

# Gypsies\*

Peter T. Leeson<sup>†</sup>

## Abstract

Gypsies believe the lower half of the human body is invisibly polluted, that supernatural defilement is physically contagious, and that non-Gypsies are spiritually toxic. I argue that Gypsies use these beliefs, which on the surface regulate their invisible world, to regulate their visible one. They use superstition to create and enforce law and order. Gypsies do this in three ways. First, they make worldly crimes supernatural ones, leveraging fear of the latter to prevent the former. Second, they marshal the belief that spiritual pollution is contagious to incentivize collective punishment of antisocial behavior. Third, they recruit the belief that non-Gypsies are supernatural cesspools to augment such punishment. Gypsies use superstition to substitute for traditional institutions of law and order. Their bizarre belief system is an efficient institutional response to the constraints they face on their choice of mechanisms of social control.

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<sup>†</sup>Email: PLeeson@GMU.edu. Address: Department of Economics, George Mason University, MS 3G4, Fairfax, VA 22030.

# 1 Introduction

“In his fourth year, while on a visit to his grandfather’s house at Strathendry on the banks of the Leven,” Adam Smith “was stolen by a passing band of gipsies.” “Scouts were immediately despatched . . . and the child was brought back to his mother.” It’s a good thing. According to Smith’s 19th-century biographer, “He would have made, I fear, a poor gypsy” (Rae 1895: 4-5).

The father of economics may not have been Gypsy material. But we can use the discipline he fathered to understand Gypsies. This paper does that. It uses economics to analyze Gypsy superstition.

Gypsies believe the lower half of the human body is invisibly polluted, that supernatural defilement is physically contagious, and that non-Gypsies are spiritually toxic. These beliefs “seem to defy any form of explanation or purpose” (Weyrauch 2001: 2). They appear “irrational, antiquated, and mysterious” (Carmichael 1997: 281).

But they’re not. I argue that Gypsies’ bizarre beliefs are highly sensible. Gypsies use these beliefs, which on the surface regulate their invisible world, to regulate their visible one. They use superstition to create and enforce law and order.

Gypsies do this in three ways. First, they make worldly crimes supernatural ones, leveraging fear of the latter to prevent the former. Second, they marshal the belief that spiritual pollution is contagious to incentivize collective punishment of antisocial behavior. Third, they recruit the belief that non-Gypsies are supernatural cesspools to augment such punishment.

Several features of Gypsies’ society prevent them from using traditional mechanisms to secure social cooperation: Gypsies are nomads; their societies are small; and many Gypsies earn a living at the fuzzy edges of their host societies’ laws. Gypsies use superstition to substitute for conventional legal institutions of social control. Their bizarre belief system is an efficient institutional response to their demand for law and order given the constraints they face on their choice of mechanisms for producing it.

My analysis explains how Gypsies’ seemingly senseless belief system is socially productive. It illuminates why this apparently inefficient institution has persisted among Gypsies for

more than a millennium. Most important, it demonstrates how societies use superstition to promote law and order where traditional institutions of order fail.

Economists have said nothing about Gypsies. But they have said something about unusual religious groups and beliefs. Iannaccone's (1992) pioneering work examines the economics of religious behavior in groups with unusual requirements and prohibitions. He models religious participation as a club good. Iannaccone rationalizes unusual requirements as screening devices that discourage persons who would participate little from joining the group and encourage group members to participate more. Berman's excellent paper (2000) considers ultra-Orthodox Jews as an example of this. Richman (2006) notes that for ultra-Orthodox Jews engaged in New York's diamond-cutting business, honesty itself constitutes religious participation, benefiting them from their religion's requirements and prohibitions.

My analysis complements this research. It examines how one "religious" group leverages the beliefs that underlie its bizarre requirements and prohibitions for governance purposes: Gypsies. Existing work models bizarre religious practices as devices that control free riding and participatory shirking. I model bizarre religious beliefs as devices that produce law and order.

This paper is closely connected to two other strands of literature. The first examines the "law and economics of superstition." Posner (1980) pioneered this literature. He suggests that some primitive societies' superstitions may promote their well-being. For instance, the belief that wealthy group members are witches helps some primitive societies enforce a norm of group sharing that permits social insurance.<sup>1</sup> More recently, Leeson (2010) investigates how medieval legal systems leveraged superstition to secure criminal justice. He argues that judicial ordeals of fire and water used defendants' belief in God to accurately determine their guilt or innocence.<sup>2</sup>

The second strand of related literature examines self-enforcing legal institutions. Friedman (1979) was among the first contributors to this literature. He considers the economics

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<sup>1</sup>Fudenberg and Levine (2006) consider how superstitions can influence rational actors' equilibrium behavior. They aren't concerned with superstition's relationship to the law. But they explore superstition in a legal context: the Code of Hammurabi.

<sup>2</sup>This paper is also connected to the literature empirically examines the determinants and economic effects of superstition See Torgler (2007), Wong and Yung (2005), Bourassa and Peng (1999), Chau, Ma, and Ho (2001), Doucouliagos (2004), Ng, Chong, and Du (2009), Woo and Kwok (1999), and Peltzer and Renner (2003).

of legal institutions that stateless people in medieval Iceland used to create social order. Anderson and Hill (2004) examine the private legal arrangements that American settlers used in the “wild West.” Leeson (2007, 2009a, 2009b) investigates the economics of 18th-century pirates’ legal institutions. Many others consider self-enforcing legal institutions in a variety of other contexts (see, for instance, Greif 1989, 1993; Benson 1990; Ellickson 1991; Bernstein 1992; Clay 1997; Dixit 2004).

This paper lies at the intersection of these literatures. It considers how Gypsies leverage religious superstitions to create self-enforcing law and order.

## 2 Roma

“Gypsy” is an ethnoreligious designation. It refers to the Romani people, or Roma.<sup>3</sup> These people have a peculiar belief system, described below.<sup>4</sup> “Gypsy” also refers to a few ethnically non-Romani who “converted” by adopting Gypsy beliefs and who Gypsies accepted into their community. In this sense being a Gypsy is like being a Jew.<sup>5</sup>

Gypsies descended from India.<sup>6</sup> Gypsiologists are unsure about the precise reasons for their exodus. But they believe Gypsies’ migration began in the High Middle Ages.<sup>7</sup>

There are several Gypsy subgroups. The largest and most prominent one in the United States is the Vlax Roma, which I focus on.<sup>8</sup> The most basic unit of Roma organization is

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<sup>3</sup>Gypsy population estimates vary wildly. These estimates are notoriously unreliable because Gypsies don’t typically classify themselves as such when asked, like other people on fringe of society, are among the least likely to be counted in official census measures, and are commonly confused with various other ethnicities by officials. All such estimates should be taken with a grain of salt. However, according to one estimate, there are some 3-15 million Gypsies worldwide living in 40 countries (Weyrauch and Bell 1993: 340).

<sup>4</sup>That belief system “is more suggestive of magical emphasis than it is of a religious one” (Trigg 1973: 27). Still, it’s spiritual. And supernatural rules and rituals underlie it. Thus, while imperfect, “religious” is the most appropriate term to describe Gypsies belief system. As one Gypsy described it: “People often axes me what is our religion, and I al’ays tell ‘em as we’re such good people as we hav’n’t no need one, but these things what I bin telling you about, they’re our religion, the only religion as we’ve got” (Thompson 1922: 21).

<sup>5</sup>Carlton and Weiss’ (2001) important work uses economics to understand the attitude of Jewish law toward competition.

