

**VACCINATION: ITS
NECESSITY, CONTROL,
EFFICIENCY, AND SAFETY**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649320158

Vaccination: its necessity, control, efficiency, and safety by Eugene Foster

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Cover @ 2017

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EUGENE FOSTER

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VACCINATION: ^{its necessity, control, efficiency, and safety.}
HEALTH AND SECURITY.

ITS NECESSITY, CONTROL, EFFICIENCY, AND SAFETY.

PREPARED BY

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*[Reprinted from the Transactions of the American Public Health Association, Vol. IX,
for the New Hampshire State Board of Health.]*

CONCORD, N. H.:

PARSONS B. COGSWELL, PUBLIC PRINTER.

1884. P

614.473
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REPORT OF THE COMMITTEE ON COMPULSORY VACCINATION; ALSO, A SUPPLEMENTARY REPORT ON THE EFFICIENCY AND SAFETY OF VACCINATION.

PREPARED BY EUGENE FOSTER, M. D.,

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CHAIRMAN OF THE COMMITTEE.

Your Committee on Compulsory Vaccination, charged with the duty of inquiring into the expediency and practicability of causing every citizen of the United States to be vaccinated, and that it should be a legal demand upon every individual and enforced by penalty for neglect or refusal so to do, respectfully offers the following report:

Nearly all physicians, doubtless, when first considering the question, would say that it would be an easy matter to secure vaccination of the entire population if the law made it obligatory. The vast majority of physicians who have investigated the subject, however, believe that compulsory vaccination will, in a large measure, fail in accomplishing the most desirable result of general vaccination of the populace. Especially is this true "in this democratic republic of ours, in which, by a political fiction, every citizen is declared to be a sovereign."

The question must be considered from two stand-points, *i. e.*,—

1. The ignorance of the populace as to the safety, value, and facility of vaccination.
2. A wrong-headed perversity, which leads a certain class of people to oppose everything required by law, for the sake of glorifying themselves as reformers.

Upon the first difficulty, every one must admit that the average citizen is lamentably ignorant of the fundamental questions upon which the practice of vaccination is founded, and therefore he is shamefully negligent in applying the remedy which we have in this beneficent measure. The prejudice of the people against vaccination is mainly due, 1, to a belief that syphilis, scrofula, consumption, bovine diseases, etc., are commonly transmitted to the vaccinated subject; 2, to a distrust in the power of vaccination to prevent or control small-pox. The remedy for such prejudices is to be found in educating the people upon these vital questions.

The second difficulty to be overcome in securing general vaccination,—*i. e.*, perversity, leading to opposition to compulsory measures,—is not so easily met. The fanatic and the demagogue are ever ready with the

cry of infringement of personal liberty. In America, the demagogue is ready to proclaim that all such measures are contrary to the genius of our form of government. Let us dwell for a while upon this objection.

"The assumption that the individual has the right to protect, or abuse and neglect, *his own* health at pleasure, is false in morals, and, as we believe, equally in opposition to the social and statutory law. And, as a numerous population is of the highest importance to the strength and welfare of a nation, it should be the anxious study of legislators to favor that end by the enactment of such laws as will best protect the health and lives of the people. It is a well known fact in the economy of population, that the conditions which most favor the multiplication of the human species are health, the enjoyment of peace, and an abundance of food; and, *per contra*, of necessity, the conditions which most seriously retard the increase of population are pestilence, war, and scarcity of food.

"The Eastern nations were, from the earliest ages of historic record, visited by occasional pestilential plagues, so terribly devastating in their career as almost to depopulate whole cities and extensive districts of country. Yet historians do not hesitate to say that, vast as was the mortality from the plague, it was even exceeded by that of small-pox. *

* * * Up to the last one hundred and fifty years it was the most frequent, the most fatal, and the most injudiciously treated of all the pestilences that have afflicted mankind. * * * Notwithstanding the accumulated experience of practice, the medical profession during all that time had discovered neither preventive nor cure, remaining a sad spectator of its desolations, and utterly unable to afford relief. It defied alike the measures devised by civil rulers, and the appliances of medical science, continuing for ages unimpeded in its work of death and disfigurement.

