

THE HEALTH REGULATIONS OF THE ROMANIAN OLD KINGDOM AT THE END OF THE 19TH CENTURY AND THE EARLY 20TH CENTURY

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ABSTRACT:

THE HEALTH LEGISLATION OF THE ROMANIAN OLD KINGDOM CONSISTED OF THE MAIN HEALTH LAWS OF 1874 AND 1910, AS WELL AS OF OTHER HEALTH LAWS, GENERAL HEALTH REGULATIONS AND LOCAL HEALTH REGULATIONS. WITHIN THE FRAMEWORK OF THE HEALTH LEGISLATION, THE HEALTH LAWS REPRESENTED ONLY A SMALL PART OF THE LEGISLATION. THEREFORE, THE HEALTH LEGISLATION WAS COMPLETED BY THE HEALTH REGULATIONS WHICH ARE MORE NUMEROUS AND AS IMPORTANT AS THE LAWS. THE GENERAL HEALTH REGULATIONS WERE ISSUED BY THE LOCAL AUTHORITIES, - SUCH AS THE HOSPITALS' ADMINISTRATIONS, THE URBAN COUNTY AND COMMUNAL COUNCILS - AND THEY WERE APPLICABLE TO A WELL - DEFINED ADMINISTRATIVE UNIT, AFTER THEY HAD BEEN SANCTIONED BY THE EXECUTIVE POWER.

KEYWORDS: HEALTH LEGISLATION, GENERAL HEALTH REGULATIONS, LOCAL HEALTH REGULATIONS, THE SUPERIOR HEALTH COUNCIL.

The main sanitary laws of modern Romania were elaborated in 1874 and 1910.

The Health Law in 1874, along with its subsequent amending legislation, from the years 1877, 1881, 1885, 1893 and 1898, established competence of various public authorities regarding health issues². They organized control of hospital administration and prescribed method of appointment of personnel. The multiple changes in the law resulted in a radical change of text, so the 1898 version is not too much like the original³. *Health Law of 1874* took the principles fixed

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² Șuta et al, *Legislația sanitară din România modernă (1874-1910)/ The health legislation in the modern Romania (1874-1910)* (Cluj-Napoca: Cluj University Publishing House, 2009), 32.

³ Elena-Steluța Dinu, “Asistența spitalicească a orașului Craiova în a doua jumătate a secolului al XIX-lea – începutul secolului XX”, “Hospital care in Craiova during the second half of the 19th century and early 20th century”, Ph. D. dissertation, Faculty of History and Philosophy, “Babeș-Bolyai” University of Cluj-Napoca, 2014, 19.

by Organic Regulation, developing them and adapting them to new social realities in accordance with scientific discoveries in the medical field⁴.

The Health Act of 1910 was developed by Sion with Ioan Cantacuzino, General Director of Health Services. This law was very different from other the health laws adopted by time and divided the territory of the Old Kingdom in nineteen health regions, which, in turn comprised several sanitary districts.

Cantacuzino-Sion law sought to remove all previous shortcomings sanitary laws and gave full authority only to doctors, in all public health matters⁵.

The sanitary laws had to be completed by a set of regulations. Even the text of the Law of 1874 foresaw the subsequent elaboration of at least 17 regulations. These were elaborated in time, sometimes after more than a decade- such as the case of *The Regulation for village alignment and the construction of peasant dwellings*, which appeared in 1888 - or even later, *The Regulation regarding the sanitary surveillance of the food and drinks and of the commerce with food and drinks* - articles 154, 155, 156 and 157 of the sanitary law- mentioned in article 123 of the 1874 law appeared in 1895. Other regulations foreseen in the sanitary law were never elaborated, i.e. the regulation regarding the hygiene conditions of public and private schools and boarding schools, mentioned in article 115 of the 1874 law. There were, however, cases when, even if the law didn't stipulate it, the Superior Health Council elaborated and approved, one year after publishing the law, a *Regulation for vaccination and revaccination*. Therefore, the process of elaborating the general health regulations was a complex, long-lasting process. The following health law, in 1910, foresaw the publication of 35 regulations to complete it⁶.

The regulations represented norms for applying the legislation, even if the mentioned structure seldom appeared in the title, i.e. *The Regulation for applying the law regarding the setting up of the rural hospitals* or the *Regulation of the law regarding the lunatics*. The regulations that complete the health law usually have in their title that aspect of the law they detail⁷. They are closer to social realities and surpass the generalized character of the laws. The health regulations represented the applied legislation. They had the same normative character as the health laws, but "nothing guarantees *a priori* that they are better applied than other categories of legal texts. They bring us closer to the social reality at the same level, as ideal as the laws"⁸. According to the Constitution of 1866, article 93, the regulations were a prerogative of the ruler: "He makes the regulations necessary for the execution of the laws without being able to ever modify or suspend the laws"⁹. That is why all these texts had to be sanctioned by royal decree. From the point of view of the transmitter as well as of the receiver, the regulations can be divided in two main categories: general health regulations and local health regulations.