<sup>6</sup>The residents of the countries that Roma migrated to dubbed them “Gypsies” because they mistakenly believed that Roma migrants had migrated from Egypt.

<sup>7</sup>Gypsies have been persecuted since this time. In some countries, they continue to suffer persecution today. For an account of the history of Gypsy persecution, see Hancock (1987).

<sup>8</sup>Other prominent subgroups include the Finnish Kaale, located in Northern Europe, the Iberian Kaale,

the extended family, or *familia*. Multiple families, often with some kin relation, compose a Gypsy clan, or *vista*. Multiple clans compose a Gypsy “nation,” or *natsia*. There are four Vlax Roma nations: the Kalderash, Lovara, Machvaya, and Churara. Economic partnerships between Gypsy families currently living and working together in a territory compose another Gypsy organizational unit: the *kumpania*.

Gypsies have two kinds of “leaders:” *bare* (or *shaturia*) and *pure*. *Bare* are administrative leaders—the first among elders in their communities. A *baro* oversees everyday community member interactions—in particular economic ones—in each *vista* or *kumpania*. He’s also his *kumpania*’s interface with non-Gypsy authorities, such as police and social workers.

*Pure* are spiritual leaders. They’re old, well-respected heads of large Gypsy families and clans. They govern the interpretation of, and adjudication under, Gypsy law. I discuss this law and *pure*’s role in it below. Administrative and spiritual leadership roles aren’t mutually exclusive. An elder *baro* with a reputation for knowledge of Gypsy law may also act as a *puro* and serve as a *krisnitori*, a Gypsy judge.

Gypsies are self-employed. They abhor wage labor. With rare exceptions, such as performing occasional seasonal agricultural labor for others, they eschew it. Gypsy men are metalworkers and “tinkerers,” tarmacers and roofers, and used auto traders and repairers (previously horse traders). Gypsy women are fortune tellers. Both hawk odds and ends.<sup>9</sup>

In non-Gypsies’ eyes, Gypsies are thieves. Gypsies have contributed to this stereotype by stealing from and/or defrauding *gaje* opportunistically. “*Gaje*” is Romani for non-Gypsies. Gypsies look on them with contempt.<sup>10</sup> For Gypsies, using one’s cleverness to relieve a *gajo* of his money or property is a virtue, not a vice.<sup>11</sup> Thus Gypsies don’t scruple at defrauding fortune-telling customers or engaging *gaje* in other confidence games. Abusing and defrauding government welfare programs is also a popular and important economic activity for modern Roma.

Like any society, Gypsies’ can only exist if its members can prevent and address in-

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located in Spain and neighboring countries, the Sinti, located in German-speaking Europe, and the Romanichal, located in the U.K.

<sup>9</sup>On Gypsies’ economic activities and strategies see, Salo and Salo (1982), Williams (1982), and Silverman (1982).

<sup>10</sup>Weyrauch and Bell (1993: 337) translate *gaje* loosely as “barbarians.”

<sup>11</sup>For a description of Gypsy cons and confidence games, see McLaughlin (1980). For an odd defense of Gypsy criminality, see Lee (1967).

ternal conflicts and encourage and support community member cooperation. Two sources of potential conflict threaten to undermine Gypsy cooperation: those relating to economic relationships and those relating to marriage.

The Vlax Roma commonly engage in inter-*familia*, *-vista*, and *-natsia* economic cooperation. They pool resources to start and operate fortune-telling operations. They work together in teams tarmacing, tinning, and roofing. To restrict competition in their fields of work, Gypsies also collude. *Kumpaniyi* carve up geographic territories, each receiving the exclusive right to operate in a given area. For example, in Gypsies' most lucrative economic activity—fortune telling—*kumpaniyi* divide economic territories into three-block areas (Silverman 1982: 380; Sway 1988: 88).

Gypsies can't use government to govern many of their economic relationships. State courts won't enforce the terms of economic partnerships engaged in theft or fraud. Nor will they enforce collusive agreements.<sup>12</sup> Even if Gypsies weren't engaged in theft, fraud, or collusion, they would rarely be able to rely on state courts to support economic cooperation. Their economic activities are often illegal. Many municipalities prohibit fortune telling. And Gypsies rarely seek or obtain the licenses and permits that local governments require of independent contractors and business owners to operate.

Marriage-related conflicts also threaten cooperation in Gypsy societies. Like in most societies, in Gypsies', spouses seeking to dissolve their marriage contracts clash over the division of assets and children. Gypsy marriages involve brideprices. So their divorce clashes involve brideprice division too. To prevent such clashes from becoming destructive, Gypsies require some mechanism of resolving these divisions peacefully.

Gypsies can't use government for this purpose. Their marriages take place outside government's purview. Gypsies don't seek marriage licenses. Even if they did, in many cases government wouldn't give licenses to them. Gypsies often marry as young teenagers, sometimes younger still, before the age of consent. Further, state courts' willingness to recognize and enforce the brideprice aspect of Gypsy marriage contracts is highly uncertain. A state court that was willing to recognize a Gypsy brideprice would be unlikely to resolve its division

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<sup>12</sup>There's some evidence that Gypsies rent seek by lobbying local public officials to keep fortune telling illegal as a means of restricting entry into this industry. See Tyrner-Stastny (1977: 38).

to Gypsies' satisfaction in any case. For reasons discussed below, Gypsies' understanding of which marriage party has more fault for the union's failure, and thus how they should divide the brideprice, is unlikely to comport with *gajikano* understanding, which would produce different divisions.

To resolve economic and marital conflicts, Gypsies must look beyond state institutions. They must find substitute institutions for creating social order. One place they might look is informal institutions. The most well-known and commonly used of these is social ostracism. As I describe below, the threat of ostracism plays an important role in Gypsy legal institutions. But, by itself, boycott isn't enough.

Social ostracism is effective when individuals can readily share information about others' histories with their community members. That requires a means of communication and knowledge about where to reach other community members. Historically, this has presented a problem for Gypsies.

Gypsies are nomads. They're often separated from one another. And their locations are constantly changing.<sup>13</sup> In the past Gypsies arranged debris on roadsides and configured bits of torn cloth in nearby tree branches to communicate messages to passing caravans (Yoors 1967: 126). Still, "As most of these Roms" were "constantly travelling about, the problem of communication with one another [was] a serious one" (Brown 1929: 158).

Gypsies are different from most other small, socially homogeneous groups in this respect.<sup>14</sup> Consider, for instance, Avner Greif's (1993) Maghribi traders. Maghribi traders had to communicate information about misconduct over long distances. But coalition members knew each other's location and thus how to reach one another. Gypsies often didn't. Widespread access to mobile phones has largely resolved this problem for modern Gypsies in countries such as the United States. But until recently nomadism made community wide communication difficult.

Gypsies' face another limitation on their ability to use boycott alone to secure cooperation: they earn no more interacting economically with other members of the Gypsy com-

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<sup>13</sup>Gypsy nomadism is less pronounced today than it was in past. However, nomadism remains an important part of many Gypsies' lifestyles and identities.

<sup>14</sup>On the possibility of self-enforcing exchange in large, socially heterogeneous populations, see Leeson (2008).

munity than they could earn interacting economically with persons outside that community. If group members can earn as much outside their group as they can as members in good standing inside it, the threat of ostracism is no threat at all. Ostracism only threatens a punishment strong enough to deter antisocial behavior if ostracized persons lose something when their community ousts them.

