

Inducing Immunity?

Basic Bioethics

Art Caplan, editor

A complete list of the books in the Basic Bioethics series appears at the back of this book.

Inducing Immunity?

Justifying Immunization Policies in Times of Vaccine Hesitancy

Roland Pierik and Marcel Verweij

**The MIT Press
Cambridge, Massachusetts
London, England**

© 2024 Massachusetts Institute of Technology

This work is subject to a Creative Commons CC-BY-NC-ND license.

This license applies only to the work in full and not to any components included with permission. Subject to such license, all rights are reserved. No part of this book may be used to train artificial intelligence systems without permission in writing from the MIT Press.



The MIT Press would like to thank the anonymous peer reviewers who provided comments on drafts of this book. The generous work of academic experts is essential for establishing the authority and quality of our publications. We acknowledge with gratitude the contributions of these otherwise uncredited readers.

This book was set in Stone Serif and Stone Sans by Westchester Publishing Services.

Library of Congress Cataloging-in-Publication Data

Names: Pierik, Roland H. M., author. | Verweij, M. F., author.

Title: Inducing immunity? : justifying immunization policies in times of vaccine hesitancy / Roland Pierik and Marcel Verweij.

Other titles: Basic bioethics

Description: Cambridge, Massachusetts : The MIT Press, [2024] | Series: Basic bioethics | Includes bibliographical references and index.

Identifiers: LCCN 2023013919 (print) | LCCN 2023013920 (ebook) | ISBN 9780262547796 (paperback) | ISBN 9780262378369 (epub) | ISBN 9780262378376 (PDF)

Subjects: MESH: Vaccination—ethics | Mandatory Programs—ethics | Vaccination Hesitancy | Health Policy | Communicable Disease Control

Classification: LCC RA638 (print) | LCC RA638 (ebook) | NLM WA 115 | DDC 614.4/7—dc23/eng/20230727

LC record available at <https://lcn.loc.gov/2023013919>

LC ebook record available at <https://lcn.loc.gov/2023013920>

Contents

Preface ix

1 Controversies and Complexities of Vaccination:

An Introduction 1

- 1.1 The 2014 Measles Outbreak in the US 2
- 1.2 Unpopular from the Start: Vaccination against Human Papillomavirus 3
- 1.3 Polarization in the COVID-19 Pandemic 3
- 1.4 Vaccination Policies in Times of Resistance: An Uphill Battle? 5
- 1.5 Immunization and Immunization Programs 8
- 1.6 Vaccination Strategies 10
- 1.7 The Effectiveness of Vaccination Programs 11
- 1.8 Regulating Vaccination in Times of Distrust and Controversy 14
- 1.9 Basic Assumptions, Research Question, and Theoretical Approach 15

2 The Role of Government in Promoting Collective

Immunization 19

- 2.1 The Responsibility of Government: Protecting Public Health and Societal Life 19
- 2.2 The Benefits of National Immunization Programs 22
- 2.3 The Responsibility of Government: Ensuring Equitable Access to Vaccinations 24
- 2.4 National Immunization Programs: Mapping the Legal Regimes 27
- 2.5 The Intervention Ladder 32
- 2.6 The Role of Government in Promoting Collective Immunization: A Conclusion 33

3	Forgoing Vaccination: Reasons and Rights	35
3.1	Religious Opposition to Vaccination: Divine Providence	35
3.2	Anthroposophist Objections: Diseases Contribute to Development	37
3.3	Concerns about Risks and Benefits: Autism and Beyond	38
3.4	Epistemic Controversies	41
3.5	Taking Opposition Seriously	45
3.6	Bodily Integrity	47
3.7	Freedom of Thought, Conscience, and Religion or Belief	50
3.8	Respect for Parental Autonomy	52
3.9	Fundamental Rights and Their Limitations	54
4	A Principled Argument for Liberty-Limiting Vaccination Policies	57
4.1	John Stuart Mill's Harm Principle	58
4.2	Vaccination Refusal as Causing Direct Harm to Others	60
4.3	Compelling Persons to Contribute to Herd Immunity	63
4.4	Freeriding: Is Fairness an Additional Argument for Vaccine Mandates?	72
4.5	Conditions for Mandatory or Compulsory Immunization	81
5	Basic and Best Interests in Childhood Immunization	85
5.1	Childhood Vaccination: The Focus on the Best Interests of the Child	85
5.2	Best Interests, Basic Interests, and "What Is Best for Children"	86
5.3	Parental Prerogative or <i>Parens Patriae</i> ? The Harm Threshold	91
5.4	The Harm Threshold and Refusal of Blood Transfusion	95
5.5	Is Vaccination a Basic Interest?	96
5.6	Basic and Best Interests in Childhood Immunization: A Conclusion	99
6	Mandatory Childhood Vaccination and Legal Exemptions	101
6.1	Rule-and-Exemption Policies	102
6.2	Three Requirements for Rule-and-Exemption Policies	103
6.3	The Impossibility of Satisfying All Requirements	106
6.4	Procedural Approaches	111
6.5	Conclusion: The Impossibility of Fair and Feasible Exemption Policies	114

