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## 8

# A vaccination struggle

Meryl Dorey observed her son's adverse reactions to vaccinations. As a result, in 1994 she set up a group called the Australian Vaccination Network (AVN) whose purpose was to inform parents about the potential adverse consequences of vaccination as well as raising questions about the efficacy of vaccination. Nearly all medical authorities in Australia and internationally endorse and advocate vaccination. The AVN, a voluntary body whose members were ordinary citizens, thus provided a challenge to the dominant pro-vaccination establishment.

Dorey was the primary spokesperson for the AVN, giving talks and media interviews. The AVN published a magazine, had a large website and grew until it had some 2000 paid members. (The magazine had a much broader ambit than vaccination, covering a range of topics in natural health.)

In 2009, another citizens' group was set up calling itself Stop the Australian Vaccination Network (SAVN), with the express aim of shutting down the AVN. SAVN's primary presence was a Facebook page, eventually having thousands of friends. People linked to SAVN used a variety of methods to attack Dorey and the AVN.

My aim here is to examine the AVN-SAVN struggle in light of the features of nonviolent action, adapted to a different domain. There has been no physical violence in the struggle, only some implied threats of violence. The

struggle has been waged through words and through the power of government agencies.

I will begin by telling a little about vaccination and the vaccination debate, and then describe the tactics used by SAVN. A key question is, “How should the AVN defend against SAVN’s attacks?” A more general, and related question, is how critics of vaccination can use nonviolent action to promote their views. Finally, there is the question of how supporters of vaccination can promote their views.

In telling this story, it is relevant to note that I am not a neutral observer: I’ve intervened to defend the AVN’s free speech and, as a result, come under attack myself. On the other hand, I do not have a strong view about vaccination itself. My main interest is in the struggle, especially the methods used in it, rather than the outcome.

### **The vaccination debate**

Vaccination is a procedure designed to protect people from infectious disease. Polio, a disease that can cause crippling and sometimes death, is caused by a virus, naturally enough called the polio virus. To protect against the disease, scientists developed modified, less virulent forms of the different strains of the polio virus. These modified forms, called “attenuated” strains, are the core of the polio vaccine. When individuals are given the polio vaccine — the attenuated polio virus — by mouth or via injections, the idea is that they react to the vaccine by developing immunity to the virus. The vaccine is intended

to be strong enough to stimulate the immune system but not so strong that it gives the disease.

The same principle applies to a large number of other diseases, such as measles, whooping cough and chickenpox. Vaccines can be given at any age. Public health authorities recommend that children have many of their vaccinations at a young age, so they are protected from disease as early as possible. Most vaccines require several doses, separated by months or years, to ensure immunity. In some countries, the flu vaccine is recommended annually for children and adults.

The polio vaccine was developed in the 1950s and was widely administered from the 1960s. Most other vaccines are more recent, with new ones added to the childhood schedule on a regular basis.

Supporters of vaccination say it is one of the most important public health measures in the past century, reducing formerly devastating diseases to relatively minor problems. Authorities remain vigilant, promoting vaccination to prevent a resurgence of disease.

Think of a group of people in an extended family, a workplace or a school. If one person comes down with chickenpox or whooping cough, then others may pick up the virus or bacteria from them: infectious individuals may not show symptoms at first, and so may spread the disease without knowing it; some may have the pathogen but not develop symptoms. If others, who are exposed to chickenpox (for example), have been vaccinated, they are less likely to be infected, because they have immunity, though some may still succumb because their immune response from the vaccine was not strong enough. However, if most

people in the group are immune, the virus has a hard time spreading. The result is called “herd immunity” — a sufficient percentage of individuals in the group, or herd, has immunity, so epidemics cannot develop.

The level of vaccination needed to develop herd immunity depends on the disease. It might be 50% or 80% or even 100%, remembering that vaccines are not always effective. In any case, supporters of vaccination say the benefits are both individual and collective. The individual benefit is a lower risk of infectious disease and, if the disease develops nevertheless, a less serious case. The collective benefit is that disease levels drop if most people are vaccinated.

The orthodox position is that vaccination is highly beneficial to a community.<sup>1</sup> Therefore, every effort is made to ensure that vaccination levels are as high as possible and that new vaccines are introduced to deal with additional diseases. This is the position of medical authorities throughout the world. It is backed up by a massive body of research. Nearly all doctors and scientists — including vaccination researchers — support this orthodox position. Within the orthodoxy, there is some level of disagreement, for example whether vaccination should be mandatory, whether vaccines should be stockpiled for diseases like anthrax, and whether a particular

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1 F. E. Andre, R. Booy, H. L. Bock, et al., “Vaccination greatly reduces disease, disability, death and inequity worldwide,” *Journal of the World Health Organization*, vol. 86, no. 2, 2008, pp. 140–146; Paul A. Offit and Louis M. Bell, *Vaccines: What You Should Know*, 3rd edition (Hoboken, NJ: John Wiley, 2003).

new vaccine, such as for hepatitis B, is ready to be introduced. Governments and medical authorities in different countries sometimes differ in their advice concerning the number and timing of childhood vaccinations.

In the face of this overwhelming endorsement of vaccination, there is a small but persistent citizen opposition, supported by a few doctors and scientists. These people are sometimes called “anti-vaccination,” but this label is inaccurate: only some are opposed to all vaccines; others are critical of mandatory vaccination, or critical of particular vaccines such as the one for measles, or concerned about health problems caused by vaccination. It is more accurate to refer to them as vaccination critics or sceptics.<sup>2</sup>

There has been criticism of vaccination since its earliest days in the late 1700s. Contemporary criticism has grown since the 1950s, along with the ever increasing number of vaccines in the childhood schedule.<sup>3</sup> The key concern of many critics is the risk posed by vaccines. A few individuals suffer serious adverse reactions, leading to permanent incapacity and occasionally death. Because

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2 Pru Hobson-West, “‘Trusting blindly can be the biggest risk of all’: organised resistance to childhood vaccination in the UK,” *Sociology of Health & Illness*, 29(2), 2007, 198–215.

3 Louise Kuo Habakus and Mary Holland (eds.), *Vaccine Epidemic: How Corporate Greed, Biased Science, and Coercive Government Threaten Our Human Rights, Our Health, and Our Children* (New York: Skyhorse, 2011); Richard Halvorsen, *The Truth about Vaccines: How We Are Used as Guinea Pigs without Knowing It* (London: Gibson Square, 2007).

doctors seldom attribute health problems to vaccines, only a small percentage of adverse reactions are officially reported and acknowledged.

Critics also say that getting diseases such as measles and chickenpox is not so bad. The illness is usually mild, yet confers lifelong immunity, or at least much stronger immunity than vaccination.

Critics point out that death rates from infectious diseases dropped dramatically for decades prior to the widespread introduction of vaccination, a change usually attributed to improvements in sanitation, nutrition and hygiene.<sup>4</sup> They argue that vaccination has not made such a huge difference, given that death rates would have continued to drop even without vaccination. One of the factors is that many diseases are still quite common but are now milder, with a lower death rate.

Critics also suggest that the massive increase in autoimmune disorders such as diabetes and autism may be linked to vaccination. Researchers have not agreed on the cause of the increase in the incidence of autism, allowing critics to claim vaccination might be responsible.

An observer of this clash of viewpoints over vaccination might say, “Let science decide” — in other words, look at research and make a decision based on the findings. However, research seldom is definitive in scientific

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4 Suzanne Humphries and Roman Bystryanyk, *Dissolving Illusions: Disease, Vaccines, and the Forgotten History* (San Bernardino, CA: The authors, 2013).

controversies.<sup>5</sup> Any findings can be disputed. Vaccination critics point out that most vaccine research is carried out or sponsored by pharmaceutical companies that sell vaccines, and is thus not truly independent. Furthermore, they point to shortcomings of the research on some vaccines, for example insufficient collection of adverse reaction reports, and research on healthy subjects that are not representative of the full population of vaccinated individuals.

The supporters and the critics look at the evidence differently, based on different assumptions about what needs to be proved. Supporters say vaccination is solidly based on science and that critics must provide convincing proof otherwise, whereas critics say that research has not been sufficient to rule out certain types of risks. Each side puts the onus of proof on the other.

Aside from the evidence, there is another source of disagreement. Many of the benefits of vaccination come from herd immunity: they depend on nearly everyone being vaccinated. However, individuals face a very small risk of serious adverse side-effects. This is a classic case of individuals accepting or refusing personal risks with the promise of collective benefit.

I have indicated some of the issues in the vaccination debate, but these are only the basics. As in nearly all scientific controversies, there are untold complications. Campaigners can cite dozens of studies in support of their

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<sup>5</sup> For my comments concerning scientific controversies, see Brian Martin, *The Controversy Manual* (Sparsnäs, Sweden: Irene Publishing, 2014).



position — and point to flaws in studies cited by their opponents. There are claims and counter-claims, and numerous complications, concerning every aspect of the debate.

Only a few well-informed campaigners are familiar with the intricacies of the arguments, on either side of the dispute. The majority of people take their position based on trust in authorities, in accordance with views of family and friends, or their own assessment of the evidence and their personal situation.

### **Waging the vaccination debate**

If decisions about vaccination were based on a calm, careful assessment of the evidence and arguments, in the light of personal values, with respect for those with differing views, there would be little need to examine the debate. However, much of the debate is far from this ideal of open, honest and respectful interaction. Instead, in many cases those on the other side are personally criticised — or worse.

I examine here a particular episode in the global debate over vaccination, involving two Australian groups. My interest in this episode — actually a saga in its own right — is in the way the struggle over vaccination has been carried out. In particular, I want to see how ideas about nonviolent action might be applied.

In Australia, vaccination supporters have mainly relied on authoritative pronouncement and education campaigns, with the main aim being to have nearly all children receive recommended vaccines at the nominated

ages. In addition, there have been some additional incentives, for example payments to doctors in years up to 2013 for sufficiently high vaccination levels, and a requirement for parents, if they wish to receive particular welfare benefits, to obtain a waiver if their children are not vaccinated.

Among the various Australian vaccine-critical groups and individuals, my focus here is on the AVN. The group is registered as an incorporated body, which meant it has a constitution and an elected committee to manage its affairs. From membership fees and sales of books, DVDs and other materials, the AVN for a number of years had an income sufficient to pay Dorey a wage and to employ a couple of part-time administrative assistants. Throughout most of the AVN's existence, Dorey has been its prime mover.<sup>6</sup>

Things changed in 2009. Triggered by the death of a child from whooping cough, Stop the Australian Vaccination Network (SAVN) was set up. Its stated aim was to close down the AVN.

SAVN's main presence was a Facebook Page. SAVN had no overt formal organisational structure, apparently not having a constitution, formal leaders or elected officials, or a bank account. SAVN operated as a network of like-minded individuals with a common aim.

Throughout its history, SAVN's Facebook page has been very active, with hundreds of comments each day. Most have been about vaccination, with a special focus on the AVN, naturally enough, but there have also been discussions of other health topics. Some of those active in

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<sup>6</sup> From 2014, she took a lower profile.

SAVN have also been members of the Australian Skeptics, an organisation critical of a variety of topics of research and practice such as psychic phenomena, homeopathy and acupuncture.