If the population of group members is larger than the population of non-group members, this is likely to be the case. An ostracized person loses the majority of the economic opportunities available to him. So ostracism's threat is strong. Similarly, if group members earn a premium in their interactions with other group members, being booted from the group means losing the opportunity to exploit one's most valuable economic relationships.

This is true even if the population of group members is smaller than the population of non-group members as long as the premium is large enough. For example, Maghribi coalition agents earned a wage premium when they worked for other coalition merchants (Greif 1993). Thus, although the coalition was much smaller than the broader population of non-coalition members in which it existed, the threat of being booted from the group for cheating imposed a large loss on dishonest agents.

Neither of these features exists for Gypsies. Gypsies don't earn a premium in their economic relationships with other Gypsies. So they don't stand to forfeit a higher wage if other Gypsies boot them from the community. Most important, Gypsy societies are tiny compared to the *gajikane* societies in which they're located. Thus many economic opportunities are available to Gypsies whose groups oust them.

Of the more than 300 million people in the United States, an estimated 100,000 to 300,000 of them are Romani (Sutherland 2004: 923). Even if we take the entire U.S. Romani population as the relevant Gypsy group, instead of, say, the Gypsy nation, and use the upper bound of the estimated U.S. Gypsy population, the non-Gypsy community's size dwarfs the Gypsy community's by a factor of more than 1,000. Perfectly comprehensive within-group ostracism succeeds in cutting an uncooperative Gypsy off from but a tiny fraction of the economic opportunities available to him.<sup>15</sup>

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<sup>15</sup>Group smallness facilitates information transmission. Thus, ordinary, it's seen as an aid to boycott rather than as a hindrance. But this is only true when small groups also have certain other characteristics. For example, as I discussed above, group member nomadism can confound boycott's effectiveness even if



A third limitation on Gypsies' ability to use boycott by itself to secure cooperation is the fact that collective punishments suffer from a collective action problem. When punishing a cheater is costly, for instance because that cheater is a friend or family member, or because finding out about others' histories takes time and effort, participation in punishment is a public good (Dixit 2009). This gives some group members an incentive to free ride on others' ostracizing activities. That incentive can bleed boycott of its power.

The Maghribi traders didn't confront this problem (Greif 1989: 870). Punishing dishonest coalition agents benefited coalition members rather than costing them. A dishonest agent's debtors benefited directly by cutting him out of the coalition. They got to keep the money they would've otherwise had to repay him. A dishonest agent's creditors benefited indirectly by doing so. They stopped sending him goods he probably wouldn't have repaid them for. Every group member had an incentive to punish dishonest agents.

Gypsies aren't so lucky. Unlike the Maghribi traders, their groups aren't commercial ones. Gypsies don't have open accounts with all other members of their societies. Thus not every community member, and often only a few, stand to benefit from ostracizing an individual who has had bad dealings with another community member. Collective punishment poses a problem.

## 3 A Theory of Gypsy Superstition

### 3.1 *Romaniya* Part I: Regulating the Invisible

To overcome the difficulty of producing social order without the ability to rely on government or ostracism alone, Gypsies rely on superstition. Central to that superstition is *Romaniya*: Gypsy law. *Romaniya* is customary and oral. It defines the rules Gypsies must follow according to their spiritual beliefs.

The core of these beliefs is the concept of spiritual pollution, or *marime*, and spiritual purity, or *vujjo*. A person or object may be dirty, what Gypsies call *melyardo*, without being

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the group is small. If group members don't earn a premium in their interactions inside the group, group smallness actually hampers boycott instead of promoting it via the mechanism discussed here.

*marime*. What's *marime* is supernaturally "soiled," not physically so.<sup>16</sup>

Gypsies divide the human body's spiritual "cleanliness" at the waistline. Below the waist the body is *marime*. The genitals and anus make it so. The lower body's polluting power is "contagious." Unguarded contact with the lower body may contaminate the individual and persons he has contact with. Above the waist the body is *vujō*. The head, which is physically furthest from the spiritually contaminated nether regions, is most pure.

Nearly all Gypsies' other beliefs, and the attendant *Romaniya* rules that govern them, stem from this division. I describe some of these beliefs below.<sup>17</sup> My description isn't exhaustive.<sup>18</sup> It can't be: *Romaniya*'s customary nature makes for ever-evolving particulars. Further, particulars vary between Gypsy families, clans, and nations. But the basic principles are common (Fraser 1992: 244). They largely define what it means to be a "Gypsy." The examples I consider provide a sense of the seriousness with which Gypsies take their core belief in spiritual defilement/purity and the extent to which it penetrates their thinking and regulates their behavior.

Menstruation makes the polluted state of women's lower bodies more potent than men's. Even their skirts are *marime*: they directly contact their lower bodies. Thus women mustn't allow their skirts to have contact with men. Brushing a man when passing him may be enough to make him *marime*. If a Gypsy woman wants to assault a Gypsy man, she does so not with a gun or her fists. She "tosses" her skirt at him.

Walking in front of a seated man, such that a woman's genital area passes in front of his head, will pollute him too. Walking over a man on the floor above the room in which he's present has the same effect. Women mustn't do it.

When preparing food, women must wear aprons. This blocks their skirts' pollution from polluting the food. When menstruating, women must refrain from meal preparation altogether: an apron can't block a polluting power so strong. Food that comes into contact

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<sup>16</sup>Though these categories may overlap. For example, contact with fecal matter is both physically and, according to *Romaniya*, spiritually soiling.

<sup>17</sup>My description of *Romaniya* below, and my description of Gypsy organization above, is based on the (largely overlapping) descriptions provided in Thompson (1922); Brown (1929); Clébert (1963); Lee (1967); Yoors (1967); Trigg (1973); Gropper (1975); Miller (1975); Sutherland (1975); McLaughlin (1980); Okley (1983); Liégeois (1986); Sway (1988); Weyrauch and Bell (1993); and Lee (1997).

<sup>18</sup>For example, I don't consider purity rules relating to pregnancy and child birth, which are quite remarkable in their own right.

with a menstruating woman becomes *marime*. Gypsies must destroy it. Women must also eat alone when menstruating. The risk of polluting others in such a defiled state is too high.

Non-menstruating women may also pollute food if they don't shield it from their lower halves properly. When one group of Gypsy women was picking berries, one of them accidentally stepped over them. This defiled the berries supernaturally. The women had to throw them away (Yours 1967: 165).

Similarly, if a woman inadvertently exposes crockery to her lower half, this, too, she must destroy. As one Gypsy explained it (Thompson 1922: 21):

Suppose now my mother or one 'n the girls had stepped over the tea-things as we was getting our teas . . . [We'd] ha' broke up all the plates and cups and that for fear as they'd get used again . . . They was all *moxadi* [i.e., *marime*]—everything—tea-cloth and all. It was the same wi' the pans and cooking things if a woman walked over 'em no matter whether she touched 'em wi' her dress or not: they was restroyed at once.

Naturally, sex is a delicate affair. It involves physical contact between bodies' lower halves. Oral and anal sex are *marime*. So is sex when a woman is menstruating. Nudity itself is problematic. Since women's genitals are exposed, they're liable to pollute the men they're facing lest women take appropriate precautions. Thus women mustn't undress in front of men without their backs to them. They must also wake in the morning before their husbands to avoid exposing them to frontal nudity.

Women mustn't wash their clothes with men's. Their contaminated undergarments will pollute the men's clothing. Once worn, these clothes would pollute their wearers. Clothing that isn't properly separated is *marime*. Gypsies must dispose of or destroy it. On similar grounds, men mustn't walk under clotheslines on which women's clothing is hanging. The clothing's pollution power emanates from it and threatens the head. This would make the men passing under it *marime*.

