

Nuremberg Code

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CIRP Introduction

The judgment by the war crimes tribunal at Nuremberg laid down 10 standards to which physicians must conform when carrying out experiments on human subjects in a new code that is now accepted worldwide.

This judgment established a new standard of ethical medical behavior for the post World War II human rights era. Amongst other requirements, this document enunciates the requirement of *voluntary informed consent* of the human subject. The principle of voluntary informed consent protects the right of the individual to control his own body.

This code also recognizes that the risk must be weighed against the expected benefit, and that unnecessary pain and suffering must be avoided.

This code recognizes that doctors should avoid actions that injure human patients.

The principles established by this code for medical practice now have been extended into general codes of medical ethics.

The Nuremberg Code (1947)

Permissible Medical Experiments

The great weight of the evidence before us to effect that certain types of medical experiments on human beings, when kept within reasonably well-defined bounds, conform to the ethics of the medical profession generally. The protagonists of the practice of human experimentation justify their views on the basis that such experiments yield results for the good of society that are unprocurable by other methods or means of study. All agree, however, that certain basic principles must be observed in order to satisfy moral, ethical and legal concepts:

1. 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.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability or death.
8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

For more information see [Nuremberg Doctor's Trial](#), *BMJ* 1996;313(7070):1445-75.

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For the set of widelines for determining what constitutes a war crime, see [Nuremberg Principles](#).
For the denaturalization of German Jews, see [Nuremberg Laws](#).

The **Nuremberg Code** (*German: [Nürnberger Kodex](#)*) is a set of [research ethics principles for human experimentation](#) set as a result of the [subsequent Nuremberg trials](#) at the end of the [Second World War](#).

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Background

The origin of the Nuremberg Code began in pre-[World War II](#) German politics, particularly during the 1930s and 1940s. The pre-war [German Medical Association](#) was considered to be a progressive yet democratic association with great concerns for public health, one example being the legislation of compulsory health insurance for German workers. However, starting in the mid-1920s, German physicians, usually proponents of [racial hygiene](#), were accused by the public and the medical society of [unethical](#) medical practices. The use of racial hygiene was supported by the German government in order to create an Aryan "master race", and to exterminate those who did not fit into their criteria. Racial hygiene extremists merged with [National Socialism](#) to promote the use of biology to accomplish their goals of racial purity, a core concept in the Nazi ideology. Physicians were attracted to the scientific ideology and aided in the establishment of National Socialist Physicians' League in 1929 to "purify the German medical community of 'Jewish [Bolshevism](#)'." Criticism was becoming prevalent; Alfons Stauder, member of the Reich Health Office, claimed that the "dubious experiments have no therapeutic purpose", and Fredrich von Muller, physician and the president of the Deutsche Akademie, joined the criticism.^[1]

In response to the criticism of unethical human experimentation, the Reich government issued "Guidelines for New Therapy and Human Experimentation" in [Weimar](#), Germany. The guidelines were based on [beneficence](#) and [non-maleficence](#), but also stressed legal doctrine of [informed consent](#). The guidelines clearly distinguished the difference between therapeutic and non-therapeutic research. For therapeutic purposes, the guidelines allowed administration without consent only in dire situations, but for non-therapeutic purposes any administration without consent was strictly forbidden. However, the guidelines from Weimar were negated by

Adolf Hitler. By 1942, the Nazi party included more than 38,000 German physicians, who helped carry out medical programs such as the Sterilization Law.^[2]

After World War II, a series of trials were held to hold members of the Nazi party responsible for a multitude of war crimes. The trials were approved by President Harry Truman in January 1946 and were led exclusively by the United States. They began on December 9, 1946 in Nuremberg, Germany, in what became known as the Nuremberg trials. In one of the trials, which became known as the "Doctors' Trial", German physicians responsible for conducting unethical medical procedures on humans during the war were tried. They focused on physicians who conducted inhumane and unethical human experiments in concentration camps, in addition to those who were involved in over 3,500,000 sterilizations of German citizens.^{[3][4]} Several of the accused argued that their experiments differed little from those used before the war, and that there was no law that differentiated between legal and illegal experiments. On August 20, 1947, the judges delivered their verdict against Karl Brandt and 22 others.^[5]

In May 1947, while the trials were being held, six points defining legitimate medical research were submitted to the Counsel for War Crimes. Three judges, in response to expert medical advisers for the prosecution, adopted these points and added four additional points. The 10 points constituted the "Nuremberg Code", which includes such principles as informed consent and absence of coercion; properly formulated scientific experimentation; and beneficence towards experiment participants. It is thought to have been mainly based on the Hippocratic Oath, which was interpreted as endorsing the experimental approach to medicine while protecting the patient.^[6]

The ten points of the Nuremberg Code

1. Required is the voluntary, well-informed, understanding consent of the human subject in a full legal capacity.
2. The experiment should aim at positive results for society that cannot be procured in some other way.
3. It should be based on previous knowledge (e.g., an expectation derived from animal experiments) that justifies the experiment.
4. The experiment should be set up in a way that avoids unnecessary physical and mental suffering and injuries, except, in experiments where the experimental physicians also serve as subjects.
5. It should not be conducted when there is any reason to believe that it implies a risk of death or disabling injury.
6. The risks of the experiment should be in proportion to (that is, not exceed) the expected humanitarian benefits.
7. Preparations and facilities must be provided that adequately protect the subjects against the experiment's risks.
8. The staff who conduct or take part in the experiment must be fully trained and scientifically qualified.
9. The human subjects must be free to immediately quit the experiment at any point when they feel physically or mentally unable to go on.

