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International Leaders and Medical Professionals Held Differing Views on German Sterilization Practices

“Law for the Prevention of Genetically Diseased Offspring,” July 14, 1933. J. Noakes and G. Pridham, eds., *Nazism 1919-1945: A History in Documents and Eyewitness Accounts*, Volume 2.

The “Law for the Prevention of Hereditarily Diseased Offspring” (*Gesetz zur Verhütung erbkranken Nachwuchses*) was passed into law by the Third Reich on the 14th of July 1933. It was the legal statute that legalized Nazi Eugenic programs that were meant to encourage only “racially fit” Germans to reproduce. The law also aimed to discourage those who weren’t “racially fit” from reproducing and allowed for their forced sterilization. The law considers the declining birthrate in Germany at the time but argues that the ‘increasingly evident genetic makeup’ of the German population is a cause for concern and that those suffering from such illnesses are reproducing without restraint and burdening society. The law lists nine ailments that it considers a hereditary disease including congenital feeble-mindedness, schizophrenia, manic depression, epilepsy, Huntington’s chorea, blindness, deafness, severe physical deformities, and schizophrenia.

The law goes further to establish Hereditary Health Courts that would be responsible for deciding if one would be sterilized, even if it were against their wishes. It established various mechanisms through which one would be deemed as mentally or hereditarily ill. One of which was a test that assessed basic math skills but also asked questions regarding the status of the German state, loyalty, and piety.¹ It becomes clear that the law did not seek to eradicate only those individuals who were hereditarily ill but those who may have held views and ideas that

¹ Robert G. Moeller. *The Nazi State and German Society: A Brief History with Documents*. (Boston: Bedford/St. Martin’s, 2010), 88-89.

were contrary to those of Nazis. It should be noted that there was a process through which one could appeal against one's sterilization decision. In 1934, 4000 individuals filed cases for appeals but only 377 were successful and 3,559 failed.² The law was unforgivably and strictly administered and by the end of the Nazi era, nearly 400,000 Germans had been sterilized.³

Sterilization procedures were fairly common in the United States and throughout the world. In 1933, sterilization was practiced in 27 US states and 19 states allowed for sterilization as a punishment for certain crimes.⁴ Analysis of various journals and newspapers published between 1933 and 1936 reveals that there were differing views on sterilization among international leaders and members of the medical community. Leaders of religious communities often held similar views that generally opposed Nazi practices of sterilization. A New York Rabbi argued that Nazis should be the last to be trusted with sterilization practices but also stated that he did not personally oppose sterilization as long as it was performed in a medical context.⁵ Catholic leaders, on the other hand, were opposed to any practice of sterilization. Pope Pius, in his Christmas Day message, issued a strong condemnation of Nazi sterilization practices as unchristian and against family institutions.⁶ While religious leaders based their views of sterilization on its moral implications, members of the medical community based theirs on its societal implications.

Views on the German Sterilization Law among medical professionals and academics were not particularly negative. Doctors and researchers sought to explore the possible benefits of sterilization practices, and some even supported its implementation. One British geneticist, C.C. Hurst, argued that the law would significantly reduce, but not eliminate, the frequency of the genetic diseases targeted.⁷ This argument aligns with the views of other British medical doctors who were proponents of passing similar non-compulsory sterilization measures in Britain.⁸ Not all doctors, however, agreed with these sentiments. Morris Fishbein, an American doctor, argued that sterilization laws would be insufficient in preventing future diseased populations due to their

² Bruno Steinwallner, "Zwei Jahre Erbgesundheitsgesetz," *Arztliche Rundschau* 45 (1935): 221-222, Cited in Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge: Harvard University Press, 1988), 106-107.

³ Fritz Lenz, "Über die Grenzen praktischen Eugenik," *Acta genetica* 6 (1956): 13-24, Cited in Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge: Harvard University Press, 1988), 108.

⁴ Julia McCarthy, "Science Differs on Sterilization," *New York Daily News*, December 23, 1933.

⁵ McCarthy, "Science Differs on Sterilization."

⁶ Associated Press, "Sterilization Condemned by Pope; Nazis' Plan is Held UnChristian," *New York Times*, Dec 24, 1933.

