

## BOOK REVIEWS

### The Release of the Destruction of Life Devoid of Value

**Karl Binding and Alfred Hoche**

Originally published by Felix Meiner Leipzig, 1920,  
Reprinted with Commentary by Robert L. Sassone, Santa Ana,  
California, 1975, \$1.50, 111 pages.

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Most people are not aware of the fact that thousands of mentally ill, mentally retarded and crippled men, women and children were exterminated during World War II in Germany. These were Germans exterminated by Germans—not Poles, Russians and Jews who were later exterminated by the millions before the Holocaust was over. Under Hitler's direct authorization to elements of his personal Chancellery, a comprehensive and secret government network was devised to facilitate the extermination of these hapless people, all of whom had only one thing in common; they were of no economic value to the State.

This was the Euthanasia Program as distinct from the Final Solution with which most people are familiar. It was not a Nazi invention, although it was, indeed, the Nazi government which put it into effect. In fact, its basic concept, rationale, and philosophic support was developed and passionately expounded by the German culture long before Hitler emerged from the Munich beer halls. This book serves as a summary statement of that sentiment.

The book is divided into two parts; the medical arguments in support of euthanasia by Karl Binding, a Doctor of Jurisprudence and Philosophy, and the medical arguments by Alfred Hoche, a Doctor of Medicine. These are followed in the 1975 reprint by the comments of Robert Sassone, the book's publisher. While these comments are cogent and incisive, they are not the subject of this review.

Binding's contribution consists of an attempted ratiocination for euthanasia based on the then current legal aspects of suicide. Since it is lawful to commit suicide in Germany, it follows that "...you can transfer the right to kill yourself to another person." Although German law does

not permit actions based on this conclusion, it punishes them less severely than it does less mutually agreed upon killing. Euthanasia can be considered an extension of this logic wherein the recipient of the death assistance specifically requests early death in relief of the pain associated with impending and inevitable death due to illness. The grantor of such a death with dignity is merely substituting a swift, painless death on the one hand, for a painful and possibly prolonged death on the other. This is considered an act of compassionate healing inasmuch as the elimination of pain is also healing and should not be punished. Binding leaves this path of logic with a final reference to the consensus of German lawyers which supports the contention that "...killing after a consent for death..." is no longer unlawful and addresses the question "Is there any human life that has to such a degree lost its legal rights, that its continuation is of no value for itself or to society?"

The answer to this explicit question is in the affirmative, and he identifies three basic groups of candidates. (1) Those who through sickness or injury express a desire for complete relief. (2) Incurable idiots who have no will to live and who "...give no specific consent to the euthanasia." They are a heavy economic burden and "Their death creates no vacuum." The consent in these cases could be granted to the relatives, guardians, or to the managers of the institutions housing them if the mother fails to assume the financial responsibility. (3) Those who are unconscious but would express a desire for euthanasia if conscious. Specifically excluded are the mentally ill who may be happy with their lot and any case where the will to live has been broken.

Binding then proposes a procedure for granting a death with dignity. A committee composed of a medical doctor, a psychiatrist, and a lawyer would deliberate on applications for euthanasia which could be granted only by unanimous vote. The incurability of the recipient's condition must be proven, and the person applying the euthanasia must be qualified in providing painless death. Binding recognizes the possibility of error but dismisses it as inconsequential compared with the good that can come from legalization of euthanasia. He states, in conclusion, "In all other actions of compassion error is quite possible and might result in a terrible ending. But who would like to limit this most noble of all human qualities because of possible error caused by compassion?"

Hoche's contribution, of course, is based on medical considerations, and he begins by discussing the relationship between medical ethics and the prevailing law. He points out that the law does not tell the doctor what to do—it only specifies what not to do. Therefore, ethics are the guiding principle. These ethics change to match the cultural norm, and

"if it is acknowledged that the killing of the incurable or the mentally retarded is not only punishable but is even desirable for a higher good, medical ethics would not prevent such killing."

Hoche subscribes to the categories carved out by Binding but further justifies euthanasia for idiots on the grounds that they suffer from "mental death" incurred either as a natural result of the aging process or as a result of brain damage or deformity at birth. In both cases, life is considered to be devoid of value.

Hoch then describes in detail the economic burden to the state imposed by maintaining the lives of these idiots. Not only do they represent a huge capital expenditure, they also cause the loss of the productive services of those who must tend them as well as the loss of the institutions themselves which cannot be used for any other purposes. These considerations are "...the real burden." In contrast, "The question of whether we should spend all of this money on ballast type persons of no value was not important in previous years because the state had sufficient money. Now conditions are different, and we really have to deal with this question... For a long time, this will be our German task: To release the greatest possible portion of productive manpower for productive purposes."

From Hoche's perspective, opposition to this task is offered by sentimentality, much of which has been historically fostered by the "Christian way of thinking." These objections must be overruled by a higher state morality which must consider the state as an organism which rejects less valuable and non-contributing members. He insists on mental death as the chief criterion for eligibility for euthanasia and concurs with Binding in refusing for consideration those mentally ill who may make no subjective demand for life but who nevertheless are far from mental death.

His summary statement is eloquent: "...[we are living in a time] during which the support of every existence—no matter how worthless—has become the highest moral norm. A new time will come when we no longer in the name of higher morality will carry out this demand that has its origin in an exaggerated idea of humanity. The present morality places too much value on mere continuation of existence and asks too high a sacrifice." Prescience at its height!

Technically, this book is an assault on the intelligence and sensitivity of the reader. It is poorly organized, laced with specious argument, and the concepts presented are repugnant. And it is precisely because of these faults that this book should be read. It was this book which was cited by the Nuernberg defendants as their justification for the Euthanasia Pro-

gram. Although the details of the program were developed by the Nazi Party and carried out with true Nazi attention to organization and relentlessness, it was philosophically supported by the initial arguments advanced by Binding and Hoche. Events subsequent to its original publication in 1920 built on the cornerstones laid by Binding and Hoche until the conclusion became inevitable and virtually anticlimactic. This book should be read as an exercise in comparative culture. The reader should compare what is described in its pages with what can be observed in modern society, namely the eroding economic conditions, the growing sentiment favoring passive euthanasia, and the reduction of resources to support the socially inadequate. Other comparisons abound. It can't happen here? Maybe, but even Binding and Hoche failed to foresee the Euthanasia Program. To paraphrase the old Chinese proverb, the long journey to gas chambers in German mental institutions began with Binding and Hoche's first step.