

MONTENEGRO AS A STATE GOVERNED
BY THE RULE OF LAW:
VALTAZAR BOGIŠIĆ'S CHARACTER
AND CONTRIBUTIONS IN ITALIAN TRAVEL
ACCOUNTS AT THE TURN OF THE 19TH
AND 20TH CENTURIES
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Abstract

During the late nineteenth and early twentieth centuries, a significant number of Italian travellers were drawn to the Principality of Montenegro, primarily motivated by their curiosity about the homeland of their future queen, Jelena Petrović Njegoš, who wed Prince Victor Emmanuel III of Savoy in October 1896. The majority of these travellers, predominantly journalists, meticulously documented their experiences through travel narratives that were initially published as newspaper articles and subsequently compiled into books. These authors notably emphasized Montenegro's legal developments, accomplished within a mere two decades following its international recognition as an independent nation. They attributed this remarkable progress to Valtazar Bogišić (1834-1908), a jurist, legal scholar, and ethnographer who came from the Konavle region near Dubrovnik.¹ Bogišić, a Slavophile with a comprehensive education acquired at various European universities, also held the position of Minister of Justice in Montenegro. The primary aim of this case study is to analyze how various Italian authors portrayed Minister Bogišić to their readers across the Adriatic, elucidating the information they presented regarding the legal code he had crafted for Montenegro. Additionally, we delve into the significance of this legal code, which was subsequently translated into several foreign languages. In addition to presenting Valtazar Bogišić and his work, Italian authors also constructed an image of Montenegro as a state governed by the rule of law. They achieved this portrayal by referring to the Montenegrin rulers who, through the enactment of the first Montenegrin legal codes, orchestrated a profound transformation within Montenegrin society. From their perspective, Montenegro, which was originally rooted in customary law within a tribal framework, underwent a transition into a principality governed by a comprehensive system of written laws. This transformation is primarily exemplified by Bishop Petar I Petrović Njegoš and Prince Danilo Petrović Njegoš, whose

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1 In Southern Slavic lexicography, history, and literature, Valtazar Bogišić is also referenced by the names “Baltazar” and “Baldo”.

pioneering endeavours in legal codification captured the attention of several Italian authors. The overarching objective of this paper is to discern the purpose behind the production of such an image of Montenegro, which became prominent in the Italian travel writing tradition in the late 19th century, and to seek to identify the factors that influenced the formation of this representation.

Keywords: Montenegro, Italy, travel writing, Valtazar Bogišić

The image of Montenegro in Italian travel literature changed depending on the timing of the traveller's visit, the circumstances in which their writings were produced, the literature they relied on, and the goals that the authors sought to achieve by offering a specific image of the nation. Thus, until almost the end of the 19th century, Montenegro was depicted to Italians as a land of untamed warriors who obeyed only customary law and their ruler, with their sense of life revolving around the struggle against external enemies, primarily the Turks.² However, the rapprochement of Montenegro and Italy through the dynastic marriage of Savoy-Petrović in 1896 was crucial in shaping a rather different image of the small Balkan principality and its people.

Following the official announcement of the engagement of the royal couple, the Italian Crown Prince Victor Emmanuel and the Montenegrin Princess Jelena Petrović Njegoš, in August 1896, there was a significant surge in Italian media, coverage aimed at providing their readers with information about the future queen's homeland, Montenegro. Initially, this mainly consisted of data drawn from the existing literature. However, once journalists from prominent Italian newspapers arrived in the Montenegrin capital, Cetinje, the Italian readership began to receive more up-to-date information.

The first journalist to arrive in Cetinje seeking out that information was Adolfo Rossi, a reporter for the Milan-based newspaper *Corriere della Sera*. He was followed by Vico Mantegazza, reporting for the Florentine newspaper *Nazione*, Mario Borsa, a correspondent for the Milanese

2 See: Olivera Popović, "Crna Gora u italijanskom putopisnom časopisu Giro del Mondo", Vujović, Novica (ed.), *Cetinjski filološki dani III*, (Cetinje – Lawrence: Fakultet za crnogorski jezik i književnost – University of Kansas; and University of Kansas Libraries, 2023), 419-442; Olivera Popović, "Ratni dopisi iz Crne Gore Evgenija Popovića", *Cetinjski filološki dani II* (Cetinje: FCJK, 2021), 389-401; Olivera Popović, "Un parlamentare italiano nel Montenegro ai tempi della Grande crisi d'Oriente (1875-1877)", *Aevum* 90, no. 3 (2016), 671-679.

newspaper *Perseveranza*, Silvio Ghelli, who contributed to several Italian newspapers, Edoardo Scarfoglio and Eugenio Rubichi, sent by the *Roman Tribune*, Armando Perotti, who wrote for the *Corriere delle Puglie* in Bari, and Luigi Jauch, a correspondent for the *Corriere Meridionale* in Brindisi. Some of them, such as Adolfo Rosi, Vico Mantegazza, and Mario Borsa, compiled their reports into books, managing to publish them shortly before or immediately after the royal wedding ceremony in October 1896.³