10. Likewise, the medical staff must stop the experiment at any point when they observe that continuation would be dangerous.

Authorship

The Nuremberg Code was initially ignored, but gained much greater significance about 20 years after it was written. As a result, there were substantial rival claims for the creation of the Code. Some claimed that Harold Sebring, one of the three U.S. judges who presided over the Doctors' Trial, was the author. Leo Alexander, MD and Andrew Ivy, MD, the prosecution's chief medical expert witnesses, were also each identified as authors. In his letter to Maurice H. Pappworth, an English physician and the author of the book *Human Guinea Pigs*, Andrew Ivy claimed sole authorship of the Code. Leo Alexander, approximately 30 years after the trial, also claimed sole authorship.^[7] However, after careful reading of the transcript of the Doctors' Trial, background documents, and the final judgements, it is more accepted that the authorship was shared and the Code grew out of the trial itself.^[8]

Significance

The Nuremberg Code has not been officially accepted as law by any nation or as official ethics guidelines by any association. In fact, the Code's reference to Hippocratic duty to the individual patient and the need to provide information was not initially favored by the American Medical Association. The Western world initially dismissed the Nuremberg Code as a "code for barbarians" and not for civilized physicians and investigators. Additionally, the final judgement did not specify whether the Nuremberg Code should be applied to cases such as political prisoners, convicted felons, and healthy volunteers. The lack of clarity, the brutality of the unethical medical experiments, and the uncompromising language of the Nuremberg Code created an image that the Code was designed for singularly egregious transgressions.^[9]

However, the Code is considered to be the most important document in the history of clinical research ethics, which had a massive influence on global human rights. The Nuremberg Code and the related Declaration of Helsinki are the basis for the Code of Federal Regulations Title 45 Part 46,^{[10][11]} which are the regulations issued by the United States Department of Health and Human Services for the ethical treatment of human subjects, and are used in Institutional Review Boards (IRBs). In addition, the idea of informed consent has been universally accepted and now constitutes Article 7 of the United Nations' International Covenant on Civil and Political Rights. It also served as the basis for International Ethical Guidelines for Biomedical Research Involving Human Subjects proposed by the World Health Organization.^[7]

See also

- Belmont Report
- Civil rights
- Declaration of Geneva
- Declaration of Helsinki
- Good clinical practice

- [Green report](#)
- [Hippocratic Oath](#)
- [Human experimentation in the United States](#)
- [Human rights](#)
- [Human subject research](#)
- [Medical ethics](#)
- [Medical torture](#)
- [Nuremberg Principles](#)
- [Universal Declaration of Human Rights](#)
- [World Medical Association](#)

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- "The Nuremberg Code" (1947). In: Mitscherlich A, Mielke F. *Doctors of Infamy: The Story of the Nazi Medical Crimes*. New York: Schuman, 1949: xxiii–xxv.
- Carl Elliot's article "Making a Killing" in *Mother Jones* magazine (September 2010) asks if the Nuremberg Code is a valid legal precedent in Minnesota

Nuremberg principles

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For the denaturalization of German Jews, see Nuremberg Laws. For the set of research ethics principles for human experimentation, see Nuremberg Code.

The **Nuremberg principles** were a set of guidelines for determining what constitutes a war crime. The document was created by the International Law Commission of the United Nations to codify the legal principles underlying the Nuremberg Trials of Nazi party members following World War II.

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The principles

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law, acted as Head of State or responsible government official, does not relieve him from responsibility under international law.

Principle IV

Main article: Superior orders

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

This principle could be paraphrased as follows: "It is not an acceptable excuse to say 'I was just following my superior's orders'".

Previous to the time of the Nuremberg Trials, this excuse was known in common parlance as "Superior Orders". After the prominent, high-profile event of the Nuremberg Trials, that excuse is now referred to by many as the "Nuremberg Defense". In recent times, a third term, "lawful orders" has become common parlance for some people. All three terms are in use today, and they all have slightly different nuances of meaning, depending on the context in which they are used.

Nuremberg Principle IV is legally supported by the jurisprudence found in certain articles in the Universal Declaration of Human Rights which deal indirectly with conscientious objection. It is also supported by the principles found in paragraph 171 of the Handbook on Procedures and Criteria for Determining Refugee Status which was issued by the Office of the United Nations

High Commissioner for Refugees (UNHCR). Those principles deal with the conditions under which conscientious objectors can apply for refugee status in another country if they face persecution in their own country for refusing to participate in an illegal war.

