

Public awareness in the context of the state and legal policy of 19th century Russia in the fight against epidemics

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Abstract. The purpose of the research is to justify the influence of the public awareness factor on the effectiveness of state and legal policy in the fight against epidemics in 19th century Russia. The methodology of the research consisted of dialectical method of knowledge, problem-chronological, structural and functional, comparative-legal, formal-legal and biographical methods. The scientific novelty lies in the author's classification of organizational and legal measures aimed at combating epidemics. The state, showing concern for the protection of public health, has established a set of legal measures aimed at ensuring sanitary-epidemic safety. These measures should be classified into three groups: sanitary and prohibition measures, which were entrusted to the local authorities with the function of police surveillance; information and prevention and suppression of the spread of epidemic diseases; measures related to quarantine institutions and quarantine measures within the empire. The research reveals the evolution of special, service competencies of the authorities and administration related to the protection of life and health of the population. Awareness as a legal category, aimed at the adequate perception of the state-legal measures related to life safety, all participants in legal relations. In this context, public awareness acted as an important component of the state-legal policy of Russia in the fight against epidemics, contributing to the formation of national legal consciousness and legal culture of subjects. The conclusion is made that the state's power in its activities to ensure public safety acted taking into account the needs of the entire society, guaranteeing the protection of health and life not only to the privileged classes.

Keywords: epidemic, awareness, state and legal policy, health, safety

1 Introduction

The covid-19 pandemic that struck the world demonstrated the need to overcome the new threats posed by the spread of the epidemic and its consequences by consolidating society and the authorities. Most of the new diseases that have emerged in recent decades have not

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been a very serious threat to humanity as a whole. However, the covid-19 pandemic that struck the world demonstrated that society's medical response alone is unable to cope with the disease. Undoubtedly, the new threats associated with the spread of the epidemic and its consequences at the present stage can be "decently" overcome only through the consolidation of society and government with an active position of the state [1]. In this connection, a research of the historical experience of Russia in the issues of interaction between the state and society in the fight against epidemics is of paramount importance today.

2 Methods

The methodological basis of the research consisted of general scientific methods of knowledge (generalization, analysis, synthesis) and special methods. The authors used the following research methods, dialectical method of knowledge, problem-chronological, structural and functional, comparative-legal, formal-legal. The biographical method of learning allowed us to examine the scientific findings and reports of practicing physicians on the causes of epidemics and the problems associated with the implementation of preventive measures in the field.

The normative legal basis of the research consisted of numerous legislative acts of the Russian Empire of the 19th century.

3 Results and discussion

It should be noted that the research of the root causes, factors, and conditions of epidemics [2] that shook Russia during the 19th century was not the subject of this article. The first scientific studies devoted to the problems of public hygiene, epidemiology and medical statistics appeared in Russia only in the middle of the nineteenth and early twentieth centuries, which was due to changes in state policy, the dynamics of public consciousness, science and legislation [3, 4]. Collections of works on forensic medicine contained extensive analytical reports of domestic and foreign medical practitioners on the causes of the spread, measures to combat epidemics, taking into account the economic, social and geographical diversity of the Russian Empire [5].

The history of medicine in Russia is studied in the works of Soviet scientists [6]. However, the historiography of the works of pre-revolutionary and modern authors on the topic under research is either limited to the analysis of the provisions of domestic pre-revolutionary legislation [7], or concerns individual aspects of state-legal development of Russia [8, 9]

In contemporary foreign historiography, there is a polemic among scholars concerning the forms and consequences of public doubt about vaccines and vaccinations. Thus, various forms and trajectories of vaccination refusal are highlighted, and how authorities and program coordinators could address these issues are discussed [10]. Theoretical and practical significance is represented by the work devoted to the research of historical experience in the fight against epidemics in the Mediterranean basin in the 19th century [11]. In the context of the theme of the research, interesting work is devoted to the analysis of socio-economic inequality and, in particular, its impact on the ordinary and extraordinary mortality from yellow fever that swept southeastern Spain from the end of the eighteenth century [12].

The close connection between poverty and the deadly cholera epidemic in Japan in the 1870s and 1880s is explored in separate articles [13]. Identifying the root causes of the

spread of an infectious disease such as smallpox in a historical retrospective has become an independent subject of research [14].

An objective prerequisite for the evolution of legislation related to the organization of life safety was the extreme spread of infectious diseases in many provinces of the Russian Empire. For example, smallpox in the nineteenth century was almost a constant phenomenon in folklife, and diseases such as measles, whooping cough, scarlet fever, and diphtheria, along with smallpox, were inherent in almost the entire child population [9]. In the reign of Emperor Alexander I, concern for the people's health and well-being of the Russian state became one of the main areas of state and legal policy. Further development of the state apparatus contributed to the improvement of anti-epidemic legislation, which fully correlated with the socio-political, cultural and ideological development of Russia.

Thus on May 3, 1811, there was the highest approval of the regulation of the Committee of Ministers of May 3, 1811. "On the spread of cowpox vaccination in the provinces" [15], which described the scale of the danger of smallpox in Russia, disappointing statistics about people who refuse to be vaccinated, and data on infant mortality [16].