⁴ Elena-Steluța Dinu, "Health laws in the period 1874-1910", in *Annals of the University of Craiova/ Analele Universității din Craiova*, XIX, no. 2(26)/2014, 15-22.

⁵ Dinu, "Health laws", 19-20.

⁶ Șuta et al., *Legislația sanitară în România modernă (1874-1910)/ The health legislation in the modern Romania (1874-1910)* (Cluj-Napoca: Cluj University Publishing House, 2009), 34.

⁷ Șuta et al., *Legislația*, 32.

⁸ Șuta et al., *Legislația*, 33.

⁹ *Constituțiunea și legea electorală/ The Constitutions and the elective law* (Bucharest: State Printing House, 1867), 24.

1.1 General Health Regulations

The general health regulations were issued by the central health authorities and they were available for the entire country. The frequent adjustments of the health law caused the adjustment of these regulations¹⁰.

Between the years 1867-1868 the Superior Health Council elaborated the following regulations: *the Regulation for receiving the lunatics in special hospitals; the Regulation for the trade of medicinal and poisonous substances; the Regulation for the hospitals administration in Bucharest and Iași.*

In 1873 *the Regulation for the county health service* was elaborated. For the period of time between 1874-1885, based on the law promoted in 1874, the Council voted several regulations, among which the most important are: *the Regulation for the hygiene councils in counties and big cities; the Regulation for the health service in urban areas and counties; the Regulation for the communal and county hospitals; the Regulation for the health council; the Regulation of the competition for the physician positions; the Regulation for achieving the title of assistant- surgeon, the Regulation for vaccination and revaccination, in 1874, modified in 1893; The Regulation for insanitary industries; the Regulation for prescribing and charging the medicines paid from public funds.*

In 1879 the following regulations were elaborated: *the Regulation for measures against pestilential diseases; the Regulation for organizing the sanitary service at the Danube's flowing point; and in 1882 the Regulation for concession of pharmacies by competition.*

Based on the 1885 law, the Health Council had processed and completed by the end of 1886 the following regulations: *the Regulation for the county health service; the Regulation of the Superior Health Council; the Regulation of the competition for the physician positions; the Regulation for trading toxic substances; the Pharmaceutical Regulation; the Regulation of the urban health service*¹¹.

Among the general health regulations we can also mention: *the Regulation for village alignment and the construction of peasant dwellings* in 1888, which was not applied because the stipulations were too demanding for the rural inhabitants with precarious financial situations. This regulation was modified in 1894; *the Regulation for preventing infectious diseases* in 1891, modified in 1893 and 1897, based on the international health conventions from Dresda and Venice; *the Regulation for the county health service* in 1894; *the Regulation for insanitary industries* in 1894, completed between 1895-1899¹².

¹⁰ Iacob Felix, *Istoria igienei în România/ The history of hygiene in Romania*, 2nd volume (Bucharest: "Carol Göbl" Graphic Arts Institute, 1902), 59.

¹¹ *Raport general asupra stării serviciului sanitar pe anul 1886/ General report on the status of the health service in 1886* (Bucharest: State Printing House, 1887), 7-8.

¹² Constantin Bărbulescu and Vlad Popovici, *Modernizarea lumii rurale românești în a doua jumătate a secolului al XIX-lea și la începutul secolului al XX-lea. Contribuții/ Modernizing the Romanian rural world in the second half of the 19th century and the beginning of 20th century. Contributions* (Cluj-Napoca: Accent Publishing House, 2005), 57-58.

1.2 Local health regulations

The local health regulations were issued by the local authorities, i.e. the great hospitals administrations, county and urban communal councils, and they were applicable to the territory of a well specified administrative unit¹³, after they were sanctioned by the executive power.

The Council for Hygiene and Public Sanitation of Craiova elaborated in 1866 a regulation for preventing some infectious diseases, its stipulations being almost identical with those of the regulation elaborated by Cămpina City Hall in 1900. One of the authors of this kind of regulation was the vice- mayor Mihail Trișcu¹⁴.

In 1890 *the Regulation of the competition for the positions of physicians, veterinarians, pharmacists and midwives*, paid by Craiova¹⁵ was elaborated. According to this regulation all the physician positions were occupied by exam, any time vacancy appeared. The competitions took place in Bucharest, in the presence of a jury. For the physician competition the jury was formed by a member of the Superior Health Council, as president, two professors from the Faculty of Medicine in Bucharest, an M.D. from the Board of Civil Hospitals in Bucharest, drawn up in the plenary sittings of the medical college and an M.D., representative of the City Hall.

For the pharmacists competition the jury was formed by a member of the Superior Health Council, as president, a member of the Chemical-Pharmaceutical Commission and a representative of the City Hall, licensed in pharmacy and having Romanian nationality.

The competition for midwives took place in Craiova, in the presence of a jury, having as president the M.D. of the city, and as members a physician from the local hospitals, drawn up in the plenary meeting of the Hygiene and Public Sanitation Council of Craiova and an M.D., representative of the City Hall. All the members of the jury gave marks to the candidates for each subject and, in order to be admitted, they had to equal or be higher than seven.