Principle V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

(a) **Crimes against peace and humanity:**

(i) Planning, preparation, initiation or a plan of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) **War crimes:**

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory; murder or ill-treatment of prisoners of war or persons on the Seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) **Crimes against humanity:**

Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial, or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

The Principles' power or lack of power[edit]

See also: Sources of international law and International legal theory

In the period just prior to the June 26, 1945 signing of the Charter of the United Nations, the governments participating in its drafting were opposed to conferring on the United Nations legislative power to enact binding rules of international law. As a corollary, they also rejected proposals to confer on the General Assembly the power to impose certain general conventions on states by some form of majority vote. There was, however, strong support for conferring on the

General Assembly the more limited powers of study and recommendation, which led to the adoption of Article 13 in Chapter IV of the Charter.^[1] It obliges the United Nations General Assembly to initiate studies and to make recommendations that encourage the progressive development of international law and its codification. The Nuremberg Principles were developed by UN organs under that limited mandate.^[2]

Unlike treaty law, customary international law is not written. To prove that a certain rule is customary one has to show that it is reflected in state practice and that there exists a conviction in the international community that such practice is required as a matter of law. (For example, the Nuremberg Trials were a "practice" of the "international law" of the Nuremberg Principles; and that "practice" was supported by the international community.) In this context, "practice" relates to official state practice and therefore includes formal statements by states. A contrary practice by some states is possible. If this contrary practice is condemned by other states then the rule is confirmed.^[3] (See also: Sources of international law)

In 1947, under UN General Assembly Resolution 177 (II), paragraph (a), the International Law Commission was directed to "formulate the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal." In the course of the consideration of this subject, the question arose as to whether or not the Commission should ascertain to what extent the principles contained in the Charter and judgment constituted principles of international law. The conclusion was that since the Nuremberg Principles had been affirmed by the General Assembly, the task entrusted to the Commission was not to express any appreciation of these principles as principles of international law but merely to formulate them. The text above was adopted by the Commission at its second session. The Report of the Commission also contains commentaries on the principles (see Yearbook of the International Law Commission, 1950, Vol. II, pp. 374–378).^[4]

Examples of the principles supported and not supported

For examples relating to Principle VI, see List of war crimes.

For examples relating to Principle IV (from before, during, and after the Nuremberg Trials), see Superior Orders.

The 1998 Rome Statute of the International Criminal Court^[edit]

Concerning Nuremberg Principle IV, and its reference to an individual's responsibility, it could be argued that a version of the Superior Orders defense can be found as a defense to international crimes in the Rome Statute of the International Criminal Court. (The Rome Statute was agreed upon in 1998 as the foundational document of the International Criminal Court, established to try those individuals accused of serious international crimes.) Article 33, titled "Superior Orders and prescription of law,"^[5] states:

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:

- (a) The person was under a legal obligation to obey orders of the Government or the superior in question;
- (b) The person did not know that the order was unlawful; and
- (c) The order was not manifestly unlawful.

2. For the purposes of this article, orders to commit genocide or crimes against humanity are manifestly unlawful.

There are two interpretations of this Article:

- This formulation, especially (1)(a), whilst effectively prohibiting the use of the Nuremberg Defense in relation to charges of genocide and crimes against humanity, does however, appear to allow the Nuremberg Defense to be used as a protection against charges of war crimes, provided the relevant criteria are met.
- Nevertheless, this interpretation of ICC Article 33 is open to debate: For example, Article 33 (1)(c) protects the defendant only if "the order was not manifestly unlawful." The "order" could be considered "unlawful" if we consider Nuremberg Principle IV to be the applicable "law" in this case. If so, then the defendant is not protected. Discussion as to whether or not Nuremberg Principle IV is the applicable law in this case is found in a discussion of the Nuremberg Principles' power or lack of power.

See also: States Parties to the Rome Statute of the International Criminal Court

Canada

Main article: Jeremy Hinzman

Nuremberg Principle IV, and its reference to an individual's responsibility, was also at issue in Canada in the case of Hinzman v. Canada. Jeremy Hinzman was a U.S. Army deserter who claimed refugee status in Canada as a conscientious objector, one of many Iraq War resisters. Hinzman's lawyer, Jeffrey House, had previously raised the issue of the legality of the Iraq War as having a bearing on their case. The Federal Court ruling was released on March 31, 2006, and denied the refugee status claim.^{[6][7]} In the decision, Justice Anne L. Mactavish addressed the issue of personal responsibility:

An individual must be involved at the policy-making level to be culpable for a crime against peace ... the ordinary foot soldier is not expected to make his or her own personal assessment as to the legality of a conflict. Similarly, such an individual cannot be held criminally responsible for fighting in support of an illegal war, assuming that his or her personal war-time conduct is otherwise proper.^{[8][9][10]}

On Nov 15, 2007, a quorum of the Supreme Court of Canada consisting of Justices Michel Bastarache, Rosalie Abella, and Louise Charron refused an application to have the Court hear the case on appeal, without giving reasons.^{[11][12]}

See also

- Command responsibility
- Geneva Conventions
- International Criminal Court

- [International legal theory](#)
- [Laws of war](#)
- [London Charter of the International Military Tribunal](#)
- [Nuremberg Code](#)
- [Nuremberg Trials](#)
- [Rule of Law in Armed Conflicts Project](#)
- [Rule of law](#)
- [Rule According to Higher Law](#)
- [Sources of international law](#)

