*Society’s Legal Russian Roulette: The Necessity of Vaccinations in Modern Times*

*By Maxwell Mock*

In the last few centuries, advances in medical procedures have led to the extinction of a multitude of different diseases, allowing for the human race to extend our lives beyond what had ever seemed possible. Society has managed to create a procedure called a vaccination, which allows individuals from birth to avoid the fatal diseases that previously plagued the world. Yet in the United States, an obstacle to these advances have left some youth behind due to simple, but powerful clauses embedded into the Constitution. The Religious Clause, which includes personal and ethical beliefs, has been used by individuals to deny their children of these vaccinations. Vaccinations are a necessary medical practice that ensures public safety and should not be neglected by utilizing personal beliefs protected by the Constitution.

The major argument made by many anti-vaccination members is that their religion does not support vaccinations, as it goes against what they believe in. Vaclib.org, a top anti-vaccination website, makes it clear on their homepage: “Under Federal Laws, ‘religious practices’ are defined by law to include moral or ethical beliefs about what is right and wrong that are sincerely held with the strength of traditional views” (Vaccination Liberation). This is one specific way of how the first amendment can be interpreted, highlighting the major correlation between the freedom of expression and freedom of religion. This has led many anti-vaxxers to use an open interpretation of the above quote from vaclib.org. They wish to use their own ethics to justify not getting vaccinations, as it pertains to the freedom of expression clause of the first amendment. Using the mix of religion and expression, Anti-vaxxers oppose modern science in favor of their personal freedom.

Yet, is this how religious organizations truly sees this issue? According to Silvana Karacic, Frank Levitt, and a multitude of professors at multiple universities published within the Croatian Medical Journal, almost all of the major religious organizations have made it explicitly clear that they support vaccinations, including the Jewish, Islamic, Catholic, and Buddhist faiths. Only Protestant denominations have left that open to interpretation by the individuals, and even then they mostly support the notion of vaccines (Karacic). Although each religion holds a different degree of support for vaccinations, they all have a common belief that vaccines were made to save lives. As life is very important to many, it is hard for religious organizations to say no to a procedure that has saved so many.

Someone who opposes vaccinations may not agree; some aspects of vaccinations are highly controversial. In the same article as above, it is noted that Catholics and Buddhists are extremely hesitant on allowing for vaccinations that use materials from aborted fetuses, as it is killing one life to extend another (Karacic). Although this enters an entirely different debate, it holds true that this is quite the dilemma for pro-life advocates. Do you refuse a vaccine, because it contains cells from an aborted fetus, or do you get the vaccine and potentially save your child’s life? The Catholic Church has the term, “active material cooperation” for this kind of moral dilemma. They define it as an immoral action without evil intention, which they see as justified since the intention is to save the lives yourselves and others around you (Karacic). By getting a vaccine, you are helping yourself and society, which must be the most important focus for everyone. Looking out for your loved ones must come first, and by not getting a vaccination just because part of an aborted fetus was used can be more deadly than by simply getting the shot.

The Government has a unique reason to enforce vaccinations: Public health and safety. By not giving vaccinations, it could allow for outbreaks of diseases that could easily have been prevented. On the one hand, the government has good reasoning to enforce mandatory vaccinations, as it can prevent outbreaks of diseases that are considered extinct. On the other hand, individuals currently have the right to reject those vaccinations based upon religious and philosophical grounds. That puts an interesting dilemma upon the government- in case of an outbreak, can the government make vaccines mandatory? According to Boston University professor Wendy Mariner, in the case of *Jacobson v. Massachusetts*, the Court ruled that the state could fine Mr. Jacobson for refusing to receive a smallpox vaccination (Mariner). However, his case is unique in the fact that he was not forced to take a vaccination, rather he was simply fined for refusing. Mr. Jacobson never got the vaccination, but the Supreme Court did not just forget about compulsory vaccinations. In the Supreme Court’s official ruling, they wrote that, “But it is equally true that in every well-ordered society charged with the duty of conserving the safety of its members the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand” (Harlan, 197). The court is expressing that the government must take action in cases of danger, and sometimes, personal liberty must be suspended to protect society at large. Mr. Jacobson’s liberty might have been restricted, but public health is interpreted differently under the constitution.

One aspect that is not fully covered in this debate is whether or not kids should have the right to make the decisions themselves. Of course, in legal terms, individuals cannot make those decisions by themselves until they are 18. Considering the major health risks that surround not vaccinating a child, society must ponder whether or not it is beneficial to allow youth to make that decision themselves at a younger age. Victor Diego Gonzalez, a law student at Yeshiva University, states that the courts have used the legal term of *parens patriae*, or legal protectors, to define that the state is the legal protectors of youth whose parents make decisions for them that can harm that child (Gonzalez, 426). This process can limit parent’s rights over their children, allowing the state to step in and restrict parents from using their own personal beliefs to be afflicted on to a child. Despite the parent’s having first amendment rights, the state can actually deny parents their own religious beliefs as it pertains to their child. This was most notably used in the Supreme Court case of *Prince v. Massachusetts*, in which the court refused a religious exemption to child labor laws, in which the family argued that their religion called for their child to work (Gonzalez, 426). Despite the parent’s beliefs, the court saw this as a clear violation of the child’s rights and their own wellbeing. The court saw child labor as something too harsh for youth and decided that they shouldn’t be subject to working at such a young age. The government protected the child in this case, as validated that religious excuses do not outweigh the safety and concern of the child. Parents do not always act in the best interests of their children, and that can only harm their child. Only the states can protect kids from a harmful future, especially if their parents refuse to act in their kid’s best interest.

The same logic can be applied to vaccinations; by not getting a child vaccinated, those children are subjected to diseases that could potentially harm and kill them. According to an informational video by the U.S. Center for Disease and Control, vaccines will prevent 381 million illnesses and 855 thousand deaths among individuals born between 1994 and 2016 (Vaccines by the Numbers). With those numbers, it is absolutely clear that states must take action to make sure that all children are vaccinated. Those who are not vaccinated clearly have a higher risk of contracting diseases that most of the population would never get, putting kids into a tough situation. For those who are not vaccinated, the numbers continue to be scary. According to Daniel Salmon, a Professor at John Hopkins University, those who chose not to be vaccinated for Measles are around 35 times more likely to contract the disease than those who are vaccinated (Salmon). Measles is not a simple disease, as it has killed many in the past. For a disease that is considered extinct, it should scare everyone that it is still considered a threat to our society. Yet due to people not vaccinating, measles continues to spread throughout the country. If kids are not vaccinated by their parents, then they are forced to accept this statistic as accurate. Only government intervention can help protect these youth and save them from the potential harsh reality.

The Constitution cannot be used as proper justification for refusing vaccinations. As society has proven, the benefits of vaccines are too important to avoid for any reason. By choosing to not get a vaccine, many in society can be harmed that do not necessarily have to be. These diseases have been extinct for a considerable amount of time, yet they still persist. In the modern era, it is important to hold true to our beliefs in changing times and challenge the world around us. Yet when it comes to saving lives, science has proven time after time that new medical advances improve the lives of everyone. Maybe one day a higher being will come down and save us all, but for now, I’m going to put my faith in vaccinations.

Work Cited

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