SAVN mounted a massive attack on the AVN, using a wide range of methods demonstrating considerable innovation. I became involved in 2010 after I became aware of SAVN's attack. In over 30 years of studying scientific and technological controversies, such as ones over nuclear power, pesticides, fluoridation and nuclear winter, I had never seen such a persistent and wide-ranging attack on a citizens' group whose main activity was providing information. So I became involved to defend free speech by critics of vaccination, in particular the AVN.<sup>7</sup>

On some scientific controversies, I have a strong personal position. For example, for many years I campaigned against nuclear power. However, on vaccination I don't have strong views. I have no children and have never made decisions about anyone else's vaccination. This turned out to be an advantage. I could focus on the dynamics of the struggle without a strong emotional investment in the issues being debated.

The issue of vaccination evokes incredible passions. Some parents, who decide not to have their children vaccinated, find they are condemned or shunned by other

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7 Brian Martin, "Debating vaccination: understanding the attack on the Australian Vaccination Network," *Living Wisdom*, no. 8, 2011, pp. 14–40. For other publications, see <http://www.bmartin.cc/pubs/controversy.html#vaccination>

parents. For some supporters, critics of vaccination are a danger to the community and deserve to be censored and pilloried. The critics of vaccination, who are much smaller in number, have a similar level of concern.

Many people have asked me why vaccination is such an emotional issue compared to other controversies such as cancer screening or climate change. It is relevant but simplistic to say that children's health is involved — there are other controversial issues affecting children's health, such as traffic safety and suicide prevention, that do not create the same sorts of passions. The role of infection, and herd immunity from vaccination, may be part of an explanation. It is not necessary to know exactly *why* vaccination is such an emotional issue, but knowing it is this sort of issue helps explain the vehemence of the Australian struggle.

It is important to recognise that both sides in the struggle are well-meaning: they seek the best outcomes for children's health. Their goals are the same; they differ in how to achieve the goal of better children's health, either by vaccinating or not. As will be noted later, vested interests play some role, but almost certainly they cannot be the driving force for most participants.

SAVNers and others have used various methods to censor, discredit, disrupt and harass the AVN, with the intent of destroying the organisation. In the following sections, I describe several of the key methods of attack. After this, I look at methods AVN supporters can use to respond.

### **Anti-AVN method 1: denigration**

When SAVN was set up, its purpose was clearly stated on its Facebook page, along with a colourful description of the AVN's beliefs.

Name: Stop the Australian Vaccination Network

Category: Organizations - Advocacy Organizations

Description: The Australian Vaccination Network propagates misinformation, telling parents they should not vaccinate their children against such killer diseases as measles, mumps, rubella, whooping cough and polio.

They believe that vaccines are part of a global conspiracy to implant mind control chips into every man, woman and child and that the “illuminati” plan a mass cull of humans.

They use the line that “vaccines cause injury” as a cover for their conspiracy theory.

They lie to their members and the general public and after the death of a 4 week old child from whooping cough their members allegedly sent a barrage of hate mail to the child's grieving parents.

The dangerous rhetoric and lies of the AVN must be stopped. They must be held responsible for their campaign of misinformation.

Reading this, it seemed to me extremely unlikely that thousands of members of the AVN could have such preposterous beliefs. If they did, they would constitute a

cult of unprecedented size in Australia, and furthermore one that had hidden its existence remarkably well. So I looked further — for evidence.

So far as I could determine, the only evidence SAVNers could produce was that Dorey had made a link to a website by David Icke, who endorsed a conspiracy about lizards ruling the earth. But making a link is not the same as believing anything in the linked page, so I did the obvious: I asked Dorey what she believed. She denied any belief that vaccination had any link to a conspiracy to implant mind control chips. So when I wrote about the attack on the AVN, I said that SAVN's claims were "unsupported."<sup>8</sup>

To my surprise, a couple of SAVNers — Paul Gallagher and Peter Tierney — argued the case. They said that Dorey did indeed believe in the conspiracy, but she had to deny it publicly. They dismissed the issue of whether others in the AVN had the same beliefs as a technicality. To my mind their claims were hollow. So I invited them to test our respective views by sending them to experts on conspiracy theories. They did not take up this offer, indicating to me that they had little confidence that their claims about the AVN would stand up to independent scrutiny.<sup>9</sup>

This reinforced my original assessment: SAVN's claims about the AVN believing in a conspiracy to implant mind control chips via vaccination were intended to

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8 Martin, "Debating vaccination."

9 Brian Martin, "Caught in the vaccination wars, part 3," <http://www.bmartin.cc/pubs/12hpi-comments.html>

discredit the AVN. When challenged about these claims, some SAVNers put up a smokescreen of justifications, but were not willing to have their claims independently assessed. Some time after my writings about this appeared, SAVN changed its Facebook description of the AVN, leaving out the mind-control claims.

On the SAVN Facebook page, the amount of derogatory comment about the AVN and Dorey in particular was astounding. She was repeatedly called a baby killer, a liar and other terms of abuse. One of the games played by SAVNers was to produce graphics that criticised Dorey. Some attempted to be amusing. One is titled “The Bangalow nut farm” referring to Bangalow where Dorey lives; her husband is a macadamia nut farmer. The SAVN graphic has a picture of some nuts growing with the caption “Nuts,” and a picture of Dorey with the caption “More nuts.”

Ken McLeod, a prominent figure in SAVN, produced a lengthy document whose very title encapsulates an attitude of contempt: “Meryl Dorey’s trouble with the truth, part 1: how Meryl Dorey lies, obfuscates, prevaricates, exaggerates, confabulates and confuses in promoting her anti-vaccination agenda.”<sup>10</sup>

Then there are some especially abusive comments on the SAVN Facebook page.

**Carol Calderwood:** Meryl now claims that Smallpox has not been eradicated...

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10 <http://www.scribd.com/doc/47704677/Meryl-Doreys-Trouble-With-the-Truth-Part-1>

**Peter Tierney:** Oh crap she's finally gone and broken that medical qualification of hers

**Rhianna Miles:** I may be drunk — but Meryl is a belligerent fool

**Rhianna Miles:** And a cunt

**Rhianna Miles:** “Did I say that? I don't believe I did...”

**Amy Ives:** Do I see? Yes, I see she's a fucking idiot.

**Scott Lewis:** One thing that is becoming even more apparent is that the views of Meryl and Greg will never be changed and will never be able to be argued with. The responses have been to make claims (AKA make shit up) that we can't disprove, despite [...].

**Simon Vincent:** Two for ‘Cunt’. I had to promote her from ‘Thief’.

**Simon Vincent:** Pardon the language, apologies etc... but seriously... I'm having trouble finding another word. ‘Disgraceful mealymouthed non-sensical science-bastardizing dangerous deceitful behaviour’ is too long to type each time. She should hang her head in shame.<sup>11</sup>

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11 This commentary is no longer available on the SAVN Facebook page. Dorey reproduced it in her blog titled “Poor skeptics — and their right to be cyberbullies,” 6 November 2011, <http://nocompulsoryvaccination.com/2011/11/06/poor-skeptics-and-their-right-to-be-cyberbullies/>. For an analysis of the abuse of Dorey as a form of mobbing — collective bullying — see Brian Martin and Florencia Peña Saint Martin, “El mobbing en la esfera pública: el fenómeno y sus características” [Public mobbing: a



Abusive SAVN comments about the AVN and Dorey were not just on its Facebook page. In letters to government agencies, advertisements and letters to people interacting with the AVN, they were regularly raised. SAVN thus embarked from the beginning on a systematic campaign of vilification.

### **Anti-AVN method 2: Disruption**

The AVN had its own blog, where members could add comments. Dorey regularly made lengthy posts, which were followed by comments. After SAVN was formed, SAVNers sought to post comments on the AVN's blog. Some were polite and constructive; others were nasty and distracting.

When like-minded people post on a blog, there is a sense of mutual support and validation, as well as sharing of information. When hostile individuals join the discussion, this changes the dynamic. There is more disagreement and tension. This disrupts the supportive feel of the blog and diverts the discussion.

Dorey sometimes made comments on blogs run by other vaccine-critical groups. On some occasions, after the formation of SAVN, her comments were soon followed by disruptive comments, for example criticising Dorey or questioning whether children had actually been harmed by

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phenomenon and its features], in Norma González González (Coordinadora), *Organización social del trabajo en la posmodernidad: salud mental, ambientes laborales y vida cotidiana* (Guadalajara, Jalisco, México: Prometeo Editores, 2014), pp. 91–114.

vaccines. Dorey presumed that SAVNers had put a Google Alert on her name so they were immediately notified when her name appeared on the Internet, and then joined the blog where she had posted, disrupting it.

### **Anti-AVN method 3: complaints**

SAVNers made complaints about the AVN to various government bodies, with the intent of hindering or shutting down the AVN's operations. As one of the administrators of the SAVN Facebook page commented:

SAVN admins work tirelessly to find new ways to put the AVN out of business and make the world a better place. Every night before we go to bed we trawl through legislation far and wide looking for ways to bring the AVN to account. We trawl through Court judgements old and new. No rubbish bin is safe from us.<sup>12</sup>

Because the AVN was incorporated in the Australian state of New South Wales, and hence subject to state government regulations, many of the complaints were to state agencies.

One early complaint, by Ken McLeod, was to the Health Care Complaints Commission (HCCC), a state government agency set up to handle complaints against health practitioners. On the face of it, the AVN was not an

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12 Ken McLeod, Stop the Australian (Anti)Vaccination Network, Facebook post, 30 November 2013, <https://www.facebook.com/stopavn/posts/10152056015278588>

obvious target, given that it was a citizens' organisation raising matters of public debate, rather than a group of health practitioners. McLeod, in his complaint, made the argument that the AVN did fall under the HCCC's ambit, and the HCCC obviously agreed, because it launched an investigation into the AVN.

The AVN was invited to respond to McLeod's complaint, which it did. The HCCC also took into account another complaint, but would not let the AVN see it. On the basis of the complaints and the AVN's response, the HCCC ruled against the AVN.

All the HCCC requested was that the AVN add a disclaimer to its website. This was a pretty mild request and would have had a negligible impact on most people using the website. Many visitors would not even notice that there was a disclaimer, and many others would come to internal pages in the website via searches. The disclaimer requested by the HCCC was more symbolic than effective.

The AVN already had its own disclaimer and unwisely — in my opinion — refused to post the HCCC-mandated disclaimer. Because of its refusal, the HCCC issued a “public warning” stating that the AVN provided inaccurate and misleading information and its failure to post the disclaimer requested by the HCCC was a risk to public health and safety.

The HCCC's public warning did not directly hinder any of the AVN's operations. But in this case its symbolic significance was enormous. The issuing of the public warning was widely reported in the mass media. SAVNers

continually cited it in the following months whenever they wrote letters or produced advertisements.

The HCCC was just one of several government agencies to which SAVNers made complaints. Another was the state government's Office of Liquor, Gaming and Racing (OLGR), a curiously named agency handling the charitable status of organisations. The OLGR did not act directly on the basis of complaints, but did respond to the HCCC ruling, making its own ruling that the AVN could not accept donations or new members.