Footnotes

1. **Jump up** ^ ["Charter of the United Nations, Chapter IV: The General Assembly". United Nations. June 26, 1945. Retrieved December 23, 2010.](#)
2. **Jump up** ^ [Drafting and implementation of Article 13, paragraph 1, of the Charter of the United Nations](#)
3. **Jump up** ^ [International Committee of the Red Cross \(ICRC\) Customary international humanitarian law](#)
4. **Jump up** ^ [International Committee of the Red Cross \(ICRC\) References Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, 1950: Introduction](#)
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- [Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, 1950, on the website of the United Nations \(UN\)](#)

Further reading

- [Introductory note by Antonio Cassese](#) for General Assembly resolution 95(I) of 11 December 1946 (Affirmation of the Principles of International Law recognized by the Charter of the Nürnberg Tribunal) on the website of the [UN Audiovisual Library of International Law](#)
- [Nuremberg Trial Proceedings Vol. 1 Charter of the International Military Tribunal](#) contained in the [Avalon Project](#) archive at [Yale Law School](#)
- [Judgment : The Law Relating to War Crimes and Crimes Against Humanity](#) contained in the [Avalon Project](#) archive at [Yale Law School](#)

Nuremberg Laws

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For the set of guidelines for determining what constitutes a war crime, see [Nuremberg principles](#). For the set of research ethics principles for human experimentation, see [Nuremberg Code](#).



Title page of the German government gazette *Reichsgesetzblatt* issue proclaiming the laws, published on 16 September 1935 (RGB I No. 100)

The **Nuremberg Laws** (German: *Nürnberger Gesetze*) were antisemitic and racial laws in Nazi Germany. They were enacted by the Reichstag on 15 September 1935, at a special meeting convened during the annual Nuremberg Rally of the Nazi Party (NSDAP). The two laws were the Law for the Protection of German Blood and German Honour, which forbade marriages and extramarital intercourse between Jews and Germans and the employment of German females under 45 in Jewish households; and the Reich Citizenship Law, which declared that only those of German or related blood were eligible to be Reich citizens; the remainder were classed as state subjects, without citizenship rights. A supplementary decree outlining the definition of who was Jewish was passed on 14 November, and the Reich Citizenship Law officially came into force on that date. The laws were expanded on 26 November 1935 to include

Romani people. This supplementary decree defined Romanis as "enemies of the race-based state", the same category as Jews.

Out of foreign policy concerns, prosecutions under the two laws did not commence until after the 1936 Summer Olympics, held in Berlin. After the Nazis seized power in 1933, they began to implement their policies, which included the formation of a Volksgemeinschaft (people's community) based on race. Chancellor and Führer (leader) Adolf Hitler declared a national boycott of Jewish businesses on 1 April 1933, and the Law for the Restoration of the Professional Civil Service, passed on 7 April, excluded non-Aryans from the legal profession and civil service. Books considered un-German, including those by Jewish authors, were destroyed in a nationwide book burning on 10 May. Jewish citizens were harassed and subjected to violent attacks. They were actively suppressed, stripped of their citizenship and civil rights, and eventually completely removed from German society.

The Nuremberg Laws had a crippling economic and social impact on the Jewish community. Persons convicted of violating the marriage laws were imprisoned, and (subsequent to 8 March 1938) upon completing their sentences were re-arrested by the Gestapo and sent to Nazi concentration camps. Non-Jews gradually stopped socialising with Jews or shopping in Jewish-owned stores, many of which closed due to lack of customers. As Jews were no longer permitted to work in the civil service or government-regulated professions such as medicine and education, many middle class business owners and professionals were forced to take menial employment. Emigration was problematic, as Jews were required to remit up to 90 per cent of their wealth as a tax upon leaving the country. By 1938 it was almost impossible for potential Jewish emigrants to find a country willing to take them. Mass deportation schemes such as the Madagascar Plan proved to be impossible for the Nazis to carry out, and starting in mid-1941, the German government started mass exterminations of the Jews of Europe.

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Background

Main articles: [Nazi eugenics and Nazism and race](#)

The National Socialist German Workers' Party (NSDAP; Nazi Party) was one of several far-right political parties active in Germany after the end of the First World War.^[1] The party platform included removal of the Weimar Republic, rejection of the terms of the Treaty of Versailles, radical antisemitism, and anti-Bolshevism.^[2] They promised a strong central government, increased Lebensraum (living space) for Germanic peoples, formation of a Volksgemeinschaft (people's community) based on race, and racial cleansing via the active suppression of Jews, who would be stripped of their citizenship and civil rights.^[3]

While imprisoned in 1924 after the failed Beer Hall Putsch, Hitler dictated Mein Kampf to his deputy, Rudolf Hess.^[4] The book is an autobiography and exposition of Hitler's ideology in which he laid out his plans for transforming German society into one based on race. In it he outlined his belief in Jewish Bolshevism, a conspiracy theory that posited the existence of an international Jewish conspiracy for world domination in which the Jews were the mortal enemy of the German people. Throughout his life Hitler never wavered in his world view as expounded in Mein Kampf.^[5] The NSDAP advocated the concept of a Volksgemeinschaft ("people's community") with the aim of uniting all Germans as national comrades, whilst excluding those deemed either to be community aliens or of a foreign race (Fremdvölkische).^[6]

Nazi Germany



Members of the SA picket in front of a Jewish place of business during the Nazi boycott of Jewish businesses, 1 April 1933.

