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## BOGIŠIĆ AND HIS UNREWARDED CONTRIBUTION TO THE MODERN JAPANESE CIVIL CODE

### INTRODUCTION

It is widely understood among Japanese scholars that the General Code of Property for the Principality of Montenegro of 1888, was referred to when the Japanese Civil Code, promulgated in 1896 and 1898 and still in force today, was being drafted. Indeed, the latter's preparatory work records reference to the Montenegrin Code in writing 287 articles out of the 1044 articles of the Japanese Civil Code. Japanese scholarship however seems to have been satisfied with occasional remembrance of this episode. Two pages on "Bogišić und die japanische Kodifikation" in Werner Zimmermann's book<sup>1</sup> seems the only source for the most of historical description of legal connection between Montenegro and Japan. His remarks are cited by some Japanese scholars, in their works written in Japanese in the context of either Japanese legal or political history of the 19<sup>th</sup> century. But none of them seem to have examined the original documents by themselves.

This is why we, as a group of scholars from Japan, visited Montenegro, Serbia, and Croatia in 2014, 2015, 2016 and 2017. We visited the Baltazar Bogišić Collection in Cavtat in 2015, 2016 and 2017. The documents we found in the Archives of the Zbirka Baltazara Bogišića, related to Japan, can be divided into two groups.

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<sup>1</sup> *Werner Zimmermann, Valtazar Bogišić: 1834–1908: ein Beitrag zur südslavischen Geistes- und Rechtsgeschichte im 19. Jahrhundert Wiesbaden, 1962, p. 184–185.*

The first group is concerned with Bogišić's meeting with the Japanese delegation in Paris on the occasion of the World Exposition in 1878. Zimmermann is surely one of few scholars who read these documents.

The second group consists of the documents related to Boissonade, a French professor who came to Japan as a legal adviser and stayed from 1873 to 1895, with a short return to Paris. The letters between Bogišić and Boissonade had been totally unknown to Japanese scholars actually until our visits to Cavtat. The exchange of letters casts a new light on Bogišić as well as this French Professor who has always attracted great interest of Japanese civil lawyers and legal historians.

After our first research into Bogišić's Archives, I wrote two articles, which introduced these documents to Japanese scholars. In the one I transcribed a French hand-written text which describes the encounter in 1878 and translated it into Japanese with some notes and comments<sup>2</sup>. The other article contains the transcription and translation of eight letters found in the file "Boissonade" of Bogišić's correspondence archives<sup>3</sup>. At first these two groups of documents looked independent of each other in terms of the relationship between Bogišić and Japanese law. After four years' extended research, however, I have now come to recognise a connection between the two. We shall examine this connection, which is a key to understand relationship between Montenegro and Japan seen from the Bogišić collection.

## 1. THE FIRST ENCOUNTER

The first part of the following article is about Bogišić's encounter with Japanese officials in 1878. Japanese government officials met Bogišić to seek his advice when Japan attempted to codify her civil law in the 1870s. The episode is known through the second "koncept" of Bogišić's autobiography<sup>4</sup>, and Werner Zimmermann cites a good deal from the dossier "Familie" in

<sup>2</sup> Emi Matsumoto, "Advice of Valtazar Bogišić on the Codification of Japanese Civil Law" [article written in Japanese], *Aoyama Law Review*, Vol. 57, No. 4 (A Special Issue Dedicated To Prof. Toshihiko Yamazaki, Prof. Yoshiaki Nakamura, Prof. Hisakazu Hirose), March 2016, p. 441–466. <https://www.agulin.aoyama.ac.jp/repo/repository/1000/18706/18706.pdf>

<sup>3</sup> Emi Matsumoto, "Correspondence between Boissonade and Bogišić" [article written in Japanese], *Aoyama Law Forum*, Vol. 4, No. 2, February 2016, p. 11–35. <https://www.agulin.aoyama.ac.jp/repo/repository/1000/18740/18740.pdf>

<sup>4</sup> Valtazar Bogišić, Drugi koncept. Materijali za biografski nacrt, in id., *Izabrana Djela*, tom IV: *Studije i Članci*, Podgorica, 2004, p. 413; *Spomenica dra Valtazara Bogišića o tridesetogodišnjici njegove smrti*. Dubrovnik, 1938, p. 45. An earlier report of the event is

Bogišić's archives<sup>5</sup>. We also find in the same archives a handwritten French text different from the document cited by Zimmermann<sup>6</sup>. The text transmits its author<sup>7</sup>'s academic account of the meaning of this rendez-vous. Bogišić saw Montenegro and Japan as two societies having to overcome the difficulties of adapting themselves to the "Western" (or Roman) law.

*A) Bogišić's view of the codification in Japan*

The delegation which Bogišić met in Paris in 1878 was originally destined for the World Exposition in Paris held in the same year. Its head was Masayoshi Matsugata (1835–1924)<sup>8</sup>, vice-minister of Finance. His secretary who fixed the rendez-vous was Alexander von Siebold (1846–1911)<sup>9</sup>, the el-

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found in an anonymous article "Kodifikacija zakona u Japonu", *Pravo pravničko-upravni list*. (Izdavatelj i odgovorni urednik. Šimonić), Godina VI. Broj 70. 30 siečnja 1879., Spljet, p. 306–307.

<sup>5</sup> Zimmermann, *op. cit.*, p. 184–185 ("Familie" 400 f.). See also p. 518.

<sup>6</sup> Manuscript in French, without date and signature, with pagination, 7pp, with some correction in another hand, Museum and Collection Baltazar Bogišić at Cavtat, Croatian Academy of Sciences and Arts (Zbirka Baltazara Bogišića, BA XVIII/11). The transcription of this text is published in my article, "Advice of Valtazar Bogišić on the Codification of Japanese Civil Law", *Aoyama Law Review*, Vol. 57, No. 4, 2016 at p. 442–449 (*supra* n. 2). The argument developed in this document seems to correspond to the recapitulation given in the document written in German and French, extensively transcribed by W. Zimmermann at note 2, p. 470.

<sup>7</sup> It seems reasonable to think that the author is Bogišić, though in the text Bogišić is mentioned as "M<sup>r</sup> de B" or "M<sup>r</sup> B" in the third person, and that the handwriting is not of his.

<sup>8</sup> We find a handwritten card (possibly a visiting card) in Bogišić's archives, written as follows: Masayochi Matsugata/Président de l'Exposition Impériale du Japon/A l'Exposition Universelle de 1878/Vice-Ministre des Finances/Chef du Département Impériale de l'Agriculture. His surname is now commonly pronounced as "Matsukata" and not "Matsugata". He later became Ministre of Finance several times and Prime minister twice, from May 1891 to August 1892 and from September 1896 to January 1898. He was one of the nine privileged advisors called "Genro" to the Emperor, who were extraordinarily influential in politics.

<sup>9</sup> In 1859, at the age of 13, he accompanied his father to Japan and witnessed the upheavals before the collapse of the Edo shogunate. After his father's departure, he worked first for the British consulate in Japan as a translator. After the new Meiji government was established, he started to serve in 1870 Japanese ministries of Finance and of Foreign affairs, where he would contribute enormously. As shown below, his diary and his correspondence are informative in respect of the relations between Bogišić and Japan. cf. Vera Schmidt (Hrsg.), *Alexander von Siebold, Die Tagebücher*, (Acta Sieboldiana VII), 3 vols, Harrassowitz Verlag, 1999; Vera Schmidt (Hrsg.), *Korrespondenz Alexander von*

der son of the famous Philippe Franz von Siebold (1796–1866)<sup>10</sup>. The young Siebold came to Japan in 1860 with his father to remain there after his father's departure, to work for Japanese government for more than forty years.

In this occasion, Bogišić was asked his opinion on the codification of civil law in Japan. He advised that Japan should not include the family law and the succession law in her future code. These areas of law, which had been pervaded by the customary law in Japan, as in Montenegro, would not be suited to the codification. Should they be codified at all, they could not be in the same code with the property law. The latter could follow the Western ways of legal thinking without difficulties, but the former could not.

It is noteworthy that Bogišić found a parallel between Montenegro and Japan. Not only the codification of both countries was synchronically in progress, but the legal environment, especially confronted with the Western law, was in common. "Montenegro, like Japan, was subject to the rule of the customary law and completely left outside the legal development which the whole of Western part of the old Europe had experienced".

*En effet une commission, au plus grand complet, s'occupait à Tokio depuis plusieurs années de la Codification la plus compliquée de toutes, de celle du droit civil. [∕] A cette époque, il y avait déjà quelques années que Mr B s'occupait de la Codification de ce même droit pour le Monténégro, pays qui comme le Japon, appartenait encore au domaine du droit coutumier et restait complètement en dehors du développement juridique par lequel est passé tout l'Occident de la vieille Europe<sup>11</sup>.*

For such countries that newly entered in international relationships with the West, the codification of the civil law is a significant and difficult enterprise. One could ignore neither "the elements elaborated by the European science" nor "the living national materials". "Both elements, quite different

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*Siebolds in den Archiven des japanischen Aussenministeriums und der Tokyo-Universität 1859–1895*, (Acta Sieboldiana IX), Harrassowitz Verlag, 2000.

<sup>10</sup> A German medical doctor and natural historian, who stayed in Japan from 1823 to 1829 as a member of Dutch delegation and taught Western sciences to Japanese students in his private school. Expelled on a charge of exporting maps of Japan, then prohibited, he visited Japan again from 1859 to 1862, thanks to a newly concluded treaty which enabled him to do so. He wrote among others *Nippon, Archiv zur Beschreibung von Japan und dessen Neben- und Schutzländern: Jezo mit den Südlichen Kurilen, Kraf-to, Koorai und den Liukiu-Inseln*, 7 vols., Leiden, 1832–1852. His two sons, Alexander and Heinrich (1852–1908), diplomat for Austria-Hungary Empire and archaeologist, revised and published the book in 1897 in two volumes.

<sup>11</sup> Manuscript, BA XVIII/11, cf. *supra*, n. 6; E. Matsumoto, "Advice of Valtazar Bogišić..." (*supra*, n. 2), p. 443.

in origin and in nature, even when they do not exclude each other, very often come to collide with each other”.

*Les travaux de Codification du droit civil pour des pays nouvellement entrés dans des rapports internationaux suivis avec l'Occident, tels que le Montenegro et le Japon, sont des entreprises considérables et difficiles en elles-mêmes, mais elles se compliquaient d'un côté par la présence inévitable des éléments élaborés par la science européenne et de l'autre des matériaux nationaux vivants. Ces éléments étant d'une origine et d'une nature bien différentes, lorsqu'ils ne s'excluaient pas réciproquement, y venaient très souvent en collision entre eux*<sup>12</sup>.

Bogišić found the case of Japan a good example to support his theory of codification, elaborated through the preparation of Montenegro's own Code. As for the Japanese side, they found Bogišić's advice very helpful to determine the grand question of codification. Matsugata was so much impressed by the advice that he ordered it to be translated and sent immediately to Japan. Unfortunately, we do not know any document on Japanese side showing the consequences of this event. Interestingly, it is in the next year, 1879, that Boissonade seems to have started drafting the Civil Code of Japan, in charge only of the law of property. In fact, why and how the decision was taken to separate the compilation of the property law and the family law is not yet clear. We do not know yet whether or not the suggestion of Bogišić directly affected the government's decision.

When he knew about the first Japanese Civil Code, Bogišić thought that his idea was adopted in Japan, because the part on property was written by Boissonade, but the rest was commissioned to Japanese lawyers. “It is not surprising that Mr. Bogišić himself hardly believed that in the commission (of codification) in Tokyo, dominated by the dogma popular in Europe, his opinion should ever triumph. One can imagine his surprise and his satisfaction at the same time, when in the first volume of the draft of Japanese Civil Code, published in 1882<sup>13</sup>, he could ascertain that his opinion prevailed on the most important subject”.

<sup>12</sup> *ibidem*

<sup>13</sup> The document cited by W. Zimmermann tells that in 1883 Bogišić obtained the first volume of the project of the Code published in 1882 (Familie 400f.; Zimmermann, Valtazar Bogišić, p. 185). It is likely that this copy was the second version of the *Projet de code civil pour l'Empire du Japon: accompagné d'un commentaire par M. Gve Boissonade. Tome premier. Des droits réels*, published in 1882. It was, in fact, the revised and augmented version of the same title published in 1880. Only a limited number of copies were issued for the first version, of three volumes published from 1880 to 1882, probably for the purpose of internal use by the government officials. The copies conserved in Bogišić's library (one set of the second version, 5 volumes of 1882 to 1889, and of the third and “new” version, 4 volumes of 1890 to 1891) suggest that Bogišić first read Boissonade's

*Il n'est donc pas étonnant que Mr. de B lui même, était loin de croire que son opinion triompherait dans la commission de Tokio, commission qui était dominée par les dogmes qui sont en honneur en Europe. On peut donc s'imaginer de surprise, et en même temps sa satisfaction lorsqu'à la publication du premier volume du projet du Code en 1882, il pouvait constater que son opinion sur les sujets les plus importants avait prévalu. En effet, la famille et la succession ont été exclues du Code, et sa rédaction réservée aux jurisconsultes du pays.<sup>14</sup>*

Although the document asserts that “the family and the succession were excluded from the Code”, they were included in the Japanese Code. The Code, which is commonly called the “Old Civil Code”, published in 1890, adopts the Institutes system in five books: Book on Persons, Book on Property, Book on the Acquisition of Property, Book on Securities, and Book on Evidence. Boissonade drafted only the property law (i. e. Books on Property, (chapters 1–12 of) Acquisition of Property, Securities, and Evidence). Family law (Book on Persons) and Inheritance law (chapters 13–14 of the Book on the Acquisition of Property) were drafted by a group of Japanese lawyers. In Western language, however, the property law has been known through Boissonade’s French text (*Projet*) since 1880, but the family law and inheritance law which were drafted later than property law<sup>15</sup> and translated into English only in 1892, that is after the publication of the law. The part which Boissonade was in charge was adopted and published on 21 April 1890 (law No. 28) and the part on Family law and Inheritance law was published on 7 October 1890 (law No. 98). Both, combined as a Code, were to put in force on 1 January 1893, but in reality never enforced.

