

Out of Respect for Life: Nazi Abortion Policy in the Eastern Occupied Territories

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THIRTY YEARS after World War II, West Germany legalized abortion-on-demand for the first three months of pregnancy. On February 25, 1975, the Federal Constitutional Court of that country (Bundesverfassungsgericht) struck the law down as being unconstitutional. In its decision, it stated that “abortion is an act of killing (Tötenshandlung) that the law is obligated to condemn,” and that the “bitter experience” with Nazism had led the Court to value life highly.ⁱ The beginning of the decision also showed the connection between abortion and Nazism in this way: “...the Constitution protects life being developed in the mother’s womb as an independent legal entity. The express inclusion of the right to life [of the unborn] in the Constitution...is to be explained primarily as a reaction to...the ‘final solution’ and to ‘liquidations’ carried out by the National Socialist [Nazi] regime....”ⁱⁱ

In other words, according to the German Supreme Court, the Nazis had no respect for human life, and to insure human life’s protection for the future, we have to respect all human life, including life in the womb. The decision came to apply to all Germany after unification in 1990 and was re-affirmed by a second decision in mid-1993.ⁱⁱⁱ

The 1975 decision by the German High Court was completely the opposite of the U.S. Supreme Court decision in *Roe v. Wade* two years earlier, which had allowed abortion throughout all nine months of pregnancy. Was the German Court correct in labeling abortion killing and linking it to the Nazi mentality? This paper will now delve into day-to-day minutes, letters, bulletins, and newsletters among the Nazis, before and during World War II, to

try and answer this question.

Hitler and the Nazis came to power in Germany in early 1933. From the start, Hitler took many initiatives in foreign and domestic policy.

In foreign policy, 1933 saw Germany re-arm and withdraw from the League of Nations. In early 1934, Germany signed a Non-Aggression Pact with Poland, deliberately lulling that country into a false sense of security. In mid-1935 came an agreement with Britain, then mistress of the seas, which helped Germany build its navy. In March 1936, Germany marched into the Rhineland, something forbidden by the peace treaty that had ended World War I. In March of 1938, Germany annexed Austria, and March 1939 saw Czechoslovakia go under to the Nazis. Finally, in September 1939, Germany attacked and quickly conquered Poland, beginning World War II.

A careful listening (or reading) indicates that, during the pre-war years of 1933 to 1939, 1937 was a quiet year on the international scene. Hitler, during this year, was digesting gains made and preparing for new ones, but also concentrating on domestic questions. One of the domestic questions discussed among top Nazis on June 15, 1937, which has received little if any attention to this day, concerned the questions of unmarried motherhood and illegitimate children.

A Ministerial Director named Dr. Volkmar spoke of the difficulty of reconciling the providing for illegitimate children the same advantages as for legitimate children. Questions about the identity of the father occur (for this is prior to DNA testing), which can offset the purity of German blood.^{iv} The Director of the Statistics Office, a Dr. Burgdorfer, stated that illegitimate children must be treated equally in order to continue the existence of the *Volk*, since the birthrate of married couples was low. Care must be taken that a child, whether legitimate or illegitimate, be born and that the mother not fall into the hands of an abortionist. For

the good of the *Volk*, every conceived child must be brought to birth.^v A third opinion came from a Dr. Astel, who presided over the lengthy meeting. According to him, whether to give unmarried mothers and children the same status as married mothers and legitimate children, should be decided on a case-by-case basis and that racial purity must be established.^{vi} Then a professor, Dr. Ley spoke. He claimed he was a racial hygienist (*Rassengygiener*), that the morality of the past could no longer help Germany, and that law has no purpose; it is the servant of the German people. In referring to the large number of abortions before Nazism, Ley went on to say that there was no advantage in increasing births *per se*; that while abortion should remain illegal, Germany still had to measure quality against quantity, and that abortion was a necessary evil that Germans had to accept *out of respect for life* [emphasis mine] (“...es ist ein notwendiges Übel, das wir hinnehmen müssen aus Achtung vor dem Leben”).^{vii}

The mixed views of these four professionals illustrated in general the dilemma facing Nazis: the desire for births to serve as the proverbial “fodder” for the re-arming of the military (“quantity”) and the desire for the pure, perfect German (“quality”).