Discrimination against Jews intensified after the NSDAP seized power; following a month-long series of attacks by members of the Sturmabteilung (SA; paramilitary wing of the NSDAP) on Jewish businesses, synagogues, and

members of the legal profession, on 1 April 1933 Hitler declared a national boycott of Jewish businesses.^[7] By 1933, many people who were not NSDAP members advocated segregating Jews from the rest of German society.^[8] The Law for the Restoration of the Professional Civil Service, passed on 7 April 1933, forced all non-Aryans to retire from the legal profession and civil service.^[9] Similar legislation soon deprived Jewish members of other professions of their right to practise.^[9] In 1934, the NSDAP published a pamphlet titled "Warum Arierparagraph?" ("Why the Aryan Law?"), which summarised the perceived need for the law.^[10] As part of the drive to remove Jewish influence from cultural life, members of the National Socialist Student League removed from libraries any books considered un-German, and a nationwide book burning was held on 10 May.^[11] Violence and economic pressure were used by the regime to encourage Jews to voluntarily leave the country.^[12] Legislation passed in July 1933 stripped naturalised German Jews of their citizenship, creating a legal basis for recent immigrants (particularly Eastern European Jews) to be deported.^[9] Many towns posted signs forbidding entry to Jews.^[13] Throughout 1933 and 1934, Jewish businesses were denied access to markets, forbidden to advertise in newspapers, and deprived of access to government contracts. Citizens were harassed and subjected to violent attacks.^[14]

Other laws promulgated in this period included the Law for the Prevention of Hereditarily Diseased Offspring (passed on 14 July 1933), which called for the compulsory sterilisation of people with a range of hereditary, physical, and mental illnesses.^[151] Under the Law against Dangerous Habitual Criminals (passed 24 November 1935), habitual criminals were forced to undergo sterilisation as well.^[16] This law was also used to force the incarceration in prison or Nazi concentration camps of "social misfits" such as the chronically unemployed, prostitutes, beggars, alcoholics, homeless vagrants, and Romani (referred to as "Gypsies").^[17]

Reich Gypsy Law

The Central Office for Combatting Gypsies was established in 1929.^[18] In December 1938 Reichsführer-SS Heinrich Himmler issued an order for "combatting the Gypsy plague". Romanis were to be categorised in terms of their Roma ancestry as a racial characteristic, rather than their previous association as 'anti-social' elements of society.^[19] This work was advanced by Dr Robert Ritter of the Racial Hygiene and Population unit of the Ministry of Health, who by 1942, had produced a scale of ZM+, ZM of the first and second degree, and ZM- to reflect an individual's decreasing level of Romani ancestry.^[20] This classification meant that one could be classified as Roma and subject to anti-Roma legislation on the basis of having two Roma great-great grandparents.^[21] Dr Zindel of the Ministry of the Interior prepared a draft of a Reich "Gypsy Law" intended to supplement and accompany the Nuremberg Laws. According to Zindel, the "Gypsy problem" could not be dealt with by forced resettlement or imprisonment within Germany. He recommended identification and registration of all Roma, followed by sterilisation and deportation. In 1938, public health authorities were ordered to register all Roma and Roma Mischlinge.^[22] Despite Himmler's interest in enacting such legislation, which he said would prevent "further intermingling of blood, and which regulates all the most pressing questions which go together with the existences of Gypsies in the living space of the German nation",^[23] the regime never promulgated the "Gypsy Law".^[24] In December 1942, Himmler ordered that all Roma were to be sent to Nazi concentration camps.^[19]

"The Jewish problem"



The SA had nearly three million members at the start of 1934.^[25]

Disenchanted with the unfulfilled promise of the NSDAP to eliminate Jews from German society, SA members were eager to lash out against the Jewish minority as a way of expressing their frustrations. A Gestapo report from early 1935 stated that the rank and file of the NSDAP would set in motion a solution to the "Jewish problem ... from below that

the government would then have to follow".^[26] Assaults, vandalism, and boycotts against Jews, which the Nazi government had temporarily curbed in 1934, increased again in 1935 amidst a propaganda campaign authorised at the highest levels of government.^[26] Most non-party members ignored the boycotts and objected to the violence out of concern for their own safety.^[27] The Israeli historian Otto Dov Kulka argues that there was a disparity between the views of the Alte Kämpfer (longtime party members) and the general public, but that even those Germans who

were not politically active favoured bringing in tougher new antisemitic laws in 1935.^[28] The matter was raised to the forefront of the state agenda as a result of this antisemitic agitation.^[29]

The Interior Minister Wilhelm Frick announced on 25 July that a law forbidding marriages between Jews and non-Jews would shortly be promulgated, and recommended that registrars should avoid issuing licenses for such marriages for the time being. The draft law also called for a ban on marriage for persons with hereditary illnesses.^[30]

