

MEDICAL HISTORY

Novikov D.O.

HISTORICAL MODELS AND LEGAL REGULATION OF HEALTH CARE PRACTICE IN KIEVAN RUS

G.S. Skovoroda Kharkiv National Pedagogical University, Ukraine

Abstract: The article examines historical models and specific of legal regulation of labor in health care field in Kievan Rus. The author identifies three historical models of medicine in Kievan Rus: pagan, secular and monastery. It is noted that norms of Rus Justice and Izbornik of Svyatoslav fall into the legal regulation of labour in secular medicine; Church Charter of Prince Volodymyr the Great - the legal regulation of labour in monastic medicine; ethical norms of customary law - the legal regulation of labour in pagan medicine.

KeyWords: Kievan Rus, pagan medicine, monastery medicine, secular medicine, legal regulation, customary law



INTRODUCTION

Legal regulation of health care practice in Ukraine has its own genesis. The development of health care and various health care constituents stems from the time of national statehood formation among the Eastern Slavic tribes in the ninth century. First physicians in Kievan Rus distributed medical knowledge and skills, formed the foundations of deontological rules of conduct and professional duties which made government take on the obligation to provide health care services to the population. A historic research on basic strategic characteristics of legal state impact on health care practice considering the reforms being launched in the field of the present health care system is therefore regarded as a priority.

Conflict of interests

There is no conflict of interests.

Corresponding Author:

Denis Novikov, PhD, Assistant professor, Department of civil law disciplines, commercial and labor law, Kharkiv National Pedagogical University after Grigory Savich Skovoroda, E-mail: dennovikow@mail.ru

2 PURPOSES, SUBJECTS AND METHODS:

2.1 Purpose

The aim of the study was to investigate the historical models and legal regulation of health care practice in Kievan Rus.

3 RESULTS AND DISCUSSION

According to the literature on the history of medicine, the assessment of national health care service formation should be made on the basis of the following scientific hypotheses: 1) humanity has always been affected by diseases, requiring treatment; 2) the territory of present Ukraine has been inhabited since ancient times and was the cradle of Indo-European civilization, and therefore was the source of their medical and pharmaceutical knowledge; 3) there are no grounds to believe that the people who inhabited the territory of modern Ukraine, lived in isolation and evolved separately from the development of world civilization and medicine in particular [1, p. 436].

Ukrainian health care history originates from the formation of a written language on the national territory, i.e. Kievan Rus, from the moment those who took care of the patients' health, namely various healers, shamans,

magicians, quacks who cured not only the body but also (or primarily) the soul, fending off “evil spirits”, taking off “magic spell” etc., started to prepare medicinal agents [2, p. 11]. Various cults and beliefs developed much later than the primitive medicine, thus the annalistic references concerning the magicians, diviners, healers, sorcerers provide evidence supporting the existence of health care services long before the development of the written language [3, p. 19]. Thus, these services are of the same age as a primitive man [4, p. 9].

Consequently, medical service in Kievan Rus was mediated by the natural process of labour division, necessitating elaboration of a population-wide health care system.

Historical literature draws generalizing conclusion on the existence of three types of Kievan Rus health care: 1) ancient or pagan; 2) monastery; 3) city secular health care [5].

Ancient health care in Kievan Rus was based on traditional pagan medicine, which empirically accepted rational therapies. Pagan medicine preserved many traces of those times. Pagan medicine is characterized by many common archaic methods and approaches acquired over the period of centuries of experience imparting knowledge by oral communication from generation to generation. Pagan medicine is the experience rich in the number of rational means received over the ages. In pagan medicine, as in the domestic daily life in general, nothing was used or brought into service without a cause [6, p. 254].

In early period of Kievan Rus pagan medicine “experts” had some knowledge and skills to manage patients with infections, described and tried to identify and treat lupus, itching, inflammation of the thoracic membrane and joints, bronchial and cardiac asthma, jaundice, typhus, plague, anthrax, epilepsy, nerve paralysis, etc. with the traditional methods. This treatment was provided by magicians, cutters, wizards and quacks [7, p. 301]. In various areas of Kievan Rus most popular pagan doctors were quacks, prymivnyks, bayilnyks. A quack treated with potions, prymivnyk with the power of words, when a quack was powerless to help. Quacks were multiskilled, i.e. they

provided treatment of all diseases; however there were those who specialized in the treatment of certain diseases. Rational and irrational aspects were combined not only in pagan practice, but also in traditional therapies, views on diseases and their causes.

With the spread of Christianity, the church and state engaged in the attempts to eradicate quackery and sorcery. In particular, the Prince Volodymyr Church Charter “On ecclesiastical courts” (995) [9], *zeleynytstvo*, a type of quackery, was referred to as a crime against faith. Quacks and sorcerers were identified as servants of the devil. Nevertheless, in terms of traditional therapies the attitude was ambiguous; they had their supporters and defenders even among the contemporary elite, including Prince Gleb who supported sorcerers [8, p. 18].

Paragraph 38 of the Prince Yaroslav Church Charter “On ecclesiastical courts” mentions the following: “If the wife is a sorcerer, enchantress or quack the husband has to execute her” [10, p. 39]. This norm provides two points: first, the additional confirmation of the government’s direction towards eradication of pagan medicine; second, the evidence supporting the fact that female physicians were also engaged in providing treatment. It should be noted that women were granted the official right to work in the field of medicine only in the middle of the nineteenth century [11, p. 13]. Besides these norms of criminal law, no legal document of Kievan Rus mentions provisions for folk medicine practice. Such activities were obviously regulated by moral and ethical norms of customary law.



