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I.—LOWARI LAW AND JURISDICTION

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AMONG the Gypsy tribes the Lowara, in my view, have the most highly developed conception of law and justice. I can testify to this, having lived among them for several years, not as a stranger but as a member of the tribe, enjoying all the privileges accorded to the adopted son of a chief.

According to their own testimony, the Lowara came from Hungary, but it is obvious from their dialect that they must have spent a period of time in Germany before migrating to France, Spain and the United States. The Lowara strike one as taller than men of other Romani tribes. They are well built, expert riders, and never hesitate about getting involved in a brawl. Their refined regular faces are somewhat broad, their complexion is fair, their vivid features are clean cut and bear the stamp of a remarkable tranquillity. But what chiefly distinguishes the Lowara from other tribes is their keen sense of honour and dignity and, above all, their precise conception of jurisdiction which obviously directs and rules their social life. Their dialect, *Lowaritzka*, is full of legal phrases, which are in common use in daily life, even among children at play.

For a Lowari the ideal life is, to have his own caravan and horses, a wife and, of course, a great number of children. To him happiness means having one's full share in the life of the tribe, devoting one's leisure time (which is the whole day and part of the night) to looking after one's horses, discussing law



NOMAD GYPSY TRIBE OF THE PUSZTA

Photo presented by Walter Starke

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and 'honouring' one's friends (*dav pačiv le Romeske*). This consists in feasting, drinking, dancing and singing, a custom which finds its justification in the fact that it is being done 'in honour' of somebody. In this way Lowara mutually 'honour' one another 'ad infinitum.'

Each ambitious young Lowari's dream is to acquire red leather jackboots, to possess a fair amount of *sumadji* (i.e. family treasure of gold coins and jewels which, being his inheritance, is a sacred deposit handed down to him and never to be parted with), and to marry the fairest girl of the clan.

Hiro, which means 'reputation,' plays an important part in the life of a Lowari, who during his youth builds up for himself a reputation due to his spirit of enterprise and his bravery. And it is the importance of his *sumadji* together with his generosity which bring him repute. In the eyes of the Lowara economy and avarice, between which they make no distinction, are the most infamous of all vices, and men characterized by such faults are looked down on with contempt. When a man gets on in years, his reputation is maintained by the number and the valour of his sons. His love of justice brings him prestige, as does also his knowledge of the law, and of the forensic history of Romani jurisdiction, i.e. knowledge of the *bayoro* (lawsuits which have been judged in the past and can be referred to as precedents). The Kalderaša too are fond of litigation, but the Lowara claim, justly I think, that the latter never reach a conclusion. They engage in interminable quarrels and discussions 'after women's fashion' (*sar Romia*). This they call *Devano*.

The Kris, i.e. the Lowari court of justice, prides itself on being more expeditious. The Lowara laws and the working of the Kris form a complex whole, and I realize that I am undertaking a rather thankless task trying to give an idea of its intricacies. Perhaps on the part of the reader a better knowledge of the customs, mode of life and psychology of the Lowara should first be gained, in order fully to understand the functioning of their jurisdiction, because the Lowara differ so greatly from the few other tribes which have hitherto been studied and described in print. But in this paper I cannot do more than sketch the social organization of these Nomads as completely as space permits. I hope, however, to be given the opportunity of taking up this subject again later, in order to treat in detail each of the

numerous questions to which in this essay I am only able to make a bare reference, but to which I should like to direct the reader's further attention in the future.

The Lowari Kris consists of judges (masc. plur. *Krisatoré*) who are elected first for their respectability, integrity and impartiality, and secondly, for their critical mind and knowledge of jurisprudence.

The cases to be judged (masc. sing. *bayo*) fall into different classes. There is the case which is only concerned with material loss, such as theft at the expense of a *Rom*, assaults and injury, kidnapping of a young girl, and irregularity in the partition of booty; *kurvišago* (adultery), in so far as it means material loss, comes under this category. Then there is the type of case relating to matters of honour, such as the refusal to keep a marriage agreement (*kurvišago*), which morally prejudices the honour of the husband. In this class also are included the cases which concern the spreading of false rumours, biased news, abusive language, prejudice caused to the honour of a person, his family or tribe (*χοχamno hiro*), and insults directed against his ancestors (*mulengo kušimo*). There are also the cases concerned with moral or religious matters, such as the practice of black magic to the injury of a human being (*kerrinio*), maledictions uttered secretly which have their source in jealousy (*armai čorane*), the false oath (*bangi solax*) and the non-observance of a taboo connected with 'pure and impure' (*marhime*). Any action made with evil intent and liable to bring disease or ill-luck to a *Rom* such as obscene talk, disrespectful language when speaking of a deceased person, blasphemy, swearing or alluding to words which are taboo: all come under this same category.

