

René Balák

Mandatory Vaccination and Conscientious Objection

Forum Teologiczne 15, 67-82

2014

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach
dozwolonego użytku.

RENÉ BALÁK

University of Ss. Cyril and Methodius

Department of Philosophy

Trnava, Slovakia

MANDATORY VACCINATION AND CONSCIENTIOUS OBJECTION

Słowa kluczowe: szczepienie, sprzeciw sumienia, wolność religijna, wolność sumienia, godność ludzka.

Key words: vaccination, conscientious objection, religious freedom, freedom of conscience, human dignity.

Schlüsselworte: Impfung, Gewissens, Religionsfreiheit, Gewissensfreiheit, Menschenwürde.

Over the last few decades, the problem of mandatory vaccination has become a profound bioethical issue that has stirred controversy in moral, medical and law fields, especially in Catholic families. This relates to the question of claiming conscientious objection, as well as an analysis of the rationale¹ for claiming this natural human right. It is necessary to analyse the reasons, on a moral and theological basis, which would justify a person using conscientious objection. Within moral and theological research of mandatory vaccination, it is vital to consider the medical facts about vaccination (primary, in terms of the individual and, secondary, in terms of social dimension) as well as the legal sphere of the issue. This regards the expression of respect towards a human being and dignity in relationships among particular members of society, as well as within the relationship between an individual and society². Some of

Adres/Adresse/Anschrift: Dr René Balák, PhD, University of Ss. Cyril and Methodius, Department of Philosophy, Nám. J. Herdu 2, 917 01 Trnava, Slovakia, e-mail: info@theologiamoralis.info

¹ The most significant arguments for claiming conscientious objection are, primarily, vaccinations, developed and made on the basis of vast number of artificial terminations of pregnancy (abortions), and secondarily, intoxication of children with poisonous adjuvants in vaccines and negative side effects of vaccination. This study intends to initiate more intense moral and theological discussion about this serious bioethical issue. Some of the medical facts are represented schematically which, according to the author, is a significant reason for refusing mandatory vaccination.

² Basic information on the discussion of this issue is available from the following articles: T. Tomljenovic. *The vaccination policy and the Code of Practice of Joint Committee on Vaccination and Immunisation (JCVI): are they at odds?* In: *BSM March 2011 The Health Hazards of Disease Prevention.*, D.L. Vinedge. *Aborted Fetal Cell Line Vaccines And The Catholic Family: A Moral and Historical Perspective. Original Appeal Filed With The National Catholic Bioethics Center And The US Conference of Catholic Bishops.* October 2005, R. Leiva. *A Brief History of Human Diploid Cell Strains.* The National Catholic Bioethics Quarterly Autumn 2006, p. 443-451.

the solutions to these moral and theological reflections are represented only schematically or just in the form of references to particular documents of the Magisterium without explanation of their specific meaning in the first part of the reflection.

1. Solutions and fundamentals in the context of the contemporary situation

Starting with the biblical concept of the creation process of a person in God's image³, which is possible to consider as the theological foundation of human dignity, it is exactly this biblical concept that is the cornerstone for the inviolability of life of a human being in the context of Christian personalism⁴. The foundation of dignity is Imago Dei, which is the constitutive and transcendent essence of human nature⁵. We can consider human dignity as a real category that defines a person's acts and relationships in society, provided that it belongs to every human being explicitly on the basis of its relevancy to humanity, namely, from the beginning of its existence⁶. Basically, we are dealing with an ontological and anthropological view of a person in the bioethical sphere⁷, which is an important basis for moral reflection about conscientious objection in mandatory vaccination. In the theological sphere, it is not possible to omit the documents of the Magisterium in its particularity and mutual connection, thereby shaping the completion of the Christian heritage of the person in various dimensions of his existence⁸.

³ Cf. Gn 1, 26.

⁴ Cf. J. Wróbel. *Člověk i medicína. Teologickomoralne podstaty ingerencej medicínskych.* Kraków 1999, p. 33–67.

⁵ This schematic statement is explained in a broader sense in the fifth chapter of publication: R. Balák. *Mysterium vitae – Život človeka v rukách človeka.* Kraków 2012, pp. 99–111.

⁶ Cf. E. Schockenhoff. *O nebezpečí antropologických kroků spět,* in: Konrad Adenauer Stiftung (ed.), *Bioetika nová zvyžva pro politiku a společnost.* Praha 2002, p. 7.

⁷ Cf. R. Lucas Lucas. *Antropologia e problemi bioetici,* Alba 2001. The significance and universality of the anthropological concept appear in the course of all bioethical issues (the 4th and 5th chapters partially are especially helpful for this reflection), inasmuch as it mentions the ontological unchangeability of the status of innocent human life, that cannot be used as a means to achieve a goal, because it is inviolable, sacred, possessing transcendental finality and can be disposed as a means to achieve a goal, because it is inviolable, sacred, possessing transcendental finality and can be disposed of only by God. Cf. Gn 2,7, Ws 2, 23, Ps 103,14,Ws 1, 13–14, Dt 32,39.

⁸ Cf. John Paul II. *Redemptor hominis* (anthropology), *Veritatis splendor* (truth and morality of human act), *Fides et ratio* (complementarity of knowledge in natural and transcendental sphere) and mainly *Evangelium vitae* (sacredness and inviolability of human life). Based on the teachings of these documents of the papal Magisterium, we can accurately apply specific documents of the Academy Pro Vita *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*, Roma 2005 and Congregation for the Doctrine of the Faith, *Dignitas Personae*, Roma

In connection to mandatory vaccination, it is precisely human dignity that demands that parents express their free, voluntary and informed consent with this legislatively enforced act. Therefore, within the issue of mandatory vaccination, free and informed consent⁹ in practice is a serious medical, ethical and legal issue, forasmuch as paediatricians seldom instruct parents in an adequate way as required by law. Professional and competent disposition of information about mandatory vaccination for children must contain the entire truth about the essence of an actual medical intervention in the body as well as the composition of vaccines or risks, combined with vaccination in the form of negative side effects¹⁰. Instructions should not be presented in a way that would initiate presumptions or impair the freedom of the parents to make decisions. A paediatrician is obliged to truthfully and completely inform a patient about the composition of a vaccine, its possible risks and consequences in the medical sphere for the health of patient, as well as of the possibility of an alternative procedure. It also relates to the question of vaccine effectiveness, which is discredited in some cases by scientific proof and raises the question: are the risks and negative effects¹¹, connected with vaccination at all proportional to the good that is declared as the goal of vaccination? Instructions on the risks, negative side effects and possible long-term impact on a person's health, particularly child patients, are required from an ethical point of view.