The hands are tricky: they negotiate the body's upper and lower halves. Careful cleaning can prevent hands that have touched the lower half from contaminating the upper half. But Gypsies must make other precautions to avoid making themselves or objects they handle *marime*.

Gypsies mustn't wash their hands in the same sink as dishes or eating utensils. Pollution

on the hands from contact with the lower body will spread to the water. From the water the pollution will spread to the sink. From the sink it will infect the dishes and utensils washed in the sink. From dishes and utensils it will spread to food. From food the pollution will infect the eaters, supernaturally contaminating them.

Similarly, Gypsies must never use sponges or cloths they use to clean their bodies to wash dishes or cutlery. As one Gypsy put it (Sway 1988: 53-54),

You never take a sponge or a wash rag that you use to clean out the bathtub in the kitchen sink. It doesn't matter if you washed it out a million times. It would be *marime* because it touched the tub where your lower body was.

Dishes or utensils that a person washes in the wrong sink, or with the wrong cloth, become *marime*. Gypsies must destroy them.

Even soap can pollute crockery if someone has washed their hands with it. When an unknowing *gajikano* anthropologist left her handsoap by the kitchen sink, several of the Gypsies she was studying wrapped it in paper and hid it in a cupboard to prevent her from becoming *marime*. A different *gajo* placed handsoap on a table near a Gypsy's fork. The Gypsy threw the fork out the window. It's proximity to the handsoap polluted the utensil (Okely 1983: 82).

The lower body's spiritual pollution is so powerful that even directly referencing its polluting source or the functions associated with it is taboo. One mustn't reference urine, fecal matter, genitals, or the bathroom. A Gypsy must pretend to be leaving the room for some other purpose when he leaves to relieve himself. Gypsies also frown on yawning. It suggests sleepiness. This in turn suggests a bed, which has *marime* connotations.

Cats and dogs are *marime*: they clean their genital and anal areas with their tongues.<sup>19</sup> Gypsies should avoid physical contact with them. Thorough cleaning is important if they can't.

Any person who doesn't follow *Romaniya's* rules for ensuring spiritual purity is *marime*. Thus non-Gypsies, who by definition don't follow these rules, are in a constant and full-blown state of supernatural toxicity. A Gypsy must scrupulously avoid unnecessary contact with *gaje* lest a he become *marime*. With few exceptions, necessary contact is limited to economic

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<sup>19</sup>See, for instance, Thompson (1910: 320).

interactions. Here, too, Gypsies must carefully guard contact. For example, in *ofisi*—Gypsy fortune-telling businesses—Gypsies cover the seats with a protective slip to prevent *gajikano marime* from defiling them.

If a Gypsy must eat out, he'll typically use his own disposable dishes and cutlery. By doing so he avoids becoming *marime* from contact with objects that *gaje* haven't handled according to the foregoing rules. If possible, he'll consume prepackaged foods for the same reason.

Gypsies won't allow *gaje* into their homes' private living spaces. They may permit *gaje* into their homes' front rooms. But they'll provide the *gajo* with a special seat reserved for non-Gypsies if possible. If Gypsies offer a *gajo* visitor food or drink, it will be in special cups or dishes, along with special utensils, reserved for *marime* persons. This way they avoid contaminating their belongings and themselves.

### **3.2 *Romaniya* Part II: Regulating the Visible**

Gypsies use the superstitions that *Romaniya* embodies to substitute for state-created law and order and to augment simple ostracism. They leverage *Romaniya*'s regulation of their invisible world to regulate their visible one.

According to Gypsy scholar Elwood Trigg (1973: 54), “In the primitive mind it is only a short step from the concept of the antisocial to that of the unclean, or the forbidden.” There's a good reason for this. By hitching rules governing antisocial behavior to rules governing what's supernaturally “unclean” or forbidden, societies that can't appeal to traditional institutions of social order can produce social order nonetheless.

Gypsies do this in three ways. First, they make worldly crimes—antisocial behaviors recognized as such by non-Gypsies—“supernatural crimes.” Thus the “unbending notion of purity (and impurity) which governs most [of Gypsies'] behaviour” described above has two meanings: one supernatural, the other very much of this world (Liégeois 1986: 84).

Under *Romaniya* theft, fraud, contractual default, or violence toward another Gypsy is polluting just as washing a woman's clothes with a man's, unguarded contact with the lower body, or eating from a fork that was washed in the same sink as hands is. These socially uncooperative behaviors are subject to the same taboos as the former ones: one mustn't

engage in them. If he does, he becomes *marime* (Weyrauch 2001: 246, 263; Weyrauch and Bell 1993: 351; McLaughlin 1980: 86; Trigg 1973: 55, 71).

By folding worldly crimes into supernatural ones, *Romaniya* brings the “horror of pollution,” the fear of, concern for, and seriousness that Gypsies attach to prohibitions relating to upper/lower body interaction, to bear on prohibitions of behaviors that undermine social cooperation (Sutherland 1975: 99). In this sense “Every gypsy carries in his heart the sanction which ensures reverence for morality and tradition” (Block 1939: 13).

Fear of committing supernatural offenses is powerful in Gypsy societies. Members believe strongly in the supernatural regulations that *Romaniya* imposes. *Romaniya* ensures this. Membership in Gypsy society is voluntary. Thus the screening function of costly ritual prohibitions and proscriptions that Iannaccone (1999) describes in the case of religious groups is effective here.

The prohibitions and proscriptions that *Romaniya* articulates are costly. It’s hard to avoid common social situations and everyday occurrences, such as brushing against someone’s clothing, washing one’s hands in the kitchen sink, and walking over another person on the floor above him. It’s also costly to destroy valuables as *Romaniya* commands when Gypsies violate certain prohibitions, such as washing plates or utensils in the same sink as hands.

These rules seem absurd to non-Gypsies. That’s precisely why persons who don’t believe in them are unwilling to remain in Gypsy society. The price of Gypsy membership is high. The benefits of membership, save those associated from protecting oneself from spiritual pollution, which has value only to *Romaniya* believers, are low. Thus *Romaniya* screens out non- or weak-believers, leaving strong believers behind. The result is a community of persons who repose great faith in *Romaniya*’s legitimacy and powerfully fear spiritual pollution.

Consider an episode involving a group of Gypsy men in the heat of a brawl. Fearful for her husband’s safety, one of the men’s wives pled with the brawlers to stop. They wouldn’t. This “wife was helpless,” an observer later recorded (Yoors 1967: 151),

and . . . after having duly warned them . . . she ripped off one of her manifold skirts and symbolically flailed them all with it. The fight stopped instantly as they realized they had become *mahrime* and no Rom, not even the closest male relatives, would have anything to do with them until the case was brought before the Kris and the burdensome onus of the *mahrime* lifted.

The “*kris*” this observer refers to is Gypsies’ adjudication institution for violations of Gypsy law—things that are *marime*. This Gypsy court is an important part of treating worldly crimes as supernatural ones under *Romaniya*. If one Gypsy accuses another of violating *Romaniya*—its worldly or supernatural prohibitions—the accused stands trial before a *kris Romani*. Often, persons related to the parties will first attempt to reconcile the conflict through an informal arbitration procedure called a *divano*. One or more *bare* hear disputes at a *divano*. They hear both sides and recommend a solution. If either party remains unsatisfied, the dispute escalates to the *kris*.

