

Justice at Nuremberg: Leo Alexander and the Nazi doctors' trial

By Ulf Schmidt. Palgrave Macmillan, Basingstoke 2004. 400pp. £60.

The execution of Charles I in 1649 sent shock waves through Europe.¹ Of course, kings had been deposed and privately murdered before: Edward II, Richard II, Henry VI. But Charles was brought to trial in the most public place in the kingdom in Westminster Hall, by men whose action was based on principle. It was a show trial, but nevertheless a process of law. The king denied the legality of the court, saying 'You have shown no lawful authority to satisfy any reasonable man'. His prosecutors said that Charles had 'maliciously levied war against the... people'.

These themes of the legitimacy of the court, of 'victor's justice' in show trials playing to a huge audience, of waging 'aggressive war', were to feature in the trials in Nuremberg in 1947. The trials of the Nazi doctors, presided over by American judges, followed the more famous trials of Nazi leaders. Twenty three defendants were accused of murder, torture and multiple atrocities in the name of medical science. It was the association of criminal offences with medical science that made these trials so important in the development of research ethics. The Nuremberg Code that the judges expounded provided the first international standard of what was permissible in experimentation on human subjects. This story is told by Ulf Schmidt in this enthralling and meticulously documented account.

Schmidt focuses his narrative on two related themes: the life of Leo Alexander, the court's expert consultant, and the origins of the Code. Born into a wealthy Jewish family in Vienna, Alexander drifted into research in eugenics, emigrated first to China and then, with some difficulty, to the United States, because of the growing anti-Semitism in Germany. Between 1933 and 1941 he made major contributions to our understanding of Wernicke's disease, recognising the disease in vitamin B1 deficient pigeons. This gave rise to some witty doggerel from the eminent physician, Lewis Thomas, who composed 20 lines that began:

*Hail to Alexander, that giant Man of Science,
And all the happy pigeons, his little waddling clients,
A happy lot, I truly wot, to meditate upon ...*²

But Alexander wanted to join the US army and finally did so in 1943. When the time came his expertise in neurology and psychiatry coupled with fluent German gave him the opportunity of a lifetime.

The trials created many problems: the practical ones of selecting judges, arranging maximum publicity, preventing the defendants from achieving public sympathy, finding witnesses who were alive and could testify to avoid hearsay evidence. There were more historically significant problems too: how to focus on the concept of genocide when the 'euthanasia' programme had been directed against the German state's own people and, even more dramatically, how to insist on ethical standards in medical experimentation when no such standards had been formally laid down in any Western state save only – ironically – Germany. It was this latter problem that led to one of the most dramatic incidents in the trial when defence lawyers turned a prosecution witness's testimony against the prosecution by luring the witness into a general statement of unaccept-

able research without consent, then presenting evidence of the large scale malaria experiments on 800 American prisoners. Perhaps that episode has been told more dramatically elsewhere,³ but Schmidt relates it in detail. At risk, of course, was the legitimacy and entire future of experimentation on humans. The Code (described initially as 'a good code for barbarians') made it possible to carry out the experimentation and also led to the foundation of the World Medical Association and the 'twisted road to Helsinki' – to the Helsinki Code that still sets the standard for ethical research.

Alexander was an outspoken and self-confident personality who went on in perhaps his most famous publication to examine the factors that led doctors to adopt a crudely utilitarian Hegelian perspective towards human beings.⁴ He believed that once doctors had started to think in terms of 'valuable' and 'invaluable' members of society, and accepted the premise that 'life unworthy of life' existed, the moral fibre of the profession began to disintegrate. He realised, long before Holocaust historians, that the 'euthanasia' programme provided vital expertise and personnel for the killing centres in the occupied Eastern territories. Schmidt concludes his account by discussing the relevance of Nuremberg to research ethics in later scandals in Britain and America.

In a special issue of the *BMJ* published 50 years after the trials, it was commented:

*...if biomedical insights grant physicians sudden new explanatory and technological powers, if economic trends intensify pressures to rationalise healthcare costs and develop utilitarian strategies, if state political forces directly enlist the medical profession in an agenda of social and economic transformation, and if an ideology of hate and stigmatisation permits the dehumanisation of one sector of the populace, then we may see a turning towards something we had relegated to bitter mid-20th century memory.*⁵

Sixty years after the end of the conflict that led to such atrocities, the author of this book shows us that history has many messages that we can still debate with profit.

References

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- 4 Alexander L. Medical science under dictatorship. *New Engl J Med* 1949;**241**:39–47.
- 5 Leaning J. War crimes and medical science. *BMJ* 1996;**313**:1413–5.

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This book is the edited proceedings of a two-day conference, which in 2002 set out to explore the usefulness of the 'biopsychosocial'