If a person (child's parent, patient) is not informed by a doctor in this way, not only are his fundamental human rights broken, but also laws obliging a doctor to give precise information and, particularly, human dignity. For this reason, such practice of a paediatrician is possible to consider as an adequate argument for parents to claim conscientious objection. Indeed, a person cannot consciously agree with a medical act, the effects of which he is not adequately familiar with, whereby the act is not of a therapeutic, but only preventive,

2008 (nr. 34 a 35) to the issue of mandatory vaccination. The teachings of the Magisterium in this way inspire the moral theological attitude of the author towards mandatory vaccination, although theological and ethical analysis of the issue in the light of these documents is not a primary theme of this reflection.

⁹ Cf. Pontifical Council for Health Care Workers, *Charter for Health Care Workers*, nr. 72–74.

¹⁰ Vaccination brochures inform about the negative side effects of every vaccine. Herein it is important to mention the fact that a person is responsible for the negative side effects, even if foreseen. Because evil should be taxatively (under obligation) avoided, a person has a moral obligation to prevent evil acts by not committing them. Cf. A. Günthör, *Morálna teóloia, 1/b. Všeobecná morálna teóloia*, Rome 1989, p. 72 (note: original title: *Chiamata e risposta. Una nuova teologia morale. Vol. I: Morale generale*, Alba 1974).

¹¹ For example, thimerosal, as a poisonous component of many vaccines, has serious negative consequences on health, which has been repeatedly scientifically proven. Cf. for ex. A. Khan, Z.L. Sulkowski, T. Chen et al., *Sex-dependent Changes in cerebellar thyroid Hormone-dependent Gene Expression following perinatal Exposure to Thimerosal in Rats*. In: *Journal of Physiology and Pharmacology*. 63 (2012) nr. 3, 277–283, H.A. Young, D.A. Geier, M.R. Geier, *Thimerosal exposure in infants and neurodevelopmental disorders: An assessment of computerized medical records in the Vaccine Safety Datalink*, *Journal of the Neurological Sciences*, April 2008, doi.10.1016/j.jns.2008.04.002.

character. Arguments for not granting informed consent and claiming the right to conscientious objection can also preferentially carry a religious and ethical character¹², which means that they also concern religious freedom and freedom of conscience when a person refuses something which, in the case of various used and even legally required vaccines in many countries¹³, is a great moral evil.

Secondarily, there are also medical arguments (negative side effects with significant characteristics¹⁴) and legal arguments, on behalf of which a person can refuse a vaccination program, if this program (on the basis of medical facts) represents a great moral evil and disproportionate health risks for children and adults. Paediatricians or parents can come to such a responsible approach, in particular, by systematic studies of ethical, medical and legal aspects of bioethics as well as scientific medical facts connected with vaccination, realizing their moral obligation before God and people, their own health and life, as well as the health and life of people (children) who are entrusted to them as a gift.

Considering that the state is for the good of a person and considering the natural primacy of a human being before society (which is before the state), a patient person is always more important than a solitary society or state with its legislation¹⁵. These realities result in the fact that the issue of mandatory

¹² Cf. for ex. biblical commandment Thou shalt not kill! (Ex 20 – 2 – 17) as well as the teachings of Pope John Paul II in the encyclical *Evangelium vitae* (in particular articles 57–63), Papal Academy Pro Vita. *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*. Roma 2005, Congregation for the Doctrine of the Faith. *Dignitas Personae*. When it concerns vaccines, which are developed and made on the basis of a vast number of abortions, it is evident that from the point of faith and ethics that a person has the right and obligation to refuse this kind of vaccine.

¹³ Varivax, Poliovax, Vivaxim, G-CSF, MMR, Priorix, Meruvax II, ProQuad/MMR-V, Avaxim, Epaxal, DT PolAds, Varilrix, Zostavax, Pentacel, Imovax, Quadracel, Pulmozyme, Vaqta, Havrix, Twinrix, MR Vax, Eolarix, Biavax II, Enbrel, Acambis 1000. Most of these vaccines can be sold in various countries under a different trade name. In Slovakia, the following unethical vaccines are being used: MMR VaxPro, Vaqta 50U, Avaxim, MMR II, Havrix, Priorix, Priorix – Tetra. However all of these vaccines are developed and made with the use of various cell strains (WI-26 VA4, Hamster, WI38, HEK – 293, MRC – 5, RA – 273), originating from aborted human fetuses. According to the producers, DNA from aborted human fetuses is present in the vaccines. The producers continue practicing furthermore, the proof of which is cell culture IMR-90, developed in Coriell Institute for Medical Research, and also PER.C6, developed in the Crucell company in Holland.

¹⁴ Cf. for ex. N. Agmon-Levin, G.R.V. Hughes, Y. Shoenfeld, *The spectrum of ASIA: 'Autoimmune (Auto-inflammatory) Syndrome induced by Adjuvants'*, *Lupus* 21 (2012), p. 118–120; L. Tomljenovic, C.A. Shaw, *Aluminium vaccine adjuvants: are they safe?*, *Current Medicinal Chemistry* 18 (2011) issue 17, p. 2630–2637; R.J. Mitkus, M.A. Hess, S.L. Schwartz, *Pharmacokinetic modeling as an approach to assessing the safety of residual formaldehyde in infant vaccines*, *Vaccine* 31 (2013) issue 25, p. 2738–2743; R.L. Blaylock, *The danger of excessive vaccination during brain development: The case for a link to autism spectrum disorders (ASD)*, *Medical Veritas* 5 (2008), pp. 1727–1741.

