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## **Toward a Post-Conciliar Code of Canon Law: Pastoral Reform in Church Government**

Review Author: Samuel R. Wiley, S.J.

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It is in the light of such a credit situation that one should view the author's findings that the Filipino family firm "appears to have been very productive of entrepreneurs...." (p. 81.). Many of the entrepreneurs interviewed obtained their training from the family corporation, not so much because it is the best breeding-place of entrepreneurs as that credit conditions have to a large extent limited the opportunities for entrepreneurship (at least on the scale considered in the book) to the rich who constitute the basis of family corporations.

Similarly, such a credit situation probably explains why the emergence of a significant number of Filipino entrepreneurs took place in the nineteen fifties. It was during this period that Filipinos began to rely on political power to obtain their economic goals. Possession of a foreign exchange allocation, which was increasingly limited to Filipinos and usually accompanied by complementary import controls, gave the Filipinos access to credit facilities which hitherto had been generally limited to foreigners who had substantially more collateral to offer. This pragmatic attempt to substitute centralized decision-making for the market mechanism was probably inefficient as far as increasing the size of the economic pie was concerned. But it certainly succeeded in increasing the relative share of Filipinos in the pie.

The question remains whether, in the long run, the absolute share of Filipinos would have been larger if they had not used exchange and import controls to tamper with the market mechanism. In any case, it would be interesting, now that the complex machinery of controls has been dismantled and the umbrella of protection removed, if the author continued his study on the 92 Filipino manufacturing entrepreneurs to find out if they were truly entrepreneurs who merely needed a chance to try out their ideas or opportunists who have not been able to meet the test of the market.

ANTONIO V. AYALA

## TOWARD A POST-CONCILLAR CODE OF CANON LAW

✓ PASTORAL REFORM IN CHURCH GOVERNMENT. Concilium, Theology in the Age of Renewal, Volume 8. New York: Paulist Press, 1965. viii, 184 pp.

The eighth volume of the CONCILIUM series is devoted to Canon Law, where as a result of the decrees of Vatican II, not a few changes have already taken place and where even more are awaited. The scope of this volume is to indicate the problems that must be solved and the direction that should be taken in reaching these solutions. Part I consists of seven articles on various fundamental canonical problems contributed by different canonical experts; Part II consists of two bibliographical surveys, one on the Latin Church's law and the other on Oriental Canon Law. The Third Part is devoted to Documentation but is in reality an article explaining the position of the Blessed Virgin in the theology of the Council. Part IV, entitled a Chronicle of the Living Church, is a description of the theory of Pre-evangelization as applied in Japan.

As is to be expected in a collection of this nature, the articles differ in value, some being very brief sketches and others more penetrating studies. The first article in Part I treats of the Ontology of Communion and Collegial Structures in the Church. The Church is a great ecclesial communion, stemming from a sacramental source, and in the manifestation of its graces and ministries, gives rise to different particular communions. These in turn must function within the lines of the divinely founded ecclesiastical-hierarchical communion, the episcopal college. It is the function of Canon Law to give structural juridical expression to this relationship, to form the nexus between the theological term, *communio*, and the canonical usage, *collegium*. This demands a recognition both of the values of the democratic principle, found in the historical origins of the principle of consent of the faithful and its adaptation to changed times which clearly focus on the need of the recently developed intermediary structure, the National Conference of Bishops.

The author of the second chapter on Collegiality at the Diocesan Level did not have the definitive texts of the Council on this point when he wrote. Hence he could only hope for the changes he deemed necessary. Using the historical development of the presbyterate from the early centuries of the Church through the Middle Ages up until and after Trent, he attempts to demonstrate how the present canonical structure of the diocese has gone far afield from the more democratic methods of earlier ages. Geographical and pastoral needs forced much of this on the Church but it has resulted today in a decadence of true collegiality on the diocesan level; despite the efforts of Trent, the present Code reveals a feudal concept of diocesan rule ill-suited to actual needs. What is desired is a truly pastoral diocesan curia, responsive to modern demands and using modern methods.

The third article deals with the Eparchal Council since Pius XII, and after giving a summary of current legislation concerning the com-

position and function of diocesan councils as set forth in the Oriental Code, points out how the main trends of the Decree on the Eastern Catholic Churches will affect the workings of the diocesan council and will demand certain definite changes. It is interesting to note that in the Oriental Code, the diocesan council explicitly takes the place of the Cathedral Chapter, a relic of feudal obsolescence still lingering in the Latin Code. The final sentence of this chapter is illuminating in its terse honesty: "The hard lessons of history on the abuse of personal power at every level of the hierarchy cannot be ignored."

The fourth article is devoted to the Episcopal Conference on the national or regional level, an institution which is embryonic in the Code of Canon Law but has achieved new stature and no doubt will derive effective power from a post-conciliar revision of the Code. This is needed to clothe the instrument with flesh and blood, at the same time seeking a true pastoral adaptation to contemporary circumstances. A realistic balance must be obtained between sufficient local autonomy and regional authority which is able to take measures and make them stick. That such is badly needed is only too clear from the evident lack of episcopal unity in implementing the Liturgical Constitution on the diocesan level, with no little disedification of the faithful.

