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Comment

## Ministers must learn from MMR fiasco, and quickly

The government should never have funded litigation against the vaccine

Anthony Barton

Opposition to Covid-19 vaccines is widespread. It threatens public health and it must be addressed — the challenge is how. The MMR story is instructive.

The modern so-called antivaxer movement started in February 1998 at the Royal Free Hospital in north London, where Andrew Wakefield and collaborators presented the notorious *Lancet* study that postulated an association of MMR vaccine, bowel disease and autism. Their presentation seeded a massive health scare, which then led to the MMR vaccine litigation.



Andrew Wakefield's status was enhanced by government ineptitude

SUSANNAH IRELAND FOR THE TIMES

The central allegation was based on Wakefield's theory that MMR caused autism, with or without bowel disease. There was no peer-reviewed published evidence to support the theory, and abundant evidence to refute it. Wakefield enjoyed huge support, and eventually endorsement by many editors and

columnists led to the allocation of millions in legal aid to many litigants to bring a claim against the vaccine manufacturers.

As a result, vaccination rates fell, endangering the health of children, while lawyers and experts were enriched. The MMR health scare, though unsubstantiated by evidence, was sustained by popular belief.

It was the litigation that started the unravelling of the anti-MMR vaccine movement. Though expensive, cumbersome and slow the legal process demands rigour, objectivity, and independence. It examined the sufficiency of evidence to prove causation, applying the balance of probability standard. By October 2003 the litigation had collapsed after legal aid was pulled, with officials saying: “This was the first case in which research had been funded by legal aid. In retrospect, it was not effective or appropriate . . . to fund research. The courts are not the place to prove new medical truths.”

But why was the research ever funded? The law provided that legal aid should not be granted unless there were reasonable grounds to bring a claim.

Can it be reasonable to grant legal aid to fund primary research to establish “reasonable grounds”? Is legal aid granted on hope or evidence? Should any scientist demand legal aid for madcap research?

The courts cannot establish new medical truths but rather examine if alleged injuries are instances of established medical truths. This funding fiasco shows the failure of the state’s governance of the legal aid system.

Why does all this matter now? We are facing the challenge of a viral pandemic and the introduction of new vaccines. They create conditions for scare stories and fake news. The government needs to devise an effective antivaxer strategy and it can learn from the past.

Blaming Wakefield enhances his status as an antivaxer figurehead. He is a product of government ineptitude. Acceptance of vaccines demands trust; therefore, the government should take ownership of the MMR fiasco.

The antivaxer movement is about the mundane incompetence of ministers, rather than the unique vision of any messiah or any medical conspiracy.

**Anthony Barton is a solicitor and doctor who specialises in medical negligence and healthcare product litigation at the Medical Negligence Team**