Over the next few years, individuals from various professional backgrounds in Italy visited Montenegro and published their impressions both in periodicals and in the form of books. In some cases, the dynastic union also served as an incentive for authors who had previously visited this country to collect together their experiences and share their observations with their readers. Such was the case with the book by the journalist and writer Giuseppe Marcotti, who had spent time in Montenegro a decade before the royal wedding.⁴

The journalists who visited Montenegro in 1896 exerted a significant influence by changing the discourse about the country, directing attention towards those elements that made it unique and admirable in the eyes of Italian readers. They placed particular emphasis on the progress achieved since the Berlin Congress of 1878 when Montenegro gained international recognition of its independence from the Ottoman Empire. In addition to the visible construction boom and advancements in culture and education, the Italian authors also highlighted various developments in the regulation of legal affairs within the state.

One particularly significant event in the evolution of Montenegro's legal system, singled out by several Italian authors, was the adoption of the General Property Code, written by the distinguished Dalmatian professor and legal scholar Valtazar Bogišić (1834-1908).⁵ A polyglot and a member of numerous scientific societies and academies, Bogišić was originally from Cavtat, and came to Montenegro in 1873 at the invitation of Prince Nikola, with the specific task of drafting a civil code. Since Bogišić had

3 Adolfo Rossi, *Un'escursione nel Montenegro* (Milano: Carlo Aliprandi editore, 1896); Vico Mantegazza, *Al Montenegro: un paese senza parlamento: note ed impressioni (agosto-settembre 1896)* (Firenze: Successori Le Monnier, 1896); Mario Borsa, *Dal Montenegro: lettere* (Bergamo: Istituto italiano d'arti grafiche, 1896).

4 Giuseppe Marcotti, *Il Montenegro e le sue donne: il matrimonio del Principe Ereditario d'Italia* (Milano: Treves, 1896).

5 For Bogišić's biography see: Branko Pavićević, "Vječito aktuelni Bogišić", in Valtazar Bogišić, *Izabrana djela*, I (Podgorica – Beograd: CID – Službeni list SCG, 2004), V-XXII; Surja Pupovci, *Valtazar Bogišić: život i djelo* (Podgorica: CID, 2004).

not been specifically concerned with the theoretical, methodological, and practical problems of codification prior to this mission, he had to find a way to carry it out. He worked on it, with intermittent breaks, for more than fifteen years, utilizing an extensive survey system, including observations and recording the findings of both Montenegrin regular courts and the Senate.⁶ The Montenegrin Prince himself participated in the work by reading and correcting some answers to his questionnaires, which covered around 2000 questions; he also approved Bogišić's presence at all the meetings of the Montenegrin Senate.⁷ Finally, the General Property Code came into force in 1888.⁸ It stands as one of the most significant collections of legal provisions among the South Slavs regulating property rights. Due to the originality of its solutions, which represent a synthesis of customary law and modern legal principles, Bogišić's code had a profound impact on legal theory, practice, and legislation both within and outside of Montenegro.⁹

Bogišić was considered a follower of the historical school of law, which places great importance on the unique national character of the law, considering it the primary expression of a people and their national consciousness.¹⁰ In his own words:

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- 6 Miloš Luković, "Valtazar Bogišić and the General Property Code for the Principality of Montenegro: Domestic and Foreign Associates", *Balkanica* XXXIX (2008), 179-181.
 - 7 Branko Pavičević, "Vječito aktuelni Bogišić", XVIII. For the contribution of eminent experts in civil law from Vienna, Berlin, Munich and Paris, as well as members of the State Codification Commissions in Berlin and Budapest see: Miloš Luković, "Valtazar Bogišić and the General Property Code for the Principality of Montenegro".
 - 8 An Italian-language commentary on this code was published shortly after its promulgation: Giacomo Chiudina, "Il nuovo Codice del Montenegro pubblicato dal Dr Bogisic", *Mattino*, October 14, 1888. After the Savoy-Petrović wedding, Professor of Roman Law Antonio Zocco Rosa wrote several articles and booklets in which he compared the Montenegrin civil code with Roman law. Valtazar Bogišić's code was translated into five languages, including Italian in 1900. Cf. Jelena Danilović, "Predgovor", in Valtazar Bogišić, *Izabrana dela i Opšti imovinski zakonik za Crnu Goru* (Beograd: Službeni list SFRJ, 1986), 7-40; Vesna Kilibarda, *Bibliografija o Crnoj Gori na italijanskom jeziku (1532-1941)*, *Crnogorska bibliografija* (Cetinje: Centralna narodna biblioteka republike Crne Gore „Đurđe Crnojević", 1993).
 - 9 Tomica Nikčević, „Opšti imovinski zakonik u istoriji kodifikacije prava u Crnoj Gori“, in Valtazar Bogišić, *Opšti imovinski zakonik za Knjaževinu Crnu Goru* (Cetinje: OOUR Izdavačka djelatnost, 1980), 9, 11, 15-16.
 - 10 Petar Bujas, "Baltazar Bogišić između tradicije i modernizacije", in *Baltazar Bogišić i njegovo doba u intelektualnohistorijskoj perspektivi*, eds. Drago Roksanđić and