⁷ C.C. Hurst, "Germany's Sterilization Law: What It Might Accomplish," *New York Times*, Aug 05, 1934.

⁸ C.P. Blacker, "Eugenics in Germany," *Eugenics Review* 25 (1933): 157.

basis in pseudo-science and because the effects of heredity versus the environment were not yet conclusive.⁹ While Fishbein was seemingly against the practice of sterilization, it is interesting to observe that his opposition had little to do with its ethical implications.

Views on the German Sterilization Law differed greatly among members of the religious and medical community. Religious leaders' opposition to the law was largely due to questions of ethics and morality. Members of the medical community were both in favor and opposed to the law but based their views on the science behind the law and what implications it had for society. When further researching the "Law for the Prevention of Hereditarily Diseased Offspring" it is important to consider it in the context of the impact it might have had in the establishment of future German medical programs as well as its relationship with sterilization practices worldwide.

Annotated Bibliography In Chronological Order

Blacker, C.P. "Eugenics in Germany." *Eugenics Review* 25 (1933): 157-159.

This article was written by a British medical doctor in October of 1933 following the passage of the German Sterilization Law. In the article, Blacker compares the German law to legislation that was being considered by the House of Commons at the time. He explains that a significant difference between the two legislations was that the German legislation made sterilization compulsory while the British legislation did not. He defends the British legislation and emphasizes the importance of dissipating the misconceptions that the legalization of sterilization would in any way infringe on individual liberties. Throughout the article, Blacker addresses and references the British Eugenics Society (now known as the Galton Institute), which seems to be the main proponent of eugenics legislation in Britain. Blacker's paper indicates that there were medical and health experts who, while they may not have agreed with the German Sterilization Law, favored the legalization of sterilization in one form or another.

McCarthy, Julia. "Science Differs on Sterilization." *New York Daily News*, December 23, 1933.

This article was published only a few months following the institution of the German Sterilization Law and discusses the opinions of New York leaders and scientists on it. McCarthy states that her

⁹ Dr. Morris Fishbein and Associated Press, "FISHBEIN CAUTIOUS ON STERILIZATION," *New York Times*, Mar 03, 1935.

article was the second article published by the New York Daily News regarding the law and went in depth discussing the various abuses that might occur as the result of the implementation of sterilization programs. The article also includes the opinions of religious leaders on sterilization. Catholic institutions, for example, were vehemently opposed to sterilization and like procedures. The article gives insight into the various views that were held on sterilization in New York and the United States by the population and health professionals. It seems that sterilization was a fairly accepted practice at the time in the United States although the title reveals that McCarthy may have personally been against the practice.

Associated Press. "Sterilization Condemned by Pope; Nazis' Plan is Held UnChristian." *New York Times*, Dec 24, 1933

This article released on Christmas Day 1933 presents Pope Pius's Christmas message. In his message, the Pope strongly assails German sterilization practices and references it as unchristian to deny parenthood to those who have incurable ailments. He goes further to condemn the law on the grounds that medical sterilization would be performed against the subject's will and not even as a punishment for a crime. He reaffirms his beliefs that the family is more important than the state and that public officials and magistrates should have no power over the bodies of subjects especially if no grave crime was committed. The article essentially is a release of the Pope's statement with a short summary and commentary on it. The article is consistent with other articles regarding the views of Catholic and Christian leaders on sterilization and shows that sterilization was vehemently opposed by Catholic and Christian leaders both in the United States and throughout the world. It is interesting to note that the current and former article cited in this bibliography was published on or around Christmas 1933.

Peter, W.W. "Germany's Sterilization Program." *American Journal of Public Health and The Nation's Health* 24 (1934): 187 - 191.