¹⁵ Atheistic and materialist conceptions of ethics and philosophy have always denied the natural primacy of a human being before society and state, this way bringing forth the destruction of truthful understanding of this relationship. But the human being is the subject, who creates and establishes society or government to serve him in those spheres of human life, where a person as an individual is not able to naturally provide a particular good. Even from the point of the solitary genesis of society and state, a human person has primacy before society.

vaccination also concerns (besides general ethical and special bioethical principles) social and ethical principles of solidarity and subsidiarity, as well as the important aspect of respecting the freedom of conscience of every patient and their parents. It is sufficient to appeal to various international documents (declarations, conventions), which are relevant in the relationships between patients and the state from a legal point of view¹⁶, although the latter is not the most important.

Certainly, a society or a state, which does not accept the conscientious objection of parents, automatically becomes totalitarian – it denies one of the constitutive elements of human nature and human dignity, which is the freedom of a human being (i.e. freedom of conscience and religious freedom). Formulated concretely, it concerns aspects of human freedom, which are externally expressed as a natural and unlimited parental right to act in accordance with their own conscience in the course of vaccination and to act in agreement with conscience and beliefs, resulting from the religious¹⁷, philosophical or worldwide background of a concrete human person. That is why it is only a totalitarian state that does not respect the fact that a citizen (doctor or patient) can at any time freely and responsibly claim conscientious objection and that anyone can freely and responsibly choose not to participate in an act that represents destruction of the nature of human dignity or human freedom (which is the greatest gift of God) or destruction of a human life or patient's health.

A child's parent who claims conscientious objection on the basis of justified arguments, must be unconditionally protected against not only criminal actions, but also against any legal, discipline or economic harm¹⁸, which could be caused by various laws (resulting in some penalty) bringing these kinds of consequences to a doctor or a patient. If parents are considered guilty in the legal sphere and are penalized in the form of a financial fine because of their religious and ethical attitude in terms of mandatory vaccination (where they refuse vaccination, claiming conscientious objection due to precise and serious health risks in the form of vaccination side effects, or because of religious and ethical causes or the way of development and production of various vaccines), in that case, the state is a totalitarian institution and legislatively creates a state of injustice¹⁹.

¹⁶ Cf. UNESCO: *Universal Declaration on Bioethics and Human Rights*, OSN: *Universal Declaration of Human Rights*, *Convention on Human Rights and Biomedicine*, *European convention on Human rights* 1950, Basic agreement between Slovak republic and Holy See (art. 7, valid for the territories, where the agreement applies only) and etc.

¹⁷ Herein it is appropriate to mention the contents of the document *Dignitatis humanae*, which is a clear message of immanent bond between the dignity of human person and his religious freedom, practically expressed in the freedom of conscience.

¹⁸ Cf. EV nr. 69, 73 and in particular 74. These articles explain the context and some general aspects of the issue, which have an essential impact on the author's attitude.

¹⁹ Regardless of the fact that the right to conscientious objection occurs or not in constitutions world-wide and that a state must respect it without any kind of threat, pressure or discrimination.

Society and state always have to unconditionally respect the religious freedom of a person, as well as his freedom of conscience and any disrespect of this principle is a serious danger to the existence of society and the individual. Because the moral character of a democratic society is not automatically present in-itself, but always depends on the agreement of such society with a moral law – which it is obliged to conform to as with any other human activity²⁰.

2. Conscientious objection

Religious freedom and freedom of conscience are inseparable parts of the basic conception of human rights, which form the principal basis for arranging interpersonal relationships in society. Nowadays, in the spirit of legal positivism, in medical law there has been a myth created that individual expression of conscientious objection is not an inalienable and unlimited basic human right of every human person. A false concept has arisen that the expression of conscientious objection automatically leads to a conflict with the other human rights of third parties. Ideologically, there is a claim that it should be regulated, so that a claim of conscientious objection would not threaten basic individual human rights and the freedoms of other individuals²¹. According to this view, the right to claim conscientious objection (as one of basic human rights and, implicitly, all basic human rights) constitutes a denial of the basic human rights of other individuals. That would mean that if a person consciously wants to live in essential harmony with his nature and dignity (which are keystones for basic human rights), he automatically violates the individual dignity of another person.

This cardinal mistake results from a misunderstanding of the ontological and anthropological essence of fundamental human rights (especially its transcendent dimension and origin), as well as from the Marxist collectivist conception of these rights, which has an individual (not a group) character and refers to an individual (not a group). The natural limits of fundamental human rights (which is also a right to conscientious objection) are given by human nature and dignity, which are an image of the Creator in a person. A right to conscientious objection essentially covers a person – an individual, particular person – because in his reciprocal relationship towards other people, it protects him from the destruction of human dignity by third parties.

²⁰ Cf. EV nr. 70.

²¹ Cf. E.U. Network of Independent Experts on Fundamental Rights: *The right to conscientious objection and the conclusion by EU member states of concordates with the Holy See*. CFR-CDF. Opinion 4-2005, Brussels 2005.

In connection with mandatory vaccination, it is necessary to indicate the general wide-spread error that fundamental human rights in the sphere of medicine are granted to a person by a totalitarian society or a state in the form of its laws in declarations and constitutions or in medical law. It creates the impression that society or a state (often understood as an earthly guarantee of rights) has the right to restrict or to completely take away the rights of anybody, provided that all statutory requirements have been met. However, fundamental human rights, as an expression of human dignity within the interpersonal relationships of a person in society, do not originate in society or a state, but in a person himself. This means, in his *natura humana* in the context of *dignitatis humanae* (with both based on the transcendent *Imago Dei*, which is a primary source). Thus, the right of conscience belongs to a person, because he is created in the image of God and concerns his private and public life, where he expresses his religious beliefs.