The people do not consult legal scholars for the law they create, just as they do not consult philologists for the language they speak. Therefore, in addition to legislation and legal science, customary law must be explored, not only the ancient but also the current, as it contains many remnants of old and ancient institutions.¹¹

Bogišić explained his ideas and goals in a conversation with the then Montenegrin ruler, Prince Nikola I:

I endeavoured to explain to His Highness, above all, how we needed to proceed in such a way that the code, although dressed in a scientific and European form, would not disrupt the national tradition and would not create legal dualism, as has often occurred in Western countries. Instead, through this code, and by means of it, the law would develop also in the future in a natural, organic way and in full harmony with the customs, beliefs, and needs of the people, in order to assimilate the new laws, which needed to be introduced, with the existing ones and to make them easily understandable with the available means, making every aspect comprehensible not only to judges (who in Montenegro are not legal experts) but also to the common people. Only in this way would the laws naturally become a part of behaviour, without any coercive measures, and in this manner, people who come to Cetinje in the future for legal matters would do so as like-minded individuals, as it had been in the past, which, in my opinion, is especially important in changing circumstances, particularly in recent times.¹²

In 1893, Bogišić assumed the role of Minister of Justice of Montenegro, a position he held until 1899. The character and achievements of Valtazar Bogišić were portrayed in several travel writings by Italian authors, featuring elements of his biography along with anecdotes from Bogišić's travels or interviews with him. He was generally described as a tall, strong, and pleasant man.¹³ An unusual portrait of this renowned jurist and legal scholar can be found in Silvio Ghelli's work. This author published his book on Montenegro in 1906, most likely drawing on notes from his first visit to Montenegro in 1896, as Bogišić had left Montenegro in 1899.¹⁴ In Ghelli's

Branimir Janković (Zagreb: Filozofski fakultet Sveučilišta u Zagrebu, 2012), 49.

11 Surja Pupovci, *Valtazar Bogišić: život i djelo*, 319.

12 "Izveštaj Valtazara Bogišića ministru posvjete Rusije Dimitriju Andrejeviču Tolstoju o radu na Zakoniku u toku 1879. godine, 4/16 oktobar 1879", in Valtazar Bogišić, *Izabrana djela*, I (Podgorica – Beograd: CID – Službeni list SCG, 2004), 268. All translation in this article are mine.

13 Vico Mantegazza, *Al Montenegro*, 213; Mario Borsa, *Dal Montenegro*, 117.

14 Silvio Ghelli, *Nel paese della nostra regina* (Roma: Società Editrice Laziale, 1906).

book, the then-Minister of Justice of Montenegro is described as a very obese man, sweating profusely, who dips his hands into crates of grapes at the market while haggling with the vendors over the price.¹⁵

Ghelli describes Bogišić's appearance as reminiscent of the contemporary Italian senator Gaspare Finali (1829-1914), believing that two qualities that adorned him could be recognized in his physiognomy: intelligence and loyalty. Ghelli also highlighted Bogišić's eccentricity, pointing out that despite his extensive education and various attractive offers from abroad, he lived as a philosopher in Cetinje, paying little attention to his appearance or the conditions offered by the modest hotel in the small Montenegrin capital. The Italian author also notes Bogišić's scholarly achievements, his knowledge of foreign languages, and his broad culture, including his ability to recite entire cantos from Dante's *Divine Comedy* by heart. Ghelli believed that a conversation with him represented "an instructive course in the history of Slavic legislation", which is "of great interest to us Westerners because it differs so much from our customs and traditions."¹⁶

Emphasizing that Bogišić had received numerous accolades for the General Property Code and that very little was known about this legal achievement in Italy, Ghelli included an extensive interview with the distinguished legal scholar in his book. This interview provides readers with insights into both the living and working conditions of Valtazar Bogišić in Cetinje, as well as his thoughts on the organization of legal affairs in Montenegro. Simultaneously, the published interview highlights significant differences between Montenegrin and Italian society, fulfilling the basic requirement of travel literature, which is to portray the *otherness* or uniqueness of a visited country:

Two candles burned on the modest table where Dr. Bogisich studied and, at the proper hours, enjoyed his frugal meal, relishing the blond and golden grapes from Crmnica that he had bought that morning at the bazaar. Piles of papers scattered here and there, a collection of legal codes, a stack of letters, two portraits, and cases containing various knightly cords cluttered the table's surface. [...]