In many lawsuits the whole tribe is the plaintiff, as for instance when the fate or the happiness of the community as a whole is threatened because of the behaviour of a single member, or as a result of the doings of one or a group of persons, such actions, let us say, as repeated theft (*paguba*) or plunder carried out in an unskilful manner at the expense of a *gajo* and liable to bring reprisals (expulsion, for instance) to all members of the tribe; the robbing of people regarded by the Kris as 'friends'; the non-observance of religious rites by a *Rom* or his allowing a member of his family to neglect them and thus bring down ill-luck (*prikaza bibaxl*) on the community; or *kurvišago* (adultery)

which a member of the clan has refrained from bringing to the notice of the Kris. For it sometimes happens that a member who has been wronged in this way is too much of a coward to lodge a complaint or does not do so for fear of vengeance. The fact of tolerating adultery is considered as bringing *lajavo* (shame) on all the members of the tribe.

In all cases which prejudice the community the tribe takes action. If a member is afflicted by scabies (*g̃r*) and does not inform the community of the fact and takes no measures to avoid contagion, he will be punished for it. A person, in such a case, suffering from any contagious disease may be banished temporarily from the tribe after judgment has been passed on him by the Kris. According to Lowari folklore, any one who suffers from scabies and conceals it out of shame, will be afflicted by it for seven years in succession (*kon i g̃r g̃aravəl inkrəla ešta bəšənde*).

The punitive sanctions awarded by the Kris are of different kinds, the one most generally adopted being compensation in money. The person to whom injury has been caused, who has lodged the complaint (i.e. the plaintiff), is said to *kam kevetil* 'to demand compensation in kind,' and the sum of money demanded or agreed upon is known as *keve čigoi*. The accused man is termed *došalo* or 'the guilty one,' and the witnesses *kon tziṛdəl ānde bāyoste* or 'those who are interested in the case.' There is no appointed council for the defence. Each man defends his own case as a rule, but in certain big lawsuits a 'mouthpiece' may be employed: *kon dəl ānglat ānda došaleste* 'he who answers on behalf of the accused,' although (as mentioned above) it is a point of honour for a *Rom* to defend his own reputation.

When the interests of a sick or aged person are involved, or those of an adolescent (*šavo*), or those of an infant (for instance, in the matter of a succession), it is his nearest male relative who pleads his cause. A husband answers for his wife. And this defender, from the fact of his being also the advocate, finds himself implicated in the case by the same title as the accused.

Those who as outsiders are allowed to attend the tribunal can express their opinion in so far as it does not concern the supreme decision of the Kris. Such an intervention in the verdict would be regarded as casting a slur upon the judges, but on the other hand, if a judge is wrong on a point of law he can be called to account.

When people who are important because of their wealth (*barvalimo*) or their influence (*bara familiar*) happen to be the parties in a lawsuit, they often have hangers-on, who endeavour to influence public opinion by all the means in their power, in order to obtain support for their patron (*kon laša inkrəl*). Still less commendable supporters are the mercenaries or hirelings of a 'big' man, who seek through intimidation and even violence to influence the pronouncements of the Kris. Sooner or later this kind of conduct ends in disaster for those who rebel against the law. But this practice is characteristic only of certain wealthy families leading a more or less autonomous life, or of individuals who do not truly belong to the Lowara tribe but form part of it only temporarily through interest or alliance.

Such hired men are called *muri zor* (my strength). They act as bodyguards and never really belong to the Lowara tribe. They may be *Sinti* or *Kramara*, a mixed race of non-Gypsy bastard type who lead a nomadic life and merely claim to belong to the same clan. It may also happen that the ordinary *gajo* (non-Gypsy) will act as a 'backer' in exchange for money or drink. When *Sinti* give their support to a cause they act in good faith, but sometimes mistakenly, having been misled by the person whose interests they sincerely seek to protect. The fact that the *Sinti* have a mode of life very different from that of the Lowara, and that most of them have only a partial knowledge, or no knowledge at all, of the language in which the debates of the Kris are conducted, offers some explanation if not an excuse for their interventions, which are occasionally both violent and ill-judged. These barbarous interpositions during the proceedings of the Kris tend to exasperate the Lowara and increase their enmity towards the *Sinti*. Thus incidents often occur through a lack of understanding between tribes, which with a minimum of goodwill might have been avoided. At certain trials one will also find the generous, good-hearted person who wants to save the accused from his over-impatient creditors (*kon ašəl lašo ānda došaloste*) and insists on acting as his guarantor.