For an adequate understanding of the issue, is it necessary to point out that the right to conscientious objection (primarily in the moral realm and, secondarily, in the legal realm) is the realization of protection of one's personal religious freedom and freedom of conscience in every aspect of human life, which is in every life situation. In the sphere of medical care, this religious freedom and freedom of conscience means that every person has the right to freely and responsibly choose and act, so that one's religious beliefs and conscience are in accordance with his acting. Thus, all people must be protected against pressure from the side of individuals or social groups and from any human force at all, so that, in the religious sphere, nobody is forced to act against one's own conscience and is not restrained from acting within proper limits according to his own conscience, privately or publicly, individually or in connection with others²².

A parent's conscience warns the parent against committing an evil act²³, to which a state may compel parents with laws, which may be, for him, ethically unacceptable (wrong), inconvenient or even life-threatening²⁴. In this way, a per-

²² Cf. Second Vatican Council. *Dignitatis humanae* 2.

²³ The evil of this act consists in a distant material cooperation (Cf. Papal Academy Pro Vita, *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*, Roma 2005) in the horrible crime of the serial and intentionally performed vast number of murders of unborn children. The evil consists in indirect use of such murders of unborn children (abortions) as means to achieve declarative good goal (which in practice does not mean that the goal is good in reality). The evil of that act lays also in negative side effects, which were scientifically discovered and, therefore, are foreseen.

²⁴ According to official statistics, the use of multivalent vaccines, together with an increase in the number of vaccines, partake in a radical increase of child mortality after vaccination. Cf. G.S. Goldman, N.Z. Miller, *Relative trends in hospitalizations and mortality among infants by the number of Vaccine Adverse Event Reporting System (VAERS), 1990–2010*, *Human Experimental Toxicology* 31 (2012) 10, p. 1012–1021.

son (a parent, representing his child, or a doctor) has a natural right, even a moral obligation, to refuse an action when asked to commit an immoral act. There is a clear conflict between law and morality, as well as a conflict between a person's freedom (doctor, patient, child's parent) and the state, which is legally bound to medical acts that are medically and morally questionable, at least.

Conscientious objection or freedom of conscience²⁵ in such cases means that a person (a doctor, patient or a parent, representing a child) is obliged to obey the voice of his conscience, even though society or the state expect and legislatively demand something different. A person can, and always must, act according with his conscience, because it immanently results in his attitude of faith (if he is a believer) and in his dignity – the gift of freedom that he received from God. However, it is necessary to bear in mind that if a person (doctor, patient or a parent, representing a child) acts according to his conscience and this way respects his own religious (and philosophical) beliefs, he may break a law or regulation of the state and he can be penalized by the state.

It is the natural condition of every fair society that a person will not get into such a position which is, according to the legislature of every state, not in accordance with natural moral law. The laws of the state should be consistent with objective ethical principles to implement just and right formulations of mutual interpersonal relationships in society – specifically between a doctor and a patient or, in the case of children – their parents. Society (the state), or a majority of society, does not have the right to dictate or legislatively order or command an act to be committed, which is refused by the conscience of a doctor or a patient for serious religious, ethical or medical reasons. Religious people (Catholics) in their conscience can never accept the killing of the unborn [...], or respect such a law that violates the principle of justice [...] and cannot at any level justify any kind of action aimed against human life²⁶, which means that they have to refrain from any kind of cooperation²⁷ in actions which are evil in their essence (*ex toto genere sue*). Discussion about ethical dimensions has been going on for a longer period of time and, although some forums ignore the ethical dimensions of the issue, it does not mean that some people are exempt from the requirements of natural moral law. In the Catholic Church, there is agreement that the ethical dimension is essential, although the documents of the Magisterium handle this bioethics issue on a general basis and concrete

²⁵ Which is guaranteed by the Agreement between Slovak Republic and Holy See (art. 7).

²⁶ Cf. J. Nagórny. *Wartość życia ludzkiego*, Lublin 2009, p. 143.

²⁷ Cf. Papal Academy Pro Vita. *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*. Roma 2005, part: *Il principio della lecita cooperazione al male*, where there is a schematic description of ethical fundamentals and distinction between basic methods of cooperation with evil.

statements about the issue are apparently not formulated on the basis of all available medical facts, leading to different statements by bishops all over the world.

Since the way that some vaccines are developed and produced is clearly immoral and it is impossible to consider the issue of the use of such vaccines as morally neutral, parents are not obliged to use those vaccines, because we cannot commit evil for the good that comes out of it²⁸. This is exactly why it

