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**THE ANTI-EPIDEMIOLOGICAL LEGISLATION OF RUSSIA IN
THE 19TH CENTURY**

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Abstract

One of the most important problems of modern society is the preservation of life and health of citizens, particularly during a pandemic. This problem makes it necessary to focus not only on the history of epidemics, but also on legislation in this area and, ultimately, to identify the system of values that is so needed by Russian society. The analysis of legislation in the field of protection of life and health of the population in nineteenth-century Russia led to a number of findings. Nineteenth-century legislation in the sphere of health care was not static, but developed steadily, allowing the improvement of measures aimed at combating epidemics. The specific feature of the state policy on this issue was a combination of government orders issued by the head of state and experience of ordinary people, local authorities, public organizations and, eventually, foreign legislation in epidemic control. The sanitary-epidemiological situation of individual regions in the Russian Empire was different, which facilitated the setting up of special rules for the prevention and development of epidemics. The achievements of national and foreign science and practice, as well as preventive measures in various spheres of life of the peoples of the empire, were to contribute to raising the level of general and legal culture of the population. The solution of the financial issues connected with the provision of anti-epidemic measures, contributed both to the consolidation of state and public bodies, as well as the common people in controlling the epidemics.

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1. Introduction

Human life and health are enduring values that have no national or territorial boundaries. At present, the protection of citizens' health is a fundamental task of Russian state, which is objectively expressed in both national and international law.

According to Putin (2020), saving people's lives and health is of the highest priority, and by solving this task, it is possible to handle others, says the Russian president. The issue of interaction between institutions of civil society and the state in controlling the COVID-19 pandemic remains relevant.

The level of public confidence in the government largely depends on what algorithm of actions the government chooses in the times of a pandemic and whether it is able to offer a timely and effective system of both prevention and ant epidemic measures.

2. Problem Statement

It is supposed to prove that in nineteenth-century Russia, legislation on the protection of life and health was developing systematically, basing largely on international experience and legislation. It is necessary to identify the main trends in the development of Russian legislation aimed to stabilize and improve the epidemiological situation in Russia in the 19th century. Moreover, it is important to identify the legal forms of interaction between the state and the population on security issues at this stage and to study features and problems of realization of the Russian legislation on protection of life and health of subjects in the XIX century epidemics.

3. Research Questions

The relevance of the chosen topic has led to the existence of works in various branches of science, medicine, history and sociology. Modern foreign authors examine the consequences of public doubts about vaccines, highlights different forms and trajectories of non-acceptance of vaccinations, discusses how policy makers and programme managers could address these issues (Streefland, 2001). The studies of European scientists (Conti, 2008; Thèvesa et al., 2014; Trucas, 2020) are devoted to the analysis of experience in combating infectious diseases through the organization of preventive measures and the promotion of vaccination. There are comprehensive studies on the history of Russian medicine (Mirsky, 2005) and the health care activities of the Free Economic Society (Egorysheva & Goncharova, 2015). Individual areas of legal regulation related to the functions of the medical police are presented in an extensive pre-revolutionary study (Geling, 1842).

4. Purpose of the Study

The purpose of the study is to examine the evolution of legislation on the protection of life and health of the population in epidemics in the XIX century Russia, the main trends in its formation and development.

5. Research Methods

The comparative legal method helped to identify the similarities and differences in Russia's legislative policy on the control of infectious diseases throughout the XIX century.

The formal legal method made it possible to consider the main directions of the legislative activity of the State in the field of protection of life and health of the population of the Empire in conditions of epidemics. The formal-legal method has made it possible to examine the main directions of law-making state activities in the field of protection of life and health of the population of the Empire in the times of epidemics. The biographical method of research was applied in the analysis of assessments, scientific reports of theorists and medical practitioners on the specifics of Russian public health care legislation, the causes of epidemics outbreak and the problems concerning the implementation of preventive measures by local authorities.