A passage from his article “Quelques mots sur les principes et la méthode suivis dans la codification du droit civil au Monténégro. Lettre à un ami”, first written in 1885 and published in 1888, most probably alludes to the

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draft in its second version. The first pages of the volume I of the second version (the “avertissement” and the “Introduction”) underlined and annotated by Bogišić correspond well the following passage: “wir in Brief des Herrn Boissonade an den Justizminister (der den Band eröffnete) und in dessen Einleitung unwiderlegbaren Zeichen dafür begegneten, daß unsere [damalige] Meinungsäußerung... in der japanischen Kodifikations-Kommission doch Wiederhall gefunden hatte” (Zimmermann, p. 185).

<sup>14</sup> Manuscript, BA XVIII/11, cf. *supra*, n. 6; E. Matsumoto, “Advice of Valtazar Bogišić...” (*supra*, n. 2), p. 445.

<sup>15</sup> Boissonade finished drafting all the articles in his charge in February 1888, while the first draft of the family and inheritance law was prepared “in a few months” and completed around July 1888.



Japanese code and the Bogišić's advice given in 1878<sup>16</sup>. It explains that the difference in nature between the family law and the property law was acknowledged in the modern science, but the tradition remained to treat both laws together. It is clear however through "curious examples", that the separate treatment of the two parts of law had been proposed and attempted in his days. "For example, you will see, it is question of a codification, not yet finished, regarding which I had (in 1878) the honour of being asked to give my opinion, and the part known to the public of which allows us to confirm the triumph of the principle I suggest."

*Il [l'Exposé de principe non achevé par Bogišić] cite même de curieux exemples tirés de l'un et de l'autre domaine, desquels il résulte que, de notre temps, on avait proposé et tenté de traiter chaque groupe séparément. Ainsi, vous le verrez, il y est question d'une codification, encore inachevée, au sujet de laquelle j'eus (en 1878) l'honneur d'être consulté, et dont la partie connue permet de constater le triomphe du principe que je soutiens<sup>17</sup>.*

Even after Boissonade's Code was revised and restructured into the new Code in 1896 and 1898 by Japanese lawyers, Bogišić maintained his opinion that the Japanese Civil Code was built on the basic idea of his. He argues that the amendment of the Code containing both property law and family law will be more difficult and take more time than the Code regulating only the property law. In his understanding, Japanese revision of the old Civil Code was concerned only with the property law, which enabled a quick amendment: "...in Japan, when the Parliament refused, some years ago, to adopt the Civil Code which had taken some twenty years to be made, and established a new commission to prepare another, the commission could accomplish its task in a relatively short time (based on the works for the new German Civil Code), because it was only of a Code of property, whose principles and dispositions are of more or less cosmopolitan nature."

*Plus le Code... est étendu, plus grandes sont les difficultés de pareilles modifications. Cette dépense de temps et d'argent augmente considérablement, lorsqu'il s'agit de Codes contenant des institutions disparates, en comparaison de ceux qui forment un tout homogène.*

*Un cas pareil s'est déjà présenté au Japon, lorsque le Parlement, il y a quelques années, se refusa d'adopter le Code civil dont l'élaboration avait pris*

<sup>16</sup> Valtazar Bogišić, "Quelques mots sur ses principes et la méthode adoptés pour sa confection", *Bulletin de la Société de législation comparée*, n°17, mai 1888, p. 483–497. The Japanese translation of this article is published by Joji Namba in *Seiho Ronshu* (University of Kyoto, Department of Liberal Arts), no. 10, 1990, p. 79–93.

<sup>17</sup> *ibid.*, p. 13.

*une vingtaine d'années et désigna une nouvelle commission pour la rédaction d'un autre, celle-ci, vu qu'il s'agissait seulement d'un Code de biens, dont les principes et les dispositions sont d'un caractère plus ou moins cosmopolite, a pu (en basant des travaux sur le nouveau Code civil allemand) s'acquitter de sa tâche dans un temps relativement très-court.*

The understanding of the author of this text needs to be corrected in that the new Japanese Civil Code contained the family law and the succession law, as the old Civil Code did. With this misunderstanding, his argument trying to attest Bogišić's contribution to Japanese codification certainly seems to become weaker. It should be noted, however, that the new Civil Code adopted the Pandekten system (Books on the General rules, Rights in rem, Obligations, Family, and Succession) which separated more clearly the family law and the inheritance law from the property law, and that the first three books of the Civil Code were published in 1896, separately from the latter two books, i. e. on the family law and the succession law, which were published in 1898. Moreover, it is true that this arrangement of the Code made easier to amend solely and totally the family law and the succession law in 1947<sup>18</sup>.

It is not likely that the adoption of the Pandekten system by the new commission of Codification in Japan should be causally related to Bogišić's advice. Nevertheless, the separation within the Code, of the family law and the succession law from the property law remained to be important for the Japanese codification.

In spite of all these reservations we should submit<sup>19</sup>, Bogišić, the presumable author of the text we have cited, concludes that "the consultation in 1878... will mark its place in the history of the legislation of Japan"<sup>20</sup>.

<sup>18</sup> Law No. 74 of 1947. It was a radical reform abolishing the "house" system as well as the primogeniture and promoting the equality of sexes.

<sup>19</sup> We wonder how Bogišić understood the new Civil Code of Japan. It is possible that the text in question was written between 1896 and 1898, when only the amendment of the property law was published. Or, did he write it later knowing that the amendment was less radical in the family law and the inheritance law than in the property law? Even after he could have information about the amended family and succession law in the Code of 1898, Bogišić does not seem to have changed his opinion about his contribution to Japanese codification.

<sup>20</sup> "La consultation de 1878, même si elle n'avait apporté qu'un seul des avantages susénoncés ou sous entendus, elle tiendrait néanmoins sa place, et marquerait dans l'histoire de la législation du Japon ". Manuscript, BA XVIII, 11, cf. *supra*, n. 6; E. Matsumoto, "Advice of Valtazar Bogišić..." (*supra*, n. 2), p. 449.



*B) Reward of the advice*

Other archives from Cavtat are helpful to make clearer how Bogišić was interested in Japan. One of the documents gives us important information of the encounter of 1878, as for its date, its preparation and the initiative taken there, as well as the remuneration for the advice of Bogišić. I transcribe in Appendix the whole text of this sheet of paper, written with pencil in two pages, with an additional note on the third page<sup>21</sup>.

The first point to note is about the initiative taken for the arrangement of the encounter of Bogišić and the Japanese delegation. The manuscript in French we had referred to<sup>22</sup> starts its narrative with Alexander von Siebold approaching Bogišić on this matter. Bogišić's second concept of autobiography tells in the same way<sup>23</sup>. But this document tells that it was Bogišić who approached Siebold to obtain information about Japanese systems. Bogišić notes that "on 25 June (1878) I visited Baron Alexander von Siebold, an official at the Ministry of Finance of Japan. It was in order to ask him to give me the answer to some questions about Japanese law. Request accepted./On 4 July, Mr. Siebold came to me and asked to come to visit the vice Minister (at Hotel d'Ambassade, 15 rue Matignon) on the following day./ After confirmation by letter and telegraph, at noon on 5 July, I interviewed Masayoshi Matsugata with the translation by Siebold"<sup>24</sup>.

If we rely on this small note, the date of the meeting in Paris between Bogišić and Matsugata is precisely 5 July, which accords with Bogišić's letter to Matsugata dated 25 Octobre 1878<sup>25</sup>. The French text we referred to earlier does not give the date itself of the rendez-vous, but it says it was in "the beginning of June" that Siebold made a contact with Bogišić to set the meeting with Matsugata, which sounds contradictory to the other sources. On the other hand, the diary of Alexander von Siebold records that Siebold visited Josephine von Knorr, the life-long supporter of Bogišić, on 2 June

<sup>21</sup> Manuscript in the file BA, XXV, 9, a; see Appendix (I) for the entire text of this manuscript. The file includes a folder entitled "Rapports avec Mr Siebold et le vice ministre de finances Mr Matsugata./ Réponse de M Yamanoutchi" which contains this manuscript, letters to Matsugata and Siebold, and Bogišić's questionnaires on Japanese systems and the answers to them, to be explained later.

<sup>22</sup> Manuscript, BA XVIII/11, cf. *supra*, n. 6.

<sup>23</sup> V. Bogišić, Drugi koncept. Materijali za biografski nacrt, in id., *Izabrana Djela*, tom IV, p. 413; *Spomenica dra Valtazara Bogišića o tridesetgodišnjici njegove smrti*, p. 45 (*supra*, n. 4).

<sup>24</sup> Manuscript, BA, XXV, 9, a, *supra*, n. 21

<sup>25</sup> See *infra* n. 28 and Appendix (II).

1878<sup>26</sup>. It is possible that Baroness Knorr introduced Bogišić to Siebold on that day or later, which might be the very beginning of their contact leading to the meeting presumably one month later.

The reward for the consultation of 1878 is another important matter, at least for Bogišić. In return to the advice given, Matsugata granted Bogišić's wish. Indeed, the original aim for Bogišić of meeting the Japanese officials was to obtain "answers to some questions about law in Japan" (he met Alexander Siebold "pour le prier de me donner des réponses à certaines questions concernant le droit au Japon"). At the end of the meeting, Matsugata ordered Siebold to give Bogišić the answers which he needed and, if necessary, send Bogišić's questionnaire to Japan to be completed ("Enfin il y a donné ordre à M. Siebold de me donner les réponses dont j'ai besoin et s'il est nécessaire d'envoyer mon questionnaire au Japon pour qu'il soit complété"). Accordingly, on the same day, Bogišić handed in his questionnaires on the "family" and the "clan". Two weeks later, he presented the questionnaire concerning the "feudal organisation" in addition.

On 25 October of the same year Bogišić wrote a letter to Matsugata to remind him of the three questionnaires, because the answers had not been received yet although the World Exposition was closing and Matsugata was to return to Japan soon<sup>27</sup>.

The letter seemed to work and Bogišić wrote on 8 December of the same year to Alexander von Siebold, thanking for his response to the questions of the feudalism in Japan and offering to send again the questionnaires on the family and on the clan (tribe) to which he had not received the answer<sup>28</sup>.

We did find in Bogišić's Archives the questionnaire and Siebold's answers on the Japanese feudalism. The hand-written document of four pages on the feudal organisation contains 42 questions and the answers. In the top margin of the first page is scribbled "Answers of Mr. Baron Siebold, received on

<sup>26</sup> "Samstag, 15. Juni 1878... Besuch bei Baronin Knorr gemacht"; "Samstag, 15. Juni 1878... Sehr viele Besuche gemacht Abends bei der Knorr auch wo ein grosser Kreis versammelt war", Alexander von Siebold, *Die Tagebücher*, Vera Schmidt (ed.), Acta Sieboldiana VII, A. p. 125, p. 127. Baroness Knorr is mentioned in seven occasions in this edited diary of Siebold. Bogišić himself appears only once on 5 August 1900: "Sonntag 5. August 1900 Frühstück bei mir Kurino Daguin Meyer Denison Bogisic...", *id.*, B. p. 1002.

<sup>27</sup> A draft of letter, from Bogišić to Masayoshi Matsugata, dated 25 Octobre 1878 at Paris, with some correction of text, to which is attached a certificate of the date of deposit to the post-office (the same day), BA, XXV, 9, a. The transcription of the entire text is given in Appendix (II).

<sup>28</sup> A draft of letter from Bogišić to Alexander von Siebold (in his address in Paris) signed at Paris on 8 December 1878 (BA, XXV, 9, a). See the whole text transcribed in Appendix (III).