²⁸ Cf. R. Vasa. *Lives are saved, but some vaccines aren't morally neutral*, Catholic Sentinel 19 (2009). There is a moral paradox, where the Bioethics subcommittee (a part of the Theological committee in the Episcopal Conference of Slovakia) in its statement to a given issue declared that "On the other hand, as long as there is no available vaccine, which could be prepared with the help of cell or tissue culture made in an ethically appropriate way, parents are morally justified, even obliged – considering the serious reasons for protection of life and health of their child – to vaccinate their child with an existing vaccine", which is in direct contradiction to the papal teachings of the Magisterium. Cf. *Statement of Bioethics Subcommittee of the Theological committee in the Episcopal Conference of Slovakia towards some ethical aspects of mandatory vaccination*. Nr. 4. (Štrbské Pleso 26. October 2013) <http://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/dokumenty-komisii-a-rad-konferencie-biskupov-slovenska/c/stanovisko-k-niektorym-etickym-aspektom-povinného-ockovania> (9 IV 2014). On the contrary, there is a strict teaching of the papal Magisterium (Cf. EV, nr. 57–63). In this way, the subcommittee declared as ethically evil any act of indirect material distant cooperation in the vast amount of abortions as a moral obligation. Accordingly, indirect use of abortions for a good goals (in different words, implicitly accepting evil as a means to achieve good), the use of instrumentalism of the human life of aborted children (the development and production of vaccines, using the tissues of aborted children), imperative denial of natural moral law – doing good and not committing evil, denial of the freedom of conscience (which is protected by the church in the teachings of Magisterium), is declared as acceptable and even as a moral obligation. Paradoxically, both documents (*Dignitas personae* and *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*) emphatically urge faithful parents to resist, while on the other hand in two sentences (*Dignitas personae*, nr. 35: „Of course, within this general picture there exist *differing degrees of responsibility*. Grave reasons may be morally proportionate to justify the use of such “biological material”. Thus, for example, danger to the health of children could permit parents to use a vaccine which was developed using cell lines of illicit origin, while bearing in mind that everyone has the duty to make known their disagreement and to ask that their healthcare system make other types of vaccines available.” but *Dichiarazione: Riflessioni morali circa i vaccini preparati a partire da cellule provenienti da feti umani abortiti*: „Ma se questi fossero esposti a pericoli di salute notevoli, possono essere usati provvisoriamente anche i vaccini con problemi morali. La ragione morale è che il dovere di evitare la cooperazione materiale passiva non obbliga se c'è grave incomodo. In più, ci troviamo, in tale caso, una ragione proporzionata per accettare l'uso di questi vaccini in presenza del pericolo di favorire la diffusione dell'agente patologico, a causa dell'assenza di vaccinazione dei bambini.” – “However, if the latter are exposed to considerable dangers to their health, vaccines with moral problems pertaining to them may also be used on a temporary basis. The moral reason is that the duty to avoid *passive material cooperation* is not obligatory if there is grave inconvenience. Moreover, we find, in such a case, a *proportional reason*, in order to accept the use of these vaccines in the presence of the danger of favouring the spread of the pathological agent, due to the lack of vaccination of children “carefully and conditionally allow the temporary use of such vaccines. From the logical view: How can explicit condemnation of abortions (ex. in *Evangelium vitae*) be in accordance with conditional and temporary approval of use of unethical vaccines (which means indirect use of abortions) for the good of another? Thus, if a person does not agree with the crime of abortion, how can he use it for the good of another subject without the fact that such use of the vaccine would not be at the same time an implicit approval of how some vaccines were developed and made (intentionally wanted abortions)? Refusal of such vaccines is evidently morally

is necessary and just that, what is called conscientious objection, is defined and accepted by the law, because only in this way is it possible to respect a human person (doctor and patient). This, consequently, brings benefits and good not only for individuals, but also for a state itself, because if a state accepts the freedom of conscience of an individual, a person (doctor and patient) should reciprocally also respect the state. Every worker in the medical sphere has the right and obligation to express a protest (objection) of conscience to immoral acts towards cooperation in immoral actions²⁹, which is a true implementation of the freedom and responsibility of a human being. In fact, a person received conscience as a constitutive gift within its nature and his religious beliefs are expressed as a significant source, from which emanate generally valid moral norms which adequately and reasonably standardize and shape his maturation. It is valid all the more if it concerns human life and patient health in pediatric medical care.

Nowadays, the constitutions of every state, as well as international legal norms, regulations, ethical codes and biomedical agreements (either about patient rights or of general character) declare (frequently and unisonous) respect of freedom of thought, conscience, religious beliefs and faith. However, with the help of legal positivism, they marginalize a person's freedom through secondary limits, when such freedom is allegedly possible to restrict or take away from any subject, if they meet statutory requirements. The fact that all personal freedoms, given by God, are mutually related as combined pots which cannot exist without each other (freedom of conscience, freedom of religion, freedom of speech) is ignored. Conscientious objection and laws on mandatory vaccination ought to protect every parent or child patient in defined fields, respecting his religious beliefs and resulting moral attitudes, social status and worldwide opinion. It is necessary to eliminate the permanent attacks of some doctors or the state in the field of mandatory vaccination and thereby respect conscientious objection through adequate and precise laws, where the expression of conscientious objection considered from the point of ethics and its principles³⁰ is natural and unlimited.

right and, at the same time, a protection of the lives of those children, who are being killed nowadays based on the development of new vaccines (new cell cultures, for the reason that old cell cultures cannot be used endlessly). However, it is necessary to add that alternative vaccines do exist and, in this way, one of the requirements for conditional and temporary use of unethical vaccines can be dropped out. In the statement of Bioethics Subcommittee of Episcopal Conference of Slovakia there is no clear and distinct condemnation of development method and production, or the use of unethical vaccines, to which both Vatican documents clearly and emphatically appeal. Deep theological and moral reflection of this issue would be a subject to a different study.

²⁹ Cf. A. Bartoszek, *Obrona klauzuli sumienia*, *Roczniki teologii moralnej* 2 (2010), p. 125.

³⁰ Moral principles naturally stand above legislative norms, which concerns its validity and moral obligation within conscience.

3. Selected medical arguments for expressing the right of conscience

Several medical studies have indicated not only the uncertainty and ineffectiveness³¹ of some common vaccines, but have even found serious negative side effects³² of these vaccines to human life and health, especially for child patients (who are not technically patients, because they do not yet suffer from the illness against which they are being vaccinated), and adult patients. This situation certainly cannot be ignored³³. It is necessary to point out several scientifically recorded serious autoimmune systemic disorders, which were caused by unnatural repetitive stimulation of immunity³⁴, which is also possible to find in child patients nowadays. It is necessary to have serious scientific discussions and research about these discoveries, because it is a profound scientific and moral issue, which is, however, doubted by other authors, especially in the medical sphere, who deny the negative side effects of poisonous components in vaccines on the human body³⁵.

In the sphere of medicine and bioethics there are now very pointed, but nevertheless sometimes open, professional discussions about moral dilemmas³⁶

³¹ In this case, a scientific team admitted the ineffectiveness of vaccination against mumps, where in spite of the high vaccination rate there are epidemic outbreaks of this illness. Cf. A.E. Barskey, C. Schulte, J.B. Rosen et al., *Mumps Outbreak in Orthodox Jewish Communities in the United States*, *The New England Journal of Medicine* 367 (2012), p. 1704–1713.

