.

48 Dr. iur. Michael Stoffel/ Dr. iur. Hans Latz to the *Landesamt für die Wiedergutmachung Karlsruhe*, 7 October 1966, in: *Ibid.*, fol. 153.

49 Dr. iur. Michael Stoffel/ Dr. iur. Hans Latz to the *Landesamt für die Wiedergutmachung Karlsruhe*, 2 December 1966, in: *Ibid.*, fol. 155.

50 Dr. iur. Michael Stoffel/ Dr. iur. Hans Latz to the *Landesamt für die Wiedergutmachung Karlsruhe*, 11 January 1967, in: *Ibid.*, fol. 157.

51 Dr. iur. Michael Stoffel/ Dr. iur. Hans Latz/ Axel Jurna to the *Landesamt für die Wiedergutmachung Karlsruhe*, 17 June 1967, in: *Ibid.*, fol. 161.

52 Cf. e.g. Staatsarchiv Freiburg F 196/1 No. 3567 Oskar Birkenfelder, fol. 97 ff.; *Ibid.*, No. 7147 Adolf Reinhardt, fol. 53 ff.; *Ibid.*, No. 7144 Christian Reinhardt, fol. 35 ff.; *Ibid.*, No. 1594 Laurentius Spindler, fol. 157 ff.

53 *Oberlandesgericht Karlsruhe*, 12. *Zivilsenat* to the Senior Public Prosecutor at the Cologne Higher Regional Court, 27 March 1969, in: Staatsarchiv Freiburg F 196/1 No. 1447 Anton Reinhardt, fol. 109: “Which attorney is responsible cannot be judged from here due to the illegibility of the signatures in the individual pleadings.”

client, who had been called to the Compensation Senate of the Higher District Court Karlsruhe^[54] as a witness. The lawyer, in coaching the witness, had asked him to call into question whether “I had not been mistaken in my earlier statement [...] and had held out the prospect that I would then also have a chance” with his own application.^[55] Beyond any unrecorded personal consequences,^[56] this example of legal counsel did more harm than good for his client with his clumsy witness tampering that was exposed in court.

While the intention might have been altruistic here, lawyers for Sinti and Roma played a dubious role in other cases. In 1966, under the new provisions of the BEG-Final Act, the lawyer Fritz Hlavka from Karlsruhe wanted to challenge a 1963 court settlement, which had awarded his client a pittance. However, Hlavka did little more than pen a letter with the content: “With reference to my power of attorney, I hereby register claims under the BEG-Final Act.”^[57] Some five years later, long since the deadline for new applications had expired, he bothered to ask for an update. Hlavka then was instructed by the Compensation Office in 1971 that such an unspecific letter could not be seen as a proper challenge to a settlement, with the sharp remark, “You as a lawyer [...] will also have been aware of.”^[58] Due to his lawyer’s inaction, Emil Reinhardt could not be compensated for the sum of 7,500 German marks, and only one and a half years later was the needy applicant granted 2,500 German marks from funds of the Hardship Allowance.^[59]

Such mistakes are all the more dramatic when one considers that hiring a lawyer may have been risky for Sinti and Roma who often lived on the breadline as a consequence of their persecution. A letter written by Maria Kobi in 1971 to the Compensation Office reminds us so. She explains why she turned to the authorities personally instead of her former legal representative: “Unfortunately, I was not quite in a position to continue financing the matter, because I needed the money for my children and to live again, and you will probably know yourself what a lawyer demands in the long run.”^[60]

Kobi herself had no luck either, when she, despite the high costs, hired another lawyer a short time later. After the Ravensburg lawyer Peter Graf Prashma presented a power of attorney and asked to take an earlier letter by Kobi as a formal application for Hardship Allowance, the Compensation Office informed

54 *Wiedergutmachungssenat des Oberlandesgerichts Karlsruhe*.

55 *Oberlandesgericht Karlsruhe, 12. Zivilsenat*: Attachment to the minutes of 20 December 1968, p. 3, in: *Ibid.*, fol. 88.

56 In the compensation file, the documentation breaks off with the handover of the case from Karlsruhe to the Cologne Higher Regional Court, see: *Oberlandesgericht Karlsruhe, 12. Zivilsenat* to the Senior Public Prosecutor at the Cologne Higher Regional Court, 27 March 1969, in: *Ibid.*, fol. 109.

57 *Landesamt für die Wiedergutmachung Baden-Württemberg* to Fritz Hlavka, Reasons for the decision of 25 May 1971, p. 2, in: Staatsarchiv Freiburg F 196/1 No. 302 Emil Reinhardt, fol. 107.

58 Letter to lawyer Fritz Hlavka, 5 May 1971, in: *Ibid.*, fol. 102.

59 Letter to lawyer Fritz Hlavka, 27 November 1971, in: *Ibid.*, fol. 125.

60 Maria Kobi to the *Landesamt für die Wiedergutmachung Baden-Württemberg*, 21 May 1971, in: Staatsarchiv Freiburg F 196/1 No. 1743 Maria Kobi, fol. 90.

him that his “way of working now astonishes us somewhat.” Contrary to the guidelines, the lawyer waived the submission of all the necessary certificates and evidence. An odd constellation emerged where, instead of a lawyer soliciting empathy for an applicant, the competent official expressed their concern about an applicant’s disadvantage at the hands of a tardy lawyer, to whom he advised “that you provide the necessary information and obtain medical certificates as soon as possible. We would not like to have to issue a refusal due to a lack of cooperation.”^[61]

Despite the adversity of unprofessional legal representation, Sinti and Roma mustered the courage to act. Anita Wagner, for example, also faced the fate of an unmotivated lawyer. Unlike Kobi, however, Wagner actively pushed her lawyer to act. In June 1968, a visibly annoyed attorney Richard Pallmert asked the Compensation Office in a plaintive tone for information on “when a decision [...] can be expected, so that I can inform the applicant [...] in response to her constant inquiries.”^[62]