Dr. Hjalmar Schacht, the Economics Minister and Reichsbank president, criticised the violent behaviour of the *Alte Kämpfer* and SA because of its negative impact on the economy.^[29] The violence also had a negative impact on Germany's reputation in the international community.^[31] For these reasons, Hitler ordered a stop to "individual actions" against German Jews on 8 August 1935, and the Interior Minister Wilhelm Frick threatened to take legal action against Party members who ignored the order.^[29] From Hitler's perspective, it was imperative to quickly bring in new antisemitic laws to appease the radical elements in the NSDAP who persisted in attempting to remove the Jews from German society by violent means.^[31] A conference of ministers was held on 20 August 1935 to discuss the question. Hitler argued against violent methods because of the damage being done to the economy, and insisted the matter must be settled through legislation.^[32] The focus of the new laws would be marriage laws to prevent "racial defilement", stripping Jews of their German citizenship, and laws to prevent Jews from participating freely in the economy.^[33]

Events at Nuremberg



NSDAP dignitaries at the 1935 Nuremberg Rally

The seventh annual Nazi Party Rally, held in Nuremberg from 10–16 September 1935, featured the only Reichstag session held outside Berlin during the Nazi regime.^[34] Hitler decided that the rally would be a good opportunity to introduce the long-awaited anti-Jewish laws.^[35] In a speech on 12 September, leading Nazi physician Gerhard Wagner announced that the government would soon introduce a "law for the protection of German blood".^[36] The next day, Hitler summoned the Reichstag to meet in session at Nuremberg on 15 September, the last day of the rally.^[35] Franz Albrecht Medicus and Bernhard Lösener of the Interior Ministry were summoned to Nuremberg and directed to start preparing a draft of a law forbidding sexual relations or marriages between Jews and non-Jews. The two men arrived on 14 September.^[37] That evening, Hitler ordered them to also have ready by morning a draft of the Reich citizenship law.^[33] Hitler found the initial drafts of the Blood Law to be too lenient, so at around midnight Frick brought him four new drafts that differed mainly in the severity of the penalties they imposed. Hitler chose the most lenient version, but left vague the definition of who was a Jew.^[38] Hitler stated at the rally that the laws were "an attempt at the legal settlement of a problem, which, if this proved a failure, would have to be entrusted by law to the National Socialist Party for a definitive solution".^[39] Propaganda Minister Joseph Goebbels had the radio broadcast of the passing of the laws cut short, and ordered the German media to not mention them until a decision was made as to how they would be implemented.^[40]

Text of the laws

Nuremberg Race Laws



Reich Citizenship Law Law for the Protection of German Blood and German Honour

The two Nuremberg Laws were unanimously passed by the Reichstag on 15 September 1935.^[41] The Law for the Protection of German Blood and German Honour prohibited marriages and extramarital intercourse between Jews and Germans, and forbade the employment of German females under 45 in Jewish households. The Reich Citizenship Law declared that only those of German or related blood were eligible to be Reich citizens; the remainder were classed as state subjects, without citizenship rights.^[42] The wording in the Citizenship Law that a person must prove "by his conduct that he is willing and fit to faithfully serve the German people and Reich" meant that political opponents could also be stripped of their German citizenship.^[41] This law was effectively a means of stripping Jews, Roma, and other "undesirables" of their legal rights, and their citizenship.^[43]

Over the coming years, an additional 13 supplementary laws were promulgated that further marginalised the Jewish community in Germany.^[13] For example, Jewish families were not permitted to submit claims for subsidies for large families and were forbidden to transact business with Aryans.^[44]

Law for the Protection of German Blood and German Honour

Moved by the understanding that purity of German blood is the essential condition for the continued existence of the German people, and inspired by the inflexible determination to ensure the existence of the German nation for all time, the Reichstag has unanimously adopted the following law, which is promulgated herewith:

Article 1

1. Marriages between Jews and citizens of German or related blood are forbidden. Marriages nevertheless concluded are invalid, even if concluded abroad to circumvent this law.
2. Annulment proceedings can be initiated only by the state prosecutor.^[45]

Article 2

Extramarital relations between Jews and citizens of German or related blood are forbidden.^[45]

Article 3

Jews may not employ in their households female citizens of German or related blood who are under 45 years old.^[45]

Article 4

1. Jews are forbidden to fly the Reich or national flag or display Reich colours.
2. They are, on the other hand, permitted to display the Jewish colours. The exercise of this right is protected by the state.^[45]

Article 5

1. Any person who violates the prohibition under Article 1 will be punished with prison with hard labour [Zuchthaus].
2. A male who violates the prohibition under Article 2 will be punished with prison [Gefängnis] or prison with hard labour.
3. Any person violating the provisions under Articles 3 or 4 will be punished with prison with hard labour for up to one year and a fine, or with one or the other of these penalties.^[45]

Article 6

The Reich Minister of the Interior, in co-ordination with the Deputy of the Führer and the Reich Minister of Justice, will issue the legal and administrative regulations required to implement and complete this law.^[45]

Article 7

The law takes effect on the day following promulgation, except for Article 3, which goes into force on 1 January 1936.^[45]

Reich Citizenship Law

The Reichstag has unanimously enacted the following law, which is promulgated herewith:

Article 1

1. A subject of the state is a person who enjoys the protection of the German Reich and who in consequence has specific obligations toward it.

