





National Anti-Compulsory Vaccination League.

THE POLITICAL SIDE
OF THE
VACCINATION SYSTEM;
AN ESSAY

READ AT THE

BIRMINGHAM ANTI-VACCINATION CONFERENCE,

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BY

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*A Paper read at the Conference in Birmingham, October 26, 1874,
By Emeritus Professor F. W. Newman.*

THE most precious of human possessions to every one of us is Just Law. This it is which makes national attachment to national institutions a sacred duty. This it is which makes self-devotion for their maintenance a wise and noble patriotism. Only under just law can a great community soundly flourish, and be rightfully proud of their country.

In proportion as just law is valuable, so is unjust law pernicious and detestable. The more law-abiding a community is, so much the more deadly does unjust law become. Some indeed will tell us that law, however unjust, is sacred by the mere fact of its being enacted; but when a clear and strong case of injustice is presented, such as that of *slavery*, few will persevere in so arbitrary and paradoxical an assertion. In every case where the injustice of a law is clear, even though the thing be trifling, it becomes a mere question of personal prudence whether to risk encountering the penalties by disobedience. Where the injustice is intense, it may be the part of noble heroism to violate the law and accept all the risks; as in aiding fugitive slaves to escape, or otherwise imparting to them human rights and human kindness against the command of inhuman legislation.

Through our frequent ignorances injustice is often enacted without wrong intention. It is now a received principle in Christendom, that by way of safeguard against this result,—or rather, to lessen the probability of a legislature thus erring,—a first indispensable condition of all legislation is, that it be exempt from arbitrary favouritism. As an obvious illustration ; if, in the belief that public danger requires it, men are violently forced into the army, it is a most reprehensible tyranny to exempt rich families and impose the violence on the poor only. Neither rank nor locality should be favoured : unfitness, or pre-occupation, in higher public duty, is alone a right ground of exemption.

Put another case. If a contagious disease is abroad, as plague, or an infectious leprosy for the public safety it may be justifiable to impose special restrictions on those innocent unfortunates, who are centres of infection ; but in that case it is unendurably unjust to exempt some of them from the law, who are as infectious as all the rest. If the legislators exempt themselves, when any of them are as certainly infectious as those whom they imprison or otherwise vex for the supposed public necessity, we can hardly be too severe in branding such dastardly conduct. Forsooth, a poor man, who is unable to defend himself, is to be made an object of the law's severity, while a legislator, who is as much a diffuser of pestilence as the poor man, is to be left at large and unmolested ! If such a case occur, it is either vile, malicious tyranny, and the talk about pestilence is a false pretence, or the legislators are so over-worked as not to know what they are about, being perhaps blind pupils of the blind, submissive to a clique of fantastic and ambitious physicians. On either hypothesis, common sense will say that resistance to the law is a patriotic duty.

Now, it is FIRST on this head that I confidently assail our existing laws of Compulsory Vaccination,—falsely so called.

It is confessed by Vaccinators that Jenner was totally mistaken in supposing that no vaccinated person can take the small-pox. Though many of them shamefully declare to the ignorant that vaccination is an easy and sure preventive, the leaders of vaccination flatly contradict them by placarding every village (at Government expense, no doubt) with earnest recommendation to be re-vaccinated, whenever small-pox is rife ; and that, without any limit assigned of the time which the force of vaccination may be supposed to last. They dare not assert that it lasts seven years, nor five years. If you press them, they have to confess that in a bad season they cannot guarantee that a person vaccinated the previous year is