6. Findings

A major challenge for Russia, like for many European countries, was the significant increase in the number of acutely contagious and deadly diseases. The history of vaccination begins with smallpox vaccination, which was one of the devastating epidemic diseases and attracted the special attention of doctors of all ages and countries (Mikirtichan, 2016). Historians of medicine and vaccinology usually refer to the Ottoman Empire and the role of the English writer and traveller Lady Mary Wortley Montague in the development of smallpox vaccination (Evereda & Everedb, 2020). The results of the first smallpox vaccination experiments, published by the English physician Edward Jenner in 1798, were widely shared (Esparza, 2020). The American physician Benjamin Waterhouse introduced smallpox vaccination in Boston in 1800 (Esparza, 2020). The early XIX century in Russia was marked by the extremely rapid spread of infectious diseases, which became a real disaster, causing countless losses to the health and welfare of the population and the country's economy as a whole (Vasilyev & Segal, 1960). For these reasons, the possible universal vaccination of the population against smallpox was discussed at the state level. Russia had difficulties with widespread negative public opinion against vaccination. The Committee of Ministers also pointed out the lack of competent specialists and poor government supervision and control over the process of vaccination by governors (Note on the subject ..., 1811).

The high mortality rate of children from infectious diseases endangered national security. Thus, according to the journal published by the Holy Synod, the percentage of smallpox-vaccinated infants was extremely low. During this time the search for an effective model of organization of state bodies and institutions with professional and specialized competencies in health care issues, and the main trends and forms of implementation of preventive measures were determined. Following Europe, legal incentives and rewards for those who participated in smallpox vaccination were widely used in Russia. Further evolution of legislation on the protection of national health care is associated with the publication of the Code of Laws of the Russian Empire. Thus, the Code of institutions and medical statutes attributed the protection of public health care to the Ministry of Interior and its departments (Code of civil institutions ..., 1832).

A new period of development of legal relations in question fell in the reign of Emperor Alexander II. On the basis of the district council and city reforms, the local self-government authorities began to fulfill the functions of improving the quality of life of the population at the local levels. Among the objective reasons contributing to the further legal regulation of the protection of life and health of the population in Russia were regular outbreaks of epidemic diseases.

In the struggle for people's lives, public ignorance, mistrust and prejudice was to be overcome. District council institutions carried out work with the population directly. The legislator determined that district council institutions were in charge of providing smallpox vaccination at the local level. The Minister of the Interior proposed that district council self-governing bodies should develop instructions related to vaccination of the population, taking into account the specifics and characteristics of a particular locality. The Regulation "On the introduction of correct smallpox vaccination everywhere in Russia" was of great importance for combating smallpox epidemic (On the introduction of a correct smallpox..., 1867). The socio-economic, national-cultural, and geographic diversity of the regions of the Russian Empire required a rational, locally adapted, and uniform system of vaccine prophylaxis.

The Medical Council, called to promote the development of national medical science and practice, was charged with the responsibility to develop general rules for vaccination of the population, by which all zemstvo institutions were to be guided in their activities. The Council was entrusted with the function of supervising their implementation (Charter of the Medical Police, 1857). Taking into account the complexity of the task the Medical Council faced, it announced a competition for the best work "On measures to prevent the recurrence of epidemics of smallpox and the mortality caused by it, as well as on various methods of smallpox inoculation, with a critical assessment of their merits" both in Russia and abroad. The amount of the award was 3,000 rubles; half of the amount was paid by the Imperial Free Economic Society, the rest was paid by the state treasury.

The degree of importance attached to finding an effective response to the smallpox epidemic has given rise to a variety of government measures. In order to promote "the popular understanding of smallpox vaccination", theoretical works were published, which described infectious diseases and their consequences, presented horrible statistics on mortality, and promoted the need for universal vaccination. At this stage, the authorities were aware of the insufficiency of administrative measures alone. It was becoming obvious to society and the state that it was necessary to conduct educational "work" with the population aimed at rationally preparing them for vaccination. In this regard, the activities of zemstvo and city institutions acquired greater socio-political significance.