Another state government body, the Department of Fair Trading (DFT), administers incorporated bodies. SAVNers put in various complaints to the DFT. One of them was that the AVN, on its website, had not added "Inc." following "Australian Vaccination Network." Incorporated bodies are supposed to put "Inc." after their names on all occasions, but this legal requirement is frequently ignored. Failing to add "Inc." after an organisation's name is hardly likely to harm anyone. It is an administrative triviality — until it became a means for targeting the AVN. The DFT wrote to the AVN about its breach of regulations. The AVN complied, commenting that few other organisations included "Inc." on their websites as required. The DFT said it only acted on complaints; it did not check adherence to this regulation otherwise.

Later, the DFT became more heavy-handed. It demanded that the AVN change its name. SAVNers started the push for the AVN's name to be changed, with complaints to the DFT. This was eventually taken up by others, such as figures in the Australian Medical Associa-

tion. This seems to have persuaded the DFT. Behind the forced name change was the threat of closing down the AVN altogether, which the DFT had the power to do.

On the surface, critics of the AVN seemed to have a point about its name. From their point of view, a better name would be the Anti-Vaccination Network, because all its information was critical of vaccination. The name Australian Vaccination Network might seem, at first glance, to be supportive of vaccination.

This is where a double standard test is useful: is the AVN's name especially misleading, or is it being singled out for scrutiny? The reality is that many names of organisations are misleading. Some are so familiar that no one stops to think of their content. The Department of Health perhaps should be renamed the Department of Ill Health, because that is its main orientation. The Liberal Party perhaps should be renamed the Conservative Party, so far has it departed from the principles of liberalism. Then there are front groups, set up by corporations to give the appearance of being local citizens' groups. Their names may be misleading. For example, the Australian Environment Foundation seems to be a front for the timber industry.

Did the DFT target any of these? No. Had the DFT ever before required an organisation to change its name? In a few cases, yes, but apparently not in any similar case involving a non-commercial organisation whose name had been treated as unobjectionable for over a decade. It was apparent that the name-change requirement was part of SAVN's campaign against the AVN. The DFT had become an active participant in the campaign. It put out a

media release about requiring the AVN to change its name, though there was no requirement to publicise its action. Furthermore, Anthony Roberts, the Minister of Fair Trading, the politician responsible for the DFT, made statements highly critical of the AVN.

### **Anti-AVN method 4: censorship**

On many occasions when Dorey arranged to give a public talk, SAVNers would try to stop it. They typically would send emails to the organisation sponsoring the talk or the venue hosting it, making adverse comments about Dorey and the AVN, thereby encouraging cancellation of the talk or withdrawal of the venue.

Every year in Woodford, Queensland, there is a major folk festival, accompanied by a wide variety of stalls and talks. Dorey had given a talk about vaccination at several festivals. In 2011, SAVNers mounted a major campaign to stop her scheduled talk, writing letters to the festival organisers, local politicians and the media. Many SAVNers wrote blogs opposing Dorey being allowed to speak, with their main argument being that she was giving false and dangerous information to the public.<sup>13</sup> Ironically, the publicity generated by SAVN led to an extra-large audience for Dorey. However, she was not invited back the next year.

When newspapers and television interviewed Dorey or reported on AVN views, SAVNers would write letters

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13 Brian Martin, "Censorship and free speech in scientific controversies," *Science and Public Policy*, 2014, doi:10.1093/scipol/scu061.

of complaint. Their goal was to prevent expression of views critical of vaccination in the mass media. As a result of SAVN campaigns, most mass media outlets seem to be less willing to quote Dorey or refer to AVN positions.

### **Anti-AVN method 5: harassment**

A group different from SAVN, Vaccination Awareness and Information Service, had a website on which it hosted a “Hall of Shame.” This was a list of alternative health practitioners and businesses that had advertised in the AVN’s magazine *Living Wisdom*, complete with names and contact details. Some of these businesses received letters from SAVNers with information critical of the AVN. This was experienced, by some, as harassment. It made them reluctant to advertise in *Living Wisdom*. Starting in 2011, Dorey did not run any new ads in the magazine because she did not want to expose advertisers to harassment.

Someone sent Dorey, and some others in the AVN, pornographic images, by post and by email. Some of these were horrific. SAVN denied responsibility. However, I think it is reasonable to say that SAVN’s relentless hostility to Dorey and the AVN provided an atmosphere in which some individuals felt sending pornography was justified.

Dorey received various threats. The most well documented were two phone calls in late 2012, recorded on her answering machine and retained on her computer as audio files. Her answering machine also identified the number of the caller and recorded it. In one of the calls, “Die in a

fire” was repeated over and over. Dorey tracked the phone number to the house of a prominent SAVNer.<sup>14</sup>

### **Interim summary**

Meryl Dorey set up the Australian Vaccination Network (AVN) as a means of presenting a critical view about vaccination, to counter or complement the largely uncritical support for vaccination by the medical profession and government health departments. The AVN, as a citizens’ group, went about its business disseminating information and perspectives, providing a forum for parents and others with concerns about vaccination or interested in holistic approaches to health. There was nothing remarkable about this. All sorts of groups organise to present their views and provide support to members.

This changed dramatically in 2009 with the establishment of Stop the Australian Vaccination Network (SAVN), also a citizens’ group, but with the aim of shutting down the AVN. SAVN added a new dimension to the AVN’s agenda: a battle to survive. Previously the AVN’s primary struggle was with the medical establishment, namely trying to raise concerns about vaccination in the face of a powerful pro-vaccination orthodoxy. SAVN made the AVN’s struggle also one for free speech and organisational survival.

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14 Meryl Dorey, “Threats to AVN President made from home of Stop the AVN founder,” *Australian Vaccination-skeptics Network Inc.*, 3 October 2012, <http://nocompulsoryvaccination.com/2012/10/03/threats-to-avn-president-made-from-home-of-stop-the-avn-founder/>.



SAVN used a wide variety of techniques in its attack. SAVN's methods can be usefully divided into three types, according to the forums where they occurred.<sup>15</sup>

1. AVN forums. SAVNers tried to post comments on the AVN's blog, thereby diverting and disrupting discussions.
2. SAVN forums. SAVNers posted adverse comments about the AVN on SAVN's Facebook page.
3. Independent forums. SAVNers tried to enrol various other groups, especially government agencies, to take action against the AVN.

How did the AVN respond to these attacks? What can be learned from the success or failure of different responses? It is relatively easy to describe the AVN's responses, but judging their success is not so straightforward. For this, I use two criteria. The first is promoting the AVN's agenda, namely alerting people to possible problems with vaccination and with their right to choose whether they, or their children, will be vaccinated. The second is organisational survival, namely whether the AVN continues to function.

### **AVN responses 1: dealing with denigration**

On SAVN's Facebook page, and on various blogs, SAVNers posted abusive comments about the AVN and especially about Dorey. This served to discredit the AVN, for those who read these pages and took them seriously. They also served to discourage AVN members from posting comments on the AVN's own blog. One technique

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15 I thank Danny Yee for suggesting this classification.

used by SAVNers was to take a screen shot of comments on the AVN's blog and post it on the SAVN Facebook page, along with a hostile commentary, making fun of the supposed ignorance or danger attributed to the person and the comment. These sorts of postings discouraged some AVN members from making any comments, at least under their own names.

One possible response was simply to ignore the SAVN Facebook page and other anti-AVN online commentary. This would allow the AVN to get on with its business. However, SAVN's online campaign had an impact: some of its pages rose up within search engine results. Someone doing a search for the Australian Vaccination Network or Meryl Dorey would obtain first-page links to SAVN commentary. For some individuals targeted by SAVN, for example those with practices as naturopaths or homeopaths, the online impact could be significant. The result was that individuals were discouraged from posting under their own names. Ignoring SAVN's efforts allowed this impact to continue.

Another option was to complain to Facebook that SAVN's page violated the terms of agreement. The AVN did indeed complain, but with limited results. Although Facebook does not allow pages that attack others, its interest in enforcing its policy was limited. From the point of view of Facebook, getting involved in disputes between groups with Facebook pages did not seem to be a high priority. Many of the disputes were complicated and not easy for an outsider to understand and assess. Initially, Facebook administrators did not react to the AVN's complaints.

In 2010, apparently in response to AVN complaints to Facebook, SAVN closed its Facebook page to outsiders: only friends could access the page. At the same time, SAVN set up a new Facebook page — an open page — that carried on the same sort of criticism of the AVN. Then, some months later, SAVN reopened its original page for general viewing.

The AVN's complaints thus led to no lasting change. SAVN was initially inconvenienced by having to close its Facebook page, but this caused no serious interruption to its campaign. This reflects a general feature of the Internet: it is very hard to censor information, no matter how unwelcome. Once information is posted, others can copy it and post it elsewhere. Therefore, complaints and legal actions have a limited power to eliminate the information. This is most obvious with WikiLeaks. The US government has used its considerable powers to squash WikiLeaks, a very small operation, but has never been able to prevent distribution of information after it has been posted.

In the face of SAVN's relentless hostile commentary about the AVN, a different AVN strategy was to post a dossier on SAVN abuse.<sup>16</sup> The dossier collected instances of derogatory language, ridicule, veiled threats and other hostile comment and listed them under the names of the perpetrators, some of whom were the most active opponents of the AVN on several fronts. The basic idea here is to expose SAVN's activities to a wider audience.

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16 Australian Vaccination-skeptics Network, "Dossier of attacks on the AVN," <http://avn.org.au/dossier-of-attacks-on-the-avn/>.

Most of the abuse on SAVN's Facebook page was unknown to anyone who didn't visit the page; many AVN members would not have been aware of it.

When the attacks were in SAVN's forums — its Facebook page and blogs of SAVNers — there was not much that the AVN could do in the same forums. It lacked large numbers of energetic supporters willing to engage directly on SAVN's forums, and in any case such supporters probably would have been blocked if they had become effective. The second main type of response was to enrol third parties to intervene. This included contacting Facebook and complaining about violation of its terms of use. The third arena for response was the forum controlled by the AVN, namely its own website, with the dossier. This was the most effective response: it could not easily be censored by SAVNers. Note that the effectiveness of this response depended on the AVN having a well-developed website with a significant audience. Setting up a new website to post the dossier would not have been as effective.

Let's apply this framework — the three options of engaging in the opponent's forums, enrolling third parties, and using one's own forums — to protests against governments at official events, such as meetings of the World Trade Organisation or leaders of major governments. In these events, the protesters aim to disrupt the activities of their targets, namely governments. The forum is one chosen and controlled by governments who, if prepared, can pick a venue convenient for privacy and security and can draw on police for containing protest. In

such situations, governments have overwhelming superiority in force.

A second option for protesters would be to call upon some third party to intervene, for example to go to court to say what the governments are planning is illegal. In the case of government meetings, such an intervention is implausible, because governments control the rules. Even in the face of an adverse ruling, if one were forthcoming, governments could probably ignore the courts without much consequence.

A third option for protesters is to hold their own counter-events, such as public meetings or discussion forums questioning the agendas and views of the governments. This has occurred in some cases — for example, a soup kitchen outside the venue of an extravagant official dinner — often as a parallel activity to attempts to intervene.

This example of protests against governments at meetings illustrates that the likelihood of success depends greatly on the relative resources of the different groups involved, both the principal players (protesters and governments) and third parties that might be enrolled in the struggle (such as courts or media).

