

Books and reviews

THE NAZI DOCTORS AND THE NUREMBERG CODE

Medical experiments on human beings

In a work entitled *The Nazi Doctors and the Nuremberg Code — Human Rights in Human Experimentation*,¹ George J. Annas, Professor of Health Law and Director of the Law, Medicine and Ethics Program at Boston University Schools of Medicine and Public Health, and Michael A. Grodin, Associate Professor of Philosophy, Medicine and Public Health, and Associate Director of the Law, Medicine and Ethics Program at Boston University Schools of Medicine and Public Health, retrace the role of Nazi doctors in medical experiments on human beings, particularly on detainees in concentration camps. Using American and German archives, they describe the trial of twenty of these doctors and three of their accomplices who appeared before the American Military Tribunal I in Nuremberg between October 1946 and August 1947.

In their study, the authors observe that the experiments carried out by the Nazi doctors stemmed from the practices of nationalist physicians who, even before the 1920s, belonged to the racial hygiene movement. In 1929 the National Socialist Physicians' League was founded to coordinate Nazi medical policy and, by January 1933, nearly 3,000 doctors, i.e. 6 per cent of the profession, had joined the League. Its policy concentrated mainly on three areas:

- the “Sterilization Law”, which allowed the forcible sterilization of anyone suffering from “genetically determined” illnesses, including feeble-mindedness, schizophrenia, epilepsy, genetic blindness, deafness and alcoholism;
- the Nuremberg Laws, which excluded Jews from citizenship and prohibited marriage or sexual relations between Jews and non-Jews;
- euthanasia programmes for patients judged to be incurable.

The authors make a point of showing the extent to which the medical community was involved in the Nazi programme of human experimentation,

¹ George J. Annas and Michael A. Grodin, *The Nazi Doctors and the Nuremberg Code — Human Rights in Human Experimentation*, Oxford University Press, Oxford, 1992, 371 pp. plus lists, a diagram and photographs.

saying that the 23 accused who appeared before the Nuremberg Tribunal represented only a small percentage of the perpetrators — doctors and non-doctors — of experiments on human beings.

During the Doctors' Trial in Nuremberg, the prosecution pointed out that there had been hundreds of thousands of victims and, drawing on original documents from the archives of the concentration camps and on testimony given, it came to the conclusion that at least 11 types of experiments had been carried out, notably into the effects of high altitude and low pressure, freezing, malaria, bone regeneration and transplantation, sterilization and typhus.

The Doctors' Trial led to the establishment of the Nuremberg Code. It sets out the basic conditions and ethical standards under which experiments may be carried out on human beings. In the latter part of their book, the authors concentrated on the influence of the Nuremberg Principles on the subsequent development of international law, American law and modern medical research.

It is of interest to recall that after the Doctors' Trial, and in the absence of diplomatic relations between the Federal Republic of Germany, on the one hand, and Poland and Hungary on the other, the ICRC acted as a neutral intermediary between these countries from 1960 to 1970 on behalf of nationals of the latter two who had been subjected to what were designated as pseudo-medical experiments in the Nazi concentration camps and received financial compensation from the Federal Republic, via the ICRC, to help ease their plight.

From 1961 to 1972, a Neutral Commission appointed by the ICRC awarded 1,701 survivors of pseudo-medical experiments assistance totalling DM 50,845,000. However, in 1972, numerous requests from Polish victims had not yet been examined by the Neutral Commission. In November 1972, a compensation agreement was signed at ICRC headquarters between the Government of the Federal Republic of Germany and the Government of the Polish People's Republic for the Polish victims of pseudo-medical experiments carried out in Nazi concentration camps during the Second World War. In accordance with this agreement, the Government of the Federal Republic of Germany paid DM 100 million to the Polish Government to be allocated to the victims of pseudo-medical experiments who had not yet received any financial aid.²

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² In this connection, see "On behalf of victims of pseudo-medical experiments — Red Cross action" in *IRRC*, No. 142, January 1973, pp. 3-21.