High infant mortality was an acute problem in Russia and Europe. In the Scandinavian countries, for example, the authorities successfully overcame such tests. In the late eighteenth and early nineteenth centuries, a high rate of neonatal tetanus deaths was recorded on the island of Vestmannaeyar, Iceland. More than three out of four newborns on the island died within the first 2 weeks of life. By the end of the 1840s, the authorities were already successfully combating the disease. More than three out of four newborns on the island died within the first 2 weeks of life. By the end of the 1840s, the authorities were already successfully combating the disease [17].

Further evolution of the state apparatus and legislation took place during the reign of Emperor Nicholas I. The Code of Laws of the Russian Empire of three editions (1833, 1842, 1857) accumulated all legislative acts related to the organization of anti-epidemic measures in the country. Thus, the Code of institutions and statutes of medical for the civil part (revised in 1832, revised in 1842 – the Charter of Medicine) legally formalized the system of public authorities to "fight against epidemic diseases". The general management of the health care system and all matters related to the coordination of medical activities in Russia, the legislator referred to the competence of the Ministry of Internal Affairs [18]. In the provinces, the provincial boards had medical departments, which performed administrative and economic functions, had their own staff and coordinated the activities of all officials and institutions in the field of public health [19].

Medical Police Regulations, The Code of Laws of the Russian Empire (revised in 1842) substantially supplemented the Code of Agencies and Statutes of Medical. The legislator stipulated that "the timely elimination of everything that threatens public health and the adoption of uniform measures to suppress epidemic and epizootic diseases in the provinces and districts shall be entrusted to the provincial (regional) boards and offices and district Committees of Public Health" [19] with the assistance of local medical leaders [20] and physicians, fall under the authority of the Governors [21], Police [22] and other institutions that have the functions of police surveillance. Particular tasks in the fight against infectious diseases at the local level were assigned to county public health committees, which were obliged to inform the population about measures to prevent diseases among both humans and animals. The state, with its concern for the protection of public health, has established a number of legal measures aimed at ensuring sanitary and epidemic safety. These measures should be classified into three groups. The first group included sanitary and prohibition measures, which were entrusted to local self-government bodies with the functions of police supervision.

Among the general measures aimed at protecting public health, the legislator, first of all, included:

- measures aimed at ensuring clean air, both in cities [23], as well as in rural settlements [24];
- activities aimed at ensuring the purity of water, food and beverages [25];
- activities aimed at checking the quality of food products sold to the public [26].

So, the bodies of local self-government, in accordance with Russian law, not only monitored the implementation of the law, but also carried out explanatory work and informed the population about the obligations that the state, in order to protect the health of the country's inhabitants, has assigned to urban and rural residents.

The second group of measures aimed at ensuring public health can be defined as information and prevention and suppression of the spread of endemic diseases.

The legislator established:

- the obligation to transmit data on the outbreak of infectious diseases and the range of persons responsible for withholding information [27];
- the obligation of doctors to report infectious diseases in all categories of the population [28, 29];
- the obligation of zemstvo police officers to give explanatory talks to the population about vaccination [30].

The desire of the state to inform the population about the measures taken to ensure health has not always responded to the average citizen, because most of the population of the empire was illiterate and afraid of everything that was beyond their comprehension. In this regard, often the authorities, without explaining the meaning of what was going on, forced subjects to blindly follow their instructions, especially in the field of vaccination, which was a peculiarity of the period.

The third group of measures aimed at ensuring public health should include measures related to quarantine facilities and quarantine measures within the Empire, including maritime and land borders.

The Quarantine Statute stipulated that permanent quarantines shall be established to protect the state against infectious diseases. They were divided into two groups: maritime (quarantines and quarantine agencies) and land (quarantines and quarantine outposts). In areas where there were no quarantine agencies, the functions of quarantine surveillance fell on the border guards [31].

Organizational and legal measures to combat epidemics, in particular the establishment of anti-cholera quarantines, were well known not only to European states, but also to the Ottoman Empire.

For example, in 1835, in view of the threat of cholera and plague, the Ottoman government used the quarantine center (lazaretto) in Çanakkale to check the arrivals. Ships were quarantined for 20-25 days to control epidemics [32].

4 Conclusion

As we see, during the period under research, there was a process of formation of state authorities and institutions, whose competence included the regulation of public health. The legislator gave them relatively independent, specific functions, correlated with the priorities of public policy of Russia in the 19th century. The liberal reforms of 1860-1870s of Emperor Alexander II, the abolition of serfdom, and the reforms of local self-government allowed delegating to the newly established zemstvo and municipal institutions a considerable amount of authority to provide a complex of sanitary, preventive and administrative measures aimed at preventing and stopping contagious diseases.

Action-oriented awareness [33] aimed at the adequate perception of the state-legal measures related to life safety by all participants in legal relations. The subjects in this connection were not only charged with the duty of doing or refraining from doing anything

in emergencies, but the authorities appealed to civic solidarity in matters of public safety. Awareness implied the cooperation of the state and society in the fight against epidemics.

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