5 December 1878”<sup>29</sup>. We have another questionnaire on feudal organisations with 43 questions. In the margin of the top of the document is indicated “given to Mr Siebold... to have responses, on 5 July 1878”<sup>30</sup>. answered by Mr. Yamanouchi”<sup>31</sup>. Yamanouchi’s reply itself forms another document conserved in the same folder. At the end of this document is noted “answers given by Mr. Yamanouchi, attaché of the imperial legation of Japan at Vienna. Octobre [1]878”<sup>32</sup>. Katsuaki Yamanouchi (1847–1912)<sup>33</sup> was a diplomat who stayed in Vienna from 1874 to 1880. He exchanged letters with Bogišić (two of them are catalogued and conserved<sup>34</sup>) and Baroness Knorr. He seems to be an important informant to the both, and some other documents in Bogišić’s Archives also come from him. The questionnaire about the family was also answered by Mr. Yamanouchi. The document entitled “Famille” lines up in three pages 23 questions, with corresponding answers in four pages<sup>35</sup>. Also conserved is the questionnaire on the Clan (Tribe), to which is noted “Response

<sup>29</sup> “Organisation féodale”, text in French, written in ink, BA, XXV, 9, a: “Réponses de M le Bar. Siebold, reçu le 5 décembre 878”.

<sup>30</sup> This notation differs from the document cited above (n. 21) which records that the questionnaire on the feudal organization was handed on 21 July.

<sup>31</sup> “Organisation féodale” of 8 pages in French, right column written mostly in ink and left column with pencil, with an indication “Donné à M Siebold (rue de Bourgogne 17) pour avoir des réponses, le 5 juillet 1878. répondu par M Yamanouchi”. This document is included in the folder titled “Notices fournis par M Yamanouchi par l’entremise de M<sup>me</sup> la Baronne de Knorr” and classed in another file: BA, XVIII, 11. On the cover of the folder is noted also “voir Rapports avec M Siebold”.

<sup>32</sup> Questionnaire on “Organisation féodale” answered by Katsuaki Yamanouchi in 12 pages, all written in French in ink, BA, XVIII, 11.

<sup>33</sup> In younger days, he called himself Bunjiro Yamanouchi. After having worked at the legations at Rome, Vienna and Moscow, he returned to Japan and worked for the Imperial Household Agency. He died as the head of the Palace of the Empress. In his young days, he was an official interpreter of the delegation lead by Shogun’s brother, Akitake Tokugawa, to the World Exposition at Paris in 1867. It is likely that he knew well Alexander von Siebold who also accompanied the delegation of 1867 and was in frequent contact with the Viennese legation of Japan.

<sup>34</sup> One dated at Vienna 28 August 1879 and another at Vienna 6 September 1879. In the catalogue of Bogišić’s correspondence, he is listed as Yamano (surname), Outchy (forename). Yamanouchi is his surname, but it is written, as it appears in different documents in Bogišić’s Archives, “Yamanouchi”, sometimes “Yamano outchi”, or “Yamanouchy”, etc. He himself signs as “Yamano-outchi” without his first name. Moreover, his name can be called also “Yamauchi” (“Yamaoutchi”) in Japanese, which should be noted especially for data research.

<sup>35</sup> “Famille” in French with the questions on the right column in ink and the answers on the left in pencil. An extended answer occupies the page 4 (BA, XXV, 9, a)

of Yamanouchi. oct. [1]878” and “It does not exist at all in Japan”<sup>36</sup>. It lists up 12 questions on two pages, in the top left margin of the first page of which is dashed off with pencil, “given to Mr Siebold via Mr Heyer on 21 July 1878”<sup>37</sup>. In the same folder of the archives, we find another list of questions on the clan or tribe, counting 20 questions with much correction of text<sup>38</sup>. We have cited earlier the document telling the proceeding of the meeting in 1878, at the end of which was noted: “on 14 Octobre the brochures of the questionnaires (Feudalism, Tribes, Family) were sent to M[adame] de Knorr in order to obtain answers from Mr Yamanouchi”<sup>39</sup>. The reply to all the three questionnaires was thus given in the same month. Unfortunately, we do not know if Baron Siebold answered on the family and on the clan.

The replies to the questionnaires in Bogišić’s Archives given either by A. von Siebold or Mr. Yamanouchi, are the result, or we can also call it the reward for Bogišić, of the meeting in July 1878. In occasions, Bogišić made clear that he did not receive any money for the advice on the occasion of the meeting<sup>40</sup>. “Instead of the honorarium for the interview, I asked for the text about the legal forms of Japan before the administrative change, which request was satisfied”<sup>41</sup>, remarks his drafted autobiography.

We should note the theoretical importance for Bogišić of this encounter with Japanese officials. He would like to examine whether his theory of the separation of the family and succession laws from the Civil Code can be applicable to Japanese law, for which he needed to understand better the Japanese systems. When he was given a chance to ask directly a limited number of questions to Japanese, he selected the approach from “family”, “tribe (clan)”, and “feudal organisation”. The three aspects appeared to Bogišić particularly important to tell how Japanese law could be separated between the law of property and the law of family and succession.

<sup>36</sup> “De la Tribu (Clan) “ (ZBB, BA, XXV, 9, a), manuscript in French and written in ink. One might presume that the “Réponses de Yamanouchi. oct. [1]878” was just simple as “Il n’existe rien de tout cela au Japon”. Evidently, a further research is necessary.

<sup>37</sup> This notation, “donné à M. Siebold par l’entremise de M Heyer le 21 juillet 1878” differs from the document cited in n. 21 which dates handing over of the questionnaire on the clan on 5 July and that on the feudal organization on 21 July.

<sup>38</sup> “Clan, Tribus.”, French text in four pages written with pencil (ZBB, BA, XXV, 9, a).

<sup>39</sup> Document cited above (*supra*, n. 21; BA, XXV, 9, a).

<sup>40</sup> Baroness Knorr stands for Bogišić, against Alexander von Siebold, attesting that Bogišić did not receive any money for his consultation in 1878 (Letter from Kojiro Amamo to A. Siebold, dated 21 August 1892 (Vera Schmidt (Hrsg.), *Korrespondenz Alexander von Siebolds...*, p. 728–729 (Letter 4.0525), *infra*, n. 68 and n. 69).

<sup>41</sup> V. Bogišić, Drugi koncept. Materijali za biografsk nacr, in id., *Izabrana Djela*, tom IV, p. 413; *Spomenica dra V. Bogišića o tridesetgodišnjici njegove smrti*, p. 45 (*supra*, n. 4).

## 2. THE CORRESPONDENCE WITH BOISSONADE

To examine the relationship between Bogišić and Japan, the correspondence with Boissonade conserved in Bogišić's archives is indispensable.

Gustave Emile Boissonade (1825–1910) played an unparalleled role in Japanese modern legal history. He came to Japan in 1873, as a legal advisor to the government and taught at several law schools in Tokyo during his stay which lasted over twenty years. He was the author of Japan's first modern Penal Code and Code of Criminal Procedure, but most importantly of her first Civil Code, which was promulgated in 1890 but never entered force.

Let me display the parallel chronology of Codes of Montenegro and Japan. Bogišić was commissioned by Nikola I to codify the Montenegrin law in 1872, to begin his work in 1873. Gustave Boissonade arrived in Japan the same year to help in Japanese codification. The first edition of Bogišić's Code was made public in 1888. Boissonade finished his drafting in February 1888. Japan's first Civil Code was published in 1890, with Boissonade's project having been printed since 1880. The second edition of the Montenegrin Code was published in 1898, Bogišić having been in charge of its amendment as the *Ministre of Justice* of Montenegro since 1893. The revised Civil Code of Japan, which fully "amended" (in fact, changed) Boissonade's "Old Code", was promulgated in 1896 and 1898, after a new commission of redaction, from which Boissonade was excluded, was set up in 1893.

Bogišić and Boissonade can be seen as parallel figures, as the framers of the Civil Code. It is not difficult to understand that they gifted each other the copies of their Codes, exchanging necessary information of the codification. We find different editions of Boissonade's works in Bogišić's library<sup>42</sup>, containing underlines and annotations by Bogišić. Indeed, these two scholar-legislators kept contact, directly and through their family and close friend who also wrote letters for them. Here is the list of letters related to Bogišić and Boissonade, in chronological order, which we found in the Archives in Cavtat. The asterisks represent the letters transcribed extensively

<sup>42</sup> The Catalogue of Bogišić's Library lists up: *Projet de Code de Procédure criminelle pour l'empire du Japon*, Tokio, Kokoubunsha, 1882; *Projet révisé de Code Pénal pour l'empire du Japon*, Tokio, Kokoubunsha, 1886; *Projet de Code Civil pour l'empire du Japon*, Tokio, Kokoubunsha, 1882–1889, 5 vols (Tome I–II: IIe édition); *Projet de Code Civil pour l'empire du Japon, nouvelle édition*, Tokio, Kokoubunsha, 1890–1891. Other than the Codes, Bogišić had a copy of Boissonade's *Histoire des droits de l'époux survivant*, Paris, Thorin, 1874.



in the Appendix of this article, while the whole texts of the letters #1, #2, #5, #6, #12, #13, #16, #17 are transcribed in my previous article<sup>43</sup>.

1. Mrs. Boissonade to Baroness Knorr, 29/12/1885
2. Mrs. Boissonade to Baroness Knorr, Monday morning, date unknown (1888?)
3. Mrs. Boissonade to Baroness Knorr, 1/12/ (1892) enclosed in #4
4. Baroness Knorr to Bogišić, Stiebar, 26/1/1893
5. Mrs. Boissonade to Baroness Knorr, 1/5 / (1893)
6. Boissonade to Bogišić, Tokyo, 1/8/1893
7. Mrs. Boissonade to Baroness Knorr, date unknown, a part of letter enclosed in a letter from Baroness Knorr to Bogišić of 14/12/1893
8. Mrs. Boissonade to Baroness Knorr, Auteuil, 14/3/1894, enclosed in #9
9. Baroness Knorr to Bogišić, Stiebar, 17/3/1894
10. Boissonade to Baroness Knorr, transmitted by Mrs. Boissonade, date unknown (1894), enclosed in #11 \*
11. Baroness Knorr to Bogišić, Stiebar, 13/9/1894
12. Boissonade to Bogišić, Paris, 24/5/1895
13. Boissonade to Bogišić, Paris, 27/5/ (1895)
14. Boissonade to Ministre Soné, Paris, 3/6/1895 (copy), enclosed in #15 \*
15. Boissonade to Baroness Knorr, Paris, 3/6/1895 \*
16. Boissonade to Bogišić, Antibes, 9/11/1895
17. Boissonade to Bogišić, Antibes, 2/1/1896
18. Louise Federici, née Boissonade to Marija Bogišić-Pohl, Antibes, 30/10/1908 \*

The correspondence between Bogišić and Boissonade, including those between Baroness Knorr and Mrs. Boissonade, was kept from 1885 to 1896 at least, and we have a sign that it started earlier and still went on in 1903<sup>44</sup>. It lasted for more than 18 years. Boissonade described their relationship as short and “of courtesy” in the letter #18, condolence for Bogišić addressed to his sister, written by Boissonade’s daughter on behalf of her father who was 83 years old<sup>45</sup>. He says that “unfortunately, he can not give any information about her late lamented brother, because he only had too short a

<sup>43</sup> Emi Matsumoto, “Correspondence between Boissonade and Bogišić” [article written in Japanese], *Aoyama Law Forum*, Vol. 4, No. 2, February 2016, p. 11–35. <https://www.agulin.aoyama.ac.jp/repo/repository/1000/18740/18740.pdf>

<sup>44</sup> Letter from Boissonade to Koichi Sugimura, in Murakami Kazuhiro, “Les lettres de M. Gustave Emile Boissonade à Koichi Soughimoura”, *Meiji Law Journal*, vol. 8, 2001, vol.), 2002. p. 71–72 (Letter 54). See *infra* n. 90 and Appendix (X).

<sup>45</sup> Louise Fedelici (née Boissonade) to Marija Bogišić-Pohl, Antibes, 30 Octobre 1908, BK Marija Bogišić-Pohl. For the whole text, see Appendix (IV).



relation of courtesy with him". Yet, his daughter adds that "It was through Baroness Knorr, I think, that he got acquainted with him in 1889, in Paris where two gentlemen stayed for a while". We thus learn that Bogišić and Boissonade met in person and it was in the year when Boissonade took leave for some months to return to France (departing from Yokohama in April and returning in December of the same year of 1889). In spite of Boissonade's personal account, what their correspondence reveals is far from negligible, reflecting the legal history of Montenegro, and of Japan, and even of a wider extent, which involved both scholars.

#### *A) Exchange of legal information*

Two scholars exchanged their works, and especially, Boissonade informed Bogišić of the progress and the vicissitude of the Japanese codification of civil law.

Mrs. Boissonade announces the publication of the "3<sup>rd</sup> volume of Japanese Civil Code" in a letter addressed to Baroness Knorr. It tells the time when the book would be available in Paris. Most probably the volume is the second version of Boissonade's draft ("*Projet*") of the Code, published in 1888.

*Je reçois à l'instant une lettre de mon mari m'annonçant qu'une caisse de livres vient de partir pour son libraire. C'est en effet le 3<sup>ème</sup> volume du Code Civil. Cette caisse n'arrivera pas avant une quinzaine de jours et bien certainement ces volumes ne seront pas mis en vente avant un mois<sup>46</sup>.*

In a later letter, Mrs. Boissonade tries to answer the question asked by Baroness Knorr about the Japanese Code. She explains about the volumes she has at home in Paris, the third edition of Boissonade's *Projet*, and tells that she wrote to the publisher to obtain the necessary information for the Baroness.

