

## *Welcoming remarks*

Academician Zoran P. RAŠOVIĆ

### Opening of the International Symposium: COMPARATIVE STUDIES OF CIVIL LAW BETWEEN MODERN SOUTH SLAVIC REGIONS AND JAPAN: STRUCTURE, ORIGIN AND LANGUAGE

*Honorable President of the Montenegrin Academy of Sciences and Arts, esteemed academics, distinguished professors from Japan and the region, dear colleagues and friends,*

I have the honour to speak at the opening of this Symposium on behalf of the Montenegrin Academy of Sciences and Arts, as its co-organiser, and in accordance with the wishes of the distinguished professors from Japan. Dear gentlemen, honourable professors from Japan, please accept the assurance of our highest respect for the project you are carrying out, that is, an invaluable and thorough study of the work of Valtazar Bogišić and his major accomplishment — an emperor among laws — the General Property Code for the Principality of Montenegro.

We take the fact that the Symposium is organised at our Academy as not only a great tribute to our institution, but also as an honour to Montenegro which has earned the attention of such great scholars from the glorious country of the Far East. It is an honour indeed to recognize their interest in our Code and the tradition and customs, beliefs and institutes in Montenegro at the time of its adoption. We highly appreciate the interest they have shown for the language of our Code, whose worth has been recognized and praised worldwide as a successful example of a code known for being understandable to the people, for its overall clarity of expression, its internal language economy and the way the content is structured. The Code is

famous for the successful balance between customary law in Montenegro and the corresponding institutions from the best legislatures in Europe, the Far East and America at that time. The Code is known to have established a perfect harmony between all the opinions of relevance in the contemporary legal scholarship. At the same time, the way the Code was drafted reflects utmost respect for quite specific conditions and needs of Montenegro. Bogišić knew well where he stood and he never lost his way “equally at home in a hut as in a palace, in an open boat as aboard a battleship.” The comprehensiveness of his research is testified by the scope of this very Symposium and the reputation of its distinguished participants.

Dear friends, it is to our great delight that you have chosen to do scholarly research precisely on the issues of the greatest value that our country is home to, on how and why they came to life, how and why they developed in one direction or another, in one form or another. I am convinced that Valtazar Bogišić himself would take pride in this, as he was keen to emphasize — and on numerous occasions — the impact the General Property Code structure had on the structure of the Japanese Civil Code from 1890.

We in Montenegro believe it to be a great honour that you have found inspiration in our Code from the end of the 19<sup>th</sup> century, which is, out of gratitude and respect, remembered also as Bogišić’s Code. Just as the French (and not them only) consider the Napoleonic Code to be an emperor among laws, so is the General Property Code considered to be an emperor among laws in the Slavic South. I believe that this does not require special evidence, as this Symposium alone speaks volumes about its significance. After all, the General Property Code has such characteristics that it is difficult to find its equal among European legislative products at the time.

I am also honoured that today, here, on our premises, in the presence of so many distinguished experts, legal and linguistic scholars, a few more words will be said on the principles that Bogišić’s work was based on, on its magnitude, the main foundations of the Code, and its links with other great codifications of the world, especially, on this wonderful and rare occasion, with the Japanese Civil Code of 1890, which was drafted under the guidance of the renowned French Professor Boissonade. Both professors, framers of the Code, made sure that their codes, although given a scientific and European form, did not break with the folk tradition, preserving harmony with the folk customs, beliefs and needs of the people for whom they were drafted.

True, Bogišić was in the most difficult position since the codification affairs in other countries in such endeavours were divided between several members of Commissions (e. g. in Berlin, Pest, Jeddo, Tokyo). No such

delegation of work existed in the drafting of the Montenegrin Property Code. Most of you, honourable friends, could see for yourself the enormity of Bogišić's work he put in the task assigned to him by those in power. This all took place in Montenegro, at the close of the 19<sup>th</sup> century. At the time, Montenegro was a country of custom, in the truest meaning of the word, and not a country of written law. Bogišić would not have successfully accomplished this task had it not been for regular consultations with members of the Berlin, Swiss and other commissions working on codifications of civil law in Europe. Putting together an extensive list of questions, Bogišić would often go to Heidelberg, Prague, Vienna, Berlin, Petersburg, etc. to talk with the leading professors of Europe, including his former professors: Bluntschli, Randa, Hunger, Stein and others.

He would often proudly emphasize that a high-ranking figure from Japan, who was in Paris in 1878, had asked him for advice on matters regarding the codification of Civil Law in Japan. Many published, and even more so, unpublished, documents available to us attest that these consultations had exerted a profound impact, through high-ranking officials, on the system of the commission for drafting the Civil Code in Japan. He believed it was a fact that should be regarded as a success not only for him, but for everyone. When he saw Part two of the Japanese Civil Code project in 1895, he was firmly convinced that the consultations with Mr. Matsukata Masayoshi in Paris in 1878 had, as he put it, "a decisive influence on the whole system of that work." Hence, Bogišić wrote: "The new Civil Code of Japan will have, for the most part, the same system as the Montenegrin one, regardless of the previous opinion of the chairman of the codification commission in Tokyo, Parisian professor Boissonade."

Valtazar Bogišić and Mr. Matsukata Masayoshi, the then Vice-Minister of Finance in the Government of Japan, could never have foretold that their meeting, held on July 5<sup>th</sup>, 1878, would arouse such interest from the professional public, which lasts to this day. On that date, the Japanese Vice-Minister of Finance was in Paris in the capacity of the President of the Japanese delegation at the World Exposition. At the time, Bogišić was preparing the first version of the acclaimed General Property Code for the Principality of Montenegro. Montenegro had a population of 120–130.000 at the time and it spread over about 4.400 km<sup>2</sup>.

Dear Friends, the Montenegrin Academy of Sciences and Arts devoted the entire last year to the 130<sup>th</sup> anniversary of the passing of the GPC and to Bogišić. A dozen public lectures were held and 6 publications were promoted. Our institution and the state of Montenegro proudly cherish and

preserve the memory of Bogišić and his magnum opus — the General Property Code for the Principality of Montenegro.

We are proud that you are part of this sublime story and that today we will together show how great a treasure and what a true paragon of legislative success the Code is at the global level and will round off a comparative study in Civil Law of the contemporary South Slavic region and Japan: structure, origin and language.