Another example is action against nuclear weapons. Some protesters attempt to directly intervene in the domain of the weapons states, for example by entering facilities and using hammers to damage the nosecones of nuclear

missiles — and then turning themselves in to authorities.<sup>17</sup> This is the first option: entering the venue of the opponent.

The second option is to draw on the authority of third parties. Opponents of nuclear weapons have gone to court seeking rulings against them. In 1996, the International Court of Justice unanimously ruled that governments have a duty to negotiate and achieve nuclear disarmament. (Other rulings by the court in the same judgement were more ambiguous.) However, nuclear weapons powers seem to have ignored the ruling.

The third option is to organise events in the protesters' own forums, for example in public meetings that they organise. This is a regular occurrence.

These examples show the value of examining actions according to the domain in which they occur: the opponent's domain, one's own domain, or a domain run by some third party. The other key factor is the relative power of the groups involved. In the case of nuclear weapons, the governments with significant numbers of weapons have considerably more power than their citizen opponents. There is no third party with the authority or capacity to take action to disarm arsenals. Civil disobedience against weapons — a form of intervention into the domain of the weapons states — usually leads to arrest and often to imprisonment.

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17 Sharon Erickson Nepstad, *Religion and War Resistance in the Plowshares Movement* (Cambridge: Cambridge University Press, 2008).

In the case of the attack on the AVN, the situation is reversed. The AVN is relatively weak and has no powerful backers, whereas SAVN's position on vaccination is the same as government health authorities and pharmaceutical companies. So few third parties with power and influence are likely to take up the cause of the AVN. Indeed, the situation is exactly the opposite: third parties can potentially be used by SAVN for purposes of attack.

### **AVN responses 2: dealing with disruption**

First consider AVN forums, starting with its blog. SAVNers tried to post on the AVN blog, sometimes diverting and disrupting the discussion and thereby discouraging others from posting.

One possible response would be to allow SAVN posts, using them as a learning tool, as engaging with the issues of concern. This seemed to work when the number of SAVN posts was small, and they were polite. However, some posts were confrontational and abusive. This changed the tone of the discussions. Rather than being supportive exchanges of people with a shared concern about the problems with vaccination, they became debates about whether vaccination should be supported. When SAVN debaters were not respectful to AVN members, this made the blog less attractive to them.

The option chosen by AVN blog moderators was to block posts by SAVNers, at least when they were abusive or disruptive. This meant deleting their posts and blocking the individual SAVNers from making any posts. This was an ongoing effort, because some SAVNers who had been

blocked would set up new accounts under different identities and try to join the AVN's blog.

Meanwhile, SAVNers repeatedly complained about the AVN's alleged censorship, namely that SAVNers were being blocked from the AVN's blog. Such a complaint is curious, given that the stated purpose of SAVN was to shut down the AVN, and SAVNers repeatedly tried to censor AVN talks. However, they saw things differently. They saw the AVN's speech as false and dangerous and therefore not warranting any protection, whereas their own efforts were merely an attempt to protect the public. SAVNers made these complaints on SAVN's Facebook page, in letters to others and seemingly on any possible occasion.

SAVNers, in making claims about AVN censorship, have displayed a double standard. They say anyone is allowed to comment on the SAVN Facebook page, but some critics of SAVN who post on the SAVN page receive an extremely hostile response, with numerous SAVNers making derogatory and accusatory comments. For example Mina Hunt made a post on the AVN's page; SAVNer Peter Tierney took a screen shot of Hunt's post and put it on SAVN's page, accompanied by hostile commentary, with SAVNers calling her repugnant, vicious and contemptible, among other epithets. Hunt claims she was blocked from responding.<sup>18</sup>

The claims by SAVNers about AVN censorship thus might be considered to be hypocritical in two senses. First, SAVN was set up to shut down the AVN, a drastic form of

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18 Martin and Peña, "Public mobbing."



censorship. Second, some SAVNers have censored comment on their own blogs and on the SAVN Facebook page. Despite this, SAVN claims about AVN censorship were important. These claims were repeated on numerous occasions and in diverse venues, for example in letters to venues and government bodies. To those unfamiliar with the SAVN-AVN struggle and with SAVN's own censorship record, these claims seemed to have substance. Just as importantly, SAVNers convinced themselves that the AVN was practising unconscionable censorship, which thereby seemed to justify SAVN's own behaviour.

In response to SAVNers complaining about AVN censorship, the AVN set up a separate forum called "Vaccination: respectful debate."<sup>19</sup> Those who made comments considered disruptive or abusive were referred to this separate blog, where the rules about the style and content of comments were explicit and could be used to exclude violators. In this way, the main AVN blog was freed from disruption, while making the claim about censorship less credible.

Another option the AVN could have taken was to make its blog private, namely not visible to non-members. In this way, it would be possible to legitimately exclude non-members. It would still be possible for SAVNers to disrupt the blog, but they would have to join the AVN first. However, the AVN did not adopt this option because it would have meant limiting the visibility of its discus-

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19 "Vaccination — respectful debate," Google Groups, <https://groups.google.com/forum/#!forum/vaccination-respectful-debate>

sions: open discussions were important for making ideas available to wider audiences.

There is an analogy here to meetings of activist groups, such as environmentalists. In many cases, these groups are open to any interested person, which is useful for attracting new members. On the other hand, this also makes the group susceptible to infiltration by opponents and paid informers and, more commonly, to individuals who are just looking for a place to interact and to air their own personal concerns and grievances. Keeping the group closed seems exclusive but can provide greater security and stability.

At some rallies, there is a system called the “open mike”: the main microphone is made available to anyone who would like to speak to the audience. This seems democratic — no one is excluded — but in practice it is risky unless everyone in the audience is respectful and in tune with the crowd. The risk is that some who choose to speak have their own agenda, for example wanting to talk about a different topic. If there are only a dozen people attending the rally, the damage is not very great, but if there are a thousand, the level of disruption can be considerable. This is the primary reason why the open mike is seldom used. Instead, most rallies are carefully planned by the organisers, who choose speakers and other performers.

If there are known disrupters who would take any opportunity to hog the open mike and disrupt the rally, then organisers would be foolish indeed to allow this; instead, they would screen speakers. Likewise, if an activist group knows that infiltration and disruption are

likely, then careful assessment of potential members makes sense.

Open meetings and open mikes are feasible when prospects for disruption are limited. When opponents have greater numbers and consciously seek to disrupt meetings, then some sort of screening of participants or speakers is necessary to prevent hostile takeover.

This is the situation in which the AVN found itself. SAVN had much greater numbers and energy and embarked on a consistent campaign of disruption. If the AVN had allowed all comers on its blog, it would have been taken over by SAVNers.

The AVN's defence — blocking disrupters and referring polite critics to “Vaccination: respectful debate” — was relatively successful by both criteria: it enabled the AVN to continue its efforts and to survive as an organisation. The price paid was continually being criticised for alleged censorship — even though the critics were, arguably, the primary censors.

### **AVN responses 3: dealing with complaints**

Complaints have been a crucial part of SAVN's strategy to shut down the AVN. When agencies ignored or dismissed complaints, they had no direct effect on the AVN. However, agencies took some complaints seriously enough to conduct an investigation and require the AVN to respond. In these cases, there was an impact on the AVN: time and effort were required to prepare a response. In some cases, the time and effort were considerable, because the claims were many and varied and the stakes were high if a ruling

was made against the AVN. So as well as time and effort, there was a psychological cost: the AVN's future was imperilled, and this put stress on the AVN members involved.

Thus, SAVN's strategy of repeated complaints could be successful even if the AVN defended successfully against all of them. When agencies launched investigations requiring an AVN response, the complaints served as a form of harassment, requiring time and effort to prepare a response, causing stress in the process. When an agency made a ruling against the AVN, that was a tremendous bonus for SAVN. Instead of the AVN being criticised only by a partisan group with no formal standing, the AVN would be condemned by a government agency with the credibility attached to its role.

The success of SAVN's strategy thus depended on the response of the agencies involved. What is important is that some complaints were treated seriously enough to warrant asking the AVN for a response. Because vaccination is backed by government health authorities and the medical profession, it is far more likely that complaints against critics of vaccination will be taken seriously. Imagine the contrary scenario: complaints to the Health Care Complaints Commission from the AVN, saying that campaigners for vaccination have misrepresented the evidence and that children are being harmed by vaccines. This would have a negligible chance of becoming the basis for an investigation. The HCCC would hardly want to take on the medical establishment.

The AVN, when subject to a complaint and an investigation, has had several options for responding. The

most important initial instance involved the HCCC, which received a lengthy submission from Ken McLeod, a key figure in the attack on the AVN, and launched an investigation requiring the AVN to respond. The HCCC also received a complaint from the parents of a child who died from whooping cough — the death that triggered the formation of SAVN. I do not propose here to look at the content of the complaints, but instead at options for the AVN in response.

1. The AVN could simply ignore the complaints, and carry on with its usual business. However, the likely result would be that the complaints would be upheld, with the consequence that the AVN's activities would be hampered or even the organisation shut down. This is not a viable option unless the agency has little power or credibility.

2. The AVN could conscientiously respond to the complaints. This reduces the risk of adverse findings. However, it soaks up time and effort that might otherwise be devoted to the AVN's usual business.

3. The AVN could challenge the validity or jurisdiction of the agency, for example by filing a formal appeal to a review body or challenging the agency in court. If successful, this option discredits the agency and prevents further action by the agency. However, it is a high risk strategy, because it requires a large effort and cost to mount the appeal, with no guarantee of success, distracting the AVN from its usual business.

4. The AVN could use the agency investigations to call for greater support from its members and from the general public. In this option, the complaints are treated as a mode of attack — as I've presented them here — with

the defence being mobilisation of support. This option has the advantage of building commitment from members and forging alliances with allies. Its disadvantage is taking the AVN away from its usual activities concerning vaccination and reorienting efforts towards organisational autonomy and free speech. On the other hand, by taking the issues to wider audiences, there is a potential for some of them to become aware of and sympathetic to the AVN's central concerns.

5. The AVN could transform itself so that its operations are less susceptible to complaint-based attacks. As an incorporated body in the state of New South Wales, the AVN was subject to regulatory control by a number of bodies, such as the Department of Fair Trading. If, for example, the AVN dissolved and reconstituted itself as a network, it would no longer be subject to DFT rules.

To assess these options is not easy. Imagine that it is possible to create parallel universes, each one developing separately from a common origin. In the first universe, the AVN used option 1, in the second universe option 2 and so forth. With such an experiment, different outcomes for different options could be observed and assessed. However, even with such a hypothetical process, assessing outcomes would not be easy. Perhaps what happened depended sensitively on a few quirks of the circumstances, such as an agency official's attitude towards vaccination when a complaint arrived. Despite the difficulties, it is possible to make some observations based on what actually happened, recognising that if circumstances had

been somewhat different, the outcomes may not have been the same.

Option 1 was to ignore the complaints. This is sometimes a sensible strategy when the complaint is like a threat. Sometimes people threaten to sue for defamation, which scares the target of the threat, but few of such threats ever result in legal actions. The threats that are not followed up can be called bluffs. However, it is not always easy to know when someone is bluffing.