The Kris, once officially assembled, is generally expeditious and energetic, activity being a trait of the Lowari character. An appeal can be made against any judgment, but if one does so one causes animosity and is much criticized (*p'agav i kris*). Each *bayo* is analysed and much discussed by all members of the tribe

long before and long after the verdict of the Kris has been given, for the *bayura* and *krisa* are a great excitement in the life of the Lowara.

Sessions of the court are open to all the public except those trials where an individual, living outside the community and prosecuted on a charge of treason, is to be sentenced. In a lawsuit concerned with *kurvišago* (adultery) the public and all superfluous witnesses may be excluded, a practice adopted, I believe, out of a sense of modesty and decency.

In general any *Rom*—that is, any male member of the clan, married and father of a child—can attend the meetings of the Kris. However, exceptions to this rule have been tolerated during the last ten years; that is how the author of this essay, although only a *tarno šavo* (bachelor), was admitted to the sessions. Some readers will criticize me perhaps for publishing this study and revealing things pertaining to the intimacy of the life of people who gave me their confidence. And I must confess that I hesitated for a long time to write this detailed account, which finds its only justification in the fact that I want to awaken in the outsider an interest in a people whom I pledged myself to help. Without this justification my deed might indeed be looked upon as treason.

Verdicts are declared in public. All transactions and contracts (including an alliance or promise of marriage) are made openly for all to know. Indeed, a betrothal or any social contract has no value unless it is made in public. This is a law, binding on all members of the tribe. A 'secret,' something which is kept from any member or any part of the clan, is simply not thinkable. Everything is always known by all and the fact of trying to conceal a deed is punishable. Even a source of profit must be made accessible to all and any useful information made available to the public. To a Lowari of good birth secrecy, avarice or parsimony are equally intolerable. It was this among much else that won my esteem for the Lowara, and the whole time I lived among them I never saw a Lowari keep anything of value for himself or conceal any secret. And in this connection I shall always remember how in 1935 little Kore, my cousin by adoption, invited me to come for a swim in the river, although our parents had strictly forbidden us to do so. The police were expected just then to be about to descend on the camp and expel the

Gypsies from the ground. For this reason the Chief had decreed that nobody should leave the camp and that all should be present in case it might be decided to quit at a moment's notice. But I only learned this later. So Kore and I went swimming and had lots of fun. At night when we came back to the camp Kore took a thousand precautions to prevent anyone at home guessing what we had been up to. We were questioned. We gave a negative answer, and all went well until half an hour later, when Kore, who unnecessarily, as it seemed to me, and without any pressure from outside, went and confessed and gave a full account of all we had been doing. The consequences followed swiftly, but the memory of it stayed with me for a long time. However, when I alluded to the matter later and reproached my cousin for giving me away he seemed very surprised! He said: 'Surely in order to avoid a thrashing you would not have wanted me to tell lies to one of my own!'

If a man sentenced to 'pay for his shame' (*te počinel pesko lajav*) is not in a position to do so, the payment of the fine is incumbent upon the nearest male relative (*niamo baro*), father, brother, uncle, first cousins, or upon his sons if these are married and have children and are living in separate households from their father. No limit of time is fixed after which a sentence is declared void. When a *kevečigo* (penalty) has been imposed by the Kris but left unassessed (being still disputable from a legal point of view) and the damages are left unpaid, then the son, or the grandson of the wronged party, can claim payment of this 'debt' from the son or the grandson of the offender. In such a case the fact must be precisely stated by the Kris and announced to the various tribes as *dav hiribidol*, *tradav hiro*: it is known as *Rom romestar*, *šav šavestar* (from man to man, from son to son). I will not lay any further stress on this matter, as it might lead us into too much detail, but I hope that enough has been said to prove to the reader how important to a Gypsy is the knowledge of genealogies and the *p'urané bayura* or history of past lawsuits.

Up to the present I have been able to ascertain that according to Lowari law there are three different sorts of fines and ways in which they are paid, viz.: (1) *Kevečigo*; (2) *Počinav o lajav*; (3) *Boldav a kečigo*.