This regulation had detailed stipulations regarding the way in which the competition unfolded for each specialty and it was discussed and voted in the Communal Council of Craiova in the meetings from 11th and 12th November 1890¹⁶.

The Superior Health Council, by decision no. 1545 of 8th December 1898 decided to build a second class midwives school, near the *Filantropia Hospital* in Craiova. The purpose of this school was to train midwives which could be employed only in rural areas, so that, in time, each rural setting would have a midwife who, at the end of one year's study, possessed theoretical knowledge and practical skills in the domain.

This school was under the control of the General Direction of the Health Service and was led by the hospital's M.D., its activity being coordinated by the *Regulation of the second class Midwives School of Craiova*¹⁷, elaborated in 1900.

The second chapter of the *Regulation*, entitled "Admission Conditions" stipulated that in this school only Romanian students were allowed, especially those brought up in rural areas. It

¹³ Elena-Steluța Dinu, "Asistența spitalicească a orașului Craiova în a doua jumătate a secolului al XIX-lea – începutul secolului XX"/ "Hospital care in Craiova during the second half of the 19th century and early 20th century", Ph. D. dissertation, Faculty of History and Philosophy, "Babeș-Bolyai" University of Cluj-Napoca, 2014, 27.

¹⁴ Mihail Trișcu, *Dare de seamă asupra administrațiunei comunale a urbei Craiova pe anul 1889/ Report on the communal administration of Craiova in 1889* (Craiova: Filip Lazăr Romanian Publishing House, 1890), 24.

¹⁵ *Buletinul Direcțiunii Generale a Serviciului Sanitar/ The Bulletin of the General Direction of the Health Service* (Bucharest, 1891), no. 1-2, 2-7.

¹⁶ Șuta et al., *Legislația sanitară în România modernă (1874-1910)/ The health legislation in the modern Romania (1874-1910)* (Cluj-Napoca: Cluj University Publishing House, 2009), 676.

¹⁷ *Monitorul Oficial/ The Official Gazette* (Bucharest, 1900), no. 289, 10297-10299.

also stipulated the age of candidates, the documents for submission, which took place in March, the number of students - 40, as well as the demand regarding their ability to read and write.

The courses lasted one year, starting on 1st April, because many students had scholarships from the rural areas and the period and the beginning of the studies depended on the budgetary year. The following chapters of the *Regulation* referred to the study of midwifery, exams and to the conduct and clothes of the students which had to be exemplary, honest and simple, the national, traditional costumes being preferred¹⁸.

Among the local health regulations, established by the Communal Council of Craiova, according to the instructions received from the Ministry of Internal Affairs, the most important referred to regulating the constructions, the sanitation of dwellings, cleanliness of streets, markets, yards, removing the garbage, obeying the sanitary norms in butcheries and slaughterhouses.

Besides these regulations, the great hospitals in Craiova, i.e. *Filantropia*, *Theodor I. Preda*, *Madona-Dudu*, coordinated their activity according to the stipulations of their own regulations, which established in detail the responsibilities of each part involved in the medical activity. These regulations were elaborated according to the modern norms of that period of time and they were complying with those of the big hospitals in Bucharest.

The health legislation, containing health laws, laws with sanitary character, general health regulations and local health regulations reflect only a part of the Romanian state's effort to modernise itself. "*Modernization implied, first of all, the synchronization of the Romanian institutions with the European ones and overcoming the distance that separated, from this point of view, Romania from Europe. Secondly, a new way of thinking was necessary (...) namely, becoming aware of their applicability to the real conditions of the Romanian society*"¹⁹.

However, the health legislation frames within what we could call the normative speech, it "shapes an ideal situation which was never fully covered: it proposes norms, standards and paths to follow for achieving them"²⁰.

By its high standards, the Romanian legislation was European and modern, but, as doctor Iacob Felix said: "the value of the health institutions and of the hygiene measures depends less on the written laws and more on the culture, science, conscience and discipline of the people called to apply them"²¹.

¹⁸ Elena-Steluța Dinu, "Asistența spitalicească a orașului Craiova în a doua jumătate a secolului al XIX-lea – începutul secolului XX"/ "Hospital care in Craiova during the second half of the 19th century and early 20th century", Ph. D. dissertation, Faculty of History and Philosophy, "Babeș-Bolyai" University of Cluj-Napoca, 2014, 29.

¹⁹ Șuta et al. , *Legislația sanitară în România modernă (1874-1910)/ The health legislation in the modern Romania (1874-1910)* (Cluj-Napoca: Cluj University Publishing House. 2009), 28.

²⁰ Constantin Bărbulescu and Vlad Popovici, *Modernizarea lumii rurale românești în a doua jumătate a secolului al XIX-lea și la începutul secolului al XX-lea. Contribuții/ Modernizing the Romanian rural world in the second half of the 19th century and the beginning of 20th century. Contributions* (Cluj-Napoca: Accent Publishing House, 2005), 55.

²¹ Iacob Felix, *Istoria igienei în România/ The history of hygiene in Romania*, 2nd volume (Bucharest: "Carol Göbl" Graphic Arts Institute, 1902), 62.

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