– "But from what I've been told, Your Excellency has, so to speak, codified the customs of the various Montenegrin tribes..."

– "Exactly. Now, you cannot imagine the difficulties I faced to ensure, in the compilation of the Code, that I didn't infringe upon the customs by which the country has been governed since ancient times. The greatest difficulty in codification is knowing what shouldn't be codified. You see, I have the civil codes of

15 Ibid. 34.

16 Ibid. 36.

the entire world in my library, and I could very well have turned my ‘Property Code’ into a book saturated with legal doctrine without bothering to study the customs and traditions of the people to whom, in the end, we wanted to give a written law. But since even the two most elaborate codes – the Napoleonic and the Austrian – didn’t serve as a guide for my work, I turned to codification following the English system. At that time, I made use of the ethnographic material collected during my travels among the Slavs, extracting everything that was most suitable for my purposes. The jurists of Europe were very kind in their criticism, and on the day of the Code’s promulgation, I had the first place at the French Academy.”¹⁷

In Ghelli’s interview, Bogišić reveals that he closely followed the discussions about his legal code in contemporary newspapers.¹⁸ He addressed the assessment of Italian lawyer Maio d’Amelio, who wrote about this compilation of legal norms in the *Rassegna napoletana*, referring to Bogišić as a socialist.¹⁹ The scholar from Dalmatia dismissed this characterization and attributed it to a superficial analysis of the General Property Code, specifically in the section dealing with family law. This is because the family was defined there as an institution for the first time, and the fruits of the labour of its members belong to the family, not to the individual. Bogišić compares this type of organization to a republic, clarifying that the authority of the head of the household is not a burden for the family, as he is considered first among equals, and the family can remove him from this role if the members are dissatisfied with his management and assign this function to another member of the family.

From Bogišić’s interview, we also gain insights into the changes that the General Property Code introduced into Montenegrin society in comparison to the previous customary law, particularly regarding the roles of women and men. Bogišić explains the motivations behind these changes:

According to ancient customs, only women had the right to possess a *peculio* – to work for their exclusive benefit; however, I also allow it for men, because it is not fair that a male cannot dispose of a single coin without the family’s consent. Unmarried girls and married women had the freedom to dispose of what they accumulated, which was exclusively the product of their labour. Another injustice! To rectify this advantage that women had over other

17 Ibid, 40.

18 Bogišić alone collected 226 news, critical reviews, and studies about the Montenegrin Code. Cf. Jelena Danilović, “Predgovor”, 17.

19 See: Vincenzo Clemente, “D’Amelio, Mariano”, in *Dizionario biografico degli italiani*, 1986, https://www.treccani.it/enciclopedia/mariano-d-amelio_%28Dizionario-Biografico%29/.

family members, I, in agreement with the ruler, have stipulated that property transmitted by inheritance or donation constitutes a *peculio* for the man without the need for community consent, as work is irrelevant in this case.²⁰

It can be inferred that the previous customary law in the patriarchal society of Montenegro afforded women greater freedoms and rights compared to the new legal code. The new code not only granted men rights they did not previously have, but also introduced some changes that were detrimental to the position of women:

It was indeed necessary to curb the freedom that married women, in particular, enjoyed. I then decided to grant the husband the right to give or withhold consent to his wife's disposal of her private *peculio*. However, I tempered this legal provision by giving women the right to appeal to the judges when the husband denied them permission to dispose of their property or when, due to absence, he could not grant it. From this, it can be seen how, from a legal perspective, women can replace the husband *ex-jure* and enter into contracts that bind the entire family.²¹

From this interview, the Italian reading audience also gained information about the issues that Montenegrin society had faced in the recent past, before the General Property Code came into effect, and which Bogišić sought to address through the new legal provisions. This primarily concerned norms that prevented family over-indebtedness in cases of irresponsible behaviour on the part of one of its members, particularly young men who went abroad for their education. Bogišić noted that he resolved this issue with Article 700 of his Code, which stated: "What you have done for your own caprice, you will pay for it with your own; if you have done it for honour, in defence of the family, the family will pay, within reasonable limits."²² Bogišić explained that the codifiers' intention was primarily to consider the reason for the debt's occurrence. As a result, debts arising from the desire to assist an ill family member or those from which the family benefited should be borne by the entire family, while those incurred without the family's approval should be the sole responsibility of the debtor. Based on these specific characteristics, Bogišić believed that Montenegrin families should not be labelled as patriarchal, but rather as cooperative or communal.

20 Silvio Ghelli, *Nel paese della nostra regina*, 41.

21 Ibid.

22 Ibid. 42.

In Ghelli's book, Bogišić's explanations regarding the norms that regulated the right of pre-emption are also provided. This right meant that anyone who wanted to sell their land had to offer it first to relatives and members of their clan, and not to unknown potential buyers. This practice was aimed at preventing powerful neighbouring states, or those interested in Montenegro for geopolitical reasons, such as Austria-Hungary, the Ottoman Empire, or Russia, from gaining control over the principality through economic dominance.