³² Cf. E. Miller, L. Stellitano, Ch. Verity et al., *Risk of narcolepsy in children and young people receiving AS03 adjuvanted pandemic A/H1N1 2009 influenza vaccine: retrospective analysis*, *British Medical Journal* 346 (2012) 26.2, <http://dx.doi.org/10.1136/bmj.f794> (7 IV 2014); Z. Khan et al., *Slow CCL2-dependent translocation of bio-persistent particles from muscle to brain*, *BMC Medicine* 11 (2013), P. 99; J.G. Dórea, R.C. Marques, C. Isejima, *Neurodevelopment of Amazonian Infants: Antenatal and Postnatal Exposure to Methyl- and Ethylmercury*, *Journal of Biomedicine and Biotechnology* 2012, <http://dx.doi.org/10.1155/2012/132876> (9 IV 2014). The list of detected negative side effects can be found in the vaccination brochure and most of them are extremely serious.

³³ Cf. ex. G. Buchwald, *Impfen – Das Geschäft mit der Angst*, Kadem 2010; T. O’Shea, *Vaccination is not Immunization*, Smashwords (Library of Congress) 2013; T. Obukhanych, *Vaccine Illusion*, Menlo Park, CA 2012; A. Moritz, *Vaccine-Nation. Poisoning the population one shot at a time*, Smashwords 2011.

³⁴ Cf. K. Tsumiyama, Y. Miyazaki, S. Shiozawa, *Self-Organized Criticality Theory of Autoimmunity*, *PLoS ONE* 4 (2009), e8382.doi:10.1371.

³⁵ Cf. P. Offit, R.K. Jew, *Addressing Parents’ Concerns: Do Vaccines Contain Harmful Preservatives, Adjuvants, Additives, or Residuals?*, *Pediatrics* 112 (2003) 6, p. 1394–1401. It is sufficient to mention that the claims in the above-mentioned article cannot be considered as objective on account of the fact that the given components are clearly scientifically classified world-wide as poisonous and harmful by medical institutions themselves, namely, on the basis of empirical evidence.

³⁶ Cf. N. Scolding, *Cooperation problems in science: use of embryonic/fetal material*, in: H. Watt (ed.), *Cooperation, Complicity & Conscience. Problems in healthcare, science, law and public policy*, London 2005, p. 105–117. The author describes pressure towards scientists in this field. (p. 107–108). On the other hand, other authors in the spirit of ethical proportionality and relativism find several vaccines to be helpful. P. Refolo, I. Carrasco de Paula, A.G. Spagnolo, *Analisi etica un processo di HTA del vaccino pneumococcico 13-valente coniugato (Prevenar 13) per l’impiego in pazienti in età pediatrica*, *Italian Journal of Public Health* 7 (2010), nr. 2 Suppl. 1, pp. 61–67. Introduced vaccine was awarded by Galien Foundation as the best medication in 2011.

which logically result from empirical evidence, proposed by many scientists³⁷ and the public. The fundamental background of these debates ought to be the sincere openness of every participant to the objective truth and the goal of these debates should naturally be what is the essence and the deeper nature of medicine and doctors: *Salus aegrotis suprema lex esto*.

The paradox is that vaccines contain such chemical compounds and elements or components³⁸ that not only are harmful to the health of an adult or child, but many of them even pose a serious threat to the psychosomatic well-being of a person in the short and long terms. Many of these compounds have a proven serious negative impact on the neurological development of a child's brain, because they contain neurotoxic poisons that causes autism³⁹, as well as carcinogenic effects and contains substances that cause cancer. These characteristics of adjuvants and additives in vaccines are also admitted by official medical institutions in different countries, but at the same time they avoid any legal or moral responsibility for negative side effects on the health of child patients. What can ethically justify the application of these chemical compounds, possessing negative medical consequences on the human body? For some, the answer (in the spirit of classic *contra factum non datur argumentum*) is clear, however, not for everyone, especially not for those, who lack the courage to find the truth.

Another reason for claiming conscientious objection is the presence of components that affect not only the biological functionality of the human body, but sometimes some of its basic biological functions. The presence of components in vaccines reducing human capacity to pass life onto the next generations⁴⁰, i.e. a direct cause of infertility (partial or total, temporary or perma-

³⁷ Cf. for ex. M. Hirte, *Očkování – pro a proti*, Brno 2010.

³⁸ In *Centers for Disease Control and Prevention* in the document *Vaccine Excipient & Media Summary Excipients Included in U.S. Vaccines*, by Vaccine, it is possible to see a relatively long list of components that are consistent in vaccines. Cf. <http://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/B/excipient-table-2.pdf> (7 IV 2014). Every person can be informed about the negative side effects not only with the help of vaccination brochures from vaccine manufactureres, where, however, not all scientifically recorded contradictions are listed. For this reason, it is appropriate to recommend scientific and specialistic literature, scientific studies, published mainly in reputable specialized magazines in the sphere of biomedicine. Cf. JD. Grabenstein, *ImmunoFacts: Vaccines and Immunologic Drugs* – 2012 (37th revision), St Louis MO, Wolters Kluwer Health 2011.

³⁹ Cf. J.K. Kern, D.A. Geier, T. Audhya et al., *Evidence of parallels between mercury intoxication and brain pathology in autism*, *Acta Neurologiae Experimentalis* 72 (2012), pp. 113–153; Z.L. Sulkowski, T. Chen, S. Midha et al., *Maternal Thimerosal Exposure Results in Aberrant Cerebellar Oxidative Stress, Thyroid Hormone Metabolism, and Motor Behavior in Rats; Sex – and Strain-Dependent Effects*, *Cerebellum* 12 (2012) issue 2, p. 575.

