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**Valtazar Bogišić — a precursor of rural sociology
in the Balkan countries**

Valtazar Bogišić was born in 1834 in the village of Cavtat near Dubrovnik in Croatia. During his lifetime that part of the Balkan peninsula was under the influence of foreign rivals: Turkey, Austria and Russia. His father was a prosperous merchant. The family were Roman Catholic. He studied law, philosophy, history and linguistics at the universities of Vienna, Berlin, Munich, Heidelberg, Giessen and Paris. He acquired a doctorate in philosophy in Giessen (1862) and law in Vienna (1864). Immediately after his studies he started doing research at the Slavonic Department of the Imperial Library in Vienna (1863–1868). That was where his first two renowned works originated *Pravni običaji u Slavena*, Zagreb 1867 (Slavonic Custom Law) and *Naputak za opisivanje običaja žive u narodu*, Beč 1867 (Instruction for the Description of Legal Customs of Life among the People). In recognition of his academic achievement the Department of History of Slavonic Law was founded at the university of Odessa where he was a professor (1869–1872). Under the recommendation of Count Nicolas of Montenegro he left Russia and moved to Paris where he worked on the project of the code of civil law for Montenegro. There, in addition to the work he was assigned, using the latest available world writing, he prepared and published the *Zbornik sadašnjih pravnih običaja u južnih Slovena. Gragja u odgovorima iz različnih krajeva Slovenskogjuga*, Zagreb 1874 (A Collection of Present Legal Customs among the Southern Slavs. Material from Different Regions of the Slavonic South) and *De la forme dite inokosna de la famille rurale chez les Serbes et Croates*. "Revue de droit international et de législation comparée" (Bruxelles) 1884. He returned to live in the Balkans between 1883 and 1898 where he became minister of justice of Montenegro. He totally withdrew from politics, returning to Paris in 1899 where he remained for the rest of his life (he died in Rijeka in 1908 while on a visit to his family town).

Bogišić continued doing research in the French capital. Commanding respect in the academic world (his work was also published in French yet most of his Croat writing was translated)* and with the status of private professor, he was involved in various local academic institutions. He was president of the International Sociological Institute for a year in 1902. He published 41 academic works. Among these, apart from the published medieval texts of source laws announced by the authorities of the Southern Slav territories, there are debates concerning legal theory and history, legal codification, case law and socio-legal issues. He figures in current world encyclopaedias and biographic dictionaries on law, sociology and ethnography.

His route to sociology was typical for academics from south-eastern Europe in the second half of the XIX century. It linked romantic inspirations with a clear adaptation of scientific assumptions of positivism as well as approaching sociology through an earlier interest in theoretical and legal issues. He was one of the many Slav intellectuals of his time whose fundamental social viewpoint was mainly shaped under the influence of the historiosophical works of Johann G. Herder. Reading *Ideen zur Philosophie der Geschichte der Menschheit* crystallized his belief in the existence of lasting, individual features of specific nations. That belief of a person practising law, decidedly led to accepting assumptions of the so-called historical school of law, represented by Friedrich C. Von Savigny, Karl F. Eichhorn and Georg F. Puchte. That school had a great sociological influence among historiographical concepts of the time. According to Savigny, "all laws are first generated by the customs and convictions of the nation and then by jurisprudence, in other words, by hidden internal forces and not by the legislator's arbitrary acts". This was the direction Bogišić chose. However, he did not blindly accept the assumptions of the historical school of law, he was also inspired by other academic currents (Pavković N. F., 1987). These included the significant influence of the social philosophy of Charles Montesquieu under whose influence he stated that "the rules of social life are created by necessity". Following Wawrzyniec Surowiecki, the Polish lawyer and economist, he accepted that "law is the expression of the popular spirit". He also benefited from the works of evolutionists, referring to John F. McLennan, Lewis H. Morgan and Henry James Sumner Maine. These influences are reflected in case law, broadly understood by him, and appear both in legal social and moral rules.

* Apart from membership of Serbian, Russian and Czech academies and associations, from 1888 he was corresponding member of the Section for Education and Law Science at the Academy of Moral and Political Sciences in Paris and from 1891 corresponding member of the Academy of Law Sciences in Toulouse.

Getting to know the case law of the northern Slav peoples was a challenge for him since he felt that it allowed "the spirit of the nation" to be revealed. Searching for an adequate research method, he considered that "it is only important to take note of popular customs and popular thinking, describing the specific relations between them and that written law should not under any circumstance be considered" (Bogišić, 1867). This approach comes from a questionnaire prepared by Bogišić in 1866, comprising 347 questions, 1000 copies of which were sent for completion by 'competent' people such as priests, doctors, judges and teachers in the southern Slav territories. The logic of his questionnaires was based on the classification of the researched reality in which relations constituting the small (*inokosna*) and large (*zadruga*) family, community relations, relations between the commune and the wider social milieu (the manor, spiritual authorities, the state), relations between social classes and groups between social classes as well as groups functioning outside the official legal system (e.g. highland robbers). As a result, he acquired valuable materials about country life in the southern Slav territories, getting to know the language, customs, mentality and social behaviour. He devoted considerable attention to the family and the *zadruga*. In his two monographies about middle class families *Glavnije crte obiteljskoga prava u starom Dubrovniku*, Zagreb 1869 (The basic features of civil law in old Dubrovnik) and peasant families (*De la forme dite inokosna de la famille rurale...*, 1884) he described the specifics of the rural family. Researching the latter he showed the mechanisms of the small family and of the *zadruga* family.

When studying case law Valtasar Bogišić rejected the views that social organization is exclusively based on formal and legal foundations, artificially created social and legal relations, views which were advocated by traditional law and political science, inspired mainly by XVII and XVIII century theories of social agreement together with the concept of having to respect the will of the sovereign. He was also aware of the sociological aspect of the social organization formed by natural social bonds, which have taken shape autonomously over the centuries, thus reflecting the "national spirit" of a particular society. They have often been preserved in an archaic form among the people (an example of this was the institution of the feudal *zadruga* in the Balkans), which brought knowledge about hitherto unknown aspects of social life (local, informal social relations, which were different to those of the state) and revealed its subjectivity.

Unfortunately, since Bogišić did not leave behind any students, work begun by him was discontinued in the Balkans. During the inter-war period reference was not made to his work since he had the reputation of referring to tradition, both during the process of law codification and in sociological research which was considered as a cause for the delay in the process of development of capitalist relations in the southern Slav countries.

Literature

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