The views of Dr. Ley in particular, illustrated true Nazi attitudes, namely, that the old morality is irrelevant and that the law does not exist outside of us. Law is what you make it; it is an extension of ourselves. As some historians have noted, down deep the Nazis believed in nothing and held that relations among people were to be settled through exercise of power.^{viii}

Heinrich Himmler, head of the infamous SS, one of the chief architects of the Holocaust and personal friend of Adolf Hitler, then spoke. Himmler stated that the evil of abortion lay not in the loss of an individual life, but more in the fact that many women through abortion lose their ability to have children later. Here we see Nazi contempt concerning the sanctity of life, but we see also an admission that the unborn have life, that they are children (“...nicht in dem einen Kind das einmal getötet wird...”).^{ix} Echoing the “fodder” or “quantity” argument, he bemoaned the fact that 100,000 children were being lost each year through abortion, that

in twenty to thirty years each 100,000 could produce an army of 400,000 men, which could alter the fate of Germany and the world. Here we see how this domestic question affected foreign policy considerations in the Nazi mindset. Himmler continued, it made no difference if the children here were legitimate or illegitimate. Young people are ready to reproduce at age 15 or 16, and it is only “bourgeoisie morality” that makes them wait. Himmler, however, also voiced concern about the *Volk* or “quality” argument. He maintained that many noble coats-of-arms had a bastard stripe because many right-blooded forefathers gave their blood outside of marriage as well as within, passing on the good stuff. He further maintained that there should be registration of illegitimate children so that the true bloodline could be known officially.^x This tension among the Nazis of reconciling “quantity” and “quality” as described in this meeting continued into the future at later meetings.^{xi}

The attitudes in the sexual area expressed at this 1937 meeting during a lull in German foreign policy initiatives would surface with a vengeance after World War II began. As Germany conquered other European states, it took harsh measures to keep the conquered from reproducing, particularly in the Slavic east, most particularly in Poland. I have treated this in another paper.^{xii}

Here, I would like to focus upon some day-to-day statements and actions by the Nazis during World War II that illustrate how they knew that abortion was the taking of a life at its earliest stages.

The Nazis used forced labor wherever they went. In the fall of 1939, after the conquest of Poland was over, one-half million foreigners (Czechs, Slovaks, and Poles) found themselves as laborers for the Third Reich, and by the end of 1942 the number had risen to four million. Involved also now were Ukrainians, Russians, Serbians, and Bulgarians. During the same period the number of women in this total went from slightly under 200,000 to 1,200,000.^{xiii} Almost immediately, the Nazis began a policy of using birth control and abortion to keep eastern females available as slave laborers and, at the same time, to weaken eastern nations by hampering the reproduction of Slavic peoples.^{xiv} The

organization through which the Nazis carried out this policy was known as the Race and Resettlement Office, commonly known by the German acronym RuSHA.^{xv} Its first head was Heinrich Himmler, and from July 1940 to April 1943 it was headed by Otto Hofmann. Hofmann became SS Senior Police Commander in the occupied territories from April 1943 to the end of the war. On January 20, 1942, Hofmann, along with Reinhard Heydrich, Adolf Eichmann, and twelve others, made the decision at the Wannsee Conference House just outside Berlin, to begin the mass extermination (The Final Solution) of Jews and others, by gassing and cremation, commonly known today as the Holocaust.^{xvi} Hence, abortion was one of the tools of the Holocaust, used by the very same men who engaged in the mass killing that was so much a part of World War II. This was the broad picture of the Nazis and abortion.