Maria Kobi, in turn, later tried on her own to achieve improvements in her case. Her last attempt to obtain further compensation for physical damage in 1986 failed because she already was receiving the same benefits from the Hardship Allowance that she would have been entitled to if she had filed an application in due time in the legal procedure. Despite the hopelessness of her case, which was legally unquestionable, Kobi can be credited with having a sense of inappropriate German official terminology, when she uttered her irritation at the term “aid.” “You always speak of aiding and abetting. Why? I hereby apply once again for compensation for bodily injury and damage to health as well as a pension (not aid!)”^[63] Legally, it was correct to speak of aid, since Kobi’s pension was granted as a gesture of goodwill. Still for those affected it was disastrous, because it made them feel patronized. Kobi did not accept the message though that she could be thankful to receive some charity. Instead, she insisted on the compensation to which she was legally entitled as a Nazi persecutee.

Conclusion

A new chapter of Sinti and Roma self-assertion in its relationship with the majority opened in Germany in the mid-1980s. With the formation of the civil rights movement and its breakthrough to political recognition, Sinti and Roma organized around their collective concerns and rights (cf. Gress 2021; Gress 2022; Lotto-Kusche 2022). This article stresses that this breakthrough in Romani collective action in Germany has its roots in individual action dating to the early postwar period, if not earlier.^[64] What an irony that the compensation files, which at first glance only document and reproduce the objectifying

61 Letter to the lawyer Peter Graf Praschma, 31 August 1971, in: *Ibid.*, fol. 107.

62 Lawyer Richard Pallmert to the *Landesamt für die Wiedergutmachung Baden-Württemberg – Außenstelle Karlsruhe*, 26 June 1968, in: Staatsarchiv Freiburg F 196/1 No. 2116 Anita Wagner, fol. 299.

63 Maria Kobi to the *Landesamt für die Wiedergutmachung Baden-Württemberg*, 3 April 1986, in: Staatsarchiv Freiburg F 196/1 No. 1743 Maria Kobi, fol. 291.

64 It should not be concealed that there have also been recurring attempts at collective action and the formation of influential and persistent self-organizations by Sinti and Roma since the late 1940s, but all of them have failed to achieve sustained success (see Hancock 2021, 237–243; Gress 2022, 440–445).

perspective of state organizations, now help to bring to light the hidden unsolicited voices of pioneers of Romani self-empowerment. In the sources here, there is no doubt that Roma made their voices heard. They had courage to present their views on the deficits of the compensation process. Often, they vented their anger. Less clear is the question of whether these voices are also an expression of agency. After all, agency and voice do not necessarily coincide in Romani history (Rosenhaft 2010, 153; Joskowicz 2020, 1210, 1217). The question thus depends on how the concept of agency is defined, which often remains vague in historical scholarship, and of which different concepts circulate, even in the generally more theory-affine social sciences (Emirbayer and Mische 1998, 963). Martin Hewson lists three conditions of agency: intentionality, power, and rationality (2010). Philosopher David Weissmann ties agency to autonomy, and autonomy in turn requires “power, opportunities, partners, and a voice” (2020, 10). In more detail he states: agency “signifies purpose, cause, and appraisal in agents who control circumstances and themselves to some degree. Fire and wind are also controlling, but their actions lack intention, inhibition, and credit or blame. Agency implies those qualifiers.” (Weissmann 2020, 11). Did the various Romani claimants find all this in the described communicative situations? This is certainly open to interpretation. Regardless, Romani applicants regularly uttered a voice, and they had a clear intention (or purpose) of increasing their chances of receiving compensation payments. In some cases, Roma are seen to have consciously concealed (inhibited) their inner feelings, which adds on their degree of agency since it shows a rational consideration. In the context of compensation proceedings, Roma had voice, they acted intentionally, even strategically, thus rationally. They made distinct their very own appraisals of the events that were happening around and affecting them. But have they been powerful, too? Have Romani applicants for compensation been in control of circumstances and themselves? Have they been autonomous? This may be partly the case. With their petitions, Sinti and Roma rather reacted to the official behavior than acted autonomously. But to determine the power that they had in the administrative process, it would be crucial to know the consequences of their unsolicited interventions. However, fathoming the concrete impact of unheard Romani voices showcased here and whether it impacted ongoing compensation procedures at the time must be reserved for further research and cannot be accomplished here. This investigation has shown that during compensation proceedings – understood as a clash of extremely unequal actors – Sinti and Roma worked in a remarkable way to improve their position of power which they acknowledged as precarious from the start.

Finally, one aspect of agency should be highlighted in particular: the importance of “partners” mentioned by Weissmann. Sinti and Roma writing these petitions have been aware of the advantage that such partners meant and thus tried to mobilize existing allies from outside the Romani community or to find new ones. This observation reinforces recent findings on the importance of allies in enforcing change and improvement in Romani individual and collective struggles for equality (cf. Gress 2020; Lotto-Kusche 2022). In this respect, they are a plea for a stronger examination of the entanglements between majority and minority in Romani history, because Roma always have been part of society. Thus, Romani history should not be pursued as an exotic niche subject, but it is part of general history, namely the history of democracy, equality, and human rights. Admittedly, the involvement of certain supporters, namely lawyers, could be a double-edged sword for Sinti and Roma. Some genuinely were uninterested in helping marginalized clients obtain justice in the face of overwhelming state power, and they sensed an opportunity to obtain easy money at the expense of their clients’ perceived weaknesses. A worthwhile target of future research would be to illuminate how exactly the triangle among Romani survivors of genocide, their multiple advocates, and compensation offices was shaped.

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