A panel of judges called *krisnitorya* presides at the *kris*. Gypsies select *krisnitorya* from the ranks of the *pure*, the spiritual leaders discussed above. At the *kris* both sides present testimony and evidence for their position. All adult Gypsy males are invited to attend and participate in the proceedings.<sup>20</sup> They provide their own testimony, weigh in with their opinions, and attempt to influence the court’s decision. When all have had their say and the *krisnitorya* are content to offer judgment, the head judge renders his verdict.

As Gypsiologist Rena Gropper points out, non-Gypsies’ “criminal law is secular, and consequently we . . . differentiate between ‘crime’ and ‘sin.’” But “for [Gypsies,] sins (in the sense of transgressions against the godly way, the Gypsy way) are crimes and are subject to the *kris*” (1975: 90). Gypsies don’t distinguish them. Thus Gypsy judicial procedure is the same whether the defendant stands accused of a supernatural crime, such as intimate interaction with a *gajo*, or a worldly one, such as violating the cartel agreement that restricts his economic operation to a certain geographic territory. It “uniformly applies the same standards of and methods of proof, without concern for the type of case” (Weyrauch and Bell 1993: 385).

*Romaniya* violations make the violator *marime*. So Gypsy law enforcement is largely self-executing. Pollution falls on the lawbreaker as soon as he breaks the law. The lawbreaker himself is the first line of legal monitoring and enforcement. His belief in *Romaniya* unleashes punishment on him “automatically” when he misbehaves.

[I]n all cases of *mokadi* [i.e., *marime*], the power which causes it to be enforced is based primarily on fear of its violation that can only be described as essentially magic. The individual who violates a *mokadi* regulation exposes himself to

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<sup>20</sup>In some cases Gypsies also permit women to attend and participate.

dangerous powers of evil and destruction which are so intense that even his own family withdraws from him in fear of their safety. Such an individual becomes, in a manner of speaking, infected with evil and can be cleansed, and eventually readmitted to the safety of his society only by making some type of prescribed amends for the wrong he has done (Trigg 1973: 55).

Still, self-knowledge of pollution may not be enough to dissuade all antisocial behavior if the potential lawbreaker considers the benefit of misbehaving in a particular instance sufficiently high. Alternatively, a Gypsy may break the law but believe he's justified in doing so for some reason. In this case enforcement won't self-execute since the lawbreaker doesn't believe his *Romaniya* violation is genuine and thus polluting.

In these cases Gypsies require stronger punishment to elicit cooperation. The *kris* facilitates such punishment. Similar to the way that Gypsies use *Romaniya*'s spiritual rules to create and enforce worldly ones, Gypsies use the *marime* concept's spiritual aspects to create worldly punishments that help them enforce *kris* decisions.

Besides ordering him to pay a fine, a *kris* may punish a lawbreaker by declaring him *marime*. A *marime* sentence officially banishes the lawbreaker from the community. Such a sentence may be temporary or, for the most serious transgressions, permanent. By publicly declaring the lawbreaker *marime*, the *kris* creates common knowledge among a Gypsy's community members that he's spiritually polluted. This amplifies his internal shame with public contempt. A lawbreaker knows the scorn and disgust with which his fellow Gypsies view spiritual pollution. Thus making his polluted status public knowledge imposes a larger expected cost on antisocial behavior, discouraging a wider range of it.

Similar to *Romaniya* itself, Gypsies use the *marime* concept in multiple ways to help them create law and order. Gypsies use *marime* to designate "crimes," for instance violating a ritual proscription enshrined in *Romaniya*—an offense triable and punishable by a *kris*. By designating crimes, *marime* creates laws. Gypsies also use *marime* as a punishment—first, in the self-executing form of being spiritually polluted, discussed above, and second, as a sentence of banishment, discussed here.

Gypsies use the *marime* concept to create worldly order in still another way: they use it to enforce other—i.e., non-banishment—*kris*-imposed punishments. For example, if *krisnitorya* find a Gypsy guilty of chiseling on the cartel his *kumpania* has established, they may order



him to pay a fine to his *kumpania*'s members. If he refuses to comply, the *krisnitorya* may threaten him with a *marime* sentence, banishing him from the community, per the third use of the *marime* concept noted above. This threat ensures the guilty Gypsy complies with the original *kris*-ordered punishment: the fine.

The second way Gypsies use *Romaniya*'s regulation of the invisible world to regulate the visible one is by marshalling the belief that spiritual pollution is contagious to incentivize collective punishment of antisocial behavior. Recall that according to *Romaniya*, spiritual pollution is communicable. Since violations of rules regulating traditional antisocial behaviors pollute the violator in the same way that violations of purity rituals do, the thief's or murderer's defilement is contagious just like the ritually impure person's defilement is.

This belief augments simple ostracism, permitting Gypsies' to use the threat of collective punishment to enforce *kris* decisions. It aligns Gypsies' incentives with respect to punishing antisocial Gypsies and coordinates the boycott of lawbreakers. One of Gypsies' difficulties of relying on boycott alone to enforce good conduct is that boycott is a public good. The superstition that says a person can catch a rule breaker's supernatural defilement by interacting with him overcomes this difficulty by making it in everyone's interest to avoid the infectious, antisocial individual.

As one Gypsy described a *marime* sentence's effect (Clébert 1963: 160-161; see also, Thompson 1922: 40):

Nobody in the world, neither his wife, nor his mother, nor his children will speak to [a Gypsy so sentenced] any more. Nobody will have him at their table. If he touches an object, even one of great value, the sacred law insists that this object be destroyed or burned. For everybody, the person is worse than if he were a leper. Nobody will even have the courage to kill him in order to cut short his misfortune, for merely to go near him would risk making *marime* whoever has tried to do so. When he has ceased living, nobody will accompany him to his last resting place.

Belief in *marime*'s contagion also facilitates Gypsies' enforcement of *kris*-ordered punishments by rule breakers against themselves. As a Gypsiologist Carol Mill described it (1975: 50-51):

Shames [i.e., *marime* actions] join what should not be joined and upset the recognized order of things and events, so that calamity visits the family in a form

of Sastimos [i.e., health] reversed, illness, loss of money, bad luck, unhappiness, insanity, and even death. The most vulnerable to these supernatural sanctions are the children of the *familia*, the extended family. For these reasons, whenever shames of any size become public knowledge, in order to protect the *familia* and to stay the tide of unpropitious events, the agent of the shame is libeled as *marime*, dangerous to himself and others.

Further, the Gypsy superstition according to which *marime* is communicable helps Gypsies use ostracism to enforce the law despite the problem that Gypsy nomadism poses for this institution of social control. Nomadism inhibits simple ostracism from working. It makes it harder for the members of distantly located and traveling Gypsy communities to learn when a Gypsy outside their community has violated *Romaniya* and they should punish him. The belief that *marime* is infectious gives Gypsies strong incentives to learn about the histories of persons they don't know who appear in their community. Expecting other Gypsy communities' members to invest in learning about their past, would-be Gypsy outlaws expect that ostracism for cheating will be more effective. So they're less likely to cheat.

The final way Gypsies leverage the superstitions that underlie *Romaniya* to enforce social order is by recruiting the belief that non-Gypsies are supernatural cesspools to augment the collective punishment described above. Gypsies rarely communicate with non-Gypsies. So information about a dishonest Gypsy's conduct has difficulty flowing to the *gajikano* world. Thus the only economic opportunities an ostracized Gypsy forgoes are those of cooperating with other Gypsies. The Gypsy population is tiny compared to the *gajikano* one. So these opportunities are tiny compared to the ones available to a Gypsy outside his community. The power of even an a perfectly effective boycott is therefore low.