The Minister of Internal Affairs proposed that the Zemstvo authorities should develop instructions related to vaccination of the population, taking into account the specifics and characteristics of a particular locality. The zemstvos were charged with considering such practical issues as the criteria for compulsory inoculation of the population against smallpox, how much, by whom and in what manner fines should be imposed and levied on those who evade preventive measures, etc. The relationship between zemstvos and city institutions was complicated in practice and, above all, in matters of expenditures for health care and for combating epidemics. The financial issue was the reason for numerous petitions of local governments to the Governing Senate for clarification (On the obligation of city public administrations..., 1902, pp. 608–609; On the subject of the refusal of zemstvo institutions...,

1902, pp. 611–616). In the vast majority of cases, the highest judicial body after the emperor, the Governing Senate, determined the order of financing.

The problems of the organization of the zemstvo smallpox case, for example, in Perm province in the 1870s can be judged from the impressions of doctor Molleson. The author of the article, recognizing the organization of smallpox cases in rural areas as unsatisfactory, suggested replacing the elected male smallpox inoculators with women. He argued that, first, the superstitions and prejudices that led peasants to avoid vaccination against smallpox were supported primarily by women, and, consequently, female inoculators were more likely to be able to convince those prejudiced women of the need for vaccinations; second, women were more gentle and could go easy on children, thus inspiring confidence in mothers; third, women showed greater commitment to their responsibilities (as cited in *Collection of Essays on Forensic Medicine*, 1873, pp. 81–82).

Molleson suggested that smallpox vaccination in rural areas should involve a larger number of village midwives, who were practically trained as zemstvo midwives. The practitioner believed that solving the moral and ethical problems in this matter alone would not be enough. Due to the objective need, specialized smallpox vaccination institutes with trained personnel should be established in every village. During the XIX century, the need for a systematic approach in the organization of anti-epidemic measures at the central and regional levels with state support, the progressive representatives of national science and state officials spoke in different forms (as cited in *Collection of Essays on Forensic Medicine*, 1873, pp. 81–82).

The law prescribed that the introduction of retrovaccination in Russia required the mutual efforts of the medical department and the Imperial Free Economic Society. The responsibilities of this non-governmental institution included providing the Ministry of Internal Affairs with a certain quantity and quality of biomaterials and medical instruments, their distribution at the expense of the Society to Zemstvo institutions and Medical Boards; accounting and control of the number of inoculated infants, and the success of smallpox vaccination in the provinces; keeping statistics; rewarding for smallpox vaccination upon presentation by local authorities; discussion of new measures and, if necessary, conducting new experiments on smallpox vaccination (*Regulation on the introduction...*, 1867, p. 4) and distribution of smallpox vaccination in Russia (*Charter of the Free Economic Society*, 1875, p. 10).

In nineteenth-century Russia, the state not only undertook legislative measures to control epidemics at the highest level, but also entrusted local authorities, together with urban and rural inhabitants, to participate in various forms of prevention of the spread of diseases of various etymologies.

7. Conclusion

The dynamics analysis of legislation in the field of protection of life and health of the population of Russia in the XIX century allowed formulating the following provisions. During the 19th century, epidemic control measures became more complex and improved, and health legislation continued to develop steadily and systematically. Its specific feature was that the regulations governing the protection of life and health of the subjects were not passed from above alone, approving by a single political will of the monarch, but were adjusted based on the gained experience and knowledge of the population, the lower bodies and institutions, largely adopting the experience of European countries in controlling

epidemics. Taking into account the specifics of the sanitary-epidemiological situation in each individual region of Russia, special rules were created for the prevention and elimination of deadly diseases. Legal regulation of the protection of life and health of the population required the legislator to take into account not only the achievements of national and Western European medical science and practice, but above all, a significant increase in the general and legal culture of the population.

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