

Doctors at risk of violence

From Nazi doctors to Abu Ghraib
Medicine without conscious
The informed consent as a legacy of Nuremberg

Peace, Health and Medical Work 2006

Stephan Kolb, Nuremberg Clinic

Contents

- I. NS-medicine
- II. The doctors trail
- III. The informed consent
- IV. Doctors, torture, complicity
- V. Break the silence

The silent mirror

I. NS-medicine

Early Racial Hygiene

- End of 19th century – a new kind of hygiene
- mid-1920s – role of biology in Nazi ideology

Doctors and the regime

- 1929 – National Socialist Physicians League
- 1937 – doctors in the SS seven times...
- 1942 – 38.000 doctors joined the Nazi Party
- Doctors assumed leading positions in German Government and universities

The Sterilization Law

- 1933 – Prevention of Genetically Diseased Offspring, allowing forcible sterilisation
- 1934 – more than 180 Genetic Health Courts
- “The Genetic Doctor” was founded
- 400.000 people were sterilized in Germany
- 180 doctoral theses exploring new techniques

The Nuremberg Laws

- 1935 – The Nuremberg Law
excluding Jews from citizenship and preventing marriage or sexual relations between Jews and Non-Jews.
- 1936 – The Marital Health Law
required couples to submit to a medical examination before marriage to see if “racial pollution” might be involved.
- They were considered public health measures.

Euthanasia

- “mercy death”
- “lives not worth living”
- “preemptive triage”
- “should be carried out only by physicians”

Genocide

- Links between the euthanasia operation and the “final solution”
- The German Medical Association published a regular column on “Solving the Jewish Problem”
- Gas chambers at psychiatric hospitals were dismantled and shipped east
- The same doctors, technicians, and nurses often followed the equipment

Experimentation

Prisoners were

- forced to drink seawater
- immersed in icy water
- placed in vacuum chambers
- exposed to phosgene gas
- infected with spotted fever

GEWISSENlos.GEWISSENhaft

Institute for History and Ethics of Medicine
at the University of Erlangen-Nuremberg

Astrid Ley, Marion Maria Ruisinger

www.gesch.med.uni-erlangen.de/gewissen

degragation



Concentration at KZ Buchenwald



Vaccine for Spotted Fever

KZ Buchenwald 1944

Dr. med. Gerhard Rose



From 1943 – 1945

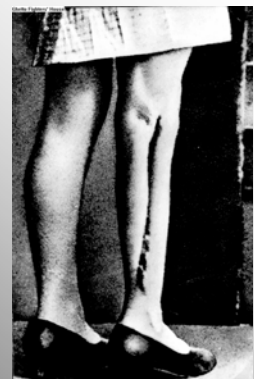
Vice-President of the Robert-Koch-Institute at Berlin. He knew about the experiments at KZ Buchenwald and gave orders himself



Children at Auschwitz

Among them a couple of twins

Sending a head for histology



Scare at a victim of Experiments with Gasbrand



Abb. 2. Innenansicht der Vakuumkammer.

Vacuum Chambers

responsible: Dr. Siegmund Rascher

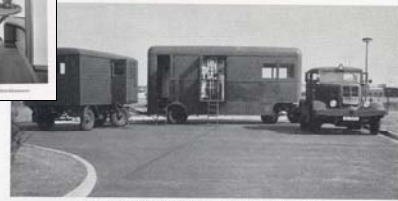


Abb. 1. Übersichts über den fahrbaren Unterdrukammerung.



Instead of sheltering the weak, they gave them up.

Instead of healing the sick, they did harm.

Instead of helping the handicapped, they killed them.

Conclusion

Many Physicians supported the Nazis

Ideology affinity between medicine and Nazis

Doctors served as executioners

II. The doctors trail

"medicine without humanity"

The trail was documented by an official commission of the German Medical Association.

One of the commissioners is still alive.

"medicine without conscious"

See a 10-minute movie
on the doctors trail
and think about two questions

What do you learn about the defendants?

What do you learn about public interest?

III. The informed consent

Nuremberg Code

- Nuremberg, August 20th, 1947
- 10 principles for human experimentation
- Milestone within medical ethics
- Reception in future declarations
- Most important is the first principle...

The informed consent

"The voluntary consent of the human subject is absolutely essential."

Your task!

**What are the conditions for voluntary consent?
What has to be regulated to guarantee voluntary consent?**

The informed consent

The voluntary consent of the human subject is absolutely essential.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment. The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity

Impact

of the principle of informed consent

on scientists
on doctors
on patients

Impact on medicine in general

Think about different areas of medicine and name possible consequences when realizing the principle of informed consent!

organ transplantation

If you guarantee informed consent...

More or less organs?

medical research

If you guarantee informed consent...

Research with children or mentally ill?

