

**Fight for Humanity: The Impact of the 1947 *Nuremberg Code* on Medical Ethics**

Sarah Froese

Westwood Collegiate

Mina Rosner Essay Contest

May 31, 2023

In the words of Dr. Bill H. Warren, “It is an honour and privilege to get to serve the public as a physician.” The Holocaust, one of the darkest points in our world's history, was

not carried out by just one man but through the participation and compliance of ordinary people. Doctors, surgeons, and scientists played a critical role in making the mass murder of approximately 6 million Jews an efficient and methodical process (Illinois Holocaust Museum, 2020). These events of human experimentation and exploitation were a horrific violation of human rights. When the experiments became public knowledge, questions surrounding the ethics of human experimentation led to a new code of medical ethics being created. The establishment of the *Nuremberg Code* in 1947 set a standard for permissible medical experiments and led to a global revolution of bioethics. This essay will examine the influence of the *Nuremberg Code* in the world of medical ethics and the ways it has enforced the protection of human rights.

To fully understand how the modern approach to medical deontology has changed, we must look back to these barbaric times, to the events that exacerbated the necessity of such guidelines. The Nazi medical experiments took place in many camps including, but not limited to, Auschwitz, Dachau, Buchenwald, Ravensbrueck and Treblinka. The scientific endeavours were led by distinguished professionals in the medical field, all of which relied on the pseudoscience of Nazi race theory to justify their investigations (Spitz, 2009). The experiments can be categorized by one of two objectives. The first being the prospect of a military advantage with an emphasis on survival in extreme conditions. The second being racially motivated experiments, usually with the goal of proving the false biological superiority of the Aryan race. Military based experiments include the infamous hypothermia experiments, studies of how the body responds to a diet of sea water, investigations into the use of sulphanilamide to treat battle wounds and the list goes on and on (Cohen, 1990). The high-altitude experiments were designed to determine the best means of saving a German pilot during ejection by simulating the conditions of low pressure using a decompression

chamber. This experiment, led by Doctor Sigmund Rascher, took place in Dachau involving over two hundred prisoners.

Approximately 50% of research subjects died, while the rest suffered devastating injuries and trauma. It was recorded that after exposure in the decompression chamber, Dr. Rascher would dissect the brains of patients while still alive to better understand the harmful impact on the body (Cohen, 1990). This level of brutality was common and was a consistent practice of the Nazi medical experiments. Many of the racially motivated experiments surrounded the subject of fertility and mortality. These include artificial insemination experiments, testing of sterilization treatments, the twin experiments studying the causes for multiple births, studies on genetic disorders and so on. The subjects of these experiments were usually Jews, Romas or Sintis and suffered under the most inhumane conditions imaginable with no remorse shown from the perpetrators of these crimes (Cohen, 1990). The experimental T4 euthanasia program, which began in 1939, was the targeted killing of disabled children and adults throughout Germany. It was used by the Third Reich to discover the most efficient and cost-effective methods of mass murder. The methods refined during the program were then applied on a larger scale to carry out what is known as the “Final Solution,” as settled during the Wannsee Conference January 20, 1942 (United States Holocaust Memorial Museum). When the world learned of these many terrifying occurrences of human exploitation and murder disguised as medicine, the ethics of all human experimentation was brought into question.

Following the surrender of Germany in May of 1945, the Nuremberg Trials began, and with it, the creation of the most important document in the history of medical ethics. Case No. 1 of the twelve subsequent proceedings known as the *Doctors Trial*, involved twenty Nazi doctors and three medical assistants (Spitz, 2009). As the world learned of the terrors inflicted by their hands it became clear that universally accepted and established guidelines

would be necessary to convict the Nazi doctors, as well as prevent such atrocities from being repeated. The *Nuremberg Code* comprised ten major points outlining the conditions of permissible medical experiments. The code emphasizes the necessity of patient consent and the right to exercise free power of choice, a critical element absent from the requirements of Nazi medical experiments. The code states that prevention of injury and harm should be a top priority in every experiment involving human research subjects and stresses the importance of protecting the life, and quality of life, of every participant (Shuster, 1997). Another key component of the code was the newly applied right of the subject to withdraw from the experiment at any time. This gives the power back to the individual, providing them with authority and autonomy. Prior to its formation in 1947, the Hippocratic Oath was the only formal declaration of trust but was limited in nature because the oath referred solely to the physician (Shuster, 1997). It focuses primarily on the promises of the physician themselves while the *Nuremberg Code* most prominently discusses the rights of the research participants. The trial required a thorough analysis of medical ethics at the time and called for them to be redefined on an international level. As stated by General Taylor in his opening statement for the case, “It is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable; that this court... as the voice of humanity, stamp these acts, and ideas which endangered them, as barbarous and criminal” (Spitz, 2009, p. 59). The trial was not just meant to punish those responsible for the death of countless innocent people, but to prevent such malpractice from occurring in the future and protect the integrity of medicine as a whole.