Looking at some of the specifics of their activity in the occupied territories, particularly Eastern Europe, we can also see that the Nazis knew that abortion was killing. The Nazis took over the Sudetenland, a German-speaking area of Czechoslovakia, in September 1938 as the result of the infamous Munich Conference. In March 1939 they marched into the rest of Czechoslovakia without opposition. A year later the Reich Security Service, in a confidential newsletter-bulletin, complained that abortions among Germans in the Sudetenland were not being punished properly due to less stringent Czech laws. Specifically, it bemoaned the fact that a woman abortionist convicted of doing three abortions in a two-week period received only a year and three months in prison, and that this had to stop.^{xvii} Here we see the desire by the Nazis *not* to have abortions done on German people. They would, however, encourage abortions on non-German peoples.

Shortly after taking over Czechoslovakia, Nazi Germany conquered Poland in September 1939, beginning World War II. A few months after the conquest, the Reich Security Service, again in its confidential newsletter-bulletin, expressed concern about the influx of Polish workers into Germany (it was forced, slave labor),

how it was leading to sexual trafficking between Germans and Poles, and how this would contaminate “the body of the *Volk*.” Nazis frequently expressed concern about an “eastern look.”^{xxviii} In a letter to SS head Heinrich Himmler by a Nazi official,^{xxix} the official stated that Hitler, in order to prevent offspring by foreign women in the occupied territories, to prevent the spread of venereal disease, and to reduce the number of children of native inhabitants, demanded that Himmler push condoms and any other form of birth control.^{xxx}

Concern with not enough German reproduction in places like the Sudetenland but too much Slavic reproduction in the occupied eastern territories led the Nazis to go far beyond birth control. If both parents of an unborn were non-German, and the pregnancy prevented the woman from coming to work, the child of that couple could be aborted.^{xxxi} One should note that the word “parent” is used here before birth. Himmler claimed that, on the authority of Hitler, he could allow the abortion of the children of Polish women workers if the woman was “especially inferior,” which was to be determined by a racial test. Again, one should notice that, concerning pregnancy, the word “child” is used twice here (“...wenn sie von einem besonders minderwertigen Ausländer ein Kind empfangen haben, das Kind in der Schwangerschaft bereits abnehmen lassen”).^{xxxii} Himmler stated to Reinhard Heydrich and a Dr. Conti in March 1942, that abortion among the Poles themselves should not be punished.^{xxxiii} In the same month, in another letter, informed by the Reich Health Minister that Poles engaged in abortion had been severely punished in German courts, Himmler protested, stating that Germans had no interest in protecting the passing on of Polish blood.^{xxxiv} Ever ready to protect German unborn from the same fate, however, a decree from the German government issued in the middle of the war (1943) threatened those doing abortions on German unborn with the death penalty, since this activity “infringe[s] upon the vital forces of the German people.”^{xxxv} This decree was carried out, in some cases even after pleas for clemency from other physicians.^{xxxvi}

Jewish women were also the victims of Nazi abortion, but the abortions in these cases were often done by Jewish physicians, since a Jewish woman found to be pregnant meant immediate gassing for both her and her unborn. Doctors and the affected women here believed that in this way at least one life was saved.^{xxvii} The overwhelming use of abortion by the Nazis during World War II, however, was done on eastern Slavic women, particularly Polish women. While only 523 cases of abortion on eastern female workers have been authenticated, these cases stretch only from May 1943 to January 1945. The documented cases thus cover only one and one-half years and one small area of Poland.^{xxviii} Since the Germans, however, had been in Poland at least five years (September 1939 to early 1945), and virtually all of the rest of eastern Europe for periods longer than a year and one-half, abortions were, without question, in the thousands, probably the tens of thousands.