*J'ai bien chez moi les 4 volumes du Code Civil du Japon le 1<sup>er</sup> tome, année 90 et les autres de 91. Le 1<sup>er</sup> volume traite des Droits réels, la 2<sup>e</sup>, des Droits personnels et obligations, le 3<sup>ème</sup> des Moyens d'acquérir ces biens. Le 4<sup>ème</sup> des Preuves et de la prescriptions, des suretes ou garanties / Comme ces ouvrages sont en vente chez M Larose libraire Editeur, 22. Rue Soufflot. Je lui ai écrit pour lui demander ces renseignements, dès que j'aurai sa réponse, chère Baronne, je vous l'enverrai et au besoin je le verrai moi-même<sup>47</sup>.*

It is no more than my speculation that the query could be about the parts on the person and on the succession, which were not included in Boissonade's

<sup>46</sup> (#2) Mrs. Boissonade to Baroness Knorr, the date unknown (between 1887 and 1893/8/1), BK, B IV/5 (Boissonade) n°6.

<sup>47</sup> (#5) Mrs. Boissonade to Baroness Knorr, (1893)/ /1, BK, B IV/5 (Boissonade) n°7.

*Projet*. Bogišić might well have wondered if any articles had been published other than those prepared by Boissonade on the law of property.

In 1893, Bogišić probably came to know for the first time about the whole text of the Japanese Civil Code of 1890, including the law of family and succession. In 1893, Boissonade himself wrote to Bogišić and dedicated the Civil Code of Japan to him. Sadly, he had to add that the enforcement of the Civil Code of 1890 was postponed for 3 years by the decision of the Parliament<sup>48</sup>.

*Sur l'invitation de Mme la Baronne Knorr, j'ai l'honneur de vous adresser les Textes du Code Civil Japonais: une partie est en anglais. / Vous savez sans doute que la mise en vigueur en a été ajournée à 3 ans par le Parlement, opposé systématiquement aux actes antérieures à sa création*<sup>49</sup>.

The copies sent to Bogišić could be either the third version of Boissonade's *Projet*<sup>50</sup> or the official translation of the Code with Boissonade's explanation, the *Exposé*<sup>51</sup>. The latter is the published text of the Code, translated in French, whose "Exposé des motifs" Boissonade was not quite willing to write, because some of the articles he proposed had been amended by the Japanese committee. He finally agreed to write the *Exposé*, as if in exchange with the permission to publish the new version of his *Projet*, showing and commenting his drafted article. In this "new" version of *Projet*, Boissonade exposed his most elaborated ideas, particularly aiming at French readers<sup>52</sup>. Four volumes of this "new edition" of *Projet*, printed in a limited number, do occupy the space in Bogišić's Library, while we did not find the *Exposé*. The English version to which Boissonade refers in his letter was most

<sup>48</sup> Law No. 28 of 21 April 1890 published the Civil Code to be put in force from 1 January 1893. Law published on 24 November 1892 postponed the date of enforcement until 31 December 1896.

<sup>49</sup> (#6) Boissonade in Japan to Bogišić in Montenegro, 1893/8/1, BK, B IV/5 (Boissonade) n°1.

<sup>50</sup> *Projet de Code Civil pour l'Empire du Japon accompagné d'un commentaire par Mr. Gve Boissonade*, nouvelle édition corrigée et augmentée, tome premier, 1890; tome deuxième, 1891; tome troisième, 1891; tome quatrième, 1891.

<sup>51</sup> Code civil de l'empire du Japon, accompagné d'un Exposé des motifs, Traduction officielle, 4 tomes, Tokio, Kokoubounsha, 1891.

<sup>52</sup> Letter to Edmond Colmet de Santerre (1821–1903), Dean of the Law Faculty of the University of Paris, 18 Octobre 1891, Archives Nationales (France), A. J. 16 973, cited in Yasuo Okubo, "La querelle sur le premier code civil japonais et l'ajournement de sa mise en vigueur: refus du législateur étranger?", *Revue International de Droit Comparé*, vol. 43 n°2, 1991, p. 394, n. 15.

probably the translation published in 1892 by Japanese Ministry of Justice<sup>53</sup>. It should be the translation of articles on persons and on succession, parts of the Code which Boissonade had not been in charge.

The rumour of the difficulty for Boissonade's Code was brought by Mrs. Boissonade to Bogišić even before Boissonade himself wrote to Bogišić about it. And it was Baroness Knorr who told Bogišić about the failure: "the anticipated legislation in the Far East did not prove your success".

*... vous trouverez dans mon envoi trois brochures de M. Boissonade et la lettre que Madame Boissonade m'a écrit à cette occasion. Vous verrez par là que la prévue législation de l'extrême Orient n'a pas eu votre succès*<sup>54</sup>.

The letter of Mrs. Boissonade referred to in this letter tells about the situation of the Japanese Code: "The (two) Chambers (of the Parliament) denied the Code for the sake of opposition against the government, claiming that the new laws could not suit the Japanese, which would be good for a Republican and for the Christians, and that they demand to return to their old Customs". Mrs Boissonade describes vividly how Boissonade reacted to this difficulty. He is disappointed very much, and it affected his health badly. The final decision had not been made yet, and he wrote "articles to defend his works".

*Sachant combien vous vous intéressez à tout ce qui touche à ma famille, je vous dirai que j'ai été fort inquiète de la santé de mon cher mari; il a eu bien des déceptions à l'occasion de ses Codes. / Les Chambres pour faire de l'opposition au gouvernement les ont repoussés, prétendant que ces Lois nouvelles ne pouvaient leur convenir, qu'elles étaient bonnes pour un q'n Républicain et pour des Chrétiens, mais qu'ils demandaient à revenir à leurs anciennes Coutumes. / Mon mari s'est tiré à faire des mémoires pour la défense de ses travaux, la décision n'est pas prise, mais il est resté fort triste de tout cela, étant très nerveux de tempérament sa santé s'en est ressentie et les crises d'asthme ont été aussi possibles, que fréquentes, il a été fort affaibli de tout cela. Il est mieux maintenant grâce au changement de maison, le temps sec est revenu il peut respirer plus librement...*

<sup>53</sup> Shihosho (Ministry of Justice), Law of application of the laws in general of Japan, Civil Code of Japan, Book on the law of person, Tokyo, 1892, 98pp (translation by Kirkwood); Shihosho (Ministry of Justice), Civil Code, Book on the law of acquisition of property, Tokyo, 1892, 29pp (translation by Kirkwood).

<sup>54</sup> (#4) Letter from Baroness Knorr in Stiebar to Bogišić, dated 26 January 1893 (BK. K(Knorr) VI, n°44)

*Je vous envoie une brochure. La défense des Codes [inséré: + et trois autres qui pourront vous intéresser,] par l'auteur, je pense que cela vous intéressera...*<sup>55</sup>

A brochure containing “the defence of the Codes by the author” and three other articles were thus sent from Boissonade to Bogišić. The former could be “Les nouveaux Codes japonais: Réponse au manifeste des légistes et aux objections de la Diète” dated 1 August 1892<sup>56</sup>. It was to defend the Code of 1890 in the middle of the nation-wide debate on the enforcement of the Civil Code and the Commercial Code<sup>57</sup>. This nation-wide controversy came to its end by the law of 22 November 1892, which decided the postponement of the enforcement of the two Codes and led to the whole revision of the two Codes. The letter from Mrs. Boissonade was only ten days after this decision, although she might not have known of it.

In this way Bogišić was informed of the vicissitude of the Japanese codification through Boissonade, thanks to the intermediary of Mrs. Boissonade and Baroness Knorr. Of Mrs. Boissonade, who did not accompany her husband to Japan, we had had so scarce knowledge, but the correspondence reveals that she was helpful to his academic activities<sup>58</sup>, as other letters bring still more evidence. Some time, she sends a questionnaire to Japan for Josephine von Knorr and for Bogišić and promises to transmit its reply: *J'ai envoyé votre questionnaire au Japon et quand j'aurai la réponse je vous l'adresserai*<sup>59</sup>. At another, she transmits answers of Boissonade to Bogišić in care of Baroness Knorr: *Je vous envoie la réponse de M Boissonade à M Bogisik [sic], en vous priant bien de la lui faire parvenir*<sup>60</sup>.

<sup>55</sup> (#3) Letter from Mrs. Boissonade to Baroness Knorr, dated 1 December (BK. K(Knorr) IX, n°119), should be of 1892, because it was enclosed in Letter #4 of 26 January of the next year (BK. K(Knorr) VI, n°44).

<sup>56</sup> *Revue française du Japon*, n°8, 1892, p. 229–275.

<sup>57</sup> Yasuo Okubo, *op. cit.*, p. 389–405. The Commercial Code was also subject to the campaign for putting off its enforcement. It was drafted by a German Professor, Hermann Roesler (1822–1894). cf. Jean-Louis Halpérin, *Le code de commerce au Japon: une brève histoire ou le code sans esprit*, 2009, <https://halshs.archives-ouvertes.fr/halshs-00387039>, Emi Matsumoto, “Lost in translation: the Reception of German Law in Japan”, *Journal of Law and Politics* (Niigata University), vol. 42, No. ¾, 2010, p. 110–128.

<sup>58</sup> Her friendship with Baroness Knorr, as shown well in the letter #1 of 29 December 1885 (BK, B IV/5 (Boissonade) n°5), certainly helped the good communication between Boissonade and Bogišić.

<sup>59</sup> (#7) A part of letter from Mrs. Boissonade to Baroness Knorr, date unknown (BK. K(Knorr) IX, n°120), enclosed in a letter from Baroness Knorr to Bogišić of 14 December 1893.

<sup>60</sup> (#8) Letter from Mrs. Boissonade to Baroness Knorr, Auteuil, 12 March 1894, (BK. K(Knorr) IX, n°122), enclosed in the letter #9 from Baroness Knorr to Bogišić of 17 March 1894. (BK. K(Knorr) VI, n°64)

We know through the correspondence that Boissonade had a copy of Bogišić's Code. In his message, Boissonade said that he was writing an article in "his" journal, *Revue française du Japon*, about this Code<sup>61</sup>.

### B) *Exchange of honour*

The half of the correspondence between Boissonade and Bogišić is concerned with the question of the recognition of Bogišić's contribution to Japan. Particularly, the prospect of the eventual Japanese national decoration for Bogišić was at issue. This meant indeed how the Japanese evaluated Bogišić's contribution to the Japanese Civil Code, especially through their encounter in 1878.

It was Baroness Josephine Knorr, who intervened in order to help Bogišić to obtain Japanese decoration. She eagerly advocated to many of her Japanese acquaintance, with whom she fostered friendship in Vienna and in Paris, that Bogišić should be honoured with a Japanese decoration because of his advice given in 1878.

The earliest evidence of this matter is a letter conserved in Bogišić's Archives asking the Baroness about the name of Bogišić, written probably by a member of the Japanese legation in Vienna who tried to help her to contact Baron Siebold. Not to criticise the author who might not have participated in the meeting itself eight years before, the letter seems to predict, ironically, the general attitude---little interest or oblivion--- of the Japanese side: "I ask you kindly to give me the name of the lawyer whom consulted Mr. Matsugata and Baron Siebold on the subject of the hereditary law, etc. I will write to Baron Siebold on this matter today"<sup>62</sup>. The letter shows that as early as 1886, Baroness Knorr was concerned with the liaison between Bogišić and Siebold on the matter of the encounter in 1878.

Six years later, we know from her guest in her castle, that she pursued the support for Bogišić in a specific manner. According to the letters written by Kojiro Amano, addressed to Alexander von Siebold, "Baroness Knorr speaks about Mr V. Bogišić whom, at the universal exposition at Paris in 1878, you & Count Matsugata, then Vice-President of the Japanese Commission, consulted on the subject of hereditary laws etc for the codification

<sup>61</sup> (#10) A message from Gustave Boissonade to Baroness Knorr, date unknown (BK. K(Knorr) IX), included in the letter #11 from Baroness Knorr to Bogišić of 13 September 1894 (BK. K(Knorr) VI, n°75). The entire text of the message is transcribed in Appendix (VIII) (cf. *infra* n. 75).

<sup>62</sup> An anonymous letter transmitted from Baroness Knorr to Bogišić in her letter dated 17 May 1886. (BK. K (Knorr) IX, n°87), transcribed in Appendix (V).

of Japanese civil law. Baroness Knorr pleads for this gentleman a recognition on the part of the Japanese Government in the way of a decoration for the service he rendered to Matsugata & you or in other words to the Japanese Government”<sup>63</sup>. After receiving Siebold’s reply to his inquiry on Bogišić, Amano writes, “Baroness Knorr was much disappointed at your cruel but candid words regarding Mr Bogišić who, she says, did not accept any pecuniary remuneration when Matsugata & you consulted him”<sup>64</sup>. From this letter, we learn that the Baroness has already talked on this matter to other Japanese diplomats in Vienna and in Paris<sup>65</sup>, and that Siebold, fourteen years after the encounter, did not evaluate highly the contribution by Bogišić.