The *Nuremberg Code* was created as a necessary support in Case No. 1 of the Nuremberg Trials and is still used today to uphold moral principles regarding medical experiments involving human research subjects. Throughout the trial, many defence lawyers utilized the argument that the United States, France, Netherlands, and Britain have all

performed similarly unethical experiments on prisoners without their consent (Spitz, 2009). Despite being a weak argument for the justification of torture and mutilation of human beings, it does mention a crucial point, demonstrating the exploitation of prisoners, whether innocent or guilty, to be a global issue. Although the *Nuremberg Code* is not an officially adopted article in full, it has served as the outline to every major document regarding medical ethics (Shuster, 1997). Documents such as the International Ethical Guidelines for Biomedical Research involving human subjects, the Council for International Organizations of Medical Sciences, Article 7 of the United Nations International Covenant on Civil and Political Rights and numerous guidelines published by the World Health Organization were all created with the *Nuremberg Code* as a reference, with key points and diction being directly transcribed (Shuster, 1997). During the Nuremberg Trials, Dr. Andrew C. Ivy of the American Medical Association, discussed the necessary use of human research subjects to aid in the development of new medicines and treatments (Bernard, 1996). Thus, it is imperative that these experiments are executed with integrity and with strict adherence to moral standards. Contrary to the climate of opinion, these values were not completely abandoned by the medical community when Hitler took power.

In November of 1933, the Nazis passed a law designed to explicitly protect and prevent cruelty towards animals in a medical setting. It outlined the importance of pain free experimentation and the use of well-established scientific principles to reduce risks (Spitz, 2009). This law asserts that the doctors involved were aware of the harm being inflicted and demonstrates just how little they valued human life they deemed racially inferior. The brutal treatment the subjects experienced was not the result of psychotic crazed killers but by the meticulous planning of extreme racists with minacious views of racial superiority. Interestingly, the medical community had the greatest percentage of Nazi Party members compared to every other professional group during the Holocaust (Spitz, 2009). Describing

the perpetrators as insane and maniacal individuals inadvertently removes the blame and eliminates the element of choice and decision making in the process of conviction (Chelouche, 2021). This contradicts the importance of education by making these events seem inevitable and shocking. It is our responsibility as a society to ensure that ethical and moral principles are taught and maintained.

The *Nuremberg Code* is applied by physicians and medical professionals to uphold the ethics of medicine across the globe. The Holocaust was made possible through the eager participation of the medical community and their role in this genocide cannot be forgotten. The trial for the Nazi medical experiments, in 1945, was a turning point in the world of bioethics and brought light to this critical issue. In the historical opening statement to the Nuremberg Trials, Justice Robert H. Jackson says, “The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated” (Makamson, 2020). To this day, the fundamental principles created during the trial have influenced and changed the world of medical ethics for the better. As a society, we must understand the events that lead to this revolution to better enforce and protect the human rights of individuals in a medical setting and ensure the humanity of science is never lost.

## References

- Bernard, L. (1996, December 5). Historian examines U.S. ethics in Nuremberg Medical Trial Tactics. Cornell Chronicle. <https://news.cornell.edu/stories/1996/12/historian-examines-us-ethics-nuremberg-medical-trial-tactics>
- Browning, C. R. (2017). *Ordinary men: Reserve police battalion 101 and The final solution in Poland*.
- Chelouche, T. (2021, January 1). Teaching hard truths about medicine and the Holocaust. Journal of Ethics | American Medical Association. <https://journalofethics.ama-assn.org/article/teaching-hard-truths-about-medicine-and-holocaust/2021-01>
- Cohen, B. C. (1990). Nazi medical experimentation. The Ethics Of Using Medical Data From Nazi Experiments. <https://www.jewishvirtuallibrary.org/the-ethics-of-using-medical-data-from-nazi-experiments>
- Illinois Holocaust, M. (2023, January 17). *Holocaust misconceptions*. Illinois Holocaust Museum. <https://www.ilholocaustmuseum.org/holocaust-misconceptions/>
- Makamson, C. (2020, November 19). “*The grave responsibility of justice*”: Justice Robert H. Jackson’s opening statement at Nuremberg: The National WWII Museum: New Orleans. The National WWII Museum | New Orleans.
- Shuster, E. (1997). Fifty years later: The significance of the nuremberg code | nejm. New England Journal of Medicine.
- Spitz, V. (2009). Doctors from hell the horrific account of Nazi experiments on humans. Sentient Publication.
- United States, H. M. M. (2023). Josef Mengele. United States holocaust memorial museum. <https://encyclopedia.ushmm.org/content/en/article/josef-mengele>
- United States, H. M. M. (2023). Liberation and Postwar Trials. United States holocaust memorial museum. <https://encyclopedia.ushmm.org/content/en/article/ravensbrueck-liberation-and-postwar-trials>

United States, H. M. M. (2023). Nazi Medical Experiments. United States holocaust memorial museum. <https://encyclopedia.ushmm.org/content/en/article/nazi-medical-experiments>.

United States, H. M. M. (2023). Nuremberg Code. United States holocaust memorial museum. <https://encyclopedia.ushmm.org/content/en/article/the-nuremberg-code>