Fig. 1. Pagan medicine.

F. Zhuravlyov. “Quack” (1870)

Alternatively, the practice of monastic and secular physicians required legal regulation.

A monastic hospital became a new form of medical care and an important step in the development of medical knowledge [12, p. 201]. Having acquired a certain level the monastic medicine necessitated regulation. It was performed by the Prince Volodymyr the Great Church Charter which included norms on hospitals and physicians [13, p. 145]. According to the Church Charter, hospitals were referred to as church institutions, and most of the liches were considered to be churchmen who obeyed the bishop [14, p. 43]. The definition liches originated as a specification of a particular activity of quackery with transition from pagan medicine under the patronage of monastic medicine and narrowing of specialization of using therapeutic methods and tools, adapting them to the new philosophy of life [15, p. 32]. Thus, first legal reference of liches was emphasized by the Church Charter.

One of the greatest orthodox literature landmarks “Kievan Cave Patericon” includes basic information on monks-doctors and organization of their work. A chapter of this landmark The life of Theodosius Pechersky mentions a special place given to hospitals, which were separated by a fence from other buildings. Pimen’s life story, who lived in a separate monastic cell, proves that monasteries had special hospital beds [5, p. 69]. Kievan Cave Patericon also lists the monks-doctors’ duties. Monks-doctors looked after patients and performed menial jobs, having good bedside manner and not caring for personal enrichment [16, p. 23].

The author of Kievan Cave Patericon proclaims modesty to be the best quality of the doctor. All doctors of Kievan Cave monastery were accessible, vanity was unknown to them. Doctors had to be free of any opinion aimed at enrichment owing to their practice (famous monk-doctor Agapit ordered to give all the money to the poor and churches and refused to take fees) [17, p. 58]. Thus, Christian humility, renunciation of worldly fame and wealth was emphasized among the high moral qualities of monks-doctors.

Thus, Kievan Cave Patericon developed the concept of treatment as a spiritual ministry. The ability to treat people was interpreted as a gift of God, which opens to righteous by their spiritual exploit. Accordingly, the treatment was perceived primarily as an integral part of the service of the God. Gratuity and inability to pay for treatment is regarded in relation to the treatment as the gift of God. Monk-doctor Agapit said: “...I do not take money for healing because healing power is not mine, but Christ’s” [15, p. 33]. So monks-doctors performed medical care free of charge.



Fig.2. Monastic medicine.
Monastic bed. Miniature from manuscript
“Life of Antony Siyskiy” (1648).

Apart from monks-doctors health care in medieval Kievan Rus was provided by numerous secular, professional liches who studied the basics of their profession through apprenticeship, often in families of hereditary healers. They mainly specialized in general practice, e.g. kamchuzhni (treatment of body pains, currently referred to as rheumatism), ochni (treatment of eye diseases), chepuchynni (treatment of syphilis), those who treated “bedevilment” (ancestors of modern neuropsychiatrists) and others [18]. For instance, these “doctors” were mentioned in the annals of seventeenth century “Posthumous miracles of St. Nicholas the Wonderworker”.

Some of these lichets were permanent residents of cities, including the princely court lichets, and rambling lichets, as indeed in other countries of medieval Europe [19, p. 41].

Izbornik of Svyatoslav (1076) named the first professional duties of secular lichets. It indicated that lichets should be able to provide surgical care (be able to cut the skin, amputate limbs, causticize wounds, treat suppuration [20, p. 15].

Unlike monks, who did not leave their monastery, secular lichets treated the patients in their homes and unlike monks treated on a fee for service basis. Izbornik of Svyatoslav (1076) notes the following about the fees for secular lichets: "If lichets is needed, he should be brought to the sick and be given payment for treatment".

Rus Justice greatly contributed to the regulation of ancient treatment and social relations in the field of medical practice, despite the relatively small number of articles relating to the regulation of medicine. First of all, it is necessary to note the fact of referencing lichets engaged in treatment. Secondly, the norms of Rus Justice contain the provision about charged nature of health care in secular medicine [21, p. 7]. Paragraph XIII of Rus Justice named About sword notes the following: "If the person was wounded with a sword but did not die, one hryvna should be paid for wound care". From this text it is clear that "wound care" was administered by a professional who received a certain payment, probably not less than one hryvna.

Thus, the relationship of health care services provided by secular doctors had civil law nature and differed from the monastic medicine which was considered to be the monks' commitment. In this context it should be noted that at this stage in Kievan Rus the ecclesiastic law was the main source of legal regulation of labour in health care.



Fig.3. Secular medicine.

In lichets' residence. Manuscript. XIV century.

Regarding the right to provide health care services in Kievan Rus we must note that the norms of the Church Charter, Rus Justice and Izbornik of Svyatoslav and Kievan Cave Patericon do not contain special requirements for medical practice. Social and professional status of doctors in Kievan Rus entirely depended on the will of the rulers and their opinion on health care activities, which continuously underwent changes [16, p. 24].

4 CONCLUSIONS

Social and legal status of health care professionals in Kievan Rus underwent separation within the processes of labour division and manifestation of particular importance of public health in the life and development of the society. As for the types of Kievan Rus medicine (pagan, monastery and secular) it should be noted that norms of Rus Justice and Izbornik of Svyatoslav deal with legal regulation of secular medicine; the Prince Volodymyr the Great Church Charter provides legal regulation of monastic medicine and ethical norms of customary law cover legal regulation of pagan medicine. It is worth emphasizing that fundamental characteristics of legal regulation of health care services in Kievan Rus may be used in the context of the current health care reform for the formation of its basic principles and specific areas of implementation.

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