7	A Framework for a Proportionate Childhood Vaccination Policy	117
7.1	Taking Context Seriously: The Expediencies of the Case	118
7.2	The Principle of Proportionality Revisited: Legality and Effectiveness	120
7.3	The Principle of Proportionality Revisited: Least Intrusive Means and Fair Balance	121
7.4	A Regulative Framework for Immunization Policies	126
7.5	The Contours of Proportionate Coercive Childhood Vaccination Programs	142
7.6	Childhood Vaccination: A Conclusion	145
8	Beyond Childhood Vaccination	147
8.1	Coercing Adults to Participate in Collective Vaccination	148
8.2	The COVID-19 Pandemic and the Societal Disruption It Caused	151
8.3	Admission Passes: Pressure on the Unvaccinated	153
8.4	Vaccination during an Epidemic: Restricting Fundamental Rights	157
8.5	Nonvoluntary Policies outside the Context of an Imminent Threat	165
8.6	Revisiting Contrasts between Adult and Childhood Immunization	167
9	Toward Trustworthiness in Immunization Policy	171
9.1	The Challenge of Vaccine Hesitancy	171
9.2	“Building and Maintaining” Trust in Vaccination?	173
9.3	Freedom of Speech in a Democratic Society	179
9.4	A Trustworthy Immunization Policy	184
9.5	When Public Distrust Prevails	189
10	Conclusion: Vaccination Policies and Their Millian Justification	191
10.1	Mandatory Childhood Immunization: A Practical Proposal	191
10.2	Coercive Policies for the Immunization of Adults	194
10.3	The Justification of Coercive Childhood and Adult Immunization	195
10.4	A Critique and an Appraisal of the Millian Framework	198
	Notes	201
	References	211
	Index	229

This is a section of [doi:10.7551/mitpress/15307.001.0001](https://doi.org/10.7551/mitpress/15307.001.0001)

Inducing Immunity?

Justifying Immunization Policies in Times of Vaccine Hesitancy

By: Roland Pierik, Marcel Verweij

Citation:

Inducing Immunity?: Justifying Immunization Policies in Times of Vaccine Hesitancy

By: Roland Pierik, Marcel Verweij

DOI: 10.7551/mitpress/15307.001.0001

ISBN (electronic): 9780262378376

Publisher: The MIT Press

Published: 2024

The open access edition of this book was made possible by generous funding and support from MIT Press Direct to Open



The MIT Press

© 2024 Massachusetts Institute of Technology

This work is subject to a Creative Commons CC-BY-NC-ND license.

This license applies only to the work in full and not to any components included with permission. Subject to such license, all rights are reserved. No part of this book may be used to train artificial intelligence systems without permission in writing from the MIT Press.



The MIT Press would like to thank the anonymous peer reviewers who provided comments on drafts of this book. The generous work of academic experts is essential for establishing the authority and quality of our publications. We acknowledge with gratitude the contributions of these otherwise uncredited readers.

This book was set in Stone Serif and Stone Sans by Westchester Publishing Services.

Library of Congress Cataloging-in-Publication Data

Names: Pierik, Roland H. M., author. | Verweij, M. F., author.

Title: Inducing immunity? : justifying immunization policies in times of vaccine hesitancy / Roland Pierik and Marcel Verweij.

Other titles: Basic bioethics

Description: Cambridge, Massachusetts : The MIT Press, [2024] | Series: Basic bioethics | Includes bibliographical references and index.

Identifiers: LCCN 2023013919 (print) | LCCN 2023013920 (ebook) | ISBN 9780262547796 (paperback) | ISBN 9780262378369 (epub) | ISBN 9780262378376 (PDF)

Subjects: MESH: Vaccination—ethics | Mandatory Programs—ethics | Vaccination Hesitancy | Health Policy | Communicable Disease Control

Classification: LCC RA638 (print) | LCC RA638 (ebook) | NLM WA 115 | DDC 614.4/7—dc23/eng/20230727

LC record available at <https://lcn.loc.gov/2023013919>

LC ebook record available at <https://lcn.loc.gov/2023013920>