When agencies asked the AVN to respond to complaints, they might have been bluffing. But it would have been a big risk for the AVN to assume this. One key reason was the watchful eyes of SAVNers. When a SAVNer had made a complaint that led to an investigation, the complainant was informed, and other SAVNers then knew about it. Their active discussion of what was being demanded of the AVN made it difficult for agencies to quietly drop an investigation.

When in 2012 the Department of Fair Trading (DFT) demanded that the AVN change its name, if the AVN had done nothing, the likely result was that the DFT would have shut it down.

In 2011, the HCCC, after an investigation, made a ruling that the AVN must put a specified disclaimer on its website. It seemed like this ruling could be ignored, because the HCCC, unlike the DFT, had no power to shut down the AVN. The AVN, for its own reasons, decided not to put up the HCCC's disclaimer, being advised by its lawyers that nothing much could happen. The HCCC's subsequent public warning was one of the most damaging

outcomes imaginable, but this depended on the context, namely the existence of a hostile group doing everything possible to undermine the AVN.

If the HCCC had made a public warning about some obscure company, with no attendant media coverage or citizen action, the warning might have largely passed unnoticed. Even when prominent companies are found guilty of fraud and fined hundreds of millions of dollars — as has happened in the US — there is relatively little publicity and the companies continue with their activities.<sup>20</sup> The companies are wealthy, profitable and influential, and there are no major citizen organisations analogous to SAVN campaigning to challenge and expose the companies. So the impact of a public warning from an official body like the HCCC depends, to a great extent, on the efforts made by opponents like SAVN, as well as the reputation and efforts of the official body itself. The HCCC publicised its warning, and even put a link to its report, hosted on SAVN's website.

Option 2 is to conscientiously respond to demands made by agencies as a result of complaints. This was the AVN's regular choice. When the HCCC launched an investigation in response to Ken McLeod's complaint, Dorey, on behalf of the AVN, prepared a detailed response. When the Office of Liquor, Gaming and Racing examined the

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<sup>20</sup> Peter C. Göttsche, *Deadly Medicines and Organised Crime: How Big Pharma Has Corrupted Healthcare* (London: Radcliffe, 2013).



AVN's charitable status, the AVN supplied all information required.

Judging by the results, responding conscientiously worked well for the AVN in many cases, staving off adverse findings. Furthermore, when the AVN's response was informative and well argued, it could provide the basis for agencies to dismiss subsequent complaints that covered the same ground. Preparing careful responses to complaints has some similarities with building a defensive fortification: the effort that goes into the defence can ward off repeated attacks — but only if they come from the same direction.

The down side of option 2 was a serious diversion of the AVN's efforts into defence against complaints. Time, energy and money normally used for collecting and preparing information about vaccination, editing the AVN's magazine *Living Wisdom*, giving talks, answering queries and raising money were instead channelled into the complaint-responding process. This sort of diversion was a key result of SAVN's harassment via complaints. SAVNers then criticised the AVN for its resulting shortcomings as an organisation, repeatedly citing the failure to publish *Living Wisdom* at the normal rate. In other words, SAVN did what it could to cripple the AVN and then claimed that the AVN's reduced capacity to function showed it was deficient. This is roughly equivalent to tripping someone and then saying to others, "Look, they can't even walk properly!"

Option 3 is to challenge the validity or jurisdiction of the agencies making an adverse finding against the AVN. This

is expensive and time-consuming. It is also risky, because there is no guarantee of a favourable outcome.

The HCCC's warning was open to challenge because the HCCC was set up to deal with complaints about health care practitioners, such as doctors and nurses, not to adjudicate about disputed social issues. If criticising vaccination falls under the HCCC's mandate, then why not criticism of pesticides, nuclear power or climate change? These all have major health consequences, and one side or the other in these controversial issues could claim their opponents were dangerous to public health.

The AVN decided to go to court to challenge the HCCC's jurisdiction. This was a major enterprise, requiring considerable expense and much time and effort. It could not have been achieved without pro bono legal support, illustrating the imbalance in resources between a government agency and a citizens' group like the AVN. Despite these obstacles, the AVN won its case. The HCCC immediately withdrew its warning. Furthermore, the Office of Liquor, Gaming and Racing (OLGR) reinstated the AVN's ability to receive donations and accept new members; the OLGR's restrictions had been imposed on the basis of the HCCC warning.

However, the AVN's victory in court over the HCCC was not the end of the story. SAVNer complaints against the AVN continued, indeed seemed to increase in frequency, including new complaints to the HCCC seeking to get around the technicalities of the court ruling in favour of the AVN. Furthermore, a push developed to change the law specifying the powers of the HCCC, to give it the ability to do exactly what the court had ruled it

couldn't, namely investigate and take action against groups like the AVN without there needing to be any complaint and without evidence of harm to any individual.

The legislative change in the HCCC's powers is an example of a recurring feature in struggles to challenge abuses of power. When the abuses are by a powerful group against a much weaker one, playing by the rules may provide a temporary respite for the weaker party, but determined opponents will, if frustrated, seek to change the rules that restrain their actions. The HCCC, with its new powers, proceeded to launch a new investigation into the AVN: the AVN's court victory turned out not to protect it from the HCCC, because the rules were changed.

After the Department of Fair Trading (DFT) demanded that the AVN change its name, the AVN delayed as long as possible and then appealed the decision to the Administrative Decisions Tribunal. This appeal was unsuccessful. There followed a game of cat and mouse, with the AVN seeking to register names with various agencies, and to reserve Internet domain names, and SAVNers — somehow having discovered what the AVN was doing, possibly through DFT leaks — seeking to register them first. The upshot was that the AVN changed its name to Australian Vaccination-skeptics Network, thereby retaining its acronym AVN. This was much to the annoyance of SAVN and the Australian Skeptics, who seemed to believe they were the only ones who could legitimately use the word “skeptic.”<sup>21</sup>


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21 In Australia, the usual spelling is “sceptic.” SAVN reserved various names with this spelling but was outflanked when the

Option 4 is to respond to complaints in ways that mobilise support from AVN members and the wider public. This is not easy. The very nature of formal complaints processes is to take a public issue, in this case the debate about vaccination, and turn it into a procedural issue, requiring input from specialists such as lawyers.

One approach is to publicise the complaints as a means of generating awareness and, from some, sympathy. The AVN did this on a regular basis, notifying members about complaints and sometimes posting both the complaints and its responses on its website. For the AVN, posting complaints and responses served to increase awareness but it did not provide a ready avenue for participation, except financial support for some of the AVN's legal actions.

One way to escape the regulatory morass is to acquiesce to some of the demands made by agencies, using the process of acquiescence as an opportunity for publicity. When the HCCC ruled that the AVN should post a disclaimer on its website, the AVN could have acquiesced and posted it. But as well, the AVN could have posted a response to the disclaimer immediately after it (or via a link), exposing the political agendas involved. Here is a possibility.



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AVN used the US spelling “skeptic” which, ironically, was the spelling used by the Australian Skeptics.

“1. The Australian Vaccination Network’s purpose is to provide information against vaccination in order to balance what it believes is the substantial amount of pro-vaccination information available elsewhere.  
2. The information provided should not be read as medical advice; and  
3. The decision about whether or not to vaccinate should be made in consultation with a health care provider.”

This is the statement that the Health Care Complaints Commission recommended be put on the AVN’s website (and here it is!), after making an investigation into two complaints against the AVN. If the AVN did not put up this statement, the HCCC proposed to issue a public warning on the basis that “the AVN provides information that is inaccurate and misleading” that affects decisions about whether to vaccinate and “therefore poses a risk to public health and safety.”

The AVN has serious reservations about the HCCC’s recommendation.

1. The HCCC does not have the authority to require the AVN to put this or any other statement on its website. The AVN is not a health service provider in the usual sense: it does not provide clinical management or care for individual clients. Instead, the AVN is a non-government organisation providing a point of view on a matter of public debate.

2. The HCCC misunderstands the role of public debate on controversial issues affecting public health. In the vaccination controversy, different participants operate on the basis of different assumptions and values, for example about the importance of individual choice. The HCCC has adopted pro-vaccination assumptions and values. In other words, it has adopted a partisan position. That is not its role.

By accepting complaints against the AVN, the HCCC has overstepped its mandate. By the logic of its investigation, it might also accept complaints against organisations presenting information and viewpoints about pesticides, climate change, nuclear power, stem cells, genetic engineering, nanotechnology and nuclear weapons, because in each of these areas of debate, incorrect statements might pose a risk to public health and safety.

It is widely accepted that campaigners on these and other controversial issues have a right to present strong viewpoints without being subject to HCCC-style “public warnings” because they have allegedly provided information that is “inaccurate and misleading.”

Public debate is vitally needed on issues that affect the public. The HCCC is intervening in the vaccination debate in a one-sided fashion. This is completely inappropriate.

3. The complaints to the HCCC against the AVN are part of a systematic campaign to shut down the AVN and deny its ability to provide information about the

disadvantages of vaccination. Those who have attacked the AVN have ridiculed and slandered AVN members, made false claims about their beliefs, made numerous complaints to a variety of official bodies, and made personal threats to individuals.

The AVN understands that others believe in vaccination and respects their right to present their viewpoints. The AVN invites them to provide information and viewpoints — in other words, to participate in free and open debate — rather than attempting to shut down debate by attacking the AVN.

The AVN chose not to use this approach, so it is only possible to speculate about possible responses. SAVN might have publicised the disclaimer itself, without mentioning the AVN's response. Would the HCCC have objected to a response immediately following the disclaimer? Possibly, but if so the AVN could have found other ways of highlighting its response, for example through links elsewhere on its website. Whatever the response to this approach, it could hardly have been as damaging as the HCCC's subsequent public warning.

In relation to the Department of Fair Trading's demand that the AVN change its name, one response would have been to choose a new name that enhanced the AVN's profile while foiling SAVN. One possibility would have been the name Vaccination Choice, highlighting a key argument presented by the AVN, that parents should have a choice whether their children are vaccinated. SAVN would have been in a quandary. If it changed its name to Stop Vaccination Choice, it would be perceived

as unacceptable, because nearly all supporters of vaccination say they accept that parents should have a choice. As a name, Vaccination Choice combines a description with widely accepted stance. The name Australian Vaccination Network, on the other hand, serves as the name of the organisation but does not incorporate a stance. SAVN's name, Stop the Australian Vaccination Network, expresses opposition to an organisation. Stop Vaccination Choice would uncomfortably mix opposition to an organisation with opposition to a widely accepted stance.<sup>22</sup>

Option 5 is for the AVN to transform itself so that it becomes less vulnerable to harassment and control via regulatory agencies. One possibility would be to wind up the AVN as an incorporated body and to relaunch the AVN, perhaps under a different name, in a different form. Another possibility is to set up the AVN as a business in another country. Its operations in Australia would not be subject to the same controls as a business registered in Australia.

The N in the abbreviation AVN stands for Network. Actually, though, it has operated as an organisation, with a constitution, elected office bearers and other aspects

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<sup>22</sup> One complication involved the AVN's website. If the AVN changed its name to Vaccination Choice, SAVN would have challenged the AVN's domain name of <http://avn.org.au/> and, if possible, taken it over. A possible counter option for the AVN would have been to set up a spin-off organisation to host the web domain. This is a small indication of the machinations involved in the SAVN-versus-AVN struggle.



required by legislation covering incorporated bodies. In contrast, SAVN is an actual network, without the formal features associated with an organisation.

