

Law for the Prevention of Offspring with Hereditary Diseases (July 14, 1933)

Abstract

The Nazi regime's conception of politics was exemplified by Rudolf Heß's (1894–1987) pronouncement that National Socialism was “applied racial science.” Although the National Socialists rated the Jews as the most dangerous racial “enemy” of the German *Volk*, their racial policies also extended to other biologically defined groups whose members shared particular ethnic, social, or medical characteristics; they, too, were to be combated through eugenics or racial hygiene. One of the most important steps towards the fulfillment of this objective was the “Law for the Prevention of Offspring with Hereditary Diseases” (July 14, 1933), which sought to prevent the possible transmission of hereditary diseases through forced sterilization. The law identified nine (often vaguely defined) groups of people suffering from hereditary diseases. After it took effect, the mentally retarded, schizophrenics, epileptics, and chronic alcoholics were subject to forced sterilization. Individual cases were reviewed by so-called Eugenics Courts consisting of lawyers and doctors loyal to the regime. Although this program was largely suspended in 1939, the Eugenics Courts ordered the “Hitler cut” [*Hitlerschnitt*] to be carried out on about 400,000 individuals up to the end of the war.

Source

Law for the Prevention of Offspring with Hereditary Diseases (July 14, 1933)

The Reich government has passed the following law, which is hereby promulgated:

§ 1.

Anyone suffering from a hereditary disease can be sterilized by a surgical operation if, according to the experience of medical science, there is a high probability that his offspring will suffer from serious physical or mental defects of a hereditary nature.

Anyone suffering from any of the following diseases is considered hereditarily diseased under this law: 1. congenital mental deficiency, 2. schizophrenia, 3. manic-depression, 4. hereditary epilepsy, 5. hereditary St. Vitus dance (Huntington's chorea), 6. hereditary blindness, 7. hereditary deafness, 8. serious hereditary physical deformity.

Furthermore, anyone suffering from chronic alcoholism can be sterilized.

§ 2.

Applications for sterilization can be made by the individual to be sterilized. If this person is legally incompetent, has been certified on account of mental deficiency, or is not yet 18, a legal representative has the right to make an application on this person's behalf but needs the consent of the guardianship court to do so. In other cases of limited competency, the application needs to be approved by the legal representative. [...]

§ 3.

Sterilization can also be requested by the following: 1. the state physician. 2. In the case of inmates of hospitals, nursing homes, and penal institutions, by the head thereof.

§ 4.

The application is to be made to the office of the eugenics court; it can either be made in writing or dictated to the court. The facts upon which the application is based should be supported by a medical certificate or confirmed in some other way. The office must inform the state physician of the application.

§ 5.

Responsibility for the decision rests with the eugenics court that has jurisdiction over the district in which the person to be sterilized officially resides.

§ 6.

The eugenics court is to be attached to a district court [*Amtsgericht*]. It consists of a district court judge acting as chairman, a state physician, and another physician certified by the German Reich and particularly well trained in eugenics. [...]

§12.

Once the court has decided on sterilization, the operation must be carried out even against the will of the person to be sterilized, unless that person applied for it himself. The state physician has to attend to the necessary measures with the police authorities. Where other measures are insufficient, direct force may be used.

[...]

This law comes into effect on January 1, 1934.
Berlin, July 14, 1933.

Reich Chancellor
Adolf Hitler

Reich Minister of the Interior
Frick

Reich Minister of Justice
Dr. Gürtner

Source of English translation: Law for the Prevention of Offspring with Hereditary Diseases (July 14, 1933). In US Chief Counsel for the Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression*. Volume V, Washington, DC: United States Government Printing Office, 1946, Document 3067-PS, pp. 880–83. English translation credited to Nuremberg staff; edited by GHI staff. Available online at: https://www.loc.gov/item/2011525363_NT_Nazi_Vol-V/

Source of original German text: Das Gesetz zur Verhütung erbkranken Nachwuchses (14. Juli 1933), in *Reichsgesetzblatt*, Part I, 1933, p. 529. Available online at: <https://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1933&size=45&page=654>. Reprinted in Paul Meier-Benneckenstein, ed., *Dokumente der deutschen Politik*, volume 1: *Die Nationalsozialistische Revolution 1933*, edited by Axel Friedrichs. Berlin, 1935, pp. 194–95.

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