The science of obstetrics has long told us that there are two lives involved in every pregnancy:

investigations of the nature of human life *in utero* have been, and will continue to be, among the most fascinating and rewarding in all biological research. This obtains, in large measure, because the findings of these inquiries are of momentous impact to all mankind.... The status of the fetus has been elevated to that of a patient who... can be given the same meticulous care that physicians long have given the pregnant woman.^{xxix}

During the past two decades [1970s, 1980s], remarkably detailed knowledge of the human fetus and his or her environment has accumulated.... Indeed, the fetus is no longer regarded as a maternal appendage ultimately to be shed at the whim of biological forces beyond its control. Instead, the fetus has achieved the status of the second patient, a patient who usually faces much greater risks of serious morbidity and mortality, than does the mother.^{xxx}

Science thus forcefully states that there are two lives (patients) in

every pregnancy. The Nazis seemed to have understood this also:

- We have Himmler's remark that the tragedy of abortion was that women often could not later have children after an abortion, not in the loss of an "individual life," as he put it.

- We have the word "parent" used to describe pregnant women and the fathers of the unborn.

- We have the word "child" used to describe the unborn.

- We have the forbidding of abortion to preserve German unborn but allowed, even encouraged, to destroy non-German unborn.

Without question, the German Supreme Court was correct in 1975 in labeling abortion as an act of killing, which belonged with so many other Nazi atrocities.

The Nazis were experts in killing. It is for that very reason that they certainly knew what human life was. Their obsession with racial superiority and "pure blood" has at least a rough affinity with many believers in legalized abortion today. Today we have the desire among many for the "planned," "wanted," "quality" child. It reminds one of the comments of Dr. Ley at the 1937 meeting, who, in trying to balance "quality" with "quantity" was reluctantly willing to tolerate abortion "out of respect for life."

ABBREVIATIONS

PSR–Persönlicher Stab Reichsführer-SS (Personal Staff Files of SS Head, Heinrich Himmler. German National Archives, Berlin, Germany).

RSH–Reichsicherheitshauptamt (Reich Security Headquarters, German National Archives, Berlin, Germany).

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1. Donald Kommers, "Abortion and the Constitution: The Cases of the United States and West Germany," *Abortion: New Directions For Policy Studies*, eds., Edward Maier, William Liv, and David Solomon (Notre Dame: Univ. of Notre Dame Press, 1977), pp. 97-98.
 2. Translated by Dr. O. J. Brown, *The Human Life Review* (Summer 1975), pp. 77-78. The Kommer article (note 1) hits high points in the decision, and the Brown translation (here) covers in detail the first half of the decision. For the complete text, see *Neues Juristisches Wochenblatt* 13 (1975) 573-87. *Tötenshandlung* ("an act of killing") is mentioned on p. 576.
 3. For the 1993 decision, see *Europäische Grundrechte Zeitschrift* (EuGRZ), 9/10 (June 4, 1993) 229-75. There is no connection made with Nazism in this 1993 decision.
 4. Volkmar's complete remarks are found in PSR, R320/N518, pp. 27-49.
 5. *Ibid.*, pp. 63-65.
 6. *Ibid.*, pp. 81-83.
 7. *Ibid.*, pp. 85-88.
 8. See Koppel Pinson, *Modern Germany: Its History and Civilization*, 2nd ed. (New York: Macmillan, 1966), Chap. 21, sec. 2: Ideology and "Macht," esp. pp.488-90; Ernst Nolte, *Three Faces of Fascism: Action Française, Italian Fascism, National Socialism*, tr. Leila Vennewitz (New York: Holt, Rinehart and Winston, 1966), p. 422.
 9. PSR, R320/N518, pp. 89-90.
 10. Himmler also blamed homosexuals for luring men away from marriage, and, therefore, procreation. He stated that early marriages would prevent homosexuality; early marriage was the reason why homosexuality was not found among farmers and workers! See *ibid.*, pp. 91-92. Himmler's entire remarks cover pp. 89-99, 108.
 11. *Ibid.*, pp. 107-08, 115-16, 179-80, 183.
 12. "Nuremberg Revisited: Abortion As a Human Rights Issue," *Life and Learning: Proceedings of the Third University Faculty For Life*

Conference, ed. Joseph Koterski, S.J., Washington, D.C.: University Faculty For Life, 1993.