really safe ;—and then allege the damaging excuse that vaccinators are apt to be unskilful. Their whole plea for Infant Vaccination rests on the dogma (fitly called impious), that a healthy infant is a focus of infection. What is their argument? It is this. “An unvaccinated infant *may* catch small-pox; *in that case* he will become *hereafter* a focus of infection; therefore he is *now* to be treated as a focus of infection!” I do not now stop to comment on the fact that scarlet fever and plague are prodigiously worse diseases than small-pox, and certainly as infectious; so that by this reasoning we are every one of us, at this moment, to be treated as foci of scarlet fever and plague. But, confining myself to the small-pox, I direct attention to the fact that all who need re-vaccination, in this medical theory, are as *truly* foci of the disease as the healthy infants. It is useless to pretend that the vaccinated, if they do catch the small-pox, have the disease more lightly. If this were ever so true (as was at one time thought true of the inoculated), they do not the less spread the disease; and no vaccinator now ventures to set a limit, and guarantee a time, during which vaccination makes small-pox impossible. Either therefore their whole argument for the compulsory vaccination of infants falls to the ground, or periodical re-vaccination of adults ought also to be compulsory;—how often, no surgeon can undertake to define. Thus, if the reasoning of Vaccinators, to whom Parliament has enslaved itself, has a particle of weight, the existing law is at once tyrannically capricious, and absurdly inefficient, by the surgeons’ own theory. Physicians and surgeons, unless wholly insincere, ought to come before Parliament, displaying sore arms from recent vaccination, before they dare to plead for outraging healthy infants. The first duty of legislators then is to be themselves re-vaccinated from arm to arm, in consistency with their own law. All high-born ladies, and their daughters rising to womanhood, all the judges and heads of departments, and not low officials only, ought to be forcibly re-vaccinated, just as the soldiers and clerks of the War Office, and other persons, easily trodden under foot, have been disgracefully forced. Nay, the Royal Family must be subject to the same law. Her Majesty, perhaps, has undergone her punishment; for I think her re-vaccination is within five years. Of course Her Majesty lives, moves, and reigns *under* the law, and would never consent to remain a focus of pestilence. But, in two years’ time, when she is deemed to be again clear of her salutary cow-pox, it may be that she would prefer to yield up her crown and throne, and flee into some distant foreign exile,—some barbarian land,

where the cruelties of medical theory are unknown,—rather than again endure what her patriotic devotion to her subjects' welfare is said to have cost her in her first re-vaccination. Of course the Russian bride, whom the Duke of Edinburgh so recently brought to England, ought to have been met by a band of Court physicians and surgeons, to examine her arms, and possibly re-vaccinate her before she set her pestilential foot on our sacred soil,—if there is any particle of weight in the medical reasonings. The Acts for Compulsory Vaccination avowedly rest on these reasonings; yet it cannot be pretended that the legislators still believed, with Jenner, that small-pox, after vaccination, is impossible. That under such circumstances Parliament should openly violate a first principle of legislation,—should act in so tyrannical and dastardly a way as to enforce vaccination *only* on tender infants, not on powerful and rich men, nor even on adults;—should send fathers to prison for defending their infants, yet not dare to enforce re-vaccination on the fathers themselves,—this drives me to the conviction that there never was any free, open debate on the subject. I have not at hand the means of ascertaining the fact; yet (under correction) I infer that the Acts must have been disgracefully smuggled through thin Houses, at a late hour, in pursuance of medical fanaticism.

No possible amendment of the law can remove its monstrosity; for no medical scientist can lay down how long the practical efficacy of vaccination lasts, and no legislator can fancy that he knows of himself. Hence all the laws on the subject are thoroughly rotten. The only remedy is total and unconditional repeal.

But, **SECONDLY**, I assert that it is beyond the functions of law to dictate any medical procedure, or enforce any scientific theory. The usurpation is similar to that of enforcing a religious creed. In the latter case certain bishops and clergy assure the legislators that persons who exercise their natural faculties of thought and speech are *foci of moral pestilence*, and will cause the eternal perdition of thousands, if they are not stopped. To kill free-thinkers is the most effectual way; to banish them is to make them a curse to other lands. The clergy therefore pleaded for the burning of heretics, if possible; if not, "then at least" (said they) "burn their books, and if they try to preach, fine and imprison them; crop their ears, slit their noses or scourge them: in short, outlaw them, for persisting in free utterances." If a legislature were now to abandon independent judgment and avow its submission to a hierarchy, it would be branded with disgrace in every country of Christendom, as betraying its trust and outstepping the limits of its

just authority. Legislators *cannot* abdicate their own responsibility and transfer their functions and power. Abandoning personal judgment is *one* offence,—invasion of private conscience is a *second*.