Four months later, Baroness Knorr met Alexander Siebold and talked with him on what she had in mind. She wrote to Bogišić: “I saw again two brothers Siebold and had a particular talk with Alexander Siebold. I could say all and more explicitly than the best written letter would have done. Please send me a copy of the Montenegrin Code as quickly as possible. I do not want to give mine, but I would like to send it to him...”.

*... revoir avec les deux frères Siebold et causerie particulière avec Alexandre Siebold. J’ai pu tout lui dire et plus explicitement que la lettre la mieux écrite l’aurait fait. Veuillez m’envoyer à plutôt un exemplaire du Code Monténégrin. Je n’ai pas envie de donner le mien, mais je voudrais le lui envoyer--- et, continuons le thème, vous trouverez dans mon envoi trois brochures de M. Boissonade et la lettre que Madame Boissonade m’a écrit à cette renvoi. Vous verrez par là que la prévue législation de l’extème Orient n’a pas eu votre succès.*<sup>66</sup>

“[A]nd let us continue the theme”, it follows, and tells about the letter and four brochures arrived from Mr. and Mrs. Boissonade. It seems that the talk with Siebold confirmed the failure of the enforcement of the Civil Code drafted by Boissonade. Still, Baroness Knorr was willing to promote Bogišić’s honour.

<sup>63</sup> Letter in English from Kojiro Amano to Alexander von Siebold, dated 15 August 1892, *supra*, n. 9, n. 41, Vera Schmidt (Hrsg.), *Korrespondenz Alexander von Siebolds ...*, p. 727–728 (no. 4.0524). See Appendix (VI) for the whole text. Kojiro Amano was a diplomat who worked in Vienna since 1873. He also worked in Russia (1883–1886) and was in charge of Berlin, Vienna and den Haag (1888–1893) as a secretary or attaché d’affaire.

<sup>64</sup> Another letter in English from Kojiro Amano to Alexander von Siebold, dated 21 August 1892, *supra*, Vera Schmidt (Hrsg.), *Korrespondenz Alexander von Siebolds ...* p. 728–729 (no. 4.0525). See Appendix (VII).

<sup>65</sup> Hiromoto (Koki) Watanabe (1848–1901, Temporary Deputy Minister in Vienna in 1874, Extraordinary plenipotentiary Minister in Vienna in 1890) and Fujimaro Tanaka (1845–1909).

<sup>66</sup> (#4) Letter from Baroness Knorr to Bogišić, dated 26 January 1893 (BK. K(Knorr) VI, n°44), cf. *supra*, n. 59



One year later, she continues the negotiation on the theme of decoration, referring to the honour she received herself. She says that the “*palmes académiques*” awarded to her had to be bought “like the Montenegrin decoration”, and she still wishes for the “*chrysanthemum*”. She cites the name of her Japanese acquaintance (Tsunasuke Ohyama<sup>67</sup>), alluding that he could help her.

*Que je serai heureuse de pouvoir y fêter un renouveau de santé de la vue; alors seulement je peux avoir plaisir des palmes académiques, que j'ai reçus au mois de janvier, miratibi dicta! J'ai dit que j'ai reçues les palmes, mais comme la décoration Monténégrine il faut les acheter là-même. Je vous dirai de vive voix à qui je les dois. Je voudrais toujours encore le chrysanthème et me suis liée de vrai amitié avec le gentil monsr Ohyama, qui est venu me voir cette semaine. / C'était une Japonerie vivante<sup>68</sup>.*

The same year, the Baroness takes a step forward with a strategy.

After mentioning Boissonade's advice, which we shall examine consecutively, Baroness declares her continuing wish, “I would persistently like that the chrysanthemum bloom on your *rappel* and I am on the way to succeed”. Now she gives Bogišić instructions. “Read well the words of Mr. Boissonade and do quickly what he says...”. Then she deploys her strategy. “I ask you a favour in my turn. Take care in your turn of Mr. Boissonade and make him obtain a Montenegrin decoration--- this exchange of courtesy between the two scholars working in the same area is nothing but good to see”.

*Cher ami,*

*Je viens de recevoir par Mme Boissonade le petit mot de M. Boissonade qui vous trouverez sous ce pli... j'ai persisté à vouloir que le chrysanthème fleurisse à votre boutonnière et je suis en voie de réussir — lisez bien le petit mot de M. Boissonade et faites vite ce qu'il dit Comme vous avez toujours pénurie de vos Codes. Je vous renvoie celui que vous m'avez donné dans le tems p M. Siebold je ne l'ai jamais donné voyant qu'avec Siebold les choses ne marcheraient peut-être pas. Vous n'avez qu'à faire ôter le fusil[?] et charger le sérieux[?]- Maintenant la chose est en voie sérieuse. Yamanooutchi est un ami. Je suis à peu près sûre de la réussite. Je vous demande un service à mon tour. Occupez vous à votre tour de M Boissonade et faites lui avoir une décoration Monténégrine- cet*

<sup>67</sup> Tsunasuke Oyama (Ohyama) (1853–1911), a diplomat who was the Minister *par interim* in Paris from April 1890 to August 1891; in 1899, he became the Minister of Japan at Rome.

<sup>68</sup> (#9) Letter from Baroness Knorr to Bogišić, dated 17 March 1894 (BK. K(Knorr) VI, n°64)

*échange de courtoisie entre deux savants qui s'occupent de la même branche ne peut être que bon à voir...*<sup>69</sup>

It was Boissonade who urged Bogišić to send three copies of the Montenegrin Code to dedicate to three important persons in Japan. "I will be happy to work for the decoration of Mr. Bogišić. It would be necessary that he send me at least 3 copies of his Civil Code of Montenegro: one for Matsugata, one for Yamanouchi, and one for the president of the Office of Decorations, Mr. Saionji: this man speaks French and he is the member of the Committee of the revision of the Civil Code"<sup>70</sup>. Kinmochi Saionji (1849–1940) was then the vice-president of the new committee of codification, to be the Prime Minister for twice (1906–1908 and 1911–1912) and one of the Emperor's extra-constitutional Adviser ("Genro" who advised influentially the selection of the Cabinet members and even the Prime Minister; Matsugata was also one of them). He was from a high noble family and spent almost ten years in France in his youth (1871–1880). At the time, he was at the head of the department of national decorations (from 4 September 1891 to 3 Octobre 1894).

"I can not offer my copy, as I need it for an article I intend to write, for our Journal, on this Code. Three copies are necessary, not one". In the end of the letter Boissonade hastes Baroness and Bogišić, because his time to return to France is approaching. "I should have it before my departure (the end of November), consequently by return mail"<sup>71</sup>.

According to this message, Baroness Knorr advises to Bogišić: "Read well the words of Mr. Boissonade and do quickly what he says, as you always lack your Codes. I send back to you what you had given once for Mr. Siebold. I did not give it to him, thinking that the things would not go well perhaps with Siebold..."<sup>72</sup>

On 8 March 1895, later than planned, Boissonade departed Japan to finally return to France. About the same time, he received a Montenegrin decoration<sup>73</sup>: The Commander Cross of Danilo I, "2<sup>e</sup> classe de l'Ordre national de l'Indépendance".

<sup>69</sup> (#11) Letter from Baronne Knorr to Bogišić, Stiebar, 13 September 1894 (BK. K(Knorr) VI, n°75)

<sup>70</sup> (#10) A part of Letter (postscript) from Boissonade to Baroness Knorr, transmitted by Mrs. Boissonade, date unknown (1894), enclosed in Letter #11. Cf. *supra*, n. 66. The entire text is to be found in Appendix (VIII).

<sup>71</sup> *ibidem*.

<sup>72</sup> (#11) Baroness Knorr to Bogišić, 13 September 1894, see n. 74.

<sup>73</sup> Boissonade declares himself as "Grand-Officier de l'Ordre du Monténégro" nominated in 1894, in his "Notice personnelle sur M. G<sup>ve</sup> Boissonade et liste de ses publications" presented to the Academy of Moral and Political Sciences when he became a

On 24 May, after some busy days following his return, he writes to Bogišić who is now in the same city: Boissonade expresses his gratitude to “His Serene Highness and to you”. He intends to write to the Prince, obviously to thank for the national honour, but he becomes aware of “the uncertainty or rather the ignorance in which I am of the way how the Prince of Montenegro should be called”. He attaches the draft of a letter asking Bogišić to correct it. He adds “This ignorance would prove you, if it were necessary, that I had not thought of requesting the honour which was conferred on me”. He expects to see Bogišić at the Academy of Moral Sciences and receive the correction by Bogišić<sup>74</sup>. Three days later, Boissonade visited Bogišić to hand in his refined letter<sup>75</sup>.

Then, to thank Bogišić, Boissonade took a quick action. He wrote a letter of recommendation for Bogišić destined to the Japanese Ministre at Paris, Arasuke Sone<sup>76</sup> with “a note that Your Excellency allowed me to present about the works of Mr. Bogisich, Ministre of Justice of Montenegro, whom his friends would be happy to see honoured with a Japanese decoration”<sup>77</sup>. I shall transcribe extensively the letter and the note in Appendix of this article.

He explains that the information of Bogišić comes from the “Grande Encyclopédie Moderne”<sup>78</sup>, because he was “unable to properly ask” infor-

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candidate for its member in 1898 (whole text cited in Okubo, *op. cit.*, p. 404 in its Appendix). Cf. v° “Boissonade de Fontarabie, Gustave-Emile” by Nader Hakim in Patrick Arabeyre, Jean-Louis Halpérin, Jacques Krynen (sous dir.), *Dictionnaire historique des juristes français (XIIIe-Xxe siècle)*, PUF, 2015: “although he did not attain the membership of the French Academy of Moral and Political Sciences in 1898, he obtained various decorations and honours in France, Belgium, Italy, Romania, and Montenegro, as well as in Japan, where he was honoured in the Order of Sacred Treasure and admitted, exceptionally, to become the member of the Imperial Institute of Japan”.

<sup>74</sup> (#12) Letter from Boissonade to Bogišić, Paris, 24 May 1895 (BK, B IV/5 (Boissonade), n°2).

<sup>75</sup> (#13) Letter from Boissonade to Bogišić, Paris, 27 May [1895] (BK, B IV/5 (Boissonade), n°8).

<sup>76</sup> Arasuke Sone (1849–1910), diplomat and politician, who was Ministre plénipotentiaire extraordinaire of Japan in France from September 1893 to March 1897.

<sup>77</sup> (#15) Letter from Boissonade to Baroness Knorr, dated 3 June 1895, including the copy of a letter (#14) from Boissonade to Sone, the Minister of Japan at Paris, also dated 3 June 1895 and a document entitled “Note sur les travaux et titres de M. Bogišić, Ministre de la Justice du Monténégro”, written at Paris and dated 3 June 1895 (BA XXVIII/11, File on Materials for Bogišić’s autobiography). See the whole text transcribed in Appendix (IX).

<sup>78</sup> *La Grande Encyclopédie, inventaire raisonné des sciences, des lettres, et des arts*, 31 vols, Henri Lamirault, 1886–1902. Indeed, the article on Bogišić is in the tome 7 published in 1889, at p. 67–68. The articles on Gustave Boissonade and on his father Jean-François appear also in the same volume at p. 160–161.

mation to Bogišić himself. Indeed, in the letter of 27 May Boissonade said that he was fetching a fascicle of the encyclopaedia from the editor. It did not take Boissonade more than a week to write down the note based on the entry in the encyclopaedia, "BOGISICH (Valtazar)".

The latter half of this note is worth attention. It gives the reasons for the Japanese decoration in favour of Bogišić. "Whatever the merits are of Mr. Bogišić's work in the eyes of his country and even of Europe, they would not be the reason for a Japanese distinction, if they could not be considered as of real use for Japan." The justification is given in two respects. First, the Montenegrin Code was being used in the Japanese Committee for revision of the Civil Code, established in 1893, and to produce the Civil Code in 1898. "Precisely, the Commission for the Revision of the Civil Code of Japan has, from its beginning, made use of 'the Montenegrin Code' and appreciated it all the more because it was composed for the same purpose and in the same situations as those of Japan, that is to say, in necessity of transforming into the written and uniform law, customary practices which had been insufficiently clear and varied among regions". The second reason is found in Boissonade's decoration by Montenegro. "Another consideration seems to justify a Japanese decoration in favour of Mr. Bogišić. It is that the Government of Montenegro has just awarded Mr. Boissonade with the second class of the national Order of Independence of Montenegro, on the initiative of Mr. Bogišić, acting as the Ministre of Justice of the country, for his draft Civil Code for the Empire of Japan. Mr Boissonade personally dedicated its copy to Mr. Bogišić, because of the similarity of their works, not even knowing that Mr. Bogišić had been Ministre of Justice for three years ". Boissonade tries to give a complimentary reasoning to this extraordinary honour. "This distinction could not be based on any, even indirect, service by Mr. Boissonade to Montenegro, as his works had not been known to the author of the Montenegrin Code before its promulgation. The decoration was therefore an homage paid especially to the new spirit of Japan and this progress in legislation. If the Government of Montenegro did not give Japan more direct proof of sympathy, it was obviously because there was still no amical treaty which ties the two countries. "

We know of these documents presented to Ministre Sone, thanks to the copy of both documents sent from Boissonade to Baroness Knorr the same day. He says that she could transmit to Bogišić this delicate information<sup>79</sup>.