Regarding contractual rights, among the agreements provided for in the General Property Code, Ghelli chose to introduce the readers to those that were characteristic of the agrarian relations in Montenegro at that time. These agreements included "sprega" (an oral agreement between multiple households or individuals to mutually assist each other in agricultural work throughout the year), "supona" (a contractual arrangement among multiple households to hire a common shepherd for their livestock), and "moba" (voluntary assistance in agricultural work, where the recipient of the aid was not legally obliged to pay in any way, although there was a moral obligation to reciprocate the assistance).

In addition to Ghelli, Vico Mantegazza and Mario Borsa also lauded Bogišić's ability to draft a legal code that connected the tradition of customary law with contemporary legal science. From this compilation of legal provisions, which Borsa called the "first and most illustrious monument" of Montenegro's "young civilization",²³ both Mantegazza and Adolfo Rossi included in their books several legal maxims, or Bogišić's translations of sayings taken from Roman jurists, formulated as popular proverbs, which helped him make the concept of justice understandable even to the least educated Montenegrins.²⁴ This emphasized not only Bogišić's legal activities but also his philological efforts aimed at eliminating the language barrier that would inevitably arise if only a legal register were used in a country that had just taken its initial steps toward expanding secondary education.²⁵ Such a language barrier would probably have had an adverse impact on the dissemination of norms from this legal code and their acceptance by the people.

23 Mario Borsa, *Dal Montenegro: lettere*, 115.

24 Vico Mantegazza, *Al Montenegro*, 215-216; Adolfo Rossi, *Un'escursione nel Montenegro*, 72-73.

25 When it comes to education in Montenegro, after the first primary schools were opened in the 1830s, in 1869, the Montenegrin Seminary and the Girls' Institute of Maria Alexandrovna were established. Cf. Ivan Tepavčević, "Pogledi Valtazara Bogišića na Crnu Goru i crnogorsko društvo (krvna osveta – između tradicije i modernog društva)", *Annales, Series Historia et Sociologia* 28, no. 3 (2018): 501.

Regarding the challenges of philological shaping of the General Property Code, the writer Simo Matavulj, who was commissioned by Prince Nikola to assist Bogišić in this endeavour, wrote:

Indeed, I suffered! If only the fortune teller had told me that I would be among the first to whom this Code would be explained (and, in a way, taught), that this Code would give me quite a headache in the midst of a Cetinje summer, and that I would curse it wholeheartedly – indeed, I would not have given her a single penny!

Mr. Baldo (as everyone in Dubrovnik calls him), in addition to other assistants, chose Beara and me; the old man as a knowledgeable and wise person by nature, and me as a language expert. At least, that was his conviction. And then, the hard days began. Every godly day, for several hours, I listened to paragraphs about inheritance, division, sale, purchase, and God only knows what else falls under property rights and wrongs. Imagine my temperament and my usual mental nourishment and such harsh matters! And this in the midst of the dog days when I longed for the sea! But Mr. Baldo rightly says, “You must understand the matter well to express it well!” So I struggled and suffered to understand it, and when it finally got into my head, I would have gladly handed it over to the devil.²⁶

Giuseppe Marcotti dedicated a separate chapter of his book to Bogišić’s Code, quoting in full the decree by Prince Nikola by which this legal act was proclaimed. Besides the language that is comprehensible to the widest array of society in which the Code was written, Marcotti also notices that the codifier imparts some friendly advice, quoting Article 1014: “Even when you are right, do not flog a dead horse.”²⁷ In contrast to Mantegazza and Borsa, who focus on the civilizational progress achieved by adopting Bogišić’s Code, Marcotti emphasizes certain negative developments that this extensive compendium of legal norms with over 1000 articles announced, risking it becoming a “Pandora’s box”.²⁸ This author primarily refers to the inevitable appearance of lawyers necessary for interpreting such a comprehensive code, which would undermine the practice of direct communication between the Prince and his subjects. Marcotti believed that Montenegro would evolve from a society of “warrior people” into a society of “voting people” due to the adoption of complex legislation, which would eventually lead to constitutional and parliamentary changes.²⁹ In this way, the Italian author revealed his conservative views regarding the state

26 Simo Matavulj, *Bilješke jednog pisca* (Cetinje, Obod, 1975), 254-255.

27 Giuseppe Marcotti, *Il Montenegro e le sue donne*, 227.

28 Ibid.

29 Ibid. 228.

and legal organization of Montenegro, favouring the romantic glorification of a life in harmony with nature, far from the dangers of civilization, that corrupts the human spirit and consumes our physical strength. The Italian press also wrote about Bogišić's Code, pointing out the fairness of certain provisions and proposing them as examples to follow.³⁰