Patient Rights

Human Rights

IV. Doctors. Torture.
Complicity.

1948

UN Universal Declaration of Human Rights

"No one shall be subjected to torture
or to cruel,
inhuman or degrading treatment
or punishment."

2006

documented torture in 120 countries

systematic torture in 80 countries

death sentences in 70 countries



Doctors as executioners worldwide

- ... served as actual torturers in Chile and elsewhere
- ... surgically removed ears as punishment for desertion in Saddam Hussein's Iraq
- ... incarcerated political dissenters in mental hospital, notably in the Soviet Union
- ... - as whites - in South Africa falsified medical reports on blacks who were tortured or killed
- ... associated with the CIA, conducted harmful, sometimes fatal, experiments involving drugs and mind control



Doctors at Abu Ghraib...

- ... designed and implemented psychologically and physically coercive interrogations
- ... falsified death certificates to cover up killings and hid evidence of beatings
- ... a medic inserted an intravenous catheter into the corpse of a detainee who died under torture in order to create evidence, that he was alive at the hospital

Steven Miles, Center of Bioethics, University of Minnesota, Lancet, August 21, 2004

Geneva Convention Relative to the Treatment of Prisoners of War.

1949

"Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction. The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons: violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture. (...)

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any kind of unpleasant or disadvantageous treatment and torture."

Caught between conscience and complicity

"death and a maiden"

See a 15-minute movie
on a night without mercy
and think about one question

What can happen through doctors and
what can happen to doctors,
when taking part in torture?

Death and a Maiden

Paulina Escobar is the housewife to a prominent lawyer in an unnamed third World country. One day a storm forces her husband to ride home with a neighbor.

That chance encounter brings up demons from her past, as she is convinced that the neighbor (Dr. Miranda) was part of the old fascist regime that tortured and raped her, while blindfolded. Paulina takes him captive to determine the 'truth'.

Paulina is torn between her psychological repressions and somber memory, Gerardo is torn between his wife and the law, and Dr. Miranda is forced to endure captivity while husband and wife seek out the uncertain truth about the clouded past.

What can happen through doctors and
what can happen to doctors,
when taking part in torture?

“atrocities-producing situation”



Robert Jay Lifton and Leonard Rubenstein discuss ways to avoid dual loyalty conflicts in military prisons

Robert Jay Lifton

“Even without directly participating in the abuse, doctors may have become socialized to an environment of torture and by virtue of their medical authority helped sustain it. In studying various forms of medical abuse, I found that the participation of doctors can confer an aura of legitimacy and can even create an illusion of therapy and healing.”

New England Journal of Medicine, Vol 351:415-416

Caught between conscience and complicity

A fine line between conscience and danger

On September 1989, a 22-year-old Peruvian nurse, Marta Cristomo Garcia, was shot death in her apartment by members of the army. Although neighbors could bear witness to the shooting, a police investigation turned up no clues as to the murderers. Marta Cristomo had publicly testified as a nurse about a massacre in mid-May 1988, in which 30 Indian farmers had been murdered by soldiers.

V. Brake the silence

Hartmut Hanauske-Abel

From Nazi-Holocaust to Nuclear Holocaust:
A lesson to learn?

Lancet 1986, 11:271-273

New Lancet letter from 2006, March 10th
condemns force-feeding at Guantanamo

"Doctors force-feeding prisoners at Guantanamo
are acting as an arm of military and have
abrogated their medical-ethical duties."

Dr. William Hopkins
Psychiatrist at the Medical Foundation for the Care of Victims of Torture

The letter states that international medical-ethics
standards forbid force-feeding of hunger strikers who
make an informed decision to mount a hunger strike.

The letter also attacks the use of "restraint chairs" to
immobilise prisoners before forcibly inserting feeding
pipes into detainees' nasal passages.

The letter calls on the US-Government to "ensure that
detainees are assessed by independent physicians".

A federal judge ruled in february that California
must change its lethal injection method for an
execution, saying the current mix of drugs
may constitute cruel and unusual punishment.

U.S. District Judge Jeremy Fogel said he was
concerned inmates are conscious and
undergoing extreme pain during execution.

VI. Lessons to learn

Lessons to learn

- The Nazis provided the most extreme example of doctor's becoming socialized to atrocity
- Nuremberg Code and informed consent strengthen patients and human rights
- Human rights violations are still supported by doctors giving an aura of legitimacy
- By speaking out, doctors take an important step toward reclaiming their role as healers

Break the silence

The silent mirror

"The mirror, in which one could have recognized himself and recognized the own guilt, stayed blind.

Any insight stayed away."

Richard Toellner
Professor of Medical History and Medical Ethics
IPPNW-conference on "50 years after the doctor's trial"
Nuremberg, October 25th, 1996



Feeding louses

KZ Buchenwald