So too in compulsory vaccination ; in which they commit usurpation, alike against science and against private freedom. Every physician,—especially one on whom the State has bestowed a diploma, which solemnly authorises him to practice,—not only has a right to treat his patients as his own judgment dictates, but also must in duty protect one who consults him, from erroneous treatment. If the law says to *me*, “Get yourself vaccinated ;” and I consult a physician whom I trust, he has a right to reply, “You are now in good health, and you know it,—let well alone ; do not be such a fool as to infuse a disease into your blood, when you have none. Whether you choose to encounter the risk of legal penalties, it is for you to judge ; but, as a physician, my advice to you is,—keep well as long as you can. It is easy to make a sore, and hard to heal it. Once put matter from the sores of other people into your veins (an unnatural and detestable process), and you *do* not know, you *cannot* know,—no physician *can possibly* know,—what diseases will come in with it. As a physician, I pronounce the law to be the fruit of ignorance and folly, pernicious in the extreme, a wide cause of infant death, and far wider still of ruined health and misery.” Such is the actual, serious, vehement judgment of physicians, ostensibly as competent to judge as any pet surgeon of the Privy Council. I say Parliament sins against science if it dictates a medical procedure, instead of leaving every physician and surgeon free. What progress can the art of medicine make, when Law thus usurps upon it ? Parliament has here had abundant warning. In the last century the physicians frightfully extended small-pox, by using and pressing inoculation. If they had *then* been as powerful as now,—if there had been a clique of medical men whispering into the ears of the Privy Council ; wielding the name, authority, and money of Government ; giving the cue to Ministers what to favour, and to members of Parliament how to vote,—they would *then* have made inoculation compulsory. They have now found out their error, as of course they must at last, after countless victims have perished by it ; for, as the great surgeon, Sir Astley Cooper (so I read), enunciated,—“Medicine is an art, founded on conjecture, and improved by murder.” Of course he spoke of medicine, such as he had known it. Well, the Faculty has now taken a turn, and has induced Parliament to make inoculation (their own former practice) *penal*. What a condemnation of

their learned and much trusted predecessors! If our law-givers had a little leisure for tranquil thought, if they exercised any independent thought, if they did not vote at the bidding of their party, surely any ordinary wisdom would have led them to retort on the medical men who have been intensifying compulsory vaccination,—“What would be the state of your art, and of the public health now, if under the pressure of your graduated predecessors, whose wisdom you now count folly, we had made inoculation compulsory? Your practice, on very many vital matters, has been reversed within recent memory. If we now yield to your request, and make compulsory vaccination more and more stringent, how many years will elapse before your successors ask us to turn right round and make it penal?” All men who have heads, and free thought, must see that such interference of law with medical process is fundamentally an illegitimate use of law, fatal to the progress of medical art.

And who can justly deny that it is a most tyrannical invasion of the rights both of parents and of infants? Unless I am a criminal, or am dangerous to the public health, or am needed for the public defence, it is unjustifiable to assault my person. To say that because *I may hereafter* take small-pox, or scarlet fever, or plague, therefore I am *now* to be treated as if I had the plague, is so contemptible an absurdity, that I do not believe there lives a man who would dare to utter it in parliament. It is only our sapient vaccinators who call healthy infants “foci of infection.” These men seem to imagine that with their medical degree and the patronage of Government, they may talk nonsense with impunity. Against the body of a healthy *man* Parliament has no right of assault whatever under pretence of the Public Health; nor any the more against the body of a healthy *infant*. Parliament might indeed forbid a parent, mad with theories, to make cruel experiments on his child, as by inoculating it with syphilis, with plague, with small-pox, or with cow-pox; for to *protect* the health of every citizen is clearly within its legitimate functions. But to *forbid* perfect health is a tyrannical wickedness, just as much as to forbid chastity or sobriety. No lawgiver *can* have the right. The law is an unendurable usurpation, which creates the right of resistance. In the law of compulsory vaccination, the legislators say to every parent, “You shall not keep your child in perfect health. We must give the cow-pox to your child; and with it you must take the chance of everything else. The longer the child is kept in a poxy state, the safer and better. We know that there is danger of vital power being so vigorous, as at length to throw the cow-pox off, and recover the

perfect health of infancy ; *but we hope better things* ; we trust that the force of vaccination will keep up disease far longer than our physicians promise us ; therefore, for the present, we postpone a law for Compulsory *Re-vaccination*, which indeed would be disagreeable to ourselves."