The reason for the appearance of multiple articles about Valtazar Bogišić was also his visit to Rome in early October 1896, alongside the head of the Montenegrin government, Božo Petrović, to sign a marriage agreement between the Montenegrin and Italian dynasties. Therefore, their description, taken from Mantegazza's book, appeared in newspapers such as *Indipendente*,³¹ *Fanfulla*,³² *Gazzetta di Venezia*,³³ *Corriere delle Puglie*,³⁴ and *Italia Centrale*.³⁵ In the years that followed, the Italian scientific community showed interest in Bogišić's Code, and Professor Antonio Zocco-Rosa published a series of articles and books on this topic.³⁶

Interest in legal developments in Montenegro was not limited to Valtazar Bogišić's Code alone. Italian authors made an effort to acquaint their readers with the previous steps towards establishing Montenegro as a legal state. Silvio Ghelli recalled the early successes in this regard, achieved in 1796 by the Montenegrin Prince-Bishop Petar I (who ruled from 1784 to 1830) when he promulgated the "Stega", the first written Montenegrin law, representing a form of codification of various elements of Montene-

30 "Ancora del Montenegro", *Corriere della Sera*, August 11-12, 1896; "L'originale codice penale del Montenegro", *Corriere delle Puglie*, October 27, 1896.

31 "Il ministro Bogisich", *Indipendente*, October 10, 1896.

32 "Per le nozze auguste", *Fanfulla*, October 8, 1896.

33 "Bozo Petrovich Niegoch e Baldassare Bogisich", *Gazzetta di Venezia*, October 9, 1896.

34 "I due ministri del Montenegro a Roma", *Corriere delle Puglie*, October 9, 1896.

35 "Gli ospiti montenegrini", *L'Italia Centrale*, October 9-10, 1896.

36 A. Zocco-Rosa, *Il codice civile dei beni del Montenegro ed il diritto romano, con speciale riguardo al titolo del Digesto de diversis regulis juris* (Catania: Istituto di storia del diritto romano, 1897); A. Zocco-Rosa, *Il codice civile dei beni del Montenegro ed il diritto romano*, in *Rivista scientifica del diritto* 1 (1897), 50-62; A. Zocco-Rosa, *La nuova edizione del codice generale dei beni del Montenegro* (Roma, 1898); Zocco-Rosa, *La nuova edizione del codice generale dei beni del Montenegro* (Torino: F.lli Bocca, 1898); A. Zocco-Rosa, *La nuova edizione del Codice civile montenegrino ed il diritto romano; la gestione di affari (Art. 587-594)* (Catania, 1899); A. Zocco-Rosa, "La seconda edizione del Codice Generale dei beni del Montenegro e il Diritto Romano", in *Annuario dell'Istituto di Storia del Diritto Romano* 7 (1899-1900), 58-63. Cf. Gábor Hamza, „Bemerkungen zur Privatrechtsentwicklung in Montenegro“, in *Spomenica Valtazara Bogišića o stogodišnjici njegove smrti 24. aprila 2008. godine*, I, ed. Luka Breneselović (Beograd: Službeni glasnik, 2011), 326.

grin customary law.³⁷ According to Ghelli, Petar I's legal initiatives led to a significant reduction in murders, banditry, and robbery in Montenegro, to the extent that, as this author notes, by the late 19th century, a day when someone was tried in Cetinje for robbery was considered a rare event.³⁸ Vico Mantegazza and Giuseppe Marcotti also highlighted the legislative work of Petar I.³⁹ Acknowledging the significant civilizational progress Montenegro had achieved during his rule, Mantegazza referred to this Montenegrin ruler as the founder of modern Montenegro, comparing him to the Russian tsar.⁴⁰

Italian authors also discussed some legal changes in Montenegro in their travel writings that occurred during the rule of Danilo I Petrović-Njegoš, who reigned as the Prince of Montenegro from 1852 to 1860. Danilo I separated secular from spiritual authority, in contrast to his predecessors who held both roles as Montenegrin bishops and rulers. His legal code, consisting of 95 articles, was promulgated in 1855 and regulated issues related to human and citizen rights, the position and rights of the prince, the position and rights of courts, citizens' duties in protecting the state, and numerous other aspects of Montenegro's social, political, and economic life. This legal code marked the foundation of Montenegro as a legal state.⁴¹

Silvio Ghelli, however, pointed out certain negative elements in Danilo's legislative reforms. He believed that the strictness of Danilo's legal code led some of the prominent families of old Montenegro to emigrate, and in some cases, even to convert to Islam.⁴² The content and innovations introduced by Danilo I's 1855 legal code were analysed in more detail by Giuseppe Marcotti, with the aim of highlighting the specifics of Montenegrin social organization. He paid particular attention to the norms related to family law (sanctions for kidnapping a girl and forcing marriage, divorce, and permissible murder in cases of adultery), the protection of individuals and property (prohibition of self-harm in grief, prohibition of excessive extravagance during the family patron saint's feast by shortening the number of days of celebration, or the permissible killing of a thief caught in the act), tax obligations, the equality of citizens before the law, the position of judges, and

