

Lex Zwickau (1924) and Responses to It (January 1932)

Abstract

In 1923, Gustav Boeters (1869–1942), a medical officer in Zwickau, revealed that he and other surgeons had been sterilizing the mentally handicapped without their consent. Seeking legal sanction for such practices, he publicized this model law in a number of newspapers and offered it to the government of Saxony for consideration. Although the law was not adopted, the medical profession continued to discuss the matter throughout the 1920s. In the early 1930s, when the Prussian government was drafting the Reich Sterilization Law, renewed concern emerged among clergymen who opposed eugenic practices. Martin Ulbrich (1863–1935), a retired pastor and former director of the Magdeburg-Cracow asylum, wrote to his friend and colleague Friedrich von Bodelschwingh (1877–1946), who ran a similar institution, and expressed his desire to speak out against Boeters' ideas.

Source

A) Lex Zwickau

§1. Children who are deemed unfit for successful participation in normal elementary school instruction on account of congenital blindness, congenital deafness, epilepsy, or feeble-mindedness should be subjected, as soon as possible, to an operation that leaves them unable to procreate. The organs needed for internal secretion should be preserved in the process.

§2. The mentally ill, the feeble-minded, epileptics, and those born blind and deaf who are cared for in public or private institutions are to be sterilized before they are released or given leave.

§3. The mentally ill, the feeble-minded, epileptics, and those born blind and deaf are allowed to marry only after they have been sterilized.

§4. Women and girls who have repeatedly given birth to children of indeterminate paternity are to undergo an examination of their mental state. If hereditary inferiority is determined, they are either to be sterilized or kept in closed institutions until the cessation of their fertility.

§5. Prisoners whose hereditary inferiority is beyond doubt shall be granted a partial remission of their sentences, upon request, after voluntarily undergoing sterilization. The legal procedure for serious sexual offenders will be regulated by a special law.

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§6. The procedures can be carried out only by doctors who are trained in surgery and gynecology and have all the necessary auxiliary equipment at their disposal. The operation and follow-up treatment are free of charge to inferior people.

§7. The sterilization of full-value humans will be punished in the same manner as grievous bodily harm.

Dr. Gustav Boeters

Note: "Voluntary sterilization" was already customary in the Free State of Saxony in the twenties. – 1924?

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B) Letter from Martin Ulbrich to Friedrich von Bodelschwingh

Dr. theol. Martin Ulbrich

Magdeburg, Pionierstr. 13

Magdeburg, January 16, 1932

Dear brother von Bodelschwingh!

Although I have been retired since May 1st of last year, I continue to work in an honorary capacity in the institutions on whose boards I still sit. That is why the local consistory called me on the telephone and asked whether I knew that the state was planning to lower the care rates of the charitable institutions by 40%. I would like to find out more about this. Such a cut would be the death of our institutions, which already reduced their strength considerably once before. Can you give me any details? What will you do if this happens? On the whole, things at Cracow are still satisfactory compared to the dire straits that other institutions find themselves in. Our houses are pretty full and we have a good hinterland. But we cannot sustain 40% cuts, simply because of the interest on debts. Be so kind as to let me know more.

Something else, too. For some time, I have been dealing with the "Lex Zwickau" and have been arguing with its author, the *Medizinalrat* [Senior Health Official] Dr. Boeters, who has already pushed through voluntary sterilization in the Free State of Saxony and would now like to implement it throughout the Reich. The Committee for the Reform of our Penal Law is already looking at a draft, and there is a chance that the matter will make it into the new Penal Code. Ten years ago, the Euthanasia Law was spooking around, and I opposed it in my essay "Are We Permitted to Destroy Inferior Life?" Today, this malign matter even comes with the approval of the Protestant clergy and the majority of doctors. I have procured a copy of the Lex Zwickau for myself and am enclosing a copy for you. In Saxony, Dr. Boeters recently carried out the 52nd sterilization through castration.

I would like to write a second essay to supplement the one I wrote earlier, something along the lines of: "Are We Permitted to Sterilize the Inferior?" I have written twice to D. Stahl. But he does not want to publish an article from me, not even in *Innere Mission*. The Catholic clergy stand united against sterilization. I have long since been in agreement with Professor Dr. Mayer in Paderborn. I have also sent him the draft law.

If you could comment on these two plans, whose implementation would hit your Bethel patients hard, I would be grateful.

Yours sincerely,

signed Ulbrich

C) Correspondence between Friedrich von Bodelschwingh and *Medizinalrat* [Senior Health Official] [Carl] Schneider

Pastor F. v. Bodelschwingh, Bethel, near Bielefeld, January 28, 1932

Medizinalrat

Dr. Schneider

My dear Herr *Medizinalrat*!

Enclosed I am sending, with the request for its return, a letter from old Ulbrich. (Perhaps you heard last

year about the unsuccessful attempt to institutionalize him in Morija. After going into retirement, he had a nervous breakdown, though he seems to have more or less recovered.)

As for the Lex Zwickau – this is merely the draft that has already been known for some time. Since then, have you heard anything in or from Saxony about the actual success of Dr. Boeters' efforts?

Sincerely yours,

(vB)

Dr. S/H, Bethel, January 29, 1932

Pastor F. von Bodelschwingh

My dear Pastor!

I know Pastor Ulbrich (from Morija). Should one not advise him against publishing the article? The draft is the one that has been known for some time already, and it has been rejected by all sides – even by defenders of the cause – as going too far. Sterilization is being carried out in Saxony, but as far as I can see, it is on a modest scale and is being done with tolerable prudence and careful restriction to special individual cases. Of course, everything is wrong about Boeters' draft. But there is hardly any need to prove that today; above all, Pastor Ulbrich would need to become familiar with the difference between sterilization and castration before he speaks out. If a paragraph makes it into the new penal law, it will surely not be in line with Boeters' guidelines.

With best regards

Faithfully yours

signed Schneider

Source: "Lex Zwickau" (1924) and Responses to It (January 1932), in Anneliese Hochmuth, *Spurensuche: Eugenik, Sterilisation, Patientenmorde und die v. Bodelschwinghschen Anstalten Bethel 1929–1945*, edited by Matthias Benad in conjunction with Wolf Kätzner and Eberhad Warns. Bielefeld: Bethel-Verlag, 1997, pp. 212–14.

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