Gypsies overcome this problem by recruiting their central belief in spiritual pollution and purity. According to *Romaniya*, any person who doesn't adhere to its rules is spiritually defiled. He's supernaturally disgusting. This applies most potently to non-Gypsies since, by definition, they never adhere to any part of *Romaniya*. *Gaje*, recall, are in a permanent state of contamination.

This belief makes Gypsies' threat of ostracism far stronger than it would be without it. Without the supernatural augmentation *Romaniya* provides for social ostracism, the *gajikano* world doesn't look so bad. Because of its superior economic opportunities, it may even look

preferable. The threat of being ousted is no threat at all. In contrast, with the supernatural augmentation *Romaniya* provides, the *gajikano* world looks like a spiritual cesspool.

Because of this, “[a]n escape into *gajikano* society is not an alternative for the banished wrongdoer . . . Disdain for the non-Gypsy world, acquired in early infancy, maintains its hold over most Roma even after their expulsion from the community” (Weyrauch and Bell 1993: 359). With the belief that *gaje* are supernaturally toxic, the threat of being ousted becomes all powerful. Some Gypsy lawbreakers who have found themselves thrust into the defiled *gajikano* world as punishment found death preferable and committed suicide (see, for instance, Brown 1929: 165; Gropper 1975: 100).

Gypsies’ “legal system . . . derives its coercive force from magic” (Yoors 1967: 6). Yet it works because of, not in spite of, this. Gypsies recruit the supernatural beliefs that underlie *Romaniya*’s spiritual elements to create and enforce laws governing their worldly interactions. By doing so they ensure that their “unwritten law . . . is its own defence against violation” (Block 1939: 14). Gypsies can’t use government or ostracism alone to produce law and order. But their societies display it nonetheless. Gypsies build social order on superstition.

Jan Yoors, who spent years with Gypsies, notes that “[a] theft from a fellow Rom was unheard of among the Lowara” Gypsies he lived and traveled with (1967: 177). Gypsiologist Irving Brown observed the same degree of cooperation in Gypsy society. “As for the morals of the Nomads in their relations among themselves,” he noted, “they are probably higher than the average for the country at large.” Violence occasionally breaks out. But “Cheating and robbing among themselves occur but very rarely” (Brown 1929: 165, 166; see also, Lee 1997: 370). As another Gypsy scholar observed, “Each group functions like clockwork” (Block 1939: 176).

## 4 Predictions and Evidence

My theory of Gypsy superstition generates several predictions. The evidence supports them.

1. *Gypsy groups that don’t confront serious problems of social cooperation don’t develop key superstitions discussed above.*

According to my theory, Gypsies develop the superstitions whereby spiritual defilement is contagious and the *gajikano* world is a supernatural cesspool to provide law and order in their societies where, without these beliefs, social cooperation would break down. As I pointed out in section 2, Gypsies confront two categories of potential conflict in particular that threaten to undermine cooperation: those relating to economic relationships and those relating to marriage. Gypsies can't rely on state courts or ostracism alone to support cooperation for many of these relationships. So they use the superstitions that *Romaniya* embodies for this purpose instead.

But these superstitions are costly. Tracking every community member to establish whether they, for instance, wash their dishes with the wrong sponge, and avoiding interaction with those who do, is time-consuming and inconvenient. So is living in constant fear of being supernaturally contaminated by a non-Gypsy and foregoing nearly all contact with the non-Gypsy world. My theory therefore predicts that when the benefit of these beliefs is low because Gypsies don't face important problems of social cooperation, such as those relating to economic relationships or marriage, Gypsies won't develop them.

The evidence supports this prediction. At least one Gypsy group's members, the Finnish Kaale, have neither significant economic interactions nor the institution of marriage. Unlike the Vlax Roma, the Finnish Kaale engage in partnerships and other forms of economic cooperation overwhelmingly at the kin-group level. Inter-kin group economic relations are rare (Grönfors 1997: 309).<sup>21</sup> The comparative absence of attempts at economic cooperation among Kaale Gypsies compared to their Vlax counterparts greatly reduces the scope for conflicts that might arise out of economic interactions among the former.

In contrast to Vlax Gypsies, Kaale Gypsies are also notable for what Kaale Rom scholar Martti Grönfors (1997) calls their "institution of non-marriage." As Grönfors describes it, "the Finnish Roma ignore the institution of marriage altogether" (1997: 317). They forbid it. Thus Kaale Gypsies "have no accepted way in which two individuals can legitimately form a marriage-type relation" (Grönfors 1986: 103).

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<sup>21</sup>Kaale kin groups tend to pursue economic activities in separate territories, each group viewing one territory as its own. Thus they groups monopolize the regions they live in. However, this "cartelization" is different from the American Vlax Roma's. Kaale cartelization is informal and tacit. Vlax Roma cartels are explicit inter-*kumpania* agreements to restrict competition.

Institutional non-marriage among the Finnish Kaale precludes the main sources of marriage-related conflict among the American Vlax: matters of brideprice and divorce. Kaale Gypsies don't recognize marriage. So they have no brideprices. Nor do they have divorces.<sup>22</sup>

Finnish Kaale Gypsies' organization is peculiarly non-social in important respects. They face relatively few problems of social cooperation. Thus they haven't developed key superstitions the Vlax Roma have for overcoming the more significant problems of social cooperation the latter face. Like all Gypsies, Finnish Kaale Gypsies have a *marime* concept and ritual taboos associated with spiritual pollution/purity. However, *marime* isn't physically contagious according to their beliefs, as it is for Vlax Gypsies who rely on this superstition to facilitate collective punishment of lawbreakers.

Further, the *gajikano* world isn't dangerously toxic according to Kaale beliefs, as it for Vlax Gypsies who rely on this superstition to augment such punishment. Indeed, "the Finnish Roma considered the non-Roma to have no power to pollute the Roma or anything belonging exclusively to that community." According to their beliefs, "there [is] no need to fear contamination from the outside" (Grönfors 1997: 317).

Thus male Kaale Gypsies have sexual liaisons with *gaje*. They openly acknowledge this in front of other Gypsy men and women. And they suffer no diminution in reputation or social approbation for doing so. This contrasts sharply to Vlax Gypsies for whom, "with the exception of . . . making money or by reason of economic necessity, the *gaje* are forbidden to Rom contact and association" because of *gajikano* toxicity (Miller 1975: 46).

Nor do Kaale Gypsies have an institution like the Vlax Roma's *kris*. Their interactions are intensely kin-focused. Ritual violations or uncooperative conduct predominantly affect one's kin-group members, not members of other kin groups. Thus kin groups handle these issues internally. Kaale Gypsies have no need for a more formal or encompassing adjudicative body that would promulgate and enforce laws regulating the invisible or visible world. So they don't have one.

The infrequency of inter-kin group economic relationships and absence of marriage among

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<sup>22</sup>Finnish Kaale Gypsies do in fact "divorce" just as they "marry" clandestinely and without acknowledgement. However, since, like marriage, divorce officially doesn't exist, the potential conflicts that require adjudication when American Vlax Roma marriages end don't, and in fact can't, create conflicts when Finnish Kaale Gypsy (non-)marriages end.