13. See statistics and graph in PSR, NS19/2844, p. 66. See also a letter from Gauleiter in Czechoslovakia to Himmler, July 15, 1942, in *ibid.*, NS19/3596.

14. *Trials of War Criminals before the Nuremberg Military Tribunals*, October, 1946-April, 1949, Vols. IV-V: "The RuSHA Case" (Washington, D.C.: U.S. Gov't. Printing Office, 1949). IV, 685-86.

15. *Ibid.*, pp. 611-12.

16. The beautiful Wannsee Conference House on a lake outside Berlin has become a Holocaust museum. The minutes of the meeting in which the decision was made are there for all to see, as are fifteen portraits and biographies of the men who made the decision. Everything is in German. Hofmann at this meeting was charged specifically with sterilizing "half-breeds." He was convicted in 1948 for abortions, sterilizations and a number of other offenses at the Nuremberg War Crimes Trials, and was sentenced to 25 years. He was released from Landsberg Prison in 1954. He died in 1982 at the age of 86. Visit to Wannsee Conference House by the author, November 1, 1997.

17. RSH, R58/148, February 16, 1940, pp. 92, 100-01. The search for "quality" Germans can be seen in the guidelines issued by the Reich Ministry of the Interior on July 18, 1940, for hereditary health: "An especially high-grade hereditarily healthy person to note is one who is bodily and spiritually healthy and in whose blood connection (grandparents, parents, siblings, and other children) one cannot find a case of psychosis which would lead to social decline, criminality, drugs, and so forth." See Bundesarchiv File in the German National Archives, Berlin, German, R018/003252, folder 1, pp. 1520-22.

18. RSH, R58/148, February 28, 1940, p. 195. The "eastern look" is mentioned in a letter from an author, whose name is indiscernible, to a Dr. Brandt, August 15, 1942, in PSR, NS19/3207.

19. The name cannot be made out on the document.

20. PSR, NS19/1986, November 9, 1942, pp. 1-3.

21. Letter from Obersturmführer Meine to Himmler, December 23, 1942, in *ibid.*, NS19/940.

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22. Himmler to Gauleiter Eigrüber, October 9, 1942, *ibid.*, NS19/3596.
23. Letter from Himmler to Dr. Conti, *ibid.*, NS19/3438.
24. Letter from Himmler to Kruger (first name and position unknown).
Ibid.
25. West German Federal Republic, Press and Information Office, *Bulletin 6, May 27, 1980* (Bonn: Deutsche Bundesverlag GmbH), p.13. See also PSR, NS19/456 and NS19/1913.
26. Proceedings against a Polish doctor Siegmund Walczynski; for an abortion which he performed on a German woman, April ?, 1943, PSR, NS19/3180.
27. Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (Basic Books, 1986), pp.149, 224. See also Raul Hilberg, *The Destruction of European Jews* (Chicago: Quadrangle Books, 1961), pp. 664-65.
28. Records of the United States Nuremberg War Crimes Trials, *United States of America v. Ulrich Greifelt, et al.* (Case VIII), October 10, 1947-March 10, 1948; The National Archives, Washington, D.C., Microfilm Publication 894, Roll 31, p. 11. This is the complete record, on microfilm of the RuSHA Trial mentioned in note 14.
29. Gary F. Cunningham, Paul C. Macdonald, Norman F. Grant, eds., *William's Obstetrics*, 18th ed. (Norwalk: Appleton & Lang, 1989), p. 87 (from Chapter 6: "Morphological and Functional Development of the Fetus").
30. *Ibid.*, p. 277 (from Chapter 15: "Techniques to Evaluate Fetal Health").