

To mandate or not mandate vaccinations?

1. Kowalik's argument against vaccine mandates

Kowalik (2021) argues in his paper on the ethics of vaccine refusal. He evaluated several under-theorised premises to show that the "obligation to vaccinate" arguments leads to a general conclusion that "there is neither a moral obligation to vaccinate nor a sound ethical basis to mandate vaccination under any circumstances, even for hypothetical vaccines that are medically risk-free".

In his arguments in *Moral logic of harm prevention*, Kowalik believes it is absurd that "anything conceived of as harm", "would automatically give someone a legitimate right to override the freedoms of others". He goes on to argue that "freedom is a necessary condition of a life worth living" but acknowledges that the unclear definition of when it is considered reasonably necessary to restrict freedom makes it a very subjective topic, with no clear answers. Society in general accepts that murder causes harm to others and as such, the state has the right to overwrite the freedom of others. In addition, as Kowalik suggested, "restrictions on freedoms can be justified only if they are reasonably necessary to preserve what makes human life worth living", and in murder, the victim would be dead and cannot be possible to be *worth living*. Following these premises, makes murder in the context of harm definitive, while vaccine mandates are subjective.

Moving on, since we cannot use any form of harm to justify state intervention in personal freedom, this leads to the next point about unjust harm. He states that there is risk when taking vaccines, and there is an expectation that when an individual takes on more risk to protect society, society should take on more risk to protect the individual therefore a contradiction. However, this view is misguided because, from a utilitarian approach, the harm one does to oneself is lesser than the collective benefits gained by society if most were to vaccinate. For Kowalik, the minimum requirement for medical coercion is a "clear causative link between non-vaccination and serious harm to others". Section 2 will address a scenario when non-vaccination can potentially lead to serious harm to others. The above arguments made by Kowalik lead to the conclusion that vaccine mandates are unethical.

However, it is of paramount importance to point out one major flaw in Kowalik's premise. While he is right to point out that vaccination is not entirely risk-free, even if not comparing the benefits to society, Kowalik appears to have completely left out the benefits that vaccination can do to oneself and instead overblows the harm and emphasises the risk, even though incidence rates are low. The COVID vaccination is known to reduce both the risk of transmission in society and the severity of one's symptoms should one get infected with COVID. Given the absence of this point in the discourse, Kowalik does not present a strong case against vaccine mandates.

2. A possible rebuttal by Singer on Kowalik's view

Next, an examination of Peter Singer's sharing at a bioethics lecture would reveal a possible rebuttal to Kowalik's view by showing possible ways of causing direct harm to others. Kowalik (2021) challenges readers to show that "non-vaccination of X is a necessary and sufficient condition of an increased risk of harm to Y that exceeds the risk of harm to X associated with coercive vaccination". Kowalik believes that the benefit to the population is negligible when you vaccinate but the risk and harm you are taking on is much more (You

are harmed more than others). Singer adopts Mill's consequentialist approach on the "Harm Principle" to argue his points. Singer would argue there is still a harm principle to society, that in refusing vaccination, there are at least two ways you may harm others. Firstly, vaccination may reduce the risk of becoming infected and spreading the virus to others. (This is Kowalik's premise that while you may protect others you are doing more harm to yourself) Secondly, unvaccinated people are at a higher risk of requiring admission to an ICU. As shown by Singer, this rebuts Kowalik and can be a direct response to his challenge. In a pandemic, the aforementioned situation may lead to vaccinated patients needing intensive care for a condition unrelated to the pandemic being denied ICU admission. This weakens Kowalik's argument, bolstering the case for vaccine mandates.

3. Alternative viewpoints against vaccine mandates

The case against vaccine mandates can be made, with several alternative viewpoints presented. First, the harm principle's definition is very subjective and must be defined clearly to move forward in this discussion. Kowalik has attempted to demonstrate there is no harm to society, or at least, there is harm to the individual and society, while Singer has shown there is harm in not getting vaccinated. Consider another thought experiment. In a scenario where the nation runs low on blood, and some people might die due to the lack of blood, by not donating blood, could the individual be harming the people in need by not donating blood? As an extension, should the government then mandate blood donation? Hence, since the harm principle is not a strong argument, it cannot be used as a justification in support of vaccine mandates.

Another alternative viewpoint concerns cultural preferences. While science should generally take precedence, in some cases, individuals may prefer taking a certain country's vaccine, for example, the China-made Sinovac vaccine. Mandates that limit vaccine choices can be seen as disregarding cultural considerations and may generate tension amongst this group and society, eroding trust in the government. Consequently, vaccine mandates that downplay cultural considerations can be seen as violating the rights of an individual to choose and thus stand against the principles of vaccine mandates.

Next, a vaccine mandate might mean criminalising the act of not getting vaccinated by choice (bar those who are medically ineligible). This thus raises ethical questions about whether it is right to be labelled a criminal for a personal belief. However, an alternative approach is to criminalise the act of breaking certain restrictions while unvaccinated. A possible restriction is limiting the use of public and shared spaces to unvaccinated people. Meanwhile, the state does not interfere when an unvaccinated individual is in his home, as there is no harm done to others, and respects the individual's choice not to vaccinate. This approach negates the need for vaccine mandates, attempting to seek a compromise between individual rights and safeguarding public health.

Ultimately, the Singapore government's approach most likely resembled *Section 3*, opting not to introduce vaccine mandates. Instead, it uses incentives and punishments to influence vaccine uptake, stopping short of a legal mandate but with numerous unofficial penalties. There are two contrasting views on this policy. Some consider it a heavy-handed approach, while others argue that it at least preserves a limited choice for individuals. The case for and against vaccine mandates are noted in this journal so that a more informed society on the ethics of vaccine mandates can be reached.

References

Kowalik, M. (2021). Ethics of vaccine refusal. *Journal of Medical Ethics*, 48(4), 240–243. <https://doi.org/10.1136/medethics-2020-107026>