<sup>79</sup> (#15) Letter from Boissonade to Baroness Knorr, Paris, 3 June 1895 (BA, XXVI-II, 11). See the whole text transcribed in Appendix (IX).

In November of the same year, Boissonade writes to Bogišić from the southern France where he moved to for the mild climate. Before leaving Paris, he met the Ministre Sone for several times. The “request he asked” was duly forwarded, but “the things do not go fast in Japan as in Montenegro, especially when they do not have strong support”.

*J'ai vu le Ministre du Japon à Paris plusieurs fois avant mon départ. Il a transmis dans le temps la demande dont je l'ai prié. Mais ces choses-là ne vont pas si vite au Japon qu'au Monténégro et surtout elle n'y eut pas reçu si haut appui.*<sup>80</sup>

In the following letter, with the greeting of the new year 1896, Boissonade reports Bogišić of no progress in the matter. He repeats, “Before leaving Paris, I met the Minister of Japan. He confirmed me that he had sent his request to Japan. There had not been any reply. The Ministry of Foreign Affairs is terribly busy and occupied with the Korean affairs and the encroachment by Russia”. Boissonade made a contact with Saionji, the interim Minister of foreign affairs at the time. “I reminded him of the things I have in mind and I think he should have the same in mind: it is a debt to pay”. He is also going to write to a diplomat he knows well, who could exercise all efforts for him, and for the honour of Bogišić.

*... Avant de quitter Paris, j'ai vu le Ministre du Japon. Il m'a confirmé l'envoi de sa demande. Il n'avait pas encore eu de réponse. Le Ministère des affaires étrangères est très occupé et ennuyé des affaires de Corée et des empiétements de la Russie. / En écrivant dernièrement pour la nouvelle année au M<sup>s</sup> Saionzi Ministre des affaires étrangères par interim je lui ai rappelé la chose que j'ai à coeur et que je crois qu'il doit avoir de même à coeur: c'est une dette à acquitter. / Je vais écrire aujourd'hui même à l'ancien chargé d'affaires du Japon à Vienne rentré au Japon dernièrement. J'étais très lié avec lui. Je pense qu'il fera tout le possible...*<sup>81</sup>

In 1903, Boissonade wrote to a Japanese diplomat, one of his former students from the law school in Tokyo. The letter summarises well how he was concerned with Bogišić: how he describes Josephine von Knorr, how he compares Bogišić with himself, and what has become of the eventual Japanese decoration for Bogišić. He summarises the past and admits that the question is still standing. The whole text of the letter is worth reading (here in English translation of the original French text).

<sup>80</sup> (#16) Letter from Boissonade to Bogišić, Antibes, 9 November 1895 (BK, B IV/5 (Boissonade), n°4).

<sup>81</sup> (#17) Letter from Boissonade to Bogišić, Antibes, 2 January 1896 (BK, B IV/5 (Boissonade), n°3).



*My dear friend,*

*I confirm my letter of 9 January, renewing my greetings of the new year and wishing again a good voyage and stay in Mexico. / The letter is to keep promise with Baroness Knorr whom you saw in Austria. This esteemed lady has a great sympathy to Japan and has kept an excellent relation with its representatives in Austria. You came to know her in this way. She has long had a strong desire to see honoured with a Japanese decoration Mr. Bogišić, former Ministre of Justice in Montenegro. He is a distinguished jurist, author of the Civil Code of Montenegro. He offered it to Japan, about ten years ago. Happier than I, he saw his draft adopted and put into effect. / He made me honoured, although I had not asked for it in any way, the Cross of the Commander of Danilo I. It was Baroness Knorr who negotiated this without telling me anything about it. Then she asked me to support the decoration of Mr. Bogišić by the Government. I once wrote to Marquis of Saionji who knew her. I think she herself made Mr. Oyama act. But it is already long ago. Now she comes back to try again. / Personally, I would be happy if her wish come true and I am embarrassed to have a Montenegrin decoration, to which I have less title than Mr. Bogišić could have for a Japanese decoration. / I can add that Mr. Bogišić is, not Russian of nationality, but at least in official relation with Russia, and his nomination in one of your Orders would be seen with a good eye.*

*/ See, dear friend, if there is anything you can do. / Count Matsukata saw Mr. Bogišić in 1889 or in 1878. They talked a lot. But it was long ago! / I wish again for you. Write to me sometimes. Yours affectionately, G. Boissonade<sup>82</sup>*

### 3. THE SECOND ENCOUNTER

“We only wish to know, before long,... how Japanese government agreed the opinion of Dr Bogišić”, wrote the anonymous author of the article “Kodifikacija zakona u Japonu” already in January 1879<sup>83</sup>. For a long time, however, the Japanese side remained silent. As noted above, Bogišić learned about the Boissonade’s Code five years after the interview in Paris without being informed of anything beforehand. The news surprised him but satisfied him.

On the contrary, some twenty years later, he expressed a deep dissatisfaction and indignation towards Matsugata and Japan. “My advice was original (heretical) and completely new. As soon as one knows that the consultation took place, it is clear where the novelty comes from, all the more that

<sup>82</sup> Letter from Gustave Boissonade to Koichi Sugimura, of 12 February 1903, transcribed in Murakami, *op. cit.* (n. 47), p. 71–72. See Appendix (X) for the entire text.

<sup>83</sup> *Pravo pravničko-upravni list.* (Izdavatelj i odgovorni urednik. Šimonić), Godina VI. Broj 70. 30 siečnja 1879., Spljet, p. 307 (cf. *supra*, n. 4).



this novelty first appears in the Civil Code of Montenegro. One should see that not only will he not acknowledge the contribution of a man to the science, but that he steals it from him, i. e. he tries to steal, by appropriating the contribution by *himself* or by the Commission”<sup>84</sup>. Between the happy surprise in 1883 and the deep indignation later, lay the question, as we have examined through the correspondence with Boissonade, whether Bogišić should be awarded by the Japanese government in form of national decoration, in recognition of his contribution to Japanese codification.

The severe criticism of Matsugata was expressed in a note for the meeting on 7 July 1902, “in which Baroness Knorr also took part”<sup>85</sup>. It was when Bogišić met a second time a Japanese delegation staying in Paris. Prince Komatsu (1846–1903), Marshal of Japan and member of the imperial family, visited Paris on his way to the celebration of King Edward VII’s coronation<sup>86</sup>. Bogišić took the opportunity to meet him at the hotel where the Prince was staying on 2 July 1902. In Bogišić collection we find a photo of two gentlemen, on the back of which is noted “7/2 1902 [/] Hotel Continental Paris [/] S. A. I. le Prince Komatsu [/] Dr. Bogišić”<sup>87</sup>. In his Archives, conserved is a card showing the members of the Prince’s delegation and their room numbers at the Hôtel Continental. Bogišić writes down on this card “A Dr. Dohi le 7 juillet 1902” with pencil, whereas the same name appears in the third place of the list, after Prince Komatsu, and Baron Sannomiya (“n°89. Monsieur le Docteur K. DOHI”)<sup>88</sup>. He was a medical doctor, Professor of the Imperial University of Tokyo, Keizo Dohi<sup>89</sup>, who accompanied the Prince all his journey. The date Bogišić noted is in accord with that of the meeting for which the note was prepared<sup>90</sup>. “He [Masayoshi Matsugata] perhaps thinks of achieving a patriotic goal by that, -- he will achieve the opposite owing to his naïveness. The science knows what has prevailed in forms and dogmas in a given time. My consultation was a heresy, a novelty...”<sup>91</sup>. Pre-

<sup>84</sup> *W. Zimmermann, Valtazar Bogišić: 1834–1908*, p. 185 (BA. XVIII. 11).

<sup>85</sup> *ibidem*.

<sup>86</sup> Although the coronation was scheduled for 26 June 1902, the ceremony was put off for 8 August of the same year because of the illness of the King himself.

<sup>87</sup> BM 232.

<sup>88</sup> “*La carte de l’[h]abitation de S. A. I et R. le Prince Komatsu*”, BA, XXXIII, 72.

<sup>89</sup> Keizo Dohi (1866–1931) was a dermatologist and urologist. From 1893 to 1898, he studied in Europe: dermatology in Vienna and urology in Paris.

<sup>90</sup> *Zimmermann, op. cit.*, p. 185.

<sup>91</sup> “Er glaubt vielleicht ein patriotisches Ziel damit zu erreichen. Er wird mit seiner Naivität das Gegentheil erreichen. Die Wissenschaft weiß, was für Formen und Dogmen in einer gewissen Zeit geherrscht haben. Mein Consultation war eine Häresie, eine Novität. Sobald man weiß, daß die Consultation hat stattgefunden, es ist clair woher die

sumably, Bogišić met Dr. Dohi on 7 Juillet 1902 to talk about his contribution to Japan, which Matsugata had not been aware of.

There is another document we can cite in this connection. In the top margin of this manuscript appears the name of Dr. Dohi. This note, “prepared for Dr. Dohi, 19 July 1902. No. 3”, I shall transcribe extensively in Appendix<sup>92</sup>. The document deserves some remarks. The date shown is different from the date of the meeting mentioned above. It is possible that Bogišić met twice Dr. Dohi. We know that Prince Komatsu’s delegation visited Spain (11–14 July) and Belgium (16–18 July) but was back in Paris on 18 July before they left for Germany on 21 of the same month<sup>93</sup>, and the date fits well if Bogišić met Dr. Dohi on that day of 19 July. The contents of the manuscript mostly confirm the record of the meeting of 7 July. The dissatisfaction with Matsugata is here expressed as “disgrace (Blamierung)”. The question of reward of the consultation in 1878 is explicitly noted. Referring to the case of German codification commission, Bogišić underlines “the naïveness of Matsugata who asked him what one should pay”. He outspeaks that the Baroness Knorr would like to see him decorated on his jubilee, but otherwise he “would not accept it later”. Siebold’s suggestion that Bogišić should be given another task seems to correspond to what Amano had written to Siebold in 1892, in the letter we have examined above, about Minister Nomura’s idea of offering another work to Bogišić in order to give him a decoration. He makes an additional point that “the President of the last World Exposition promised to send me a copy of book with illustration, but he did not send it”. This accords to what he wrote to Matsugata in October 1878, reminding the offer of a book he had not received.

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Novität stammt, um so mehr als im Civilgesetzbuch von Montenegro diese Novität zuerst zum Vorschein kommt. Man würde einsehen, daß er nicht nur das Verdienst eines Mannes der Wissenschaft nicht anerkennen, sondern daß er ihn bestiehlt, d. h. zu bestehlen versucht, indem er *sich* oder der Commission das Verdienst aneignet.” (Zimmermann, *op. cit.*, p. 185 citing BA, XVIII, 11). We could not consult this document ourselves.

<sup>92</sup> BA, XVIII, 11 (the identification code should be checked again). The entire text is transcribed in Appendix (XI). Unfortunately, we could not find any note “prepared for Dr Dohi” numbered 1 or 2, or others which should be in series of this note “No. 3”. This document is sorted as n°29. On its verso (sorted as n°30) is a manuscript titled “Consultation 1878” which recapitulates the opinion Bogišić gave to the Japanese delegation. It corresponds well to the contents of the manuscript in French referred to in the first part of this article (n. 6).

<sup>93</sup> Archives of the Ministry of Foreign Affairs (Japan), 6, 4, 4, 26: “Dossier of the visit of European countries by the Prince Akihito, Komatsu no miya”. The dates are given in the report by Japanese Plenipotentiary Minister in France, Ichiro Motono.

This meeting turned out to be vain. The sudden death of Prince Komatsu the following year might have been a reason for its unsuccessfulness. As we have seen, Boissonade wrote that the negotiation for the Japanese decoration was still continuing in 1903. In spite of the endeavours of Baroness Knorr and Boissonade, the Japanese government seems to have remained silent until and after the death of Bogišić in 1908. If Bogišić's contribution to Japan had been recognised through the decoration, Boissonade's distinction would have been a form of the exchange between the two remoted countries.

## CONCLUSION

This study has attempted to explore the relationship between Bogišić and Japan, especially his influence upon the codification of Japanese Civil Code in late 19<sup>th</sup> century. Based on the investigation of Bogišić Collection, it has become clear that the interactions between Bogišić and Japanese counterparts were by far more frequent and complicated than it had been assumed<sup>94</sup>.

First of all, at their first encounter in 1878 in Paris, it was Bogišić who initiated the meeting. He wanted to obtain a piece of knowledge about Japanese family, clan and feudal system. The aim for the Japanese side was to seek his advice about the codification of Japanese Civil Code. Bogišić did give them an important warning, which was that Japanese Civil Code should not include the law of family and succession. This advice comes from his experience in preparing Montenegrin Code of Property.

The only former study on the relationship between Bogišić and Japan was given by Werner Zimmermann. Upon his own research into the archives, he argued that Bogišić complained of Matsugata and Japanese officials' neglect of Bogišić's contribution to the codification, or he even called it "theft". Unfortunately, we failed to find out the document for Zimmermann's verdict.