37 Cfr. Danilo Radojević, "Epoha Svetog Petra I Njegoša", *Matica* 55, (jesen 2013), 522.

38 Silvio Ghelli, *Nel paese della nostra regina*, 46.

39 Giuseppe Marcotti, *Il Montenegro e le sue donne*, 175; Vico Mantegazza, *Al Montenegro*, 144.

40 Vico Mantegazza, *Al Montenegro*, 144-145.

41 Cf. Branko Pavićević, *Danilo I Petrović-Njegoš, Knjaz crnogorski i brdski, 1851 – 1860* (Podgorica: CID, 2007), 235-238.

42 Silvio Ghelli, *Nel paese della nostra regina*, 47.

the protection of fugitive newcomers.⁴³ Based on the legal solutions formulated, and the fact that this legal code consisted of fewer than 100 articles, Marcotti considered it “close to natural laws”, “paternal”, and “liberal”.⁴⁴ The significance of Danilo’s legal code was also emphasized by other Italian visitors and scholars, such as Guido Cora and Antonio Baldacci, especially in terms of eradicating harmful customs like blood feuds.⁴⁵

It can be concluded that in the travelogues written by Italian authors who visited Montenegro in the late 19th and early 20th centuries, significant attention was dedicated to the persona and work of Valtazar Bogišić. Writing about his General Property Code served multiple purposes. On the one hand, the authors paid attention to the legal solutions that pointed out the differences between Montenegrin and Italian societies, enriching the “cultural catalogue” they offered to their readers and piquing their curiosity.⁴⁶ They also considered Bogišić’s legal code to be a model to follow in terms of using simple and understandable language in legal texts.

On the other hand, highlighting Bogišić’s success in his codification effort emphasized the significant progress that Montenegro had made in transforming from a society governed by customary law to one governed by complex written norms. Although some authors expressed conservative views about Montenegro’s need to emulate other European states in this regard, most of them believed that Bogišić’s legal code respected Montenegro’s folk traditions and was built upon the achievements of customary law, incorporated into modern legal science.

In their efforts to affirm Montenegro’s image as a lawful state, the authors also delved into its legal history, spanning from the era of Petar I Petrović-Njegoš’s governance to the end of the 19th century. This image of Montenegro constituted a key element in the discourse of progress, which came to prominence in the context of the Savoy-Petrović wedding. The purpose of this travel paradigm was to encourage Italians to view the homeland of their future queen favourably, despite its status as a small, Orthodox, South Slavic country with little geopolitical influence.

43 Giuseppe Marcotti, *Il Montenegro e le sue donne*, 40-41, 85, 199-200; 246-247.

44 Ibid. 85-86.

45 Guido Cora, *Nel Montenegro* (Roma: Forzani, 1901), 17; Antonio Baldacci, *Crnagora: memorie di un botanico* (Bologna: Nicola Zanichelli, 1897), 58.

46 Dean Duda defines a “cultural catalogue” as a comprehensive representation of the everyday rhythm of a specific environment and the habits of its people, along with information from local history and a description of artistic heritage, which the travel writer creates and directs towards his home environment. Cf. Dean Duda, *Priča i putovanje: hrvatski romantičarski putopis kao pripovjedni žanr* (Zagreb: Matica hrvatska, 1998), 12, 122.