The *Kevečigo* is the term used for the damages awarded to a

person for material loss. The judges in pronouncing the sentence, after having come to an agreement with the parties involved, state precisely how much in kind the plaintiff is to receive, i.e. so many horses or so many gold coins. Among the Lowara payment in *galbi* (gold coins) is the most common practice. The *galbi* go towards increasing the *sumadji* (family treasure) and are kept more for their moral value than for what they are actually worth from the money standpoint. Although this is by no means a common custom, certain women married to *Rom bare* (influential men) take a pleasure in certain circumstances in wearing jewels that have come to them in this way, and they especially desire so to adorn themselves on occasions when the original owners or their descendants are present in order to annoy them, wound their pride and humiliate them. This sort of hurtful provocation is called *trutso* (*kerav trutso le Romeske*). A portion of such fines has to be allotted to the community. The Kris decides on its amount, which must be meted out in food (e.g. roasted meat, paprika, etc.) and in drink, to benefit all the members of the *kumpania* present, without distinction, and until everyone is sated. This part of the fine is known as *počinav xamo tai pimo* (to pay for the food and drink) and is counted in days—which means that the man who has to pay the fine will have to provide food and drink in abundance, and entertain with music, songs and dances the whole of the community for one, two, three, ten or fifteen days.

The penalty of *Počinav lajav* (to pay for the disgrace) is inflicted only in cases of moral offence such as slander, insult, and the spreading of false news. The fine imposed for this kind of offence is used for the well-being of all. But, in addition, the plaintiff is entitled to demand a limited corporal punishment, which he will have to inflict personally on the defendant; this is as a rule restricted to a few slaps, but this punishment is considered most humiliating. The plaintiff will not keep the smallest fraction of this money either for his family or his own personal use, since money connected with a dishonest action is considered unlucky ('dishonest action' in the Romani sense meaning moral injury done to himself or his family). Any sum of money accruing from a doubtful source or acquired by evil means is immediately spent on the common welfare. According to tradition, if the owner were to hide any part of his gains, it would bring him ill

luck. The fact of concealing a profit, or, what in itself is an offence, keeping secret a sum which by right belongs to the community, is known as *garaimo* (from the verb *garavav* 'to hide'), and the hidden sum as *čordane love* (stolen money) or *čordani sumadji* (stolen treasure).

The third kind of penalty inflicted by the Kris consists in compelling the man who loses his case to pay the costs of the tribunal, expenses such as travelling or maintenance, termed *boldav kecigo* (from *ketiv* 'to spend'). Fines in this category are paid in cash and given in full into the hands of the man who has won his suit: the money can be used by him, but only in connection with his trade, to buy horses, for instance, or perishable goods. In no circumstances may the smallest fraction of this money go towards the purchase of objects of a more durable character, such as jewels, plate, harness or bedding, which are destined to remain the property of the purchaser (*inkerimaski hevedera*).

In each of the above-mentioned cases, the person to whom damages have been paid always puts at the disposal of the Kris a sum of money to be spent on *xamo tai pimo* (food and drink)—on a feast, in fact. This gesture is looked upon as an act of total reconciliation. The generosity of the man who has won, and also his magnanimity, are shown by the care-free manner in which he spends money amounting sometimes to huge sums. For the true import of the ceremony to be realized, it is vital that the man who is paying for the feast should be present and personally supervise all details and so satisfy himself that every guest is well served. To eat and drink what is offered by the host proves that those who do so raise no objection to the verdict, and have no grievance against the man whose guests they are. When the Lowara have to pay *xamo tai pimo* they never attempt to do it in a miserly manner. All make it a point of honour to spend generously regardless of cost, and to satisfy the appetite and quench the thirst of all those present, till they have eaten and drunk their fill. To the hosts such ceremonies provide an opportunity of making or maintaining a good reputation, and proving that they are not tainted by avarice, that worst of all vices.

Mention must also be made of one other mode of paying a fine or repaying a creditor. It is called *montimo* (from the phrase

mončiv tuke trin berš, i.e. the promise of a debtor to engage himself to serve his creditor for a certain length of time). By this method of repayment the debtor, as well as his family, is compelled to live with (i.e. in the tent) of his master (*peski tserha*). It is considered incumbent upon all those who on the day of the acceptance of this penalty are living under the debtor's roof—that is, sharing his hearth (*pe leski vatra*)—to take their share in the payment of the debt, which is weighing on the head of the family. The latter may nevertheless be allowed, at his own request, to be free to make his own fire apart from that of his master, but he is obliged to contribute largely to the meals and the general maintenance of his creditor. The chief part of what he earns (or steals) belongs to his 'master.' Such a period of servitude is reckoned in 'years.'

The payment of a fine is a punishment which in itself leaves no stain on the character and reflects no dishonour on the man who incurred it. Once a misdeed has been judged by the Kris and reparation made, the wrongdoer can never again be censured for it. Unless special circumstances render it necessary, no allusions to past offences are tolerated, for such references might 'wound the honour' of a former creditor. So it is only in exceptional cases that a *bayo* can be brought up again for discussion, with the clear understanding that it must be dealt with objectively, and the facts mentioned merely as precedents bearing on the case in hand.