Option 5 has high transition costs. It might involve getting rid of assets, ensuring continuity of website operations, and enabling the membership list to become a contact list in a network. The DFT has rules covering closing down of an incorporated body, and these could be applied in an onerous fashion. (Many incorporated bodies fizzle out through lack of activity, but given the scrutiny of the AVN, this would have been an unlikely scenario.)

Imagine that the AVN closed down and reconstituted itself as a network called Vaccination Concerns (VC). The next step is to imagine the reaction of SAVNers. They might close down their Facebook page — mission accomplished — but more likely would turn their attention to VC and any other activity critical of vaccination. Prime targets would be those in VC who remained or became active in questioning vaccination.

SAVNers might attempt to go after individuals, making complaints to the HCCC and other bodies. If some agencies took action against individuals — for example, those with practices in alternative health or involved in businesses — their ability or willingness to comment about vaccination might be inhibited. In such a scenario, one option would be for VC to choose individuals with the fewest vulnerabilities to be spokespeople. This sounds good in principle, but in practice it can take years of effort and a special commitment to become a knowledgeable and effective proponent of a cause.

If SAVNers attempted to attack individuals, another option would be to operate from outside Australia. A VC campaigner might live in another country, thereby avoiding Australian regulatory agencies, and send messages to those living in Australia. Alternatively, an Australian resident might covertly send messages to others in VC, using encryption, anonymous remailers and an intermediary in another country.

This sounds like a resistance movement in a repressive state, and there are important similarities. When expressing an opinion on a controversial topic predictably leads to reprisals, it is necessary to consider options for resistance that reduce vulnerability, allow participation and win greater support. If intolerance of vaccination dissent in Australia became extreme, then support might come from other countries, in the same way that human rights organisations such as Amnesty International take up the cause of targets of state repression in other parts of the world. This suggests there might be a natural limit to the ability of Australian pro-vaccinationists to limit the speech of critics: if their attempts at censorship become too effective, support from other parts of the world will emerge. Censorship, when it becomes too great, can backfire, at least if opponents of censorship use appropriate tactics.<sup>23</sup>

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23 Sue Curry Jansen and Brian Martin, "Making censorship backfire," *Counterpoise*, vol. 7, no. 3, July 2003, pp. 5–15; "The Streisand effect and censorship backfire," *International Journal of Communication*, vol. 9, 2015, pp. 656–671.

### **AVN responses 4: dealing with censorship**

The AVN has responded in various ways to SAVN's attempts to censor talks. One effective technique is, when booking a venue for a talk, to warn the host about the likelihood of receiving complaints. When hosts are forewarned in this way, they can decline in a timely fashion or prepare for the complaints. The AVN can also get its members and allies to send messages of support to beleaguered hosts. Another effective technique is to reveal SAVN's efforts, appeal to others to oppose this sort of censorship, and increase the AVN's visibility.

Another technique is to not announce talks publicly, but instead organise them privately through personal networks and send out the location of the talk via text messages the day beforehand. In this way, opponents do not have sufficient time or information to organise a censorship campaign. This method has been used by some critics of vaccination. It shows similarities to the sort of organising required under a repressive government.

### **AVN responses 5: dealing with harassment**

When Dorey received threatening phone calls, she would sometimes go to the police. This was a frustrating process. Even in the case of the calls recorded on her phone, one of them saying "Die in a fire," along with the phone number of the caller, the police were reluctant to act and then accepted the word of the SAVN member at the house that he had not made the calls. In other cases, with less evidence, police did nothing.

Dorey applied in 2012 for apprehended violence orders (AVOs) against three SAVNers based on their continued abusive and threatening messages. Applying for AVOs is a legal process, most commonly used by women whose former partners assault them or their children. One SAVNer did not contest the AVO application, but the others did, and Dorey's applications were unsuccessful, and furthermore she had to pay for their court costs. More importantly, the failure of these AVO application seemed to provide a stamp of legitimacy to what the SAVNers had been doing. Dorey's AVO applications backfired on her.

More effective was her compilation of a dossier of attacks on the AVN. This revealed abuse and harassment to a wider audience. After receiving the "Die in a fire" message, Dorey prepared a blog about it and put a recording of the message on the web.<sup>24</sup>

## **Interim summary 2**

The Australian Vaccination Network was going about its business of providing a critical perspective on vaccination until 2009, when it came under sustained attack by a network of pro-vaccinationists, mainly under the banner of Stop the Australian Vaccination Network (SAVN). The methods used by SAVN and other opponents of the AVN included abusive comment on its Facebook page and in the individual blogs by SAVNers, attempts to disrupt

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24 "Threats to AVN president made from home of Stop the AVN founder," *No Compulsory Vaccination*, 3 October 2012, <http://nocompulsoryvaccination.com/2012/10/03/threats-to-avn-president-made-from-home-of-stop-the-avn-founder/>.

discussions on the AVN blog and elsewhere, harassment of some AVN members, attempts to block public talks organised by the AVN, and numerous complaints to government agencies. SAVN's stated goal from the beginning was to shut down the AVN, and it has been remarkably innovative and persistent in its attempts to achieve this goal.

In the face of this onslaught, the AVN defended in various ways. Its attempts to deal with abusive SAVN commentary have had only limited success: few AVN members or supporters have the energy or willingness to confront SAVNers on their own territory. To defend against disruption on the AVN's blog, the main strategy has been to block SAVNers from commenting. When Meryl Dorey, the key figure in the AVN, received pornography and threatening phone calls, she complained to the police, to little effect. She also publicised this harassment, building greater support.

One of the most potent forms of attack used by SAVNers was to make complaints to government agencies. Few of these complaints led to official action, but in some cases the AVN was asked to respond, soaking up time and energy even when the agency took no further action. In the few cases in which agencies made adverse findings about the AVN, requiring it to comply with directions, the consequences for the AVN have been severe, including negative media coverage, loss of credibility and in some cases hampering of the AVN's regular activities. In the face of agency demands, the AVN has had quite a few options. The AVN's experience in these circumstances provides a rich body of evidence for

assessing ways of defending against attack via complaints to government agencies.

Next I will analyse the AVN's ways of responding to attacks using the seven criteria for effective nonviolent action laid out in chapter 4. This is one way of assessing the AVN's strategies, and also a way of seeing whether concepts from nonviolent action are relevant to a different domain — the public controversy over vaccination — where no physical violence is directly involved.<sup>25</sup>

Some of this analysis is based on the AVN's actual actions; some of it is more speculative, being based on what the AVN might have done.

### **Nonviolent analogies**

In chapter 4, I identified features of nonviolent action that distinguish it from other forms of action and that make it effective. These were widespread participation, limited harm, voluntary participation, fairness, prefiguration, nonstandard methods and skilful use. The AVN's responses to attack can be assessed according to these features.

First, though, it should be noted that SAVN tactics, while not involving physical violence, violate several of these features. SAVN's goal is to cause harm to the AVN as an organisation. Their methods of personal abuse, disruption and making complaints cause harm. Many

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<sup>25</sup> Each side would claim that damage to health — due to vaccines or to insufficient vaccination — results from the other side's position. However, the supporters and critics of vaccination have not used direct physical violence against each other.

people would see abuse and disruption as unfair. As a way of prefiguring or modelling their desirable society, SAVN's tactics are not appropriate. Increasing the amount of abuse or the level of censorship of vaccine critics is not the goal of pro-vaccinationists, which presumably is a society with universal vaccination in which everyone favours vaccination based on a rational consideration of benefits and costs. SAVN's tactics are based on shutting down debate; they do not model the rational approach to decision-making to which they aspire. Finally, some opponents of the AVN have resorted to sending pornography and making threats, tactics obviously not compatible with the goal of rational acceptance of universal vaccination.

In a later section, I will propose some ideas for how to promote vaccination in a way more compatible with principles of fairness and prefiguration. For now, I will focus on strategies for the AVN in defending against attack and in promoting its own agenda.

### **Participation**

Participation is a key element in many methods of nonviolent action. When more people can participate, a campaign or movement has a greater capacity to mobilise supporters and stimulate action. On the other hand, if a method of action allows only a few individuals to join in, then it is less likely to do much to help.

Few of the AVN's responses to SAVN created opportunities for greater participation. Dorey, as the key figure in the AVN, has done much of the work, including responding to SAVN, until 2013, when Greg Beattie took

over as president. She has been the primary speaker and the person contacted most often for media interviews. She wrote most of the responses to government agencies, and managed the AVN's website. She carried out an extensive correspondence, including responding to numerous enquiries. Dorey's effort and contribution were enormous — but at the expense of wider participation.

Possibilities for greater participation by AVN members and supporters include:

- being a supporting speaker
- monitoring SAVN's Facebook page and blogs by SAVNers
- contributing to a dossier of abuse by SAVNers
- running a portion of the AVN's website
- learning about specific vaccination issues and responding to queries about them.

In practice, a few other AVN members have helped with such activities, and so have a few individuals and groups aligned with but separate from the AVN. The Australian network of vaccination critics contains a spectrum of activists. SAVN focused on the AVN because it was the largest and most active group, due especially to Dorey's effort. To increase overall participation, the challenge would have been to encourage greater involvement by more of the AVN's membership.

As long as Dorey tried to do so much, the opportunities for wider participation were limited. This is a common issue in activist groups. Those who are most experienced and knowledgeable often prefer to do things themselves, knowing they will be accomplished reliably and compe-



tently. It takes time to mentor others, at a cost to short-term efficiency. Nevertheless, if the goal is greater participation, activities need to be designed to encourage others to take on more tasks and roles. Dorey would have had to reduce her campaigning in order to spend more time as a teacher and guide. Changing in this way is difficult at the best of times and exceedingly difficult when a group is under attack.

One way of increasing participation would be to organise a “statement of defiance” in support of free speech. This would take the form of a petition opposing censorship of vaccination criticism, written in a way that permitted signers to hold diverse views about vaccination itself. Such a petition could be set up so it only became public after a target number of signatures was obtained — maybe 100 or even 500 — so there would be safety in numbers. The aim in such a petition is to encourage participation in the struggle by reducing the risk.

### **Limited harm**

Harm is central to the vaccination debate, which is centrally about the benefits and harms of vaccinating or not vaccinating. In contrast, “limited harm” here refers to harm to opponents in the debate over vaccination.

The struggle between the AVN and SAVN has not involved physical violence between protagonists, but there are other sorts of harm involved. The sending of pornography and making of threats to AVN members are certainly types of harm. The goal of SAVN, to shut down the AVN, could be said to harm an organisation. The

wider goal of SAVN, to shut down public criticisms of vaccination, might be considered harm to free speech.

In terms of nonviolent responses to SAVN's attacks, the question is whether the AVN has caused any equivalent harm. To my knowledge, critics of vaccination have not seen it as their goal to terminate promotion of vaccination; this is so far away from the current reality as to be only hypothetical.

One possible harm to SAVN would be shutting it down. The AVN made complaints to Facebook about SAVN's violation of rules for groups, and at one point SAVN closed down its public operations. The question of harm to SAVN raises interesting questions about censorship: is it censorship to curtail the activities of a censor? For example, is opposing government censorship causing harm to the jobs of government-employed censors? Studies of nonviolent action seldom address this point. For example, commentary on the US civil rights movement do not talk about the harm the movement caused to politicians, police and businesses that supported segregation. There are two key issues here. The first is that segregation is, today, seen as wrong, so any harm to its promoters is not of major concern. The second is that supporters of segregation were not physically harmed; only their jobs and businesses might have been affected. By the same token, the AVN did not try to stop SAVNers from advocating for vaccination, only to stop abuse and disruption from SAVN campaigns.