It would be rather possible to think that the reason why Bogišić believed that his advice was accepted by Japanese codification committee lies in that Boissonade's *Projet* which he obtained contained the law of property only. However he may have known that the codification of the law of family and succession had passed as a part of the Civil Code in 1890, because Boissonade said that he sent the English translation of the Code which should cover these branches of law. If so, Bogišić's complaint may contradict the fact.

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<sup>94</sup> Another interesting connection of Bogišić with Japan, which I could not examine in this article, is that with Santaro Okamatsu, who sent to Bogišić the result of investigation in customary law of Taiwan by Japanese lawyers (a letter dated 18 September 1902 by Okamatsu dedicating the "Provisional Report on Investigation of the Laws and Customs in Formosa" is conserved in Bogišić's Archives).

Nonetheless, it would not be unreasonable to defend his resentment, because he was informed by Boissonade of the suspension of Japanese Civil Code of 1890, for the heavy criticism by Japanese lawyers and politicians towards the codification of the family law. Moreover, the new Civil Code of 1896 and 1898 was sharply separated between the law of property and obligation, and the law of family and succession. Thanks to this separation, it was not difficult to revise the law of family and inheritance only, after the second world war, while the rest of the Code remained untouched. Indeed, this serves as a case for Bogišić's theory.

Lastly, I should like to remind the (Western) reader of the Japanese civil justice system. In 1920's, the law of reconciliation for domestic affairs has passed, which is still in use now. All the domestic disputes such as divorce and inheritance must be brought to the chairman who is usually not a lawyer and the procedure is closed to the public. It does mean that law of family and succession in the Civil Code is not firstly expected to be applied, but only to be referred, to the dispute resolution. In that sense, Bogišić was right in seeing that the family law and the succession law should not be codified in the "non-Western" countries like Japan. It is only hoped that this article will be a small piece of compensation for Bogišić's contribution to Japan.

## APPENDIX

- I) Agenda of the meeting of Valtazar Bogišić and Masayoshi Matsugata in 1878  
Manuscript, BA, XXV, 9, a (Baltazar Bogišić Collection)

### *Paris*

*Le 25 Juin 1878 J'ai fait la visite à Mr le dir Alexandre de Siebold fonctionnaire à Ministère des finances japonais pour le prier de me donner des réponses à certaines questions concernant le droit au Japon. Accepté.*

*Le 4 juillet 1878 Mr. Siebold m'a rendu visite en me priant de me faire présenter le lendemain chez M. Le vice ~~minist~~ ministre des finances (Hôtel de l'Ambassade, rue ~~champs~~ avenue Matignon 15).*

*Le même jour j'ai reçu encore une lettre de lui et un télégramme pour me ~~assur~~ confirmer l'entrevue de demain.*

*Le 5 juillet 1878 à midi j'ai été reçu par Mr le Vice ministre Masayochi Matsugata en présence de M Siebold qui servait d'interprète. Mr le ministre m'a consulté a demandé mon avis sur certains principes de législation et codification et sur des travaux de codification qu'on a commencé au Japon il y a 5-6 ans. surtout sur les diverses[?] parties qu'il devrait contenir. Mes vues*

*paraissaient tellement satisfaisantes à Mr. le ministre qu'il a donné l'ordre à Mr Siebold de faire un procès verbal sur l'entrevue avec la rédaction de mon avis. expédié vers le 15 juillet au Conseil d'état au Japon.*

*Mr. Le ministre qui parta pour la campagne mais qui après restera à Paris pendant toute l'exposition m'a prié de revoir a exprimé le désir de parler avec moi plus tard aussi sur plusieurs plusieurs matières qui l'intéressent.*

*Enfin il y a donné ordre à M. Siebold de me donner les réponses dont j'ai besoin et s'il est nécessaire d'envoyer mon questionnaire au Japon pour qu'il soit complété.*

*Le même jour (5 juillet) j'ai donné à Mr. Siebold les questions concernant la famille, et le clan.*

*Le 21 juillet j'ai lui donné le questionnaire sur l'organisation féodale (pour l'entremise de M. Heyer).*

*Le 14 octobre les brochures des questionnaires (Féodalité, Tribus, famille) ont été envoyés à B de Knorr afin d'obtenir des réponses de M Yamano outschi.*

- II) Draft of letter from Valtazar Bogišić to Masayoshi Matsugata, dated 25 Octobre 1878 at Paris, with some correction of text, to which is attached a certificate of the date of deposit to the post-office (the same day)

BA, XXV, 9, a (Baltazar Bogišić Collection)

*Excellence,*

*Le jour (5 juillet a. e.) que j'ai eu l'honneur d'être présenté à V. E. [i. e. Votre Excellence] Pour lui exposer mes vues sur la codification de droit civil V. E. avait eu la complaisance de me permettre un ouvrage traitant certaines questions économiques et financières du Japon aussitôt qu'en serait fini l'impression. N'ayant jusqu'à présent reçu cet ouvrage qui m'intéresse beaucoup et que assurément on ne peut pas se procurer chez les libraires j'ai cru pouvoir me permettre de rappeler cette circonstance au souvenir de V. E.*

*En même temps je prends la liberté et rappeler à V. E. La promesse de faire répondre à mon questionnaire concernant la famille le tribus et les institutions féodales de l'ancien Japon adressé d'après vos ordres à M le Baron de Siebold. Ce qui m'enhardit à vous renouveler ma demande c'est que ces demandes doivent servir à une oeuvre purement scientifique au dessus et en dehors de toute question actuelle de religion de politique ou de parti en général.*

*Votre E. me pardonnera si je lui adresse directement ma requête ignorant l'adresse actuelle de M. de Siebold.*

*Vu la fin de l'Exposition universelle et le prochain départ de V. E. et n'espérant plus, pour cette raison, l'honneur d'une nouvelle entrevue, ainsi que V. E. me l'avait donné à entendre lors de notre premier entretien, je termine la présente en remerciant sincèrement V. E. de sa bienveillance et le prie d'agréer l'expression de ma considération la plus distinguée*

*A V. E.*

*le très dévoué*

- III) Draft of letter from Valtazar Bogišić to Alexander von Siebold (in his address in Paris) signed at Paris on 8 Decembre 1878  
BA, XXV, 9, a (Baltazar Bogišić Collection)

*Monsieur le Baron,*

*J'ai reçu votre aimable petit mot avec les réponses concernant la féodalité au Japon et je ne trouve pas des expressions pour vous en exprimer ma reconnaissance.*

*Pour vous épargner la peine de chercher le questionnaire ayant trait à la famille et aux restes de l'organisation du clan (=Stemmesverfassung) je prends la liberté de vous en envoyer une copie.*

*En vous offrant mes services et en répétant mes remerciements je vous prie M le Baron d'agréer l'expression de la plus haute considération avec lequel j'ai l'honneur d'être*

*Votre très dévoué, Bogisic*

- IV) Letter of condolence from Louise Fedelici (née Boissonade) to Marija Bogišić-Pohl, Antibes, 30 Octobre 1908  
BK Marija Bogišić-Pohl (Baltazar Bogišić Collection)

*Villa Belle Vue Antibes (A. M) 30 oct. 1908*

*Madame,*

*M. Boissonade, mon Père, me prie de Vous exprimer ses regrets et ses condoléances pour la mort de Votre très-honoré Frère M. Le conseiller V. Bogisic qui était jeune encore et pouvait espérer pendant longtemps encore honorer son nom et son pays. Mon Père qui a maintenant 83 ans et dont la santé est très affaiblie ne peut Vous écrire lui même, mais il me charge de Vous dire que malheureusement il ne peut Vous donner aucune information se rapportant à votre regretté frère, parce qu'il n'a eu avec lui que de trop courtes relations de courtoisie. C'est je crois par la Baronne de Knorr qu'il avait fait sa connaissance en 1889, à Paris où ces Messieurs étaient de passage.*

*Veillez agréer, Madame, l'assurance de mes sentiments les plus distingués.  
L. Federici (née Boissonade)*



- V) Anonymous letter to Baroness Josephine von Knorr, transmitted from Baroness Knorr to Valtazar Bogišić' in her letter dated 17 May 1886 BK. K (Knorr) IX, n°87 (Baltazar Bogišić Collection)

*Madame la Baronne,  
Je vous prie de vouloir bien me donner le nom du jurisconsulte qu'ont  
consulté Monsieur Matsugata et Baron Siebold au sujet du droit héréditaire  
etc. Je vais écrire aujourd'hui à Baron Siebold sur ce sujet.*

- VI) Letter from Kojiro Amano to Alexander von Siebold,  
Stiebar, 15 August 1892,

Vera Schmidt (Hrsg.), Korrespondenz Alexander von Siebolds in den Archiven des japanischen Aussenministeriums und der Tokyo-Universität 1859–1895, (Acta Sieboldiana IX), Harrassowitz Verlag, 2000., p. 727–728 (no. 4.0524)

*Schloss Stieber[sic], the 15 August 1892.  
bei Gresten.*

*My dear Baron,  
I have been here since last Thursday enjoying the hospitality of the Baroness Knorr... Baroness Knorr speaks about Mr V. Bogišić whom, at the universal exposition at Paris in 1878, you & Count Matsugata, then Vice-President of the Japanese Commission, consulted on the subject of hereditary laws etc for the codification of Japanese civil law. Baroness Knorr pleads for this gentleman a recognition [sic] on the part of the Japanese Government in the way of a decoration for the service he rendered to Matsugata & you or in other words to the Japanese Governement. Now what I ask you for information is: what kind of service has he rendered & does he [sic] service deserve conferring of a Japanese decoration? Please give me your opinion about the matter... K. Amano  
P. S. Baroness Knorr charges me to present you her best regards & compliments.*

- VII) Letter from Kojiro Amano to Alexander von Siebold,  
Stiebar, 21 August 1892,

Vera Schmidt (Hrsg.), Korrespondenz Alexander von Siebolds in den Archiven des japanischen Aussenministeriums und der Tokyo-Universität 1859–1895, (Acta Sieboldiana IX), Harrassowitz Verlag, 2000., p. 727–728 (no. 4.0525)

*Schloss Stieber. the 21 August 1892. / bei Gresten*

*My dear Baron,*

*I have received here your letter of the 17 instant... I am still staying here, as Baroness Knorr is so tenacious in retaining me... But next Wednesday, 24 instant, I will come back to Vienna under any circumstances, yielding no longer to the efforts of Baroness Knorr to retain me, should she do so...*

*Baroness Knorr was much disappointed at your cruel but candid words regarding Mr Bogišić who, she says, did not accept any pecuniary remuneration when Matsugata & you consulted him. When Watanabe was here last year, she stated to him the same matter & Mr. Watanabe wrote on the subject to Viscount Nomura, Japanese minister at Paris, who saw Mr Bogišić in consequence. Viscount Nomura might give him some work for the Japanese Government, in order that he may be finally rewarded in the manner desired by Baroness Knorr. She says, Mr Bogišić is an Austrian (born in Dalmatia) & not a Russian as you say, & lives in retirement in Paris & member de l'Institut in that city. If you have anything further to say about him, I shall be happy to hear it.*  
*very respectfully yours K. Amano*

- VIII) A part of letter (postscript) from Gustave Boissonade to Baroness Knorr, transmitted by Mrs. Boissonade, date unknown (1894), enclosed in Letter from Baroness Knorr to Valtazar Bogišić of 13 September 1894  
 BK. K(Knorr) IX (Baltazar Bogišić Collection)

*P. S. Je ferai volontiers de démarches pour la décoration de M. Bogisic. Mais il faudrait qu'il m'envoyât au moins 3 exemplaires de son Code civil de Monténégro: un pour M. Matsukata, un pour M. Yamanouchi et un pour le président du Beau des Décorations, M. Saïonji: celui-ci sait le français et est membre de la Commission de révision du Code civil. / Je ne puis disposer de mon exemplaire, en ayant besoin pour un article que je compte faire, pour notre Revue, sur ce Code. D'ailleurs, il en faudrait 3 et non 1. / Il faudrait que je l'eusse avant mon départ (fin Novembre) par conséquent par retour du courrier GB*

- IX) Copy of a letter from Gustave Boissonade to Arasuke Sone, the Minister of Japan at Paris, written at Paris and dated 3 June 1895 and a document entitled "Note sur les travaux et titres de M. Bogisich, Ministre de la Justice du Monténégro", also dated 3 June 1895, included in the Letter from Gustave Boissonade to Baroness Josephine von Knorr, dated the same day

BA, XXVIII, 11, File on Materials for Bogišić's autobiography (Baltazar Bogišić Collection)

*Paris, le 3 juin 1895*

*Monsieur le Ministre,*

*J'ai tardé plus que je n'aurais dû à préparer la note que Votre Excellence a bien voulu m'autoriser à lui présenter au sujet des travaux de M. Bogisich, Ministre de la Justice du Monténégro, que ses amis seraient heureux de voir honoré d'une décoration japonaise.*

*Ne pouvant convenablement m'adresser à lui-même pour cette note, je me suis procuré l'article que lui a consacré la Grande Encyclopédie Moderne et j'y puise les renseignements ci-joints.*

*Cette note pourra, je crois, vous épargner quelque peine pour la vôtre.*

*Je serais très heureux, Monsieur le Ministre, si vous jugiez à propos de demander à votre.*

*A Son Excellence, M. Soné, Ministre du Japon, à Paris*

*Note sur les travaux et titres de M. Bogisich, Ministre de la Justice du Monténégro.*

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*M. Bogisich (Valtazar) est d'origine autrichienne:*

*Né en Dalmatie en 1840, il fut reçu à Vienne Docteur en Philosophie en 1862, et Docteur en Droit en 1863.*

*Il dirigea alors principalement ses études sur le Droit coutumier des Slaves méridionaux, et il a fait sur ce sujet d'importantes publications en allemand, en russe et en serbe, traduites ensuite en d'autres langues, notamment en français.*

*Ces travaux ont amené le Gouvernement du Monténégro à lui confier la rédaction d'un Code civil pour cette principauté indépendante.*

*Cette codification des coutumes du pays est en vigueur depuis 1888. La traduction française en a été imprimée à Paris aux frais du Gouvernement français, à l'Imprimerie nationale.*

*A cette occasion, M. Bogisich a été nommé Membre Correspondant de l'Institut de France (Académie des Sciences Morales et Politiques) et Officier de la Légion d'honneur.*

*Mais quels que soient les mérites des travaux de M. Bogisich aux yeux de son pays et même de l'Europe, ils ne seraient pas des titres à une distinction japonaise si on ne pouvait les considérer comme étant d'une réelle utilité pour le Japon.*

Or, précisément, la Commission de Révision du Code Civil Japonais s'est, dès sa formation, procuré 'le Code civil monténégrin' et l'a d'autant mieux apprécié qu'il a été composé dans le même but et dans les mêmes circonstances que celui du Japon, c'est-à-dire en présence de la nécessité de transformer en loi écrite et uniforme des usages coutumiers insuffisamment certains et variant avec les diverses localités.