The Lowara are very strict where a man's honour is at stake and penalties are inflicted if rules are not adhered to. I must nevertheless admit that during a session of the Kris the litigants and their friends have often to be reminded of this. But a call to order is always immediately obeyed. When an injury has been done the parties involved are quick to exchange heated arguments, since the temper of a *Rom* is hasty and passionate, except perhaps among members of the Kalderaša, Zingareši, Bumbulešti, Sošoiara and a few other tribes. Quarrels break out rather frequently, but rarely do they lead to acts of violence. Anyone who thinks he has been wronged appeals to the Chief of his clan (*Kapo la kumpaniako*), who intervenes on his own authority and tries to arrange things in an amicable manner. If he considers the case as serious, or if one of the parties is against reconciliation, the Kris has to be informed, and the suitors will

be invited to appear at the next meeting of that legal body. From the moment the Kris has taken over the case, and during the time a *bayo* is waiting to be dealt with, the litigants avoid hostile contacts, since they have only the right to meet before the tribunal. They agree upon a truce, which both sides keep in order not to stir up further dissension. In this connection I feel bound to say that nowhere did I find the spirit of discipline so strong as among the Lowara. It was far weaker in such tribes as the Sinti, Čurara, and the Kalé of Spain, with whom I had some intercourse and whose conception of justice is decidedly inferior to that of my own tribe.

During the time this truce is in force the litigants and their supporters go out on 'connaissance,' to try to discover what points the other side is going to bring forward. They gather evidence and prepare their defence. This period is full of pitfalls, so that the greatest caution must be observed, for every one is out to catch a word or an opinion that can be of use to prove the other party's guilt. During this interim a wholly unexpected situation may arise, and, through some imprudence, turn the scales to the disadvantage of the party who lodged the complaint. Indeed the time preceding the prosecution proper can best be compared with an election campaign before the poll. In such an atmosphere master-strokes are planned and carried out. A curious and not uncommon thing among the Lowara is to see two men who have a dispute to settle at the next meeting of the Kris helping and treating each other in the friendliest fashion while the suit is pending. I even came across a case of two opponents who actually bound themselves by a new contract while they were waiting to take legal action against each other!

During the sessions the Kris demands that extreme courtesy and all the rules of decent behaviour which are in force among the Lowara be strictly observed. The discipline insisted upon is awe-inspiring. The *Pure Rom*, or elders, must be treated with respect and the judges held in high regard and implicitly obeyed. No act of force can be resorted to if not authorized by the court.

I will now try to give as complete an idea as I can of the way the Kris does its work, although I realize that when I was privileged to attend the sessions of the Kris my mind may not have been mature enough to draw the right conclusions from my

observations. For as I proceed in this attempt to outline the legal system of these 'barbares' (savages) I realize how extraordinarily complex their whole organization is. These so-called 'primitive' regulations consist not only of negative or 'criminal' laws but also of civil laws which constitute the greater part of their jurisprudence. But although I am eager to delve more deeply into this theme and, later on, to write an essay on the economic life of the Lowara, I will restrict myself in this paper to my present subject, the working of the Kris.

First of all, then, the whole tribe, *i.e.* several *Kumpanii*, have been informed about the case to be tried before the tribunal—a summoning of the clans, which is not so simple as it sounds if it is remembered how scattered and far apart they live. They have certainly discussed the case, but up to the present the majority may not have heard both sides of the question. Each disputant has his supporters drawn from the *Kumpanii* and meeting when the Kris meets.

The Kris listens to the plaintiff and the defendant and their witnesses in a spirit of absolute impartiality. There are also independent witnesses for the Kris who report on the statements made on various occasions by the *došalo* (defendant) and members of his clan, which might be liable to be used against him. The court likewise examines the evidence or threats proffered by members of the *tserha* of the accused (*i.e.* all his male descendants up to the third degree of a *Rom Baro*, and his sons-in-law in the case of a matrilocal marriage), who in this fashion become witnesses in his favour. Definite questions are put by the Kris, which have to be answered clearly and briefly by all who are interrogated, who must limit themselves strictly to the subject dealt with. Wholly forbidden are all interpretations of words or actions and all explanations which seem to be superfluous. We are in fact witnessing the legal instruction of the case, which is the preliminary work at the first meeting of the Kris and aims at acquainting the judges and the public with the facts of the matter in dispute, since no written documents are in existence. It is interesting to note too that laws, customs and everything connected with the judgments of the past and present are only recorded orally.