This article written by a medical doctor gives an in-depth explanation of the Law for the Prevention of Hereditarily Diseased offspring a few months after it had gone into effect on January 1, 1934. Peter begins by presenting an in-depth description of the law, what qualifies someone as being "hereditarily diseased", and the circumstances in which the law is practiced. He makes note that the law was signed by German Chancellor Adolf

Hitler, the Minister of the Interior, and the Minister of Justice; and explains the establishment of “Hereditary Health Courts” which were meant to act as safeguards to prevent the miscarriage of justice. Peter writes that he visited Germany and surrounding areas in the past and assessed the economic and social reasons why the state might have implemented the law. Further, he explains the sterilization program as a logical way to lighten the load on the government. He ends by stating that he will return to Germany to assess the German experience since the law had gone into effect. It seems that Peter assessed the German Sterilization law through the lens of a public health official and aimed to assess the drawbacks and benefits of its implementation. He does not seem to be opposed to the practice but makes note that he did not necessarily agree with all points Germans had made during his travels. This gives further insight into the ambiguous, but perhaps favorable, views of the medical community in the United States towards sterilization during the 1930s.

Hurst, C.C. "Germany's Sterilization Law: What It Might Accomplish." *New York Times*, Aug 05, 1934.

This article was written by C.C. Hurst, a British geneticist, and discusses the potential results of the implementation of Germany’s sterilization program. Hurst describes the law as being one with consequences as Germany would become the first “great” nation that has set out to improve their future populations. He then goes in depth to describe the legal framework of the program, the eight disease groups the law targeted, shortcomings, and potential successes and failures. One shortcoming he describes particularly concerns the realm of mental deficiency. He explains that in test data, the law would prevent the births of 228 mentally deficient individuals, of whom 78 would possess supernormal and even genius intelligence. In regards to successes, Hurst maintains that the practice would significantly, but not completely, eliminate Epilepsy, insanity, and other hereditary and sex-linked diseases. Hurst seems to be analyzing the law and practice from his position as health and genetic expert. It is uncertain how he personally views the practice, but he certainly emphasizes its benefits and from his analysis, it might be assumed that he views it in a favorable light. This article mentions the varying views of scientists on sterilization practices throughout the world. It seems medical and health experts both in Europe and

the United States had at least partially favorable views on sterilization; and it is interesting to consider whether or not the views of scientists on such practices gave them legitimacy and allowed for the unethical practices of sterilization and human experimentation that would continue throughout World War II and the Holocaust.

"Sterilization Law Covers Reich Aliens." *New York Times*, Jul 25, 1934.

This article was written one year after the passage of the law and discusses new developments in the law. It explains that the Hereditary Health Courts decided that foreigners in Germany, whether resident or transient, would be subject to sterilization. Those who preferred not to be sterilized could leave the country. It also discusses the ways through which affected foreigners would be identified. Insurance companies were one way that they could be identified since the companies held information regarding the medical statuses of their beneficiaries. Although the article is not necessarily concerning expert views on sterilization practices, it is important to consider the new developments in Nazi Eugenics practices to understand the extent to which Nazis sought to refine their population. It also gives insight into the means through which sterilization officials identified candidates for sterilization and allows one to examine the vast ethical implications of these methods compared to the standards of today.

Dr. Morris Fishbein, Associated Press. "Fishbein Cautious On Sterilization." *New York Times*, Mar 03, 1935.

This article written by Dr. Morris Fishbein discusses the reasons why he is skeptical of sterilization. Fishbein was known for his role as the editor of the *Journal of the American Medical Association*. Fishbein explains that sterilization may not yield desired results for several reasons. For one, he explains that such sterilization efforts in the United States are futile because they are not compulsory. It is interesting to see that this medical authority was seemingly against the practice of sterilization because it might not be successful in the desired outcome.

Kopp, Marie E. "Legal and Medical Aspects of Eugenic Sterilization in Germany." *American Sociological Review* 1, no. 5 (1936): 761-70.

The article discusses the legal and medical aspects of German eugenic practices. Kopp emphasizes that the law is only meant to affect those who are hereditarily ill, not asocial criminals, and that it is done in legal and professional manners. Kopp goes further to assert that, based on her personal observations, the law is administered in complete fairness without discrimination. She admits that sterilization will not eradicate all those who are hereditarily afflicted but the German legislation is a good step as a constructive social health measure. It is interesting to observe that opinions on sterilization remained relatively the same and that mainstream academic and health organizations were proponents of these practices.