Finnish Kaale Gypsies doesn't mean they face no potential situations of social conflict. Even when interaction is limited, inter-kin group conflicts can emerge. Kaale Gypsies require some way of handling such conflict. Instead of the *kris*, their way is blood feuding (see, for instance, Grönfors 1986; Acton, Caffrey, and Mundy 1997).<sup>23</sup>

Blood feuding is more costly to society than the *kris* and the superstitions that underlie it *ex post*—i.e., after conflict has emerged. Protracted threats of inter-kin group violence destroy more resources than peaceful conflict resolution in a Gypsy court. But blood feuding is cheaper than the *kris ex ante*—i.e., before conflict emerges. Unlike Gypsies who rely the *kris*, Gypsies who rely on blood feuding don't need to identify spiritual leaders, establish encompassing law, or develop and maintain beliefs that make certain kinds of social interactions dangerous, such as that which requires one to shun persons who clean their dishes the wrong way or to avoid the entire non-Gypsy world.

This makes the blood feud an efficient institution of social order in a society that can't rely on state courts or ostracism alone to regulate antisocial behavior and expects relatively few social conflicts. Such is the case for the Finnish Kaale Gypsies who tend to interact within the kin group rather than between kin groups. In contrast, the *kris* and its associated institutions of enforcement, such as the notion of contagious pollution and *gajikano* toxicity, is efficient in a society that expects relatively more social conflicts. This is the case for the Vlax Roma who commonly interact with Gypsies from other families, clans, and nations.

*2. Gypsies' belief in spiritual pollution and the importance of attendant ritual proscriptions that Romaniya imposes should be stronger for persons who are more likely to behave antisocially and weaker for persons who are less likely to.*

Not all Gypsies are equally likely to behave in ways that threaten social cooperation. Gypsy children are less likely to murder, steal, defraud, or renege on contracts than Gypsy adults. This is true for the same reasons that non-Gypsy children are less likely to engage in these antisocial behaviors than non-Gypsy adults. First, since children aren't yet integrated into the economic world, their opportunities for such behavior are more limited. Second, physically, children are less capable of inflicting serious violence on others than adults. Third,

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<sup>23</sup>On the law and economics of blood feuding along the 16th-century Anglo-Scottish border, see Leeson (2009c).

children's mental abilities are less advanced and sophisticated than adults'.

Because of these features, children are less likely to perceive, and to be able to successfully act on, opportunities for opportunism. Arrest rates confirm this: 1.3 percent of persons arrested for violent crimes in the U.S. in 2004 were under the age of 13. Only 2.7 percent of persons arrested for property crimes were this young (DOJ and FBI 2004).

Gypsy senior citizens are less likely to behave opportunistically for similar reasons. Like non-Gypsy seniors, Gypsy seniors are less likely to be active participants in economic activities. Physically, they're less likely to have the virility required to physically assault someone. Mentally, they're less agile too.

As with children, these features don't eliminate seniors' ability to behave uncooperatively. But they constrain seniors' potential to do so considerably. Arrest rates again confirm this: 2.7 percent of persons arrested for violent crimes in the U.S. in 2004 were age 55 or over. Only 2.1 percent of persons arrested for property crimes were this old (DOJ and FBI 2004).

These data suggest that 96 percent of violent crimes and 95.2 percent of property crimes in the U.S. are perpetrated by post-pubescent persons or persons who haven't yet reached the age at which women enter menopause. It's persons in this stage of life who are most likely to behave in ways that threaten social order. Since the *marime* concept and attendant ritual proscriptions that *Romaniya* imposes are costly, and subjecting Gypsy children and seniors to that concept and its proscriptions generates little benefit in terms of preventing antisocial activity, my theory predicts that Gypsies should relax the belief in spiritual pollution and attendant ritual proscriptions that *Romaniya* imposes for Gypsy children and seniors.

The evidence supports this prediction. Under *Romaniya* the power to supernaturally pollute others and to become polluted by failing to abide the ritual proscriptions discussed in section 3.1 follows the lifecycle. "Children are believed to be blameless to sin, including defilement, because they are new and innocent, and not yet fully aware of the consequences of their deeds" (Miller 1975: 43). Thus they "enjoy a privileged status in society until puberty, when they become subject to *marime* taboos" (Weyrauch and Bell 1993: 343).

Gypsies are subjected to the full force of the *marime* concept and *Romaniya*'s ritual proscriptions until they become elderly. For women this means until they enter menopause. In their old age Gypsies regain part of their immunity against supernatural pollution. "Old

people are highly respected and are regarded as intrinsically moral and clean” (Sutherland 1975: 263).

Spiritual pollution’s contagiousness also follows the lifecycle. Children can’t become *marime*. Thus they can’t transmit pollution if they do something that would be *marime* for an adult. Elderly Gypsies are also less contagious. For example, post-menopausal Gypsy women can’t spiritually pollute others by tossing their skirts at them.

Gypsies’ suspension of the superstition according to which polluting behaviors can transmit pollution to others for children and seniors is consistent with the fact children and seniors are unlikely to engage in socially destructive activities, such as theft or violence. It’s this kind of behavior that the contagion superstition is interested in preventing. Thus Gypsies can drop this costly belief that would otherwise lead them to ostracize socially cooperative children or seniors who, for instance, accidentally walked under a clothesline hanging women’s clothes, without foregoing the benefit of this superstition’s effect on preventing socially uncooperative behavior.

Similarly, according to Gypsy belief, children are less prone to *gajikano* contamination than adults. For example, they may eat *gajikano*-prepared food and interact more freely with *gaje* without contracting *gajikano* pollution (Okely 1983: 168; Sutherland 1975: 262). Gypsies’ suspension of the superstition according to which the *gajikano* world is spiritually toxic for children is consistent with the fact that children are unlikely to commit acts the prevention of which would require the threat of being ousted from the Gypsy world and thrust into the *gajikano* one—acts this superstition is intended to help govern.

The lifecycle stage in which Gypsy *marime* immunity dissolves and becomes *marime* susceptibility—puberty—corresponds to Gypsies’ full entrance into the social world and participation in economic activity. This is the lifecycle stage when awareness of, ability to exploit, and the number of opportunities for socially destructive behavior increase dramatically. Around the time of puberty Gypsies marry and become genuinely socially and economically engaged.

Similarly, the lifecycle stage in which Gypsy *marime* susceptibility dissolves and becomes *marime* immunity—menopause/seniority—corresponds to Gypsies’ exit from important aspects of social and economic activity. This is the lifecycle stage in which the ability to exploit,



and number of, opportunities for socially destructive behavior decrease dramatically. In old age Gypsies retire and focus on their role as spiritual leaders. Their marriages are either successful, and thus unlikely to create conflict, or have ended because of spousal death or divorce when they were younger.

3. *As Gypsies' superstition wanes, so do does their reliance on Romaniya to create law and order.*

According to my theory, Gypsies use the superstitions that compose *Romaniya* to substitute for traditional institutions of social control. This substitution is effective when Gypsies' belief in the superstitions discussed above is strong. It's ineffective when that belief is weak or non-existent. In that case fear of becoming *marime* doesn't discourage antisocial conduct. The specter of contracting spiritual pollution from an antisocial Gypsy doesn't facilitate collective punishment. And the *gajikano* world doesn't appear ominous, preventing Gypsies from fearing expulsion from Gypsy society. Without belief in *Romaniya's* superstitions, the *kris* and its power to help enforce laws against antisocial behavior collapse. Thus my theory predicts that as Gypsies' belief in these superstitions wanes, so must their reliance on *Romaniya* and its related institutions to create law and order.

The evidence supports this prediction. Over the last 60 years Gypsies' belief in the key superstitions that underlie *Romaniya* have weakened considerably. So has their reliance on *Romaniya* and its supporting institutions to facilitate social cooperation.