Those Gypsies who have been endowed by nature with imagination like to express themselves in poetical terms or to

use 'doubles entendre,' and at this stage of the procedure the antagonists and their supporters try with great subtlety to introduce into their evidence the first points of their defence. The members of the Kris, then, whose primary duty is to distinguish between what Goethe called 'Dichtung und Wahrheit'—in this instance, between truth and the products of the *Rom*'s poetical imagination—find themselves faced with a task which is not always easy. So they first set themselves to ascertain how it all started (*lav ago* 'I seek the beginning'). The Kris strives to find out the facts and reconstitute the case in a manner which shall be clear and comprehensible for all. Then, relying upon the declarations made by the different persons who have given evidence, the court interrogates the accused. The accused, of course, tries to elude the questions and does his best to make his crime appear less serious than it is in reality. This interrogation of the *došalo* is more like a 'joute oratoire' than anything else; for it is a duel fought out with words, and the Lowara, who delight in the practice of eloquence, excel in this art. The judges, the elders and the councillors press the accused for a full confession (*zamaven te len lesko čaćimo lestar* 'they try to elicit the truth from him'). If the accused is intimidated, or shy by nature, or a simpleton, he lets himself be caught (*vadolive*). If, on the contrary, the *došalo* is a *krisako Rom*, an eloquent man with a good knowledge of the law (*krisako* being an adjective derived from *kris* in the sense of 'judgment, opinion'), it becomes more difficult to make him recognize that he has knowingly committed an action which is reprehensible and calls for punishment. In such a case the judges are compelled to extract by stray remarks the desired but refused confession (*lav vorbi lestar* 'I elicit a word, an utterance from him'). Sometimes the plaintiff and the witnesses for the prosecution provoke the man under examination by their allusions and insulting insinuations in order to excite him (*pizdav vorbi*) and induce him to blurt out things he would not have revealed if he had retained his self-control (*čan les anda vorbende* 'they eat him in words,' *i.e.* bring about his downfall through their insinuations). Such methods, however, are illegal and the Kris is strongly opposed to them.

Following the interrogation comes the *Zumaimo* or cross-examination. In a case where the accused was caught red-handed, or where incontestable proofs are at hand to establish his guilt,

the Kris proceeds after a long discussion to the *prinjarimo* or 'confrontation.'

At every *bayo* those who attend get a chance of discovering elements out of which to construct a future *bayo*, for often the parties involved in the case in hand charge one another with minor offences, and words are uttered that bring to light faults which had not been previously reported. This is known as *ëibiseivav* (from *ëib* 'tongue, speech'). Moreover, a Gypsy who is drunk may easily condemn himself out of his own mouth with regard to some breach of Romani laws and customs, though I have observed on many occasions that a *Rom* in a state of intoxication manages somehow to retain his self-possession and his dignity in the presence of *gaje*. As one of our Lowara proverbs says, *Mai sigo šin ëi šib sar ëi šib ëo šero te šinel* ('cut out thy tongue before thy tongue cuts off thy head').

Another way in which ill-deeds come to light through self-revelation is through dreams. In their dreams the Gypsies translate and express their most secret thoughts and a *Rom* does not keep his dreams from his relations or his community. A dream, or something he looks upon as a good or a bad omen, he cannot keep to himself, for there is something in him that urges him to share it with others. It also happens that a *Rom p'uro* or *romni p'uri* (an aged Gypsy man or woman) may see in dreams under symbolical disguise acts that have been committed or situations which are irregular or illegal. While I was sharing the life of the Lowara it happened several times that the analysis of the theme of such a dream led to interesting discoveries. So long as the Kris has not gone beyond the stage of the instruction of the case (*pušem le vorbi*) and the hearing of the witnesses on both sides, the litigants can receive from the court permission to settle their dispute amicably out of court (*kerav man lesa*). In this case the intervention of the Kris comes to an end and the disputants are left to pay the expenses incurred by the sessions of the court. The members of the Kris and all those who attended the tribunal have to be compensated for having been unnecessarily disturbed.

But if a lawsuit follows its normal course, once the interrogation and cross-examination of plaintiff and defendant have been completed and all the witnesses heard, and the various aspects of the dispute elucidated, the assembly builds up the