### **Voluntary participation**

A key feature of nonviolent action is that it is voluntary. All members of the AVN joined the organisation voluntarily, and likewise their participation in AVN activities was voluntary.

It is possible to imagine non-voluntary participation in debates like the one over vaccination. For example, some corporations employ staff to make comments on social media and to make changes on Wikipedia, to make the corporations look good. Some of these staff would not undertake such activity without being paid, and in this sense they are not volunteers.

### **Fairness**

Most people think defending against attack is more justified than launching an attack, though the boundaries between these are often blurred. When the AVN sticks to defence, for example blocking abusive comment from its website or exposing threats, it is more likely to be seen as justified. When it appears to attack, for example making complaints to Facebook, it is less likely to be seen as justified.

Another perspective is to see whether the AVN uses some of the same techniques as SAVN. One of the signature SAVN methods is making complaints to authorities. The AVN has tried this on a few occasions, with limited or no success. However, the most significant disadvantage of the AVN making formal complaints is that it seems to provide a justification for SAVN's tactics.

This is analogous to protester tactics at a rally, in the face of police violence. If protesters use even the slightest amount of violence, this is likely to be used as a justification for the much greater police violence. There is a double standard in the way tactics by the two sides are evaluated. The point here is the pragmatic one of public perceptions. That protester violence is so regularly exaggerated by authorities, and sometimes provoked, signals that it is likely to be counterproductive. This is a key reason for insisting on avoiding violence. When protesters are resolutely nonviolent, the violence of police is more likely to generate greater support, with sympathisers becoming more committed and active, many witnesses having greater sympathy, and even some opponents shifting their viewpoints.<sup>26</sup>

In the case of complaint-based attacks against a relatively weak group, counter-complaining thus has serious weaknesses. It is very unlikely to be effective and it provides a justification for the attackers to continue or escalate their efforts. The implication is that the AVN was unwise to try to shut down SAVN, for example by complaining to Facebook. Far more effective, according to this line of thinking, is to expose SAVN's tactics.

To generalise from this experience, when a powerful attacker group uses methods that can be perceived as unfair, targets should consider avoiding using the same methods in response. This is the parallel to the recommendation, by advocates of nonviolent action, for protesters to

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<sup>26</sup> See the chapter "Political jiu-jitsu" in Gene Sharp, *The Politics of Nonviolent Action* (Boston: Porter Sargent, 1973), 657–703.

“maintain nonviolent discipline,” namely to avoid using violence when violence is used against them.

### **Prefiguration**

The principle here is for a group’s methods to be compatible with its goals. An example is anti-war activism. The goal is a world without war, so the methods should not involve war. A “war to bring about peace” violates the principle of prefiguration.

The goal of the AVN is a society in which people have an informed choice about whether they and their children are vaccinated. The key idea here is choice. If the AVN tried to block access to vaccination, have some vaccines withdrawn, or otherwise advocated government restrictions on vaccinations or information about vaccination, this would be incompatible with a commitment to informed choice. The AVN has never pursued any such goals, and in any case is far too weak to achieve them.

The AVN’s setting up of a “respectful debate” about vaccination provides a model for how it would like the discussion on vaccination to proceed. Dorey’s offer to debate vaccination is another model. These are methods of engaging in the vaccination controversy that are compatible with the goal of a respectful exchange of ideas.

How prefiguration applies to defending against SAVN is not immediately obvious. Abusing SAVNers certainly does not, nor does trying to shut SAVN down.

### **Non-standard methods**

Methods of nonviolent action go beyond the usual, officially sanctioned methods of political action. Voting is a standard method of political engagement, whereas refusing to pay taxes is not. For the AVN, parallels to nonviolent action need to involve doing something different from or stronger than the usual accepted methods.

First consider the issue of promoting the AVN's agenda, including informing members of the public about the risks of vaccination and arguing for parental choice. The routine, accepted ways of doing this include lobbying politicians, making submissions to government bodies, writing articles, giving talks, holding meetings and all the other sorts of methods associated with freedom of speech and assembly. The AVN has organised a number of protest marches, including some with hundreds of people attending, but did not continue with this form of action because of the effort required and the lack of any media coverage. In Australia, rallies and marches are commonplace and might be considered a form of conventional action, though not as institutionalised as voting.

Going beyond this are various methods of noncooperation and intervention, such as vigils at health department offices, boycotts of pharmaceutical companies, and refusals by nurses and doctors to administer vaccinations to newborns. Nurses and doctors who are critical of vaccination policy probably would seek positions where they are not directly involved in vaccinations; in Australia, there are no well-known examples of conscientious objection by medical professionals to vaccination policy.

If AVN supporters launched a boycott of a pharmaceutical company, it probably would have no significant effect, due to low numbers. Calling for a boycott would mainly be a symbolic gesture. Holding a vigil outside health department offices would be possible, because a vigil can be carried out with only a few participants, or even just one. However, there are no well-known examples of such actions in Australia.

In summary, the AVN proceeded without adopting any of the assertive methods characteristic of nonviolent action. However, circumstances changed in 2009 with the emergence of SAVN. The attacks by SAVN were intended to shut down the AVN and to hinder the AVN from getting its message out. In short, SAVN's agenda can be said to be to censor AVN criticism of vaccination.

Whether an action counts as conventional political action or nonviolent action depends on the context. In a country such as Australia, handing out a leaflet is normally a conventional political action: it happens all the time, and no one thinks much about it. However, in a dictatorship, handing out a leaflet critical of the government may be considered a subversive act, sometimes leading to arrest and imprisonment. In such circumstances, handing out a leaflet certainly counts as a method of nonviolent action: it is not standard and not sanctioned by authorities.

When SAVNers began attempting to censor speech by the AVN, the circumstances changed dramatically. From carrying out its business in a generally tolerant, if largely unsympathetic, context, the AVN entered a new context of sustained hostility. Suddenly, what had been

normal and unproblematic, for example making blog posts and giving public talks, became occasions for opponents to attack.

For political activists, circumstances can change dramatically through election of a new government or through a military coup, so that routine activities like holding a rally become illegal or highly regulated, and group activities are monitored. What counted previously as normal political activities — like handing out a leaflet — can become methods of nonviolent action, because they are unauthorised.

For an organisation, a change in the environment can have parallel impacts, and that is what happened to the AVN after the formation of SAVN. Some of the AVN's activities, such as giving talks, became analogous to nonviolent action.

Which particular AVN activities fitted this category of non-regular, assertive action? They included, most obviously, blog comments and giving public talks. These became methods of protest and persuasion.<sup>27</sup> SAVN created a context in which the mere expression of views critical of vaccination became acts of courage and resistance.

SAVN's aim was to shut down the AVN. Initially, this was an aspiration rather than a serious proposition; it came closer to reality as various individuals and agencies joined SAVN's campaign. In this context, for the AVN to

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<sup>27</sup> Gene Sharp, in part 2 of *The Politics of Nonviolent Action*, gives “protest and persuasion” as the first of three main categories of nonviolent action.



attempt to survive became a form of resistance. As long as it used conventional methods — such as writing replies to formal complaints and going to court against adverse judgements — this resistance might be considered “normal politics.” In contrast, some creative ways of reconstituting the AVN, or vaccine criticism more generally, might be classified as analogous to nonviolent action. However, this is hard to fit into a traditional picture of the methods of nonviolent action, which focuses on actions and puts matters of organisation into the background. This is a point by which nonviolent activists can learn from organisational struggles. For vaccine critics, organisational form and the ability to speak out become closely connected when the climate becomes hostile. So it is useful to think of transforming modes of organisation as an aspect of resistance, and in some way analogous to nonviolent action.

### **Skilful use of methods**

Nonviolent actions do not work automatically. To be effective, they need to be chosen carefully and executed skilfully. The same applies to struggles in the vaccination debate. The AVN, in responding to attacks, needs to choose its methods carefully and use them well. For example, taking the HCCC to court is unwise unless backed by capable lawyers, and setting up a dossier of SAVN abuse is unwise unless it is well documented and accurately expressed.

One of the key requirements for effective nonviolent action is avoiding the use of violence. If some activists are

violent, this can undermine the entire group. For the AVN, an analogous requirement is not being abusive in the face of abuse. If AVN members openly express contempt for SAVNers, this gives greater legitimacy to SAVN's tactics of verbal abuse.

The importance of avoiding abuse is shown by repeated SAVNER claims that they are, in fact, subject to abuse from vaccination critics. AVN spokespeople have disowned abusive threatening language from supporters. SAVN spokespeople have done the same in regard to theirs.<sup>28</sup>

### **Summary**

When the AVN came under sustained attack from SAVN, it entered a different, harsher political environment. In this new context, ideas from nonviolent action became more relevant. SAVN was able to use or stimulate government agencies into becoming antagonists of the AVN, which meant that the normal sorts of fairness principles became less commonly applied. Furthermore, for members of the AVN to exercise free speech became far more difficult.

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28 It is hard to get to the bottom of many of the claims about being abused, because so many participants operate online using false names. Some of these "sock puppets" may be loose cannons, unwelcome by those they claim to support, or they could even be the equivalent of *agents provocateurs*, falsely presenting themselves as being on the opposite side and behaving badly as a means of discrediting it. How to deal with these sorts of anonymous behaviours has been little studied.

In this new context, finding an effective way of responding was difficult. Using SAVN's own techniques, such as making derogatory comments or making formal complaints, was a losing proposition, being either futile or counterproductive. Mimicking SAVN in any way meant relinquishing the high ground of behaving politely and respecting free speech, and allowed SAVNers to treat their own methods as legitimate. On the other hand, simply acquiescing to the demands of SAVN and the agencies that adopted its agenda meant giving up.

The alternative is what can be called assertive action: going beyond conventional forms of action, yet not adopting SAVN's aggressive techniques. Some of the most effective of these were continuing to exercise free speech — for example, by holding talks and making posts — and calling attention to SAVN's attempted censorship, for example through posts to members, press releases and compiling a dossier of attacks.

More generally, the AVN could have responded by adopting tactics that reduced risks from direct confrontation. For example, instead of ignoring the HCCC request that it post a disclaimer, it could have posted the disclaimer with a rebuttal. Similarly, the AVN could have transformed its operations to become less of a target. Rather than continue as an incorporated body, it could have closed down and reconstituted its operations in network form, or dispersed them into different entities. This is analogous to moving from conventional warfare to guerrilla warfare, except that this is a conflict without violence.

A comparison with the criteria for effective nonviolent resistance suggests that the AVN's actions were more likely to be effective when they protected the AVN but did not attempt to shut down SAVN, and when they exposed SAVN's attacks as a means of promoting awareness and building support. The most important facet not developed by the AVN was to choose actions that increased participation in the struggle.