⁴⁰ It concerns a chemical compound known as Octoxynol 10, squalene or Polysorbate 80. In this connection, it is impossible to ignore the fact that infertility, which until lately was a rare case (diagnosis), in the course of last five decades it has become a serious medical issue in contemporary society.

ment), cannot be denied. The direct or indirect effects of vaccines must not be concealed, especially when they involve negative consequences for a patient's health in the future, or negative effects on the essential biological functions of the human body, including reproduction⁴¹. Such a medical consequence from an ethical point of view is unacceptable and a vaccination program in this way becomes a part of a social engineering program of the demographic regulation of a population without a patient's awareness, i.e. without obtaining his free informed consent. From an ethical point of view, such intervention is unacceptable, because it does not relate to a situation when such action can be ethically justified, as it is in the case of a direct prompt and immediate rescue of human life, which is regarded as a good of priceless value.

Vaccines which contain genetic modifications (recombination) of human and non-human DNA are ethically controversial because such vaccines enter a child's body, even without obtaining the informed consent of parents. Every person has an unlimited natural right to preserve the integrity of his body, which means even from ingredients that can cause a genetic interaction between his own DNA and DNA of xenogenetic origin. Many genetically-modified substances enter the human body through the artificial and unnatural process of vaccination. Under ordinary circumstances, such substances would never enter the human body because of its somatic structure, which sufficiently protects it from such dangers. In every phase of human life (embryonic or prenatal, as well as postnatal), a person cannot be subject to experiments inescapably aimed at his destruction or unavoidable damage [...]. Genetic heritage is a treasure, belonging to a particular being, who has a right to life and full development [...] ⁴², which contradicts the immoral practice of pharmaceutical companies in the course of vaccine development. At the same time, it also shows the immorality of the legal pressure of the state in the field of paediatric medical care, where there is no respect for a patient's integrity or a patient's right not to harm his health.

⁴¹ Cf. J. Menczer et al., *Possible role of mumps virus in the etiology of ovarian cancer*, *Cancer* 43 (1979), pp. 1375–1379; Y. Chen et al., *Risk Factors for Epithelial Ovarian Cancer in Beijing, China*, *International Journal of Epidemiology* 21 (1992) issue 1, p. 23–29; D.W. Crammer et al., *Mumps and ovarian cancer: modern interpretation of an historic association*, *Cancer Causes Control* 21 (2010) nr. 8, pp. 1193–1201. Therefore, it is logically possible to derive a higher risk of development of ovarian cancer, provided that a person overcomes this illness in his childhood thanks to vaccination, if it has this kind of effect. Since one outcome may be a woman's infertility, if mumps has such an impact that overcoming of this illness in childhood builds up immunity to another illness in adulthood when the significance of the matter is much higher, it is questionable what the goal of such a vaccination is.

⁴² Cf. John Paul II, *Discorso al Gruppo di lavoro su „Aspetti legali ed etici del Progetto Genoma Umano“*, in: *I Papi e la Scienza nell'epoca contemporanea*, a cura di: M.S. Sorondo, Milano 2009, p. 338; *Discorso di Giovanni Paolo II Al gruppo di lavoro sul genoma umano promosso dalla Pontificia Accademia delle Scienze* (Sabat, 20. Novembre 1993) nr.7 http://www.vatican.va/holy_father/john_paul_ii/speeches/1993/november/documents/hf_jp-ii_spe_19931120_genoma_it.html (29 IV 2014).

This evidence raises reasonable doubt about the ethical quality of such actions, which are forced by state, thus violating one of the most basic norms in the sphere of medicine, which is free and voluntary informed consent, as well as the refusal of such procedures on the basis of religious beliefs through the expression of conscientious objection or religious freedom. The ethical issue of the use of genetically modified DNA (recombination) is all the more important as scientists are not able to even foresee possible medical consequences in the human body and human life – and here is one serious argument for precaution. It is an unreasonable interference with the biological dimension of human nature, mainly as it relates unexplored long-term risks. It pertains to the mutual interaction of substances, contained in vaccines, with proteins and the DNA of a vaccinated person, where there is a risk of incorporation of genetically-modified nucleic acids into the personal genome at the cellular level. This is why procedures without a healing character [...], deforming the genetic code of an individual and human kind, oppose the personal dignity of human existence, its integrity and identity and, therefore, cannot be justified by the eventual good effects for future generations⁴³.

Likewise, there is the ethical issue of the declared presence of nanotechnological components in some vaccines, about which various companies⁴⁴ are carefully and rarely starting to announce, whereby it is not possible to ignore potential health risks to a person and his life. The fact is that until now there have been no scientific studies (independent from vaccine producers), double-blinded by a placebo⁴⁵ effect, which could empirically prove vaccination effectiveness, as well as its safety or absence of a negative impact on the health of (mainly) child patients. Because the pharmaceutical lobby is, in reality, related to politicians and lawmakers, together with other facts (circumstances), this raises reasonable and justified doubt as to the good intention of those organizations towards (child) patients⁴⁶.

⁴³ Cf. Pontifical Council for Health Care Workers. *Charter for Health Care Workers*. nr. 13.

⁴⁴ École Polytechnique Federale de Lausanne is one of the few specialized workplaces, which informed about the development and presence of nanoparticles, which effectively transfer vaccination substance to a desired application place, and at the same showed the potential risks of attacking healthy cells and deaths, which has already occurred. Cf. S.T. Reddy, A. van der Vlies, E. Simeoni et. al., *Exploiting lymphatic transport and complement activation in nanoparticle vaccines*, *Nature Biotechnology* 25 (2007), p. 1159–1164. A study of the negative effects of nanoparticles in a vaccination program which confirmed a negative health impact. Y. Song, X. Li, X. Du, *Exposure to nanoparticles is related to pleural effusion, pulmonary fibrosis and granuloma*, *European Respiratory Journal* 34 (2009), pp. 559–567.

⁴⁵ This discovery has an individual character, for it was not possible to find any studies in scientific or specialist journals (*Double blind placebo clinical studies*) that would fulfill the above-mentioned scientific criteria. Therefore, we cannot exclude the theoretical possibility of its existence, which, however, the author considers improbable.