2. The status of subject of the state is acquired in accordance with the provisions of the Reich and the Reich Citizenship Law.^[45]

Article 2

1. A Reich citizen is a subject of the state who is of German or related blood, and proves by his conduct that he is willing and fit to faithfully serve the German people and Reich.
2. Reich citizenship is acquired through the granting of a Reich citizenship certificate.
3. The Reich citizen is the sole bearer of full political rights in accordance with the law.^[45]

Article 3

The Reich Minister of the Interior, in co-ordination with the Deputy of the Führer, will issue the legal and administrative orders required to implement and complete this law.^[45]

Classifications under the laws

1935^[46]

Classification	Translation	Heritage	Definition
<i>Deutschblütiger</i>	German-blooded	German	Belongs to the German race and nation; approved to have Reich citizenship
<i>Deutschblütiger</i>	German-blooded	1/8 Jewish	Considered as belonging to the German race and nation; approved to have Reich citizenship
<i>Mischling zweiten Grades</i>	Mixed race (second degree)	1/4 Jewish	Only partly belongs to the German race and nation; approved to have Reich citizenship
<i>Mischling ersten Grades</i>	Mixed race (first degree)	3/8 or 1/2 Jewish	Only partly belongs to the German race and nation; approved to have Reich citizenship
<i>Jude</i>	Jew	3/4 Jewish	Belongs to the Jewish race and community; not approved to have Reich citizenship
<i>Jude</i>	Jew	Jewish	Belongs to the Jewish race and community; not approved to have Reich citizenship

Special Cases with First Degree Mischlinge^[46]

Date	Decree
15 September 1935	A Mischling will be considered a Jew if they are a member of the Jewish religious community.
15 September 1935	A Mischling will be considered a Jew if they are married to a Jew. Their children will be considered Jews.

17 September 1935 A mixed-race child that is born of a marriage with a Jew, where the marriage date is after 17 September 1935, will be classified as a Jew. Those born in marriages officiated on or before 17 September 1935 will still be classified as Mischlinge.

31 July 1936 A mixed-race child originating from forbidden extramarital sexual intercourse with a Jew that is born out of wedlock after 31 July 1936 will be classified as a Jew.

Impact

See also: [Anti-Jewish legislation in prewar Nazi Germany](#)



1935 chart shows racial classifications under the Nuremberg Laws: German, *Mischlinge*, and Jew.

While both the Interior Ministry and the NSDAP agreed that persons with three or more Jewish grandparents would be classed as being Jewish and those with only one (*Mischlinge* of the second degree) would not, a debate arose as to the status of persons with two Jewish grandparents (*Mischlinge* of the first degree).^[47] The NSDAP, especially its more radical elements, wanted the laws to apply to *Mischlinge* of both the first and second degree.^[48] For this reason Hitler continued to stall, and did not make a decision until early November 1935. His final ruling was that persons with three Jewish grandparents were classed as Jewish; those with two Jewish grandparents would be considered Jewish only if they practised the faith or had a Jewish spouse.^[49] The supplementary decree outlining the definition of who was Jewish was passed on 14 November, and the Reich Citizenship Law came into force on that date. Jews were no longer German citizens and did not have the right to vote.^[50] Jews and Gypsies were not allowed to vote in Reichstag elections or the *Anschluss*.^[51] Civil servants who had been granted an exemption to the Law for the Restoration of the Professional Civil Service because of their status as war veterans were forced out of their jobs on this date.^[50] A supplementary decree issued on 21 December ordered the dismissal of Jewish veterans from other state-regulated professions such as medicine and education.^[50]

While Frick's suggestion that a citizenship tribunal before which every German would have to prove that they were Aryan was not acted upon, proving one's racial heritage became a necessary part of daily life.^{[48][52]} Non-government employers were authorised to include in their statutes an *Aryan paragraph* excluding both *Mischlinge* and Jews from employment.^[53] Proof of Aryan descent was achieved by obtaining an *Aryan certificate*. One form was to acquire an *Ahnenpass*, which could be obtained by providing birth or baptismal certificates that all four grandparents were of Aryan descent.^[54] The *Ahnenpass* could also be acquired by citizens of other countries, as long as they were of "German or related blood".^[55]

Under the *Law for the Protection of German Blood and German Honour* (15 September 1935), marriages were forbidden between Jews and Germans; between *Mischlinge* of the first degree and Germans; between Jews and *Mischlinge* of the second degree; and between two *Mischlinge*

of the second degree. *Mischlinge* of the first degree were permitted to marry Jews, but they would henceforth be classed as Jewish themselves. All marriages undertaken between half-Jews and Germans required the approval of a Committee for the Protection of German Blood. Few such permissions were granted.^[53] A supplementary decree issued on 26 November 1935 extended the law to "Gypsies, Negroes, and their bastards".^[56]



Beginning in 1941, Jews were required by law to self-identify by wearing a yellow badge on their clothing.^[57]

