

philippine studies

Ateneo de Manila University · Loyola Heights, Quezon City · 1108 Philippines

Church and State Colonial Jurisprudence: El Derecho Publico de la Iglesia en Indias

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Philippine Studies vol. 16, no. 1 (1968): 201–202

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Fri June 30 13:30:20 2008

CHURCH AND STATE COLONIAL JURISPRUDENCE

EL DERECHO PUBLICO DE LA IGLESIA EN INDIAS, por Cayetano Bruno, S.D.B. Salamanca: Consejo Superior de Investigaciones Científicas, Instituto "San Raimundo de Peñafort," 1967. xiv, 347 pp.

The history of the Spanish overseas empire is unique in the story of European colonization. Only in the Portuguese colonies—and there only to a limited degree—is there any parallel for the role played by the Church in the establishment and life of the colonies. Though participation of the Church in every part of social and political life was not as extensive generally in Spanish America as it was in the Philippines, still, the Church as an institution held an extremely important and juridically recognized place everywhere in Spanish colonial society. In like manner the civil authorities intervened in the institutional life of the Church to an extent difficult to conceive in the modern world.

The basis of this mutual juridical relationship was the complex of privileges included in the Real Patronato de Indias, granted by the Papacy to the Spanish Crown in the sixteenth century. Having assumed the burden of establishing and maintaining the missionary enterprise, the Crown in return controlled the nomination to all important ecclesiastical posts in the Church of the Indies. Ample as were the original privileges given by the Holy See to the Spanish Crown, they were continually being enlarged, partly by further grants, but principally through interpretation and extension by the royal jurists. Eventually there arose the juridical theory of the King as Vicar of the Pope, a theory first assumed in practice, later officially asserted, and though the Popes never formally accepted it, neither did they venture to condemn it openly, dependent as they were on Spanish royal favor.

The regime of the Patronato has received alternately praise and condemnation from later generations. Undoubtedly under some aspects it was deserving of both, but all too frequently both praise and blame have been bestowed with very imperfect understanding of the system as it existed. The book under review is an effort to give a systematic view of the body of jurisprudence worked out under the Spanish Crown during three centuries for the politico-ecclesiastical government of its empire. However, it is not merely an abstract juridical treatise, but endeavors to trace the historical evolution of the colonial jurisprudence, showing its development in concrete cases drawn from the archives of Rome and Sevilla and published sources. The historico-systematic approach produces a generally balanced and very helpful tool for understanding the Church-State relationships of the Spanish overseas empire.

Though the focus of the study is Spanish America, the volume will prove extremely helpful for students of Philippine history in the Spanish period. It is true that the peculiar conditions of the Philippines, particularly the predominant role played by the Church, both in the colonization and the evolution of Spanish rule here, often modified considerably the application of laws made for Spanish America. Nonetheless, the basic institutions and jurisprudence were the same, and this study will fulfill a need often felt by students of Philippine history. Acquaintance with this work will make more intelligible large sections of that history, as well as help prevent anachronistic judgments of the jurisdictional conflicts of Church and State which occupy so large a place in the chronicles of the seventeenth and eighteenth centuries.

JOHN N. SCHUMACHER, S.J.

THE MONK AND THE PEOPLE OF GOD

MONASTIC RENEWAL, by Dom Cary-Elwes. New York: Herder and Herder, 1967. 256 pp.

Out of the maze of articles, essays, and books on the subject of renewal emerges a volume written by one who speaks from within. He bases his investigation on a thesis: "The Benedictine way of life, as developed through the centuries, is a true monastic tradition." This is fixing it with nails from the start, and consequently, the reader may more than guess where he is being led.

The monastic reader in particular may delve into the perusal of this book with calm anticipation, that is, dismantling some of his pent-up tension. That the Benedictine way of life is a true monastic tradition, no self-respecting monk or nun will question; the emphasis is on the modifying phrase, "as developed through the centuries". This one and only thesis may also be regarded as the working hypothesis of the entire volume: Chapter one, together with the preface, is somewhat like the *raison d'être* of the whole: Vatican II, with its invitation to *aggiornamento*, renewal, adaptation, reform; a brief comment on these four terms enriches their meaning by bringing out certain nuances; Vatican II itself is seen in the light of John XXIII as pentecostal gift of the Spirit, and accordingly, its trumpet sound for *aggiornamento* as appeal for responsible engagement.

Next comes a chapter on the status quo, the state of the question, with a rather breath-taking flash-back; the rest of the book, which is naturally the major portion, is taken up with the intended *aggiornamento* in vital areas of the monastic life.