

11. **GARCÍA MARTÍN, Julio**, *La formazione del diritto missionario durante il sistema tridentino (1563-1917)*. Venezia, Marcianum Press, 2013. 373 pp.

The book begins with an explanation of the missionary and pastoral dimension of the ecclesiastical discipline as illustrated by the statements of the Vatican Council II and of recent popes, especially Paul VI and John Paul II. The canon law is presented as the instrument of evangelization and thus necessarily flexible in view of the changing circumstances. Such flexibility was made manifest in the missionary context, especially since the 16th century, when the existing canonical regulations became incapable to regulate the lives of the Catholic communities outside of Europe. Joint effort of the missionaries and the Congregation of the Propagation of Faith has resulted over the centuries in the emergence of the missionary legislation, reserved for special circumstances, which could be considered as the “exception to the common law” (“un'eccezione al diritto comune”).

This legislation, being by definition based on exceptions, adaptations and responses to unique contexts, does not offer an easily definable picture. For the purpose of his book the author has explored especially the Historical Archives of the Congregation of the Propagation of Faith (APF). The list of primary sources comprises the following resources of the APF (I put in brackets the years comprised in the analyzed documentation): *Acta Sacrae Congregationis de Propaganda Fide* (years 1636-1637, 1668 and over 30 volumes from various years between 1805-1905), *Decreti* (1622-1641), *Decreti Sacrae Congregationis ab Anno 1620-1675*, *Letteri e Decreti della S. Congregazione e Biglietti di Mons. Segretario* (over 20 volumes for various years between 1828-1892), *Miscellanea Varie* (one volume), *Nuova Serie* (1905), *Scritture riferite nelle Congregazioni Particolari* (1833-1840), *Scritture Riferite nelle Congregazioni Generali* (1886, 18891, 1892), *Udienze* (1892), and additional few volumes of *Acta Congregationis Particularis super rebus Sinarum et Indiarum Orientalium* (1742-1760, 1822-1848), *SC Cina* (1885-1886, 1888), *SC Oceania* (1885-1886, 1888). From the Secret Vatican Archives the author has analyzed only one volume of *Archivio Nunziatura di Madrid* and *Segreteria di Stato*, 1885-1886 Rubr. 280 M. The bibliography lists a good number of published sources, but among the popes we find only Benedict XIV, Clement VIII, Clement IX, Gregory XV, Gregory XVI, Leo XIII and Pius X (there are also documents issued by John Paul II and Paul VI, but they do not enter into the chronological frames of the main text, which speaks of the missionary legislation between 1563 and 1917). The second section of the published sources are the acts of the councils, but again, referring to the period 1563 and 1917 the author cites only the Vatican Council I. Additional documents are those published by the authority of the various bodies of the Roman Curia and by the codex of the canon law of 1917, with the preparatory schemes of 1912, 1914 and 1916. The most important compilation of the published sources, given the subject the author analyzes, is the *Collectanea Sacrae Congregationis de Propaganda Fide seu decreta, instructiones, rescripta pro apostolicis missionibus*. It is not clear however to what extent the author has explored the two volumes of the *Collectanea*, since in the same list of printed sources four documents published there are listed separately, thus giving the impression that in fact only these few were included by the author in his research. The sources produced by the religious institutes include only a single reference, to *Analecta Ordinis Minorum Cappucinorum* of 1888.

I have dedicated so much space to the enumeration of the sources listed in the bibliography by the author because their confrontation with the title of the book is disappointing. Despite the fact that the author has dedicated much effort to the archival research and the individuation of the often complicated matter related to the missionary

legislation, the title promises much more than the actual text communicates. In the introduction the author states that the archival material researched with fatigue has formed almost the entire documentation of the book (“hanno fornito quasi tutto il materiale per l’elaborazione del lavoro”). The title, *La formazione del diritto missionario durante il sistema tridentino (1563-1917)*, promises a synthesis of the process of the formation of the missionary law. The author however seems to have explored mainly the 19th-century sources and in the second place the sources belonging to the first decades of the existence of the Congregation of the *Propaganda Fide*, and to the 19th century. The reference to the 18th-century documentation in the bibliography is almost non-existent, except for the *Acta Congregationis Particularis super rebus Sinarum et Indiarum Orientalium*. Some citations in the first chapter, illustrating the 17th- and 18th-century developments of the missionary law, are taken from the 19th-century volumes of the *Acta Sacrae Congregationis de Propaganda Fide (Acta SCPF)* or *Acta Congregationis Particularis super rebus Sinarum et Indiarum Orientalium (Acta CP)*, e.g. a declaration issued in 1635 is cited from the *Acta SCPF*, vol. 172, 1805, and a decision taken in 1776 concerning relations between Apostolic Vicars and missionaries in China is cited from the volume *Acta CP* 23, 1841-1848. Sometimes the author provides the readers with the title of the document he is citing (e.g. *Ristretto della congregazione generale del 23 settembre 1805*), and sometimes he refers simply to a page in the volume which especially in the cases of illustrating 18th century situation by the volumes of the 19th-century acts leaves the reader with a doubt concerning the nature of the source cited – is it a report, a summary, an account of the missionary? Is the original missing or was it included in the volume, etc. There is one more case of disappointment when it comes to the comparison between the title of the book and its contents. The narrative in the first chapter begins with the appraisal of the creation of the Congregation of the *Propaganda Fide* and its revolutionary consequences for the development of the missionary law. The author in one sentence underlines the fact that the Congregation was not created *ex nihilo*, but it was a continuation of the other institutions, created after the Council of Trent. He does not illustrate however at all the period between 1563 and 1622, focusing in the first chapter on the actions of the *Propaganda Fide*, and later developments during the pontificate of Gregory XVI.

To give much more weight to the analysis of the 19th century seems justified by the fact that it was the period of the extraordinary development of the Catholic missions and its various juridical and administrative aspects. The author however has not explained in the introduction the choices he has made in the composition of the narrative.

Besides the first chapter (p. 33-80), the other seven chapters (p. 81-361) are almost entirely dedicated to the history of the missionary law in the second half of the 19th century and the period until the proclamation of the Codex of the Canon Law in 1917. The cases taken into consideration by the author are very specific – from the various aspects of the authority of apostolic vicars and the relations between the missionary institutes and their superiors to the development of the *sui iuris* missions and the formation of the indigenous clergy in China. The author has analysed specific cases of several missionary territories and their impact on the missionary legislation, e.g. Caroline Islands, I-Li o Kul-Dia, Kwango, Kassai, Kenia, India, China and Hong-Kong. While the two chapters dealing with the missions *sui iuris* are provided with a few pages of conclusive reflection, the book as a whole does not have a conclusion or recapitulation of its major points. It is very surprising since the author has stated at the beginning that the missionary law presents a particularly complicated picture. It would be of great value to provide the readers with the final reflection based on the personal and thorough study of the subject and thus to help in clearing up the picture of the

complexity of the missionary legislation. Equally unfortunate is the fact that the book does not have an index of geographical and people's names.

The general impression is that the book may well serve as a companion to a course taught in a university's auditorium and would require taking additional notes of the important comments of the professor. The analytical approach of the author has prevailed over the need for a synthesis which the title seems to declare. If the process of the formation of the missionary law was complex, the book succeeds in reproducing this complexity. – *Pawel Zajac, OMI.*