Persons suspected of having sexual relations with non-Aryans were charged with Rassenschande (racial defilement) and tried in the regular courts. Evidence provided to the Gestapo for such cases was largely provided by ordinary citizens such as neighbours, co-workers, or other informants.^[58] Persons accused of race defilement were publicly humiliated by being paraded through the streets with a placard around their necks detailing their crime.^[59] Those convicted were typically sentenced to prison terms, and (subsequent to 8 March 1938) upon completing their sentences were re-arrested by the Gestapo and sent to Nazi concentration camps.^[58] As the law did

not permit capital punishment for racial defilement, special courts were convened to allow the death penalty for some cases.^[60] From the end of 1935 through 1940, 1,911 people were convicted of *Rassenschande*. Over time, the law was extended to include non-sexual forms of physical contact such as greeting someone with a kiss or an embrace.^[58]

For the most part, Germans accepted the Nuremberg Laws, partly because Nazi propaganda had successfully swayed public opinion towards the general belief that Jews were a separate race, but also because to oppose the regime meant leaving oneself open to harassment or arrest by the Gestapo.^{[61][62]} Citizens were relieved that the antisemitic violence ceased after the laws were passed.^[63] Non-Jews gradually stopped socialising with Jews or shopping in Jewish-owned stores.^[64] Wholesalers who continued to serve Jewish merchants were marched through the streets with placards around their necks proclaiming them as traitors.^[65] The Communist party and some elements of the Catholic Church were critical of the laws.^[56] Concerned that international opinion would be adversely swayed by the new laws, the Interior Ministry did not actively enforce them until after the 1936 Summer Olympics, held in Berlin that August.^{[31][61]}

The Interior Ministry estimated there were 750,000 *Mischlinge* as of April 1935 (studies done after the war put the number of *Mischlinge* at around 200,000).^[56] As Jews became more and more excluded from German society, they organised social events, schools, and activities of their own.^[66] Economic problems were not so easily solved, however; many Jewish firms went out of business due to lack of customers. This was part of the ongoing Aryanization process (the transfer of Jewish firms to non-Jewish owners, usually at prices far below market value) that the regime had initiated in 1933, which intensified after the Nuremberg Laws were passed.^[67] Former middle-class or wealthy business owners were forced to take employment in menial jobs to support their families, and many were unable to find work at all.^[68]

Although a stated goal of the Nazis was that all Jews should leave the country, emigration was problematic, as Jews were required to remit up to 90 per cent of their wealth as a tax upon leaving the country.^[69] Anyone caught transferring their money overseas were sentenced to lengthy terms in prison as "economic saboteurs".^[70] An exception was money sent to Palestine under the terms of the Haavara Agreement, whereby Jews could transfer some of their assets and emigrate to that country. Around 52,000 Jews emigrated to Palestine under the terms of this agreement between 1933 and 1939.^[71]

By the start of the Second World War in 1939, around 250,000 of Germany's 437,000 Jews had emigrated to the United States, Palestine, Great Britain, and other countries.^{[72][73]} By 1938 it was becoming almost impossible for potential Jewish emigrants to find a country that would take them.^[74] After the 1936–39 Arab revolt, the British were disinclined to accept any more Jews into Palestine for fear it would further destabilise the region.^[75] Nationalistic and xenophobic people in other countries pressured their governments not to accept waves of Jewish immigrants, especially poverty-stricken ones.^[76] The Madagascar Plan, a proposed mass deportation of European Jews to Madagascar, proved to be impossible to carry out.^[77] Starting in mid-1941, the German government started mass exterminations of the Jews of Europe.^[78] The total number of Jews murdered during the resulting Holocaust is estimated at 5.5 to 6 million people.^[79] Estimates of the death toll of Romanis in the Porajmos range from 150,000 to 1,500,000.^[80]

Legislation in other countries



Decree of Tsar Boris III of Bulgaria for approval of The law for protection of the nation

Some of the other Axis powers passed their own versions of the Nuremberg Laws.



- In 1938, Fascist Italy passed the Italian Racial Laws and Manifesto of Race which stripped Jews of their citizenship and forbade sexual relations and marriages between Jewish and non-Jewish Italians.^[81]

- Hungary passed laws on 28 May 1938 and 5 May 1939 banning Jews from various professions. A third law, added in August 1941, defined Jews as anyone with at least two Jewish grandparents, and forbade sexual relations or marriages between Jews and non-Jews.^[82]

- In 1940 the ruling Iron Guard in Romania passed the Law Defining the Legal Status of Romanian Jews,^[83]

- In 1941 the Codex Judaicus was enacted in Slovakia,^[84]
- In 1941 Bulgaria passed the Law for Protection of the Nation,^[85]
- In 1941 the Ustashe in Croatia passed legislation defining who was a Jew and restricting contact with them.^[86]
- The Empire of Japan did not draft or pass any such legislation.

Existing copies

An original typescript of the laws signed by Hitler was found by the US Army's Counterintelligence Corps in 1945. It ended up in the possession of General George S. Patton, who kept it, in violation of orders that such finds should be turned over to the government. During a visit to Los Angeles in 1945, he handed it over to the Huntington Library, where it was stored in a bomb-proof vault. The library revealed the existence of the document in 1999, and sent it on permanent loan to the Skirball Cultural Center, which placed it on public display. The document was transferred to the National Archives and Records Administration in Washington in August 2010.^{[87][88]}

See also

- Anti-miscegenation laws
- Apartheid laws
- Blood quantum laws
- Nazism and race
- Nur für Deutsche
- Wannsee Conference

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