case from these data, giving special consideration to the diverse explanations and acceptable interpretation of the facts, circumstances and motives brought to its attention. This second distinct part of the tribunal's activity is known as *paraskodiv o bayo* 'I interpret the case.' In this part of the proceedings the attention is diverted from the litigants and an effort is made to sound public opinion. Those present are in fact given an opportunity of expressing their point of view, a customary procedure, which is certainly most enjoyable and one from which much can be learned. At this stage the *bayo* is thoroughly scrutinized and the facts of the case sifted, studied and examined from all angles by all the clever brains of the tribe; and as this procedure has as yet nothing to do with the verdict, it is all conducted in a spirit of fairness in which everyone tries to show his wisdom in matters of jurisprudence and prove his integrity and skill at analysis. Discussions are, of course, delightfully spiced with witty sayings and proverbs, and thoughts are as far as possible expressed in parables. The language used on such occasions is both poetical and very dignified: it is, of course, the official and beautiful Lowari tongue. The Lowara (and also the Kalderaša) are great lovers of language, and that is why eloquence, which they admire so much, plays so great a rôle in their lives. In this connection I should like to mention a sensational *bayo* between two Lowara of great prestige, Notarka le Dunčesko and Cukurka le Yojosko. At the last session of the case which Notarka was bringing against him, Cukurka suddenly realized in a flash how heavy the damages he would have to pay were going to be. He requested to be allowed to speak a last word in his defence before the verdict was passed. The court agreed. He started his plea in a most brilliant manner. It had far less to do with the actual facts than you would expect; but it was a beautiful speech, a very beautiful speech, and everyone was fascinated when, in a most witty and clever parable full of double meanings, he made a caricature of his opponent and thereby put himself in a most favourable light. The whole assembly fell under his spell. He did not have to pay the big fine, which only a moment before hung as a threat over his head. So he won his case, while Notarka his opponent, in his desire to show that he had a sense of humour and shared the assembly's admiration for a brilliant mind, forgave his foe magnanimously.

He did even more : to show his appreciation he ordered a great feast to be prepared for the one who had overwhelmed them all by his wit. I am nevertheless anxious to add that this unexpected outcome of a prosecution is exceptional and not the rule and that I never came across any other case of the kind. I only mentioned it to show how greatly the Lowara appreciate a brilliant wit.

When the hearing has come to an end and the Kris has become cognizant of public opinion as well as of all the difficult aspects of the case from the point of view of both sides, there comes upon the scene a *Rom P'uro* (elder), who, if possible, has no direct concern with the case, but should be a man of strict impartiality, known for his love of justice. He sets out to attack the positions of both the accuser and accused as they have been established by public opinion, and, guided by an acute critical sense and basing his arguments on the Lowara laws, tries with great subtlety to bring to light the weak points on each side of the case. Thus the *Rom P'uro* seems to play the part of the devil's advocate. The Lowara call him *O Krisako Rom P'uro kai xal šere* 'the ancient who devours heads,' i.e. he who brings about people's downfall. To be known as a man of justice and wisdom gives great influence to a *Rom Baro*, and his trustworthiness will gain for him a reputation with a number of tribes (*orézi*), which may lead to world-wide renown.

When the proceedings have reached this stage the litigants themselves are allowed to plead their cause, and begin their address thus : '*Krisatorale Romale tai šavala kero tumenge mûri Kris.*' This should be done clearly and briefly and bring new elements into the picture to build up a strong case. The manner in which a case is pleaded is more important than are the facts. The creation of an atmosphere, which plays such a preponderant part in Gypsy assemblies, has often more influence than any other factor on the final decision.

A session of the Kris is often enhanced by unexpected situations, sometimes most ludicrous ones. After the parties have finished pleading their own defence, the *Krisatora* enter into council. When a *bayo* is fairly simple, or when there are precedents to go by, the verdict follows soon. But when a *bayo* is of a more complicated type (or seems so in the eyes of the parties involved) the discussions sometimes are endless and the court is slow to come to a decision. The Lowari court likes to prolong

discussions when the case is interesting and to do so in an unprejudiced spirit. They set great value on a defence that brings out the cleverness and the ingenuity of the suitors. When small people bring their uninteresting disputes before the court and try to safeguard their little interests by poor means devised by their narrow-mindedness, the discussions become personal and deteriorate rapidly. In such instances the arguments are kept short and the trials are soon over.

As mentioned above, there may follow in the train of a case of importance several *bayura* arising from the proceedings. As many as fifty to two hundred people may be involved in them, and so the sessions of the Kris under such circumstances may last from several days to several weeks. About two years ago I personally attended in Paris a lawsuit which lasted for over three weeks.