Une autre considération paraît motiver une distinction japonaise en faveur de M. Bogisich, c'est que le Gouvernement du Montenegro, sur la proposition spontanée de M. Bogisich, agissant en sa qualité de Ministre de la Justice de ce pays, vient d'accorder à M. Boissonade la 2<sup>e</sup> classe de l'Ordre national de l'Indépendance monténégrine, pour son projet de Code Civil pour l'Empire du Japon, dont celui-ci avait fait un hommage tout personnel à M. Bogisich, à raison de la similitude de leurs travaux alors d'ailleurs qu'il ignorait que M. Bogisich fût Ministre de la Justice depuis trois ans.

Cette distinction ne peut être fondée sur aucun service même indirect rendu à Montenegro par M. Boissonade puisque des travaux n'ont été connus de l'auteur du Code monténégrin qu'après sa promulgation;

Elle est donc surtout un hommage rendu à l'esprit nouveau du Japon et à ces progrès en matière de législation. Si le Gouvernement du Monténéro n'a pas donné au Japon une preuve plus directe de sa sympathie, c'est évidemment parce qu'aucun traité d'amitié ne lie encore les deux pays:

M. Bogisich, outre son grade dans l'ordre français de la Légion d'honneur est encore Grand Croix de l'ordre national de l'Indépendance monténégrine Commandeur de l'Ordre Impérial russe de Sainte Anne et décoré de plusieurs autres ordres étrangers.

Paris, le 3 juin 1895

Paris, le 3 juin 1895

Madame la Baronne,

J'ai l'honneur de vous envoyer copie de la lettre et de la Note que j'adresse aujourd'hui à M' le Ministre du Japon, au sujet de M. Bogisich.

Je crois que vous en serez satisfaite.

Dans ce cas, vous pourriez les envoyer à M. Bogisich, comme une confiance et à mon insu, pour ménager sa délicatesse. ——— Comme vous restez encore à Paris pour une semaine et un peu plus je ne manquerai pas d'aller vous présenter mon respect avant votre départ.

Agréez, Madame la Baronne, mes hommages les plus respectueuses,

Gboissonade

- X) Letter from Gustave Boissonade to Koichi Sugimura, Antibes, 12 February 1903. Archives of Meiji University, Japan  
Transcribed in Kazuhiro Murakami, “Les lettres de M. Gustave Emile Boissonade à M. Koichi Soughimoura (2)”, *Meiji Law Journal*, vol. 9, 2002, p. 71–72 (Letter No. 54).

*Antibes, le 12 Février [19]03*

*Mon cher ami,*

*Je vous confirme ma lettre du 9 Janvier vous renouvelant mes voeux de nouvel an et vous en offrant de nouveaux pour votre voyage & votre séjour au Mexique.*

*Celle-ci est pour tenir une promesse faite à la Baronne Knorr que vous avez vue en Autriche. Cette estimable dame a une grande sympathie pour le Japon et a eu d'excellents rapports avec ses représentants en Autriche; c'est à ce titre que vous avez pu la connaître. Elle a depuis longtemps un vif désir de voir honoré d'une décoration japonaise M. Bogisic, ancien Ministre de la Justice au Monténégro. C'est un jurisconsulte distingué, auteur du Code civil du Monténégro. Il l'a offert au Japon, il y a une dizaine d'années. Plus heureux que moi il a vu son projet adopté & mis en vigueur.*

*Il m'a fait donner, sans que je l'aie aucunement sollicitée, la croix de commandeur de Danilo 1<sup>er</sup>. C'est la Baronne Knorr qui a négocié cela sans m'en parler. Elle m'a alors prié de m'employer à faire décorer M. Bogisic. J'en ai écrit dans le temps au Mis Saionzi qui la connaissait. Je crois qu'elle a elle-même fait agir M. Oyama. Mais il y a déjà longtemps. Elle revient à la charge.*

*Personnellement, je serais heureux que son voeu fût réalisé et il me gêne d'avoir une décoration monténégrine à laquelle j'ai moins de titre que n'en peut avoir M. Bogisic à une décoration japonaise.*

*Je puis ajouter que M. Bogisic est, sinon de nationalité russe, au moins en rapports officiels avec la Russie et que sa nomination dans l'un de vos ordres y serait vue d'un bon oeil.*

*Voyez, cher ami, s'il y a quelque chose à faire.*

*Le C<sup>e</sup> Matsukata a vu M. Bogisic en 1889 ou en 1878. Ils ont beaucoup causé. Mais c'est bien loin!*

*Encore bons souhaits. Ecrivez-moi de temps en temps.*

*Votre affectionné.*

- XI) Note for the meeting of Valtazar Bogišić and Dr Keizo Dohi in 1902,  
 No. 3  
 Manuscript, BA, XVIII, 11 [?], n°29

*Préparé pour dr Dohi, le 19 juillet 1902. N° 3 [in the top margin to the right]*

- *Er wird nichts ausrichten gegen Matzugata;*
- *Er wird Staatsraison verschützen.*
- *Er erklärt daß er keinen Einfluß auf die Gesetzgebung gehabt.*
- *Er nimmt mir, und anstatt sich dazu eignen er gibt mein gut an der Commission*
- *Das gegentheil leicht zu beweisen*
- *Bona und male fides (der gute ü. schlechte glaube*
- *Folgen. Blamirung*
- == ==
- Wahre ratio etatis[?]*
- *Alle Europäische Commissionen bitten Professoren und Privatgelehrte um ihre Meinung. Die Berliner Com. allen wird Anerkennung gezollt.*
- *Ich selbst habe die texte meines Consultation veröffentlicht und alle derzeit [decriert?].*
- *Solche Sachen kann man nicht ableugnen und der wahre Talent ist zu wissen für welche Fragen man Consultation braucht, für welche nicht.*
- == ==
- *D[e]r in der Literatur festgestellt ist, und kann jeden augenblick noch evidentester festgestellt werden, ich habe die Sache auf sich beruhen lassen.*
- *Die Baronin wollte für mein Jubiläum mir diese Anerkennung verschaffen. Später würde ich die nicht annehmen.*
- *Naivität Matzugata's mich gefragen was man mir zu zahlen hat?---Siebold. Man wird mir eine andere arbeit geben.---Minister. Mir nicht die Visite einredert ——— Immer wenn ich daran sprechen wollte man wechselte die Conversation. ——— Den Ausschlag gab der President der letzter Weltausstellung der mir das illustrierte Buch versprach aber nicht sendete.*

[in the left margin]

*Das ist das Höchste*

- *Trax [?]des letzte mal*
- *Begleitung am Bahnhof*



It was in the early January 2014 that Professor Sima Avramovic of Belgrade, an old friend of Professor Yasunori Kasai, visited Japan and gave a talk on “Bogišić and Japanese Civil Code”. This initiated our comparative studies between the Montenegrin Code and Japanese Code. We obtained research grants (2014 to 2018) from Aoyama Gakuin University in Tokyo. During this period, we annually visited the Archives of the Bogišić Collection in Cavtat, and invited scholars from the ex-Yugoslavia. Cooperation between lawyers and linguists enables this research group to study Bogišić’s influence on Japan.

We owe greatly to President Dragan Vukčević and Professor Zoran Rašović for hosting the international Symposium, Professor Dušan Nikolić, Professor Žika Bujuklić, Professor Marko Petrak, for their contribution, Professor Sima Avramović for the introduction to this exciting theme, Professor Časlav Pejović for the introduction to Montenegro, Mrs Stane Đivanović and Mrs Ankica Gluhan of Bogišić Collection for their support for our project all the way.

We organized and co-organized the following conferences:

1. Symposium “Comparative studies of Civil law between modern South Slavic regions and Japan: Structure, Origin and Language”, CANU, 19 November 2019

2. “The Role of Law in the Era of Globalization”, Faculty of Law, University of Donja Gorica, Podgorica (Montenegro), 21 March 2015

3. Conference of Japanese and Serbian Scholars “Comparative Law, Codifications, Customary Law, and Mixed Legal Systems”, Faculty of Law, Belgrade (Serbia), 16–17 March 2015.

4. Zoran Rašović, “Valtazar Bogišić, Lycurgos of Montenegro”, Faculty of Law, Aoyama Gakuin University, Tokyo, 26 March 2018

5. Stane Đivanović, “On Bogišić Collection in Cavtat”, Faculty of Law, Aoyama Gakuin University, Tokyo, 17 February 2017

- Stane Đivanović, “Valtazar Bogišić and Josephine von Knorr”, Faculty of Law, Aoyama Gakuin University, Tokyo, 12 February 2017

6. Sima Avramović, Bogišić and Japanese Civil Code, Faculty of Law, Aoyama Gakuin University, Tokyo, 10 January 2014

## LIST OF PUBLICATIONS:

- (Japanese translation) Zoran Rašović, “Valtazar Bogišić, the lawgiver of Montenegro”, *Aoyama Law Forum*, vol. 7, No. 2, 2019, p. 47–103  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/20838/20838.pdf>
- (Japanese) Keiko Mitani, Popular language in the Law of Modern State: Linguistic View of V. Bogišić, *Aoyama Law Forum*, vol. 6, No. 2, 2018, p. 1–19  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/20234/20234.pdf>
- (English) Emi Matsumoto, Valtazar Bogišić (1834–1908) and Gustave Boissonade (1825–1910): some neglected aspects of Modern Japanese Law, *Aoyama Law Review*, vol. 59, No. 4, 2018, p. 1–15  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/20248/20248.pdf>
- (Japanese translation) Stane Đivanovic, Baltazar Bogišić 1834–1908 Life and Work, *Aoyama Law Forum*, vol. 5, No. 2, p. 1–10, 2017, p. 27–38  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/19759/19759.pdf>
- (Japanese) Emi Matsumoto, Advice of Valtazar Bogišić on the Codification of Japanese Civil Law, *Aoyama Law Review*, vol. 57, No. 4, 2016, p. 441–466  
<https://www.agulin.aoyama.ac.jp/opac/repository/1000/18739/18739.pdf>
- (Japanese) Emi Matsumoto, Mixed Legal System in a Broader Sense and Japanese Law, *Aoyama Law Forum*, vol. 4, No. 2, 2016, p. 1–10  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/18739/18739.pdf>
- (Japanese) Emi Matsumoto, Correspondence between Gustave Boissonade and Valtazar Bogišić, *Aoyama Law Forum*, vol. 4, No. 2, 2016, p. 11–35.  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/18740/18740.pdf>
- (German) Takashi Oka, Gedanken von Prof. Kenjiro Ume, einem der drei Verfasser des japanischen BGB, über die japanischen Gepflogenheiten, *Aoyama Law Forum*, vol. 4, No. 2, 2016, p. 37–50.
- (Japanese) Emi Matsumoto, General Comparative Research Project 2014 “Customary Law seen from Mixed Legal System Perspective”, Visit to Serbia, Croatia and Montenegro, *Aoyama Law Forum*, vol. 4, No. 1, 2015, p. 143–179  
<https://www.agulin.aoyama.ac.jp/repo/repository/1000/18559/18559.pdf>
- (Japanese) Sima Avramovic and Emi Matsumoto, Bogišić and Japanese Civil Code, *Aoyama Law Review*, vol. 57, No. 1, 2015, p. 61–70

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