According to Canadian Gypsy and Gypsiologist Ronald Lee, belief in the *marime* concept—*Romaniya's* cornerstone—has eroded considerably. The idea of spiritual pollution still exists. But “the younger generation of Rom in the United States,” for instance, has “difficulty in defining just what a *marimé* offense is” (Lee 1997: 381).

Belief in the *marime* concept has eroded in other Gypsy groups over the last half century too. Writing in 1990 Gypsiologist Angus Fraser notes that “the taboo code is gradually weakening among the Sinti” Gypsies found in Europe (1990: 11). Gypsiologist Jerzy Ficowsky's indicates that *marime* taboos were already declining among Polish Gypsies in the 1950s (1951: 132). Similarly, writing in the early 1970s Gypsiologist Thomas Acton notes a “relaxation of [*marime*] taboos” among the English Romanichal Gypsies (1971: 117).

Acton observed that these Gypsies didn't care about separating clothing by gender, didn't observe most menstrual taboos, displayed less sexual differentiation in their taboos, and in general took a more flexible approach to *marime*, viewing *Romaniya* more like a set of recommendations than a body of law they should rigidly adhere to. This contrasts sharply with the way Gypsiologist T.W. Thompson (1922) described the English Romanichal in the 1920s when Gypsies took the *marime* concept more seriously.

“Through the years . . . many taboos have fallen into disuse among gypsies while the observance of others is definitely in decline” (Trigg 1973: 54). Thus among the Vlax Roma who traditionally use these taboos to enforce Gypsy law through the *kris*, reliance on the *kris* has declined too.

Since “the fifties and sixties . . . the Kris ha[s] been weakened” (Esty 1969: 134). Lee reports that among the younger generation of North American Gypsies in particular—the same generation that reposes the least faith in the superstitions that underlie *Romaniya*—the *kris* has become unpopular. As he puts it, “more and more younger Rom refuse to take the old customs seriously” (1997: 384). In 1986 200 Gypsies from 26 U.S. states convened a meeting to discuss the *kris* crisis. “This meeting was convened because Rom leaders felt that the overall effectiveness and structure of the *kris* was being eroded and weakened and that consolidation and reaffirmation of its strength were needed.” The meeting participants also discussed “the *marimé* code, which many felt is becoming vague among the younger Rom” (Lee 1997: 390).

The *marime* concept's and *kris*' growing weakness has diminished *Romaniya*'s effectiveness as an institutional substitute for creating law and order. Thus in the period of *Romaniya*'s erosion, Gypsies have increasingly substituted away from *Romaniya* toward their host societies' government for this purpose. Many Gypsy interactions are unenforceable in state courts. However, for those that are, Gypsies have begun testing these courts as venues through which they might support social order.

In the late 1980s Gypsies in southern California attempted to integrate the *kris* and California's state court system to improve the former's power (Weyrauch and Bell 1993: 357). The *kris* oversaw Gypsy conflicts. It then sent its findings to the appropriate state court where public judges would use this information to guide them in handling Gypsy

conflicts that came to their attention. Modern Gypsies' attempts to abuse the state legal system to help them enforce community cooperation partly precipitated the need for such an arrangement. Unable to secure guilty parties' compliance with *kris* decisions because of waning belief in the superstitious sanctions that undergird it, Gypsies have increasingly taken to falsely accusing these individuals of various crimes to government officials. By doing so they're able to use the threat of the state's legal apparatus to force *kris*-convicted Gypsies to comply with *kris*-ordered punishments.

Gypsies' reliance on state legal institutions contributes to a cycle that slowly unravels *Romaniya* and thus their ability to use it to produce social order. It reduces their need for firm belief in the superstitions that underlie *Romaniya*. Weaker belief in these superstitions increases their need to rely on state legal institutions. This reduces Gypsies' need for belief in *Romaniya*'s superstitions, further weakening those beliefs, and so on. Because of this process, "Compared to what it was even thirty years ago . . . the *kris-Romani* is not what it used to be in terms of its ability to administer problems that arise in the Rom-Vlach community" (Lee 1997: 360).

## 5 Concluding Remarks

My analysis of the economics of Gypsy superstition leads to several conclusions. First, Gypsies highlight how societies can and do use bizarre, scientifically unfounded beliefs to create law and order where those societies' features confound their ability to rely on traditional institutions for this purpose. When community members' major social activities are illegal or unrecognized by government, communication is costly or impossible, the group's population is small relative to the population of non-group members, and collective punishment is a public good, neither state legal institutions nor simple ostracism can support social cooperation. But by relying on superstitions that define and enforce good conduct, such societies can substitute for traditional legal institutions, producing cooperation nonetheless.

Gypsies accomplish this through the unusual beliefs that underlie *Romaniya*. They use the idea of spiritual pollution to create laws against theft and violence. They recruit the fear of supernatural contamination to prevent individuals from violating them. To strengthen

enforcement, Gypsies developed a belief that *marime* is contagious. They use this belief to incentivize and coordinate collective ostracism of lawbreakers. Gypsies also developed a belief according to which the non-Gypsy world is spiritually terrifying and toxic. They use this belief to give the threat of ostracism punishment power sufficient to deter antisocial behavior.

To assist the identification and punishment of lawbreakers, Gypsies created a private court, the *kris Romani*, itself supported by superstition. In addition to using the *kris* to adjudicate infractions of *Romaniya*—supernatural and worldly—Gypsies use it to transform legal violations, *marime* activities, into legal punishments, *marime* sentences. The success of Gypsies' legal system built on superstition helps explain the persistence of Gypsy superstitions and society for more than a millennium.

Second, my analysis of Gypsies helps resolve a puzzle relating to small groups' ability to use the threat of ostracism to promote internal cooperation. Some such groups offer members greater economic returns from interacting with those inside them than they could earn interacting with those outside them. But many others don't. From the outside, at least, membership in such groups appears highly undesirable. Further, there are typically many more opportunities for economic and social relationships outside them than there are inside them. It's strange, then, that the threat of being booted from such communities constrains community member opportunism.

Gypsies suggest one way that such groups manage to discipline member behavior with this threat: they artificially make the returns to interacting outside the group appear much lower than they really are. Gypsies achieve this by inculcating a belief among their group's members that likens non-Gypsies to lepers. Rather than raising the payoff of remaining a part of the group, Gypsies use superstition to dramatically reduce the payoff of interacting outside it.

Third, my examination of Gypsies helps explain why self-enforcing legal arrangements seem to emerge so often among individuals with common religious beliefs. The Amish, Greif's (1993) Maghribi traders, Bernstein's (1992) Jewish diamond traders, Evan-Pritchard's (1940) Nuer, Thies' (2000) American communes, Gypsies, and many other groups that developed self-enforcing legal institutions have members who share common superstitious beliefs

grounded in their respective religions. Self-enforcing legal institutions can and do emerge in groups whose members don't share such beliefs. However, from the standpoint of self-enforcement, groups in which members do share them have an advantage.

Religious beliefs typically consist of rules that govern both the spiritual and the corporeal world. Thus groups whose members share religious beliefs have a “built-in” means of fostering private order. Here individuals can use already existing rules that govern their spiritual realm to create and enforce rules that govern their corporeal one. Richman (2006), for example, points out that this is why diamond trading—an industry whose characteristics preclude government enforcement—is concentrated in the Jewish community and not a community of persons without religious bonds.

Finally, my analysis suggests that superstition's development needn't be senseless. Nor is it totally unpredictable. On the contrary, we can predict that certain kinds of superstitions will develop in precisely those instances where they make most sense: where traditional institutions of law and order fail.

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