Bibliography

- Baldacci, Antonio. *Crnagora: memorie di un botanico*. Bologna: Nicola Zanichelli, 1897.
- «Izvjestaj Valtazara Bogišića ministru posvjete Rusije Dimitriju Andrejeviču Tolstiju o radu na Zakoniku u toku 1879. godine, 4/16 oktobar 1879.» In *Izabrana djela*, di Valtazar Bogišić, 266-271. Podgorica – Beograd: CID – Službeni list SCG, 2004.
- Borsa, Mario. *Dal Montenegro: lettere*. Bergamo: Istituto italiano d'arti grafiche, 1896.
- Bujas, Petar. «Baltazar Bogišić između tradicije i modernizacije.» In *Baltazar Bogišić i njegovo doba u intelektualnohistorijskoj perspektivi*, a cura di Drago Roksandić e Branimir Janković, 45-56. Zagreb: Filozofski fakultet Sveučilišta u Zagrebu, 2012.
- Chiudina, Giacomo. «Il nuovo Codice del Montenegro pubblicato dal Dr Bogisic.» *Mattino*, 14 October, 1888.
- Clemente, Vincenzo. *D'Amelio, Mariano*. Consultato il giorno September 16, 2023. https://www.treccani.it/enciclopedia/mariano-d-amelio_%28Dizionario-Biografico%29/.
- Cora, Guido. *Nel Montenegro*. Roma: Forzani, 1901.
- Corriere della Sera*. «Ancora del Montenegro.» 11-12 August, 1896.
- Corriere delle Puglie*. «I due ministri del Montenegro a Roma.» 9 October, 1896.
- Corriere delle Puglie*. «L'originale codice penale del Montenegro.» 27 October, 1896.
- Danilović, Jelena. «Predgovor.» In *Izabrana dela i Opšti imovinski zakonik za Crnu Goru*, di Valtazar Bogišić, 7-40. Beograd: Službeni list SFRJ, 1986.
- Duda, Dean. *Priča i putovanje: hrvatski romantičarski putopis kao pripovjedni žanr*. Zagreb: Matica hrvatska, 1998.
- Fanfulla*. «Per le nozze auguste.» 8 October, 1896.
- Gazzetta di Venezia*. «Bozo Petrovich Niegoch e Baldassare Bogisich.» 9 October, 1896.
- Ghelli, Silvio. *Nel paese della nostra regina*. Roma: Società Editrice Laziale, 1906.
- Hamza, Gábor. «Bemerkungen zur Privatrechtsentwicklung in Montenegro.» In *Spomenica Valtazara Bogišića o stogodišnjici njegove smrti 24. aprila 2008. godine*, a cura di Luka Breneselović, 315-328. Beograd: Službeni glasnik, 2011.
- Indipendente*. «Il ministro Bogisich.» 10 October, 1896.
- Kilibarda, Vesna. *Bibliografija o Crnoj Gori na italijanskom jeziku (1532-1941) Crnogorska bibliografija*. Vol. 4. Cetinje: Centralna narodna biblioteka republike Crne Gore „Đurđe Crnojević“, 1993.
- L'Italia Centrale*. «Gli ospiti montenegrini.» 9-10 October, 1896.
- Luković, Miloš. «Valtazar Bogišić and the General Property Code for the Principality of Montenegro: Domestic and Foreign Associates“.,» *Balkanica XXXIX* (2008): 175-188.
- Mantegazza, Vico. *Al Montenegro: un paese senza parlamento: note ed impressioni (agosto-settembre 1896)*. Firenze: Successori Le Monnier, 1896.

- Marcotti, Giuseppe. *Il Montenegro e le sue donne: il matrimonio del Principe Ereditario d'Italia*. Milano: Treves, 1896.
- Matavulj, Simo. *Bilješke jednog pisca*. Cetinje: Obod, 1975.
- Nikčević, Tomica. «Opšti imovinski zakonik u istoriji kodifikacije prava u Crnoj Gori.» In *Opšti imovinski zakonik za Knjaževinu Crnu Goru*, di Valtazar Bogišić, 1-16. Cetinje: OOUR Izdavačka djelatnost, 1980.
- Pavičević, Branko. *Danilo I Petrović-Njegoš, Knjaz crnogorski i brdski, 1851-1860*. Vol. III. Podgorica: CID, 2007.
- Pavičević, Branko. *Vječito aktuelni Bogišić*. Vol. I, in *Izabrana djela*, di Valtazar Bogišić, V-XXII. Podgorica – Beograd: CID – Službeni list SCG, 2004.
- Popović, Olivera. «Crna Gora u italijanskom putopisnom časopisu Giro del Mondo.» In *Cetinjski filološki dani III*, edited by Novica Vujović, 412-442. Cetinje, Lawrence: Fakultet za crnogorski jezik i književnost; Department of Slavic and Euroasian Languages and Literatures, University of Kansas; University of Kansas Libraries., 2022.
- Popović, Olivera. «Ratni dopisi iz Crne Gore Evgenija Popovića.» In *Cetinjski filološki dani II*, edited by Novica Vujović, 2021. Cetinje: Fakultet za crnogorski jezik i književnost, Univerzitet u Kansasu. 389-401.
- Popović, Olivera. «Un parlamentare italiano nel Montenegro ai tempi della Grande crisi d'Oriente (1875-1877).» *Aevum* 90, no. 3 (2016): 671-679.
- Pupovci, Surja. *Valtazar Bogišić: život i djelo*. Podgorica: CID, 2004.
- Radojević, Danilo. «Epoha Svetog Petra I Njegoša.» *Matica* 55 (jesen 2013): 513-546.
- Rossi, Adolfo. «Dal Montenegro.» *Corriere della Sera*, 31-1, 1-2 agosto-settembre, 1896.
- Tepavčević, Ivan. «Pogledi Valtazara Bogišića na Crnu Goru i crnogorsko društvo (krvna osveta – između tradicije i modernog društva).» *Annales, Series Historia et Sociologia* XXVIII, no. 3 (2018): 495-522.