"There may be some diversity of opinion as to the steps proper and necessary to be taken to secure every individual in society the full protection which a successful vaccination gives against variola, though to our minds it is clearly a question to be settled by our legislators, upon the principle that it is their duty to secure the greatest good to the greatest number. In this particular instance all would be benefited, and none injured. With us the belief had become prevalent that the temper of the American people would not tolerate any interference on the part of government in matters of a purely personal and domestic character. The experiences of the last few years, however, shows us to be as submissive to the will of rulers and governments as any people on earth. There is not only wisdom, but a necessity, for a people loving liberty and cherishing independence, to guard with jealous care every encroachment upon their political rights and constitutional privileges; but it is believed that similar reasons would not be urged or found pertinent against hygienic measures, which aim to secure the health of the individual, while equally protecting that of the whole community. * * *

"The medical profession is unanimous in the belief that the universal

application of the vaccine prophylactic, and the repetition of it at proper intervals of time, will ultimately exterminate the small-pox from among us, or render it entirely harmless. This belief is not founded upon theory alone, but upon the experience and accumulated evidences of its power, gained by practice and observation during nearly three quarters of a century. * * * A practice that has proved successful in protecting large bodies of moving troops throughout all their departments, can be made equally efficient in protecting every member of society. The experience which has been gained on the subject of vaccination and revaccination, and its prophylactic efficacy when recently performed, warrant the profession in entertaining the confident belief that variola can be annihilated, or rendered harmless, if the authorities will enforce universal vaccination. The individual who is not protected from small-pox by vaccination, or who has not had that disease, is in a condition liable on the slightest exposure to be attacked, and thus become the centre and source of spreading a loathsome malady which may destroy the lives of others. The question of the prophylactic power and safety of vaccination is so well settled that the individual who fails to protect himself against variola by it should be looked upon by the community with aversion, and treated as a nuisance (as he really is, so far as the social interests are concerned), and be compelled to submit to vaccination for his own safety and the protection of the public."¹

Again, in the language of John Simon, chief medical officer of the privy council of England, than whom there is no higher authority in the world: "Persons unacquainted with the circumstances under which this law was made have doubted whether it was not an improper restriction of personal freedom. It being assumed as the liminary principle of human law, that men may be left free to follow every inclination which relates only to themselves, it would certainly seem foreign to the province of legislation to insist on one's caring for one's own health; and if a man having small-pox could affect none but himself, little need be said against his right of having it *ad libitum*. Even in this light, however, it deserves consideration that he who indulges a preference for small-pox does so to the detriment or danger of his neighbors; and as they often suffer by his infection, so they might reasonably claim to be heard on that question of his privilege. Still the main object of the obligatory law, as I understand it, is not to prevent adults from cultivating (if they be so minded) a personal taste for small-pox. Its object is to prevent them from compelling (for, in this case, allowing amounts to compelling) their children to incur the worst perils of that disease. The interference of the law was an interference between parent and child—a kind of interference very sparingly exercised in this country, and the exercise of which on slight grounds would of course be intolerable. The practical justification of any such law depends on the amount of evil which it is designed to correct, and four or five thousand annual deaths (in England), by one specific parental omission, constituted in this case

¹*Compulsory Vaccination*, by J. M. Toner, M. D., Washington, D. C.

a strong argument. It was under pressure of this appeal that the compulsory vaccination act was passed. The option which the new law restricted was not that of a conscious agent deliberately preferring for himself the dangers of small-pox to the securities of vaccination. The thousands who annually died of non-vaccination had never raised their voices for the privilege of unrestricted small-pox. The so-called 'liberty,' thenceforth to be abridged, was that of exposing unconscious infants to become the prey of a fatal and mutilative disease. It was this liberty of omission which the law took courage to check."

Or, as Dr. J. M. Toner, of Washington, D. C., puts it,—“Parents and guardians have no more right to withhold or neglect to provide vaccination for the children under their protection, than they have to jeopard the lives of these helpless infants by not furnishing them with food or clothing. It is criminal to neglect either, as death may be the consequence; but the failure to provide protection against small-pox seems to be more maliciously wicked than to neglect either food or clothing, as the former may not only cause the death of the child, but be the means of spreading disease and death among many others; while the evil which arises from the latter ceases with the death of the victim.”