Such is the fatuity of physicians and the docility of Parliament to its medical directors, that neither party listens to the doctrine of Physiologists, which echoes the dictates of common sense. The more perfect our health, the greater our vital power that resists infection. In deadly years the bad constitutions fall first and thickest. When the small-pox, cholera, or plague invade us, those are safest who have purest blood. Against physiology and against morality, modern medical art seems to teach, that artificial impurity of *blood* and *morals* is the state of a nation which the law ought to encourage, and (so far as the legislature dares to defy public indignation) to enforce. The fixed medical officers are certainly doing their best to deserve to be disestablished and disendowed ; without this indeed we cannot be safe from their stealthy irresponsible influence on every government : but let our aristocracy well consider, how much this medical hierarchy is likely to pull down in its own ruin, when law is rendered detestable. Decorous and admissible language fails me, in alluding to that which might have seemed incredible thirty years ago—the commanding of vaccination on a second child of a family, when vaccination has killed the first ; and then sending the father to prison for refusal. Indeed, now that it is notorious that vaccination is sometimes fatal, I should feel it quite right if I were on the jury of inquest on a child thus cruelly killed for the imagined public good, to bring in a verdict, not "Died by Vaccination," but "Slain by the poisonous stab of the vaccinator." In one such case, the Coroner (of course a medical man), to save the credit of vaccination, persuaded the jury to adopt the verdict, "Died from erysipelas." This Coroner must have argued, "Vaccination caused erysipelas ; erysipelas caused death ; therefore vaccination did not cause death." There was no loophole for denying that the erysipelas had been caused by the vaccination.

THIRDLY, I denounce Compulsory Vaccination, because the legislators cannot secure the child violently subjected to it from possible evil results short of death. I learn that full twenty years ago the medical faculty was warned, that foul diseases, other than cow-pox, may be transmitted, and are transmitted, by vaccination (so called) ; but the patrons of vaccination thought it a sufficient reply to call their informants *quacks*. But in 1871 they were at length forced

to admit that their informants were right. Who now are the quacks? Of course I refer to the cases brought forward by Mr. Jonathan Hutchinson. Not to encroach on the medical side of the question, it suffices here to state that Mr. Simon, medical adviser of the Privy Council, the man whose energies eminently support vaccination, was forced, in a debate of the Royal Medical and Chirurgical Society (April 25th, 1871), to confess that "Mr. Hutchinson's diagnosis must be provisionally accepted as correct; and that several undoubted instances (of the same kind) had occurred in Italy, France, and Germany." He laid down the law dogmatically,—“The blood of syphilitic persons conveys syphilis;” hence, “it is bad practice to take blood in vaccinating:” “*it is quite certain* that [in Mr. Hutchinson's cases] blood became mixed with the lymph.” This is in the usual rash style of men who seem incapable of distinguishing their own theories from facts. Mr. Simon had not *seen* the operator dip his lancet into the blood: he only hears of disease resulting—he *infers* that the lancet went too deep, and then asserts this as a fact. Mr. De Meric, and Mr. R. B. Carter (two surgeons who spoke in this debate), were flatly of an opposite opinion to Mr. Simon, and avowed that the lymph, without the blood, would equally communicate the dreaded disease. This difference of surgeons does not immediately concern me now. It suffices to press, that if Mr. Simon be right, still *Parliament cannot* guarantee a child from syphilis, scrofula, consumption, ulcerations, mutilations, and a long train of other diseases, transmissible in arm-to-arm vaccination by the momentary unsteadiness of a surgeon's hand. Mr. Simon knows this, yet still endeavours to bolster up vaccination, on which his greatness, his patronage, and the salaries of many surgeons largely depend.

Now, allow me to read to you how this matter appears from a surgeon's point of view. Mr. Henry Lee spoke first on the adjourned debate, May 9th, 1871. After mentioning various cases, known to himself, where vaccination had certainly communicated formidable diseases, other than cow-pox, he proceeded to speak of the surgeon, who, without giving to the public his own name, had communicated to Mr. Hutchinson, for publication, his cases of evil vaccination. Mr. Henry Lee did not, as some others, *pity* this anonymous surgeon, but extolled his *courage* in revealing the facts, and believed it would be hereafter admitted that he had done much to make vaccination *safe*. He added, that, in order to make vaccination *SAFE*, “*some rules must be laid down to guide the profession at large*. Until this was done, and until it was fairly and fully

acknowledged what *accidents* might take place, no one could be accused of malpractice in not avoiding the accidents. To do so, would be as if the Government held the captain of a vessel responsible for striking on a hidden rock, which they refused to recognize in their charts. . . . There were a number of *inconveniences* connected with vaccination, other than the conveyance of syphilitic animal poison."