There are some lessons here for the study and practice of nonviolent action in more conventional contexts, namely as a method against an opponent willing to use violence. The key in asymmetrical struggles, in this case nonviolence versus violence, is to avoid using the opponents' most aggressive methods, especially when those methods are widely seen as harmful and unfair. This suggests that the arguments about what counts as nonviolent action may sometimes miss the point: what is appropriate depends, in part, on the opponents' tactics, especially the ones that can be documented and exposed to wider audiences. For example, if police are not overtly using force, then protesters might be wise to avoid even the appearance of confrontation: yelling abusive slogans might be counterproductive. On the other hand, if police are beating and killing protesters, then more aggressive protester actions may not hurt their cause as much.

The more important lesson concerns the transition from direct confrontation to dispersed resistance. The AVN was an attractive target for pro-vaccination attackers because it was a formal organisation subject to all sorts of government regulations. In the face of relentless attack, the AVN could have adopted the strategy of dispersal, by

disbanding and reconstituting its activities through separate email lists, websites, newsletters and support networks.

For nonviolent action in the face of violent attacks, the implication is that the way a movement is organised is a vital part of any resistance strategy. This is well known to activists on the ground, who learn from experience which organisational forms are vulnerable and which are more resilient. However, discussions of organisational form are not so common in nonviolence theory, which focuses on methods of action and on strategy.<sup>29</sup>

Anders Boserup and Andrew Mack wrote *War Without Weapons*, a classic treatment of nonviolent resistance as an alternative to military defence.<sup>30</sup> If a country or community gets rid of its military forces and relies instead on nonviolent methods, this is called nonviolent defence, social defence, civilian-based defence or defence by civil resistance. It is basically an application of ideas from nonviolent action to the special case of defending against military threats.

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29 Among discussions of the value of decentralised structures for unarmed resistance movements facing repression are Robert J. Burrowes, *The Strategy of Nonviolent Defense: A Gandhian Approach* (Albany, NY: State University of New York Press, 1996), 184–199, and Kurt Schock, *Unarmed Insurrections: People Power Movements in Nondemocracies* (Minneapolis, MN: University of Minnesota Press, 2005), 143–144.

30 Anders Boserup and Andrew Mack, *War Without Weapons: Non-Violence in National Defence* (London: Frances Pinter, 1974).

Boserup and Mack said nonviolent defence is analogous to guerrilla warfare. In conventional warfare, two armies directly clash, and usually the army with the greatest numbers and firepower is victorious. It is futile for an “army” of 100 men, armed only with rifles, to try to take on a force of 10,000 armed with machine guns and aeroplanes. In such a situation of unequal forces, the weaker side may adopt a different strategy: avoiding direct confrontation and instead operating in the shadows, occasionally making raids and then fading away, either into a hinterland or into the civilian population. Guerrilla warfare is essentially a form of political struggle. The central aim is to win over the people through honest behaviour, progressive political action such as supporting the poor against exploiters, and symbolically challenging a repressive opponent through armed exploits.

Nonviolent action is like a guerrilla operation, except with no violence. The resisters do not take on the armed forces in a direct way but rather seek to win support through principled behaviour and showing their commitment to a different system of governance. Nonviolent action against violence is a form of asymmetric struggle, indeed even more asymmetric than guerrilla warfare: the asymmetry is in the tools of engagement (nonviolent methods versus violence) rather than just the modes of engagement (hit-and-run tactics versus frontal attack).

For the AVN, direct engagement with its opponents was a losing proposition: SAVN had vastly superior numbers and energy as well as the backing of the medical profession and government. Therefore, it makes sense for the AVN to adopt asymmetric struggle techniques. One

implication is to dissolve its organisational equivalent of a “standing army” — its status as an incorporated body — and to operate through a less formal set of arrangements.

Applied to traditional nonviolent action scenarios, such as challenges to a repressive government, the implication is that organisational form is of crucial importance. As well as choosing appropriate methods of resistance, whether vigils, strikes or symbolic actions such as quiet marches or banging of pots and pans, resisters need to choose a way of organising their activities that reduces vulnerability to attack.

### **Promoting vaccination**

So far, I have focused on strategy for critics of vaccination in the face of a relentless attack. It is also worth looking at strategy to promote vaccination.

Participants in SAVN and other promoters of vaccination have the best of intentions: to increase the rate of vaccination in order to reduce disease and death, especially of children. They see the activities of the AVN in questioning vaccination as a serious danger to public health, by discouraging parents from having their children vaccinated. SAVN was set up to counter this danger. In attacking and destroying the AVN, their aim was to discredit and silence what they considered to be uninformed criticism of vaccination, thereby allowing more parents to better recognise the truth about the benefits of vaccination, increasing vaccination rates and thereby improving the health of the population. SAVNers have noted that their campaigns have led the mass media to

become more sceptical of the AVN, giving it less credibility in stories. They see this as a signal success.

SAVN's strategy sounds plausible enough. It has certainly provided sufficient rationale for years of effort involving thousands of hours in commenting on Facebook and blogs, preparing complaints and much else. Yet it is reasonable to ask whether there is any evidence to support SAVN's strategy.

SAVNers often raise the banner of evidence-based medicine. The idea is that medical interventions should be backed up by evidence of their effectiveness. For example, a new vaccine should be introduced only after evidence has been provided that it reduces disease or increases the body's immune response, an indicator of improved resistance to disease. The most impressive evidence in support of an intervention is a double-blind controlled trial. In a drug trial, for example, subjects are randomly assigned to two groups. Subjects in one group, the control group, are given pills with no active components; subjects in the other group, the experimental group, are given pills containing the drug. Neither the subjects nor the researchers know who is getting which pills: that's the double-blind part. In a trial like this, the differences between the groups are not due to either the subjects' expectations (a placebo effect) or the researchers' expectations.

SAVNers, in choosing their strategy to promote vaccination, have not provided any evidence in its support except their belief that it is effective. They haven't compared shutting down the AVN with, for example, better information for parents or training for doctors to deal with parents. Furthermore, there are obvious negative



effects of SAVN's campaign, including being seen as heavy-handed censors, causing some vaccine critics to become more committed, and generating a huge struggle that brings vaccination disputes to the public eye, making some people pay more attention to vaccine criticisms.

There is even the possibility that SAVN's campaign is entirely misguided. The campaign is premised on the assumption that the AVN and other vaccine-critical groups have a significant influence on public opinion about vaccination, and in particular discourage some parents from vaccinating. However, there is little evidence to support this view. Social scientist Stuart Blume, having studied the vaccination debate, suggests that vaccine-critical groups may be largely the consequence, rather than the cause, of resistance to vaccination by members of the public.<sup>31</sup> His view is that individuals develop critical views on their own, for example as a result of a child's apparent adverse reaction to a vaccine or due to a doctor who haughtily dismisses their expressions of concern about some vaccines. On the basis of their experiences, they then search to find relevant information and make contact with others with similar experiences, or even set up groups themselves. Furthermore, according to Blume, strident attacks on vaccine-critical groups can distract attention from behaviours of health professionals that stimulate critical views about vaccination.

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31 Stuart Blume, "Anti-vaccination movements and their interpretations," *Social Science & Medicine*, vol. 62, 2006, pp. 628–642.

Blume's assessment accords with the results of a survey of AVN members carried out in 2012.<sup>32</sup> Few respondents said they had formed their views about vaccination solely as a result of the AVN's information. More commonly, they developed concerns about vaccination before joining the AVN. The implication is that if the AVN had not existed, they might have joined a different organisation or, what is much the same thing, subscribed to a different magazine or email list. Even if all the vaccine-critical groups in Australia were shut down, people could still obtain information from other countries, as indeed many do.

If Blume's assessment is correct and the survey of AVN members is accurate, then SAVN's campaign might be judged to have had little impact on public views and behaviours concerning vaccination. In this perspective, the key driver of public concern is personal experience, not AVN activity. SAVN, in this picture, has attacked the symptom, not the cause, of public concerns about vaccination.

Some pro-vaccination social researchers have taken a different approach, investigating the response of parents to doctors when obtaining advice about vaccination.<sup>33</sup> They

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32 Trevor Wilson, *A Profile of the Australian Vaccination Network 2012* (Banalow, NSW: Australian Vaccination Network, 2013).

33 Julie Leask et al., "Communicating with parents about vaccination: a framework for health professionals," *BMC Pediatrics*, vol. 12, no. 154, 2012, <http://www.biomedcentral.com/1471-2431/12/154>.

are concerned that when doctors too quickly dismiss parents' concerns about the actual or potential hazards of vaccination, this may alienate parents from vaccinating their children and more generally from the health system. The researchers advise that doctors adopt an approach sensitive to the attitudes and concerns of their patients. For example, when encountering a parent who is critical of vaccination, the researchers advise against trying to directly argue against the parent's views, but rather enquire about the parent's concern for their children's health. This approach involves a tacit acknowledgement of the counterproductive effects of being arrogant and assuming that parents who question vaccination are ignorant or misguided.

The same sort of approach could be adopted by citizen campaigners for vaccination. Rather than assuming that critics are ignorant, misguided and dangerous, and like SAVN trying to shut them down, more savvy campaigners could promote vaccination through door-to-door personal contact.<sup>34</sup> Rather than approaching people as bearers of "the truth," campaigners could instead seek to learn about the concerns expressed by members of the community, remembering that even those without children or who have followed vaccination recommendations to the letter can be influential with family, friends and co-workers. Through personally talking with a wide variety

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34 A group in northern New South Wales has done something like this, to the acclaim of SAVNers: Heidi Robertson, "Love, peace and no vaccinations," *The Skeptic* (Australia), June 2014, pp. 8–9.

of people, campaigners would learn about the most commonly expressed concerns, whether about the necessity or hazards of particular vaccines, about the likely consequences of diseases targeted by vaccines or about condescending or dismissive doctors. They would learn about the reasons why some parents delay or decline particular vaccines.

The advantage of a grassroots campaign based on the principles of community organising is that it respects people's good judgement. The road of condemnation and censorship, on the other hand, assumes that people are gullible and cannot be trusted to make decisions based on the evidence available, but must be protected from allegedly dangerous information. Grassroots organising builds the capacity of community members to make autonomous decisions and to be able to judge new claims by critics. Organising opens the prospect of fostering community leaders, namely individuals who decide, based on sensitive and respectful approaches and provision of balanced information, to become more knowledgeable and join the campaign. Local opinion leaders, attracted by such a campaign, are likely to be especially influential.

A broader approach would be to orient the campaign around children's health more generally, addressing the roles of disease, accidents, nutrition, exercise and education, with vaccination being just one component in a wider picture. Children's health organisers would be open to learning about all the factors that affect parents and their children. They would be seen as more balanced than single-minded vaccination proponents. Their credibility

would be increased even among those parents who have reservations about vaccination.

From the point of view of vaccination advocates, a broader approach has the advantage of embedding vaccination in a suite of measures that are likely to be favourably received, whether it is neighbourhood safety, fostering of exercise and sport, addressing nutritional deficiencies and tackling the challenges of poverty and child abuse. By adopting a broad approach like this, it is possible that campaigners might find common cause with some vaccination critics. In this way, some of the negativity and damaging conflict in the vaccination debate might be converted to a more productive engagement with promotion of child health.

This sort of community-based campaign is entirely in keeping with the principles of nonviolent action. It fits within what Gandhi called the “constructive programme,” namely building a fair society that meets the needs of all, including those who are most deprived.