Considerations such as these have caused various governments to make and execute laws partially or wholly compulsory of vaccination. In England the law is that every child must be vaccinated before it reaches three months of age. Whenever a child of three months of age is found unvaccinated, it becomes the duty of the vaccination officer to give a notice to the parents or guardians to have the child vaccinated within a specified time. If the parent or guardian fails to comply with the notice so given, the delinquent is summoned before a magistrate for trial, and if convicted incurs a penalty of twenty shillings. If the delinquent continues in his refusal to have the child vaccinated, he is subject to fine, or imprisonment, or both, at the discretion of the court. If the effort at vaccine infection fails, the operation is to be repeated until successful vaccination is secured, or the child is found to be insusceptible to vaccine infection.

Vaccination is compulsory in Scotland, and all children must be vaccinated at six months of age. All children in Ireland, at six months of age, are compelled to be vaccinated. The method of procedure in such cases, as also the penalties, are the same as in England. The German Imperial Diet (1874) fixes the age at which all children are required to be vaccinated—the age being one year. Sweden requires vaccination of all children at two years of age. Indirect compulsory vaccination is enforced in Sweden and Belgium. This is done by education, encouragement, persuasion, reprimand, and the abridgement of privileges. It is required of every person who desires to gain admittance into any school, asylum, hospital, factory, etc., to become an apprentice, to enter the public service, or to exercise any of the rights of a citizen, that he shall show a certificate of a public vaccinator that the applicant has been successfully vaccinated.

In France "There is no general French law relative to vaccination, only departmental regulations issued by the prefects. A certificate of successful vaccination is required of candidates for the government schools, and also in some private schools."¹

In the United States, nearly all of the states have passed laws of compulsory vaccination, or granted to state and municipal boards of health the power so to do, under the general or special laws under which these boards are organized, giving such boards full power to institute such measures for maintenance of public health as the board may determine necessary. Louisiana has a law encouraging vaccination, but it expressly forbids compulsory methods. In this country only partially compulsory vaccination laws are enforced, except in very rare and exceptional instances. The children attending public schools are in most cities required to present certificates of successful vaccination before being admitted. But it must be readily seen that in this measure the remedy is but imperfectly applied. In countries where the school law requiring compulsory vaccination is only enforced, the small-pox death-rate of children under five years of age is fully 75 per cent. of the total small-pox mortality. As a means of preserving the lives of children under five years of age, the law is wholly inutile. It must be admitted that the compulsory vaccination law of England has not been satisfactorily received by the whole people. There we have an example of an unprecedented agitation against compulsory vaccination, taking the form of an organized and spirited opposition, and testing to the very utmost the principles involved. The law has been invoked in hundreds of instances, and the courts have invariably decided that the law was correct, and have imposed penalties in money and imprisonment. They have in England the Anti-Vaccination Society, thoroughly organized, and this society publishes a journal and numerous tracts, and with these flood the world with anti-vaccination literature. This organized opposition in England has become a troublesome obstacle to the full execution of the compulsory vaccination law. We have sought in the numerous tracts issued by the Anti-Vaccination Society the causes which have led to this opposition. We are forced to the conclusion that it has been due to the ignorance of the people, their fears and prejudices incited and intensified by having followed the lead of a few educated cranks, who never appear to their own satisfaction in public except as self-styled reformers, seeking to make capital for self by leading opposition to law. They have seized upon every case of accident resulting from vaccination, magnifying its terrors a thousand fold, and then deducing general principles from erroneous statements and individual cases. The remedy for this evil is, wherever necessary enforce unflinchingly the law, at the same time being diligent in teaching the masses the true nature and value of the prophylactic powers of vaccination, and by this slow process triumph at last.

Your committee believes that compulsory vaccination is just and necessary where large numbers of a community are unvaccinated, and seri-

¹ Letter from Dr. John S. Billings, U. S. A.