⁴⁶ Cf. S.D. Wells, *25 Amazing (and disturbing) Facts about the Hidden History of Medicine*, Truth Publishing. 2012. The significance of the author's message is evident, although it is necessary to critically examine the author's arguments in a scientific way to avoid faulty results in practice.

One of the reasons for claiming conscientious objection is a real synergetic effect on the life of a child and his health after participation in a complete vaccination program. Have the long-term health effects been studied for children? If the synergetic effect is not yet scientifically known, it is not possible to claim that vaccines are safe or even beneficial to human health. This fact by itself gives cause to doubt there is a real synergetic effect of vaccination and also a reason for its implementation.

Conclusion

From an ethical point of view, inasmuch as a person cannot act if his conscience doubts, he can also express free and informed consent with vaccination only after removing all doubts in his conscience. However, how can a person freely and responsibly decide in his conscience about participation in a vaccination program (which in some countries is even mandatory) if the synergetic effect of participation in the entire vaccination program is not scientifically known, not only in light of declared goals, but also the negative side effects, which are proclaimed as unwanted or proportionally acceptable?

An increasing number of scientists and specialists as well as lay people, see vaccination as an ethical and medical issue and, at the same time, have started to look upon this matter from the visual angle of critical consideration and investigation of medical facts. Everything is in the context of a free and responsible attitude to one's own health or the health of children. It is a certain paradox that ethical reflections about vaccination programs are less visible than the legal or political field of problems, or the sphere of financial interests, however, these ethical reflections will carry a greater significance in the future than today⁴⁷ and ethical conclusions must respect objective ethical criteria. There is a need for mobilization and unity among Catholic health care professionals in order to enhance their education, not only in medical field, but also in the sphere of bioethics, because if biomedical sciences do not serve a person, they are soulless and inhuman⁴⁸. In light of these facts, it appears that the need for theological and moral analyses and discussions is urgent, because human life is inviolable and is a sacred gift of the Creator, which cannot be exploited, abused and terminated even in order to achieve good for another person or a child.

⁴⁷ Cf. J. Schwartz, A.L. Caplan, *Ethics of vaccination programs*, *Current Opinion in Virology* 1 (2011), p. 1–5.

⁴⁸ Cf. Benedikt XVI. Speech To the Participants in the 25th International Congress of Catholic Pharmacists (October 29, 2007).

OBOWIĄZKOWE SZCZEPIENIA A SPRZECIW SUMIENIA (STRESZCZENIE)

Obowiązkowe szczepienia stanowią problem bioetyczny wywołujący burzliwe kontrowersje w sferze moralności i medycyny, szczególnie w przypadku katolickich rodziców. Za sięgnięciem po narzędzie sprzeciwu sumienia przemawia fakt, że szczepionki są wytwarzane kosztem licznych aborcji, a także istnieje niebezpieczeństwo skażenia dzieci zawartymi w nich szkodliwymi substancjami dodatkowymi, poza tym jest wiele innych negatywnych skutków ubocznych szczepionek. Prawo do sprzeciwu sumienia stanowi realizację ochrony osobistej wolności religijnej oraz wolności sumienia. Sprzeciw sumienia bądź też wolność sumienia w obszarze obowiązkowych szczepień oznacza, że osoba czuje się zobowiązana do posłuszeństwa głosowi własnego sumienia nawet wtedy, gdy społeczeństwo bądź państwo oczekuje i prawnie nakazuje inne postępowanie. Państwo, które nie akceptuje sprzeciwu sumienia rodziców, staje się automatycznie totalitarne, biorąc pod uwagę, że neguje przez to wolność istoty ludzkiej, tzn. wolność sumienia. Rodzice dzieci, którzy sięgają po sprzeciw sumienia w oparciu o usprawiedliwione argumenty, muszą być bezwarunkowo chronieni przed wszelkimi atakami oraz prawnymi, dyscyplinarnymi czy ekonomicznymi szkodami. Sprzeciw sumienia i jego implementacja w systemie prawnym w odniesieniu do obligatoryjnych szczepień ma chronić każdego rodzica bądź dziecko, respektując ich religijne przekonania i wywodzone z nich postawy moralne.

PFLICHTIMPFUNGEN UND DER EINSPRUCH DES GEWISSENS (ZUSAMMENFASSUNG)

Die Pflichtimpfungen stellen ein bioethisches Thema dar, das für Kontroversen im moralischen und medizinischen Bereich sorgt, speziell bei katholischen Eltern. Argumente für eine Gewissensverweigerung sind folgende: die Tatsache, dass die Impfungen anhand einer großen Zahl der Abortionen entwickelt und hergestellt werden; eine Intoxikation der Kinder mit den in den Impfungen enthaltenen schädlichen Zusatzmittel sowie auch negative Nebeneffekte der Impfungen. Das Recht auf die Verweigerung aus Gewissensgründen stellt eine Inanspruchnahme des Rechtsschutzes der personalen Freiheit sowie der Gewissensfreiheit dar. Gewissensverweigerung oder Gewissensfreiheit im Kontext der Pflichtimpfungen bedeutet, dass eine Person gegenüber der Stimme ihres Gewissens frei bleibt, sogar dann, wenn die Gesellschaft oder der Staat etwas anderes erwartet oder sogar befiehlt. Ein Staat, der die Gewissensverweigerung der Eltern nicht zu akzeptieren bereit ist, wird totalitär, wenn man bedenkt, dass dies die Verletzung der Freiheit der menschlichen Person bedeutet, die mit der Gewissensfreiheit gleichbedeutend ist. Ein Elternteil, der zur Gewissensverweigerung greift, muss gegen jeden Angriff sowie gegen allen rechtlichen, disziplinarischen oder ökonomischen Schaden geschützt werden. Gewissensverweigerung und ihre Implementierung innerhalb eines Rechtssystems, in dem die Impfungen verpflichtend sind, muss jeden Elternteil bzw. jedes Kind als Patient schützen, indem ihre religiösen Überzeugungen sowie daraus resultierende moralische Haltungen respektiert werden.