Truly said, Mr. Surgeon! It is an *inconvenience* to lose two legs and one arm by vaccine ulcers, as poor Ira Connell, of Southport, attests. It is an undesirable *accident* to die of vaccine erysipelas. The surgeon desires to avoid personal responsibility; and justly says that if Parliament commands him to vaccinate, Parliament ought to teach him *how* to vaccinate,—add, furnish him with *pure* Parliamentary lymph, which, kept in sure tubes, shall never rot and grow poisonous. Another surgeon, Mr. Ballard, demands *absolute* safety for the public from impure lymph. These gentlemen actually are blind to the fact that their own demand of impossibilities from Parliament is a total condemnation of the law. In their efforts to get up a panic concerning small-pox, vaccinators seem to forget that that disease, like every other, must have some cause, which they ought to investigate and teach people to avoid, as Anti-Vaccinators do. They imagine no cause but contagion: a theory which refutes itself. Also they expose themselves to the just imputation of incompetence, in treating small-pox as a most intractable disease, when by hot and cold baths, by hot air, and by certain herbs, other men and women, who often have no medical degree, and never have a Government salary, cure it easily. Surely, when legislators enforce the putting in of 'one devil to keep out another, the least they should do is to get a full and free medical debate on the question,—which devil is the more malignant?

FOURTHLY, then, I complain that Parliament, in surrendering its legislative power into the hands of a special medical clique, has made no effort to get free and fair debate among medical men of all schools on this critical subject. It is notorious that from the first introduction of vaccination, when the process so named was far less uncertain and formidable than now, very eminent men continued vehemently opposed to it. What is to me now most striking, is, that precisely the men who were Directors of Small-pox Hospitals, for twenty or more years, in some instances have become the bitter foes of vaccination. Common practitioners, who follow routine, count for nothing. If ever, in the face of a terrible contagion, it become necessary for Parliament to seek the advice of experts, the

least it can do is to summon an assembly, in which the experts of *every school* may freely debate, face to face—allopaths of every sect, hydropaths, homœopaths, herbalists, hygienists,—then let Parliament judge, after hearing. If this had been done twenty years ago, vaccination would never have been made compulsory.—If it were done to-day, the laws of vaccination would be indignantly repealed, and perhaps the practice itself would be instantly exploded.

Have we not also here a great lesson to learn concerning the fatuity of irresponsible legislators? When Louis Philippe (who lost his throne, just as the King of Holland lost Belgium, by tenderness for the lives of his insurgent people) heard of the unflinching massacres perpetrated in the name of the French Republic on the insurgents of June, 1848,—he exclaimed, “My faith! this sort of thing no king can do; it is only work for an *anonymous* government.” By a frightful abuse, 40 Members of Parliament, about one-sixteenth of the whole House, can pass penal laws; and it is not compulsory on anyone to be present. The country seldom knows who are to blame for an evil law. In the old Roman Senate, all were compelled to attend, unless employed on public duty; even illness was no excuse; moreover, no Act of the Senate, passed after sunset, was valid. When Cicero, after a long sea-voyage, arrived at Rome, sick, the Consul threatened to pull down his house over his head, if he did not come to the Senate. We do not wish for so despotic an Executive; but by our opposite extreme—by legislation at midnight, with no compulsion to attend, and a miserably small quorum,—we make law, instead of sacred, contemptible and tyrannical; we make legislators irresponsible even to public opinion; we abandon law to the intrigue of interested cliques and ambitious factions. We are getting into the condition of the expiring Roman Republic, “*In corruptissimâ Republicâ plurimæ leges.*” Our greatest achievements are the repeal of pernicious laws. If England is not to fall into disasters too gloomy to be mentioned, we need far deeper and wider reorganization of Parliament than any leaders of parties, or speakers on hustings, or Chartist orators have dreamed of.

F. W. NEWMAN.