The Synod in the Eastern Church forms the subject of the fifth study. The prevalence of the regional synod as the common instrument of Church government has marked the Eastern Churches since apostolic times. The second part of this chapter shows how the Uniate Churches, under the dominance of Latin centralism were not given the freedom to initiate synodal legislation which was ordinary in the Orthodox communion. Vatican II shows a hopeful trend toward the Eastern tradition but still preserves some unhealthy limitations in the opinion of the author. Of similar interest is the College of Patriarchs, the subject of the sixth article. The history and significance of this institution is briefly described, and in it is found a good explanation for the actions of Maximus IV Saigh in the sessions of Vatican II. The East always attributed more collegial authority to this group than did the West.

The seventh and final article of Part I takes up the relationship between the individual Bishop and the collegial responsibility of the episcopate as a whole. While the collegiality of bishops is direct and formal only when they act as a college either in council or dispersed throughout the world, still the responsibility of the individual bishop with regard to the Church Universal is demonstrated in numerous episcopal activities of his own church, which relate to the universal community of Christians. The joint episcopal activity will be strengthened by episcopal conferences. The evident duty of the

bishop to make collective use of episcopal authority to ensure the common good of a group of particular churches implies their direct responsibility for churches other than their own. In short—no bishop is an island any more, no matter how he might like to be one.

The Second Part of the book is termed bibliographical. However the long and useful summary of Fr. Petrus Huizing, S.J. of Rome and Louvain is much more than that. Of itself it is probably the most valuable contribution in the collection. It takes up all the central problems facing any proposed revision of the Code and explains both the objective sought for and the practical solutions thus far proposed. It is an excellent summary of recent canonical thinking. One of the most immediate and central difficulties is where to start the revision. Should the present code division be maintained but merely subjected to updating and rewording? Should a new basic structure be introduced into the canon law of the future, based rather on function or ecclesial activity than on the ancient legal divisions of Justinian? These and many allied questions are taken up in order and the thinking of the better-known canonical authors is synthesized under each question. The tendency of Canon Law to lock its whole value in its own structure, while forgetting dogma and relapsing into formalistic self-sufficiency, lacks the biblical spirit and fails to take new life from the contemporary church. In other words legal technique should be subordinated to ecclesial function. What is sought for is a realistic, workable and understandable Church Order, wherein uncertainties and the evasions of responsibility are removed, individual rights are safeguarded and the procedural rules are clear to subjects and authorities alike. This will be no light task for the canonist, and it will remain one of the most serious obligations of the post-conciliar church to work for its achievement. By it the sincerity of conciliar reform will ultimately be tested.

The second article in this section discusses the objections that had arisen among the Oriental Churches following the publication of the Oriental Code *De Personis*. For the majority of Latin Catholics, this is an unknown area, and the mere reading of it will impress one with the complexity of the problem, the sensitivity of our Oriental brethren, and the almost insuperable obstacles to any satisfactory solution.

Part III, Documentation Concilium seems totally out of place in a volume supposedly devoted to Canon Law, for it treats of the Blessed Virgin in the Constitution on the Church. Apart from its awkward situation amid alien subject-matter, it sums up very well the divisions in the Council over the manner of treating the position of the Virgin Mary and how the present solution was arrived at. The question is why was this inserted into the present volume as it would

have fitted far more aptly into a Mariological volume or in the dogmatic treatment of the Constitution of the Church.

The fourth and final section on Pre-evangelization in Japan certainly comes under the general topic of Pastoral Reform, although it is not strictly Canon Law either. Fr. Alfonso M. Nebreda's name is twice misspelled, giving rise to the suspicion that this was due to careless checking rather than to a printer's error. Those well-informed on the situation in Japan would hesitate to equate Fr. Nebreda's methodology with the procedure of Fr. Spae. The main portion of this article explains Fr. Spae's thesis and gives a summary of the present stage of missionary thinking and activity in Japan. However it is far too brief to be conclusive and is perhaps a trifle unbalanced in favor of the theories of Fr. Spae.

All in all then, this eighth volume is a good contribution to the CONCILIIUM series on post-conciliar developments in the Church. Its quality however is uneven and in some instances lacking in depth. But the chapter of Fr. Huizing could be sufficient reason for any library to possess this volume, apart from its value as being one in a series of varied conciliar studies.

SAMUEL R. WILEY, S.J.

## A FOURSOME FROM HERDER AND HERDER \*

The length of the notices which follow do not indicate the value and importance attached to the four fine books which are under review. All four: Father Haering's beautiful work on Love and Unity as the great Johannine theme of Vatican II, the collection of Cardinal Bea's addresses and talks on the unity of Christians, Father Poole's excellent examination of seminaries and seminarians in a time of pastoral renewal in the Church, and the Hofinger-Stone book on Pastoral Catechetics—are volumes which deserve a place in every good school and community library, and in many rectories as well.

\* THE JOHANNINE COUNCIL: Witness to Unity. By Bernard Haering, translated by Edwin G. Kaiser. New York: Herder and Herder, 1963. 155 pp.

THE UNITY OF CHRISTIANS. By Augustin Cardinal Bea, edited by Bernard Leeming, S.J., introduction by Archbishop Gerald P. O'Hara. New York: Herder and Hereder, 1963.

SEMINARY IN CRISIS. By Stafford Poole, C.M. New York: Herder and Herder, 1965. 190 pp.

PASTORAL CATECHETICS. Johannes Hofinger, S.J., and Theodoro C. Stone, eds. New York: Herder and Herder, 1964. 288 pp.