When no decision can be reached the court adjourns to meet again on one of the following days, of which the date has been fixed, and on which the *solax* will have to be resorted to. The *solax* is an equivalent to our solemn oath and is only adopted as a last resource when all other means have failed. Early in the morning of the appointed day the Kris assembles. Not only are the litigants and the witnesses present, but also all the members of the tribe, without distinction of sex or age, are supposed to attend on the great day of the *solax*, when the lips of the accused will pronounce his own sentence. The *Došalo*, or presumed culprit, will have taken no food since the previous day ; he will be bareheaded, unwashed and in some cases (if demanded) barefooted as well. The Kris meets in a lonely spot a short distance from the encampment. A *P'uri Romni* builds up a sort of altar on which she places a crucifix. More often she puts on it the picture of a miraculous Madonna, for instance the picture of our Lady of Lourdes if the *solax* is applied in France ; of our Lady of Halle if in Belgium, of Sestošova if in Poland, and of the Virgin del Pilar of Triana if in Spain. Beside the holy image the *P'uri Romni* places a photograph of a *Mûlo*, a deceased chief, or any other important member who during his life had authority over the tribe and whose spirit of justice is venerated by all. Certain objects, such as jewels or arms, to which a magic power is ascribed, and which once belonged to the departed or were cherished by him, are also set up on the altar.

The accused then arrives on the scene, kneels in front of the altar, while the community gathers in a semi-circle around him. The *Kapo* stands by his side, and, after having performed the opening formalities (of which I hope to give an account in a later paper), puts to the accused a few vital questions, the answers to which will mercilessly decide his fate. The questions are clear and precise and put in a manner which excludes different ways of interpretation; they cannot be eluded and the answer to them will contain the incontestable proof of the innocence or guilt of the man who is under interrogation. If he is proved guilty, the punishment is then announced as laid down by the law and established by the tradition of the Lowara.

II.—AUTHORS' GYPSIES

By GUILLAN HOPPER

LEST you be tempted to pity the miserable wretches whose works have been for ever damned by Professor Black in his *Bibliography* with such labels as 'Worthless' or 'Trash,' think first on those other poor mortals who have based their opinion of the Dark Race on such outpourings!

Looking back down the years to one's own childhood one finds that, more often than not, the natural harvest of disappointments which we garner as we grow older is swelled and embittered through false impressions gained from our reading. Fond mamma recoils in horror at the thought of allowing precious little Percy to play with a dirty but harmless guttersnipe; yet she sees no evil in allowing her beloved offspring to stuff his young brain with half-baked 'literature' seasoned with falsehoods!

There are none so blind as the self-deluded and few delusions so durable as those dug from between the covers of a book.

Perhaps you may be tempted to disregard the advice of the eminent compiler of *The Gypsy Bibliography* and instead of going out into the leafy byways and windswept heaths turn off into the easier downhill trails presented by the novelists? Of course, it is simpler. Fictional gypsies are easier to find than their elusive, taciturn, flesh-and-blood originals. Take my tip—don't be tempted!

As a warning to would-be wanderers into the realms of so-

called 'Gypsy fiction' I am going to give you the results of some of my own expeditions. If these do not deter you they will at least save you some trouble.

An authoress whose pen seldom scrawled 'Finis' across the sheet before she had written seven or eight hundred pages was Hannah Maria Jones (Mrs. Lowndes). Of her three massive tomes bearing the alluring label 'Gipsy' as part of their titles, Professor Black says: 'Of no value,' 'Worthless' and 'Worthless.' Truly, a sorry epitaph!

Undaunted by the pilot's warnings I plunged headlong into *The Gipsy Mother*—858 pages of heavy melodrama! Now just listen to this Romany matron lightly introducing herself:—

'I am of all countries! My nation are wanderers upon the face of the earth—forming communication with none—yet possessing power over the destinies of all. I am one of those, young man, who can foretell the fate of others—yet know not my own.'

Well, you read Hannah Maria's little effort and then later on one day you meet a real Gypsy. You ask her where she hails from, and instead of replying in terms rolling and sonorous as those quoted above, she says: 'We's Bucklands from Wiltshire. That's my ole man asleep over there!' I don't think you'd really feel disappointed.

The Gipsy Mother was Hannah Maria's third Romany novel and it differed from the earlier ones in that it was less bloodthirsty. More meaty is the first of her trilogy—*The Gipsy Chief*—in which the heroine, Elinor, discovers her dear cousin Walter foully done to death lying at the foot of a haunted oak on page 13! Of course Edward, the hero, is suspected of the crime. He takes refuge in the cavernous headquarters of the 'Gipsy Chief,' and when Elinor seeks him out, Dangerfield the Chief refuses to allow her to leave:—

'I wish,' he replied, in a tone of petulance, 'that it were in my power immediately to grant your request. Heaven knows I have no inclination to add to my troubles, by detaining you here; but . . .'

In *The Gipsy Girl* we have one of the characters, a murderer named Wilfred Ashdown, 'joining the society of gipsies' and even being 'submitted to the prescribed ceremonies and enrolled