

*Ideas políticas de Juan de Solórzano.* By F. JAVIER DE AYALA. [Publicaciones de la Escuela de Estudios Hispano-Americanos de Sevilla, XXII [Nº. general), Serie 4ª.: Ensayos, Nº. 1.] (Sevilla: Talleres de Imprenta y Litografía I. G. A. S. A., 1946. Pp. xiii, 583.)

*Libro primero de la recopilación de las cédulas, cartas, provisiones y ordenanzas reales.* Noticia preliminar de RICARDO LEVENE. [Facultad de Derecho y Ciencias Sociales, Instituto de Historia del Derecho Argentino, Colección de textos y documentos para la historia del derecho argentino, VI.] (Buenos Aires: Imprenta de la Universidad de Buenos Aires, 1945. 2 vols. Pp. xxxiii, 358; 316.)

Juan de Solórzano Pereira was born in Madrid in 1575, in the days when Spain was at the height of her greatness under the rule of Philip II. He received the degrees of *licenciado* and doctor of laws from the famous University of Salamanca, where he also taught from 1602 to 1609. In 1609 he left the university to go to Lima as oidor of the royal *audiencia* there, and to draw up at the request of the president of the Council of the Indies, a digest of the ordinances and cédulas in force at the time for the government of the Indies.

Solórzano knew well the legislative chaos existing at that time in the New World and also that many had attempted and failed at the work he had been assigned. Perhaps for that reason he accepted the difficult task only with the provision that upon the completion of his task he be assigned to the Council of the Indies. Owing to his multiple duties as oidor of the *audiencia*, it was not until 1618 that he announced to the king that he had written some books in Latin about the government of the Indies—the future *De Indiarum iure et gubernatione*—and that he was preparing a digest in Spanish of the laws and ordinances following the pattern of the *Código de Encinas* of 1596.

In 1622 Solórzano sent to the Council of the Indies the first volume of his digest in Spanish and an outline of the remaining five volumes, which, it seems, were never written. The title of the first volume is *Libro primero de la recopilación de las cédulas, cartas, provisiones y ordenanzas reales*, published in two volumes by the Instituto de Historia del Derecho Argentino from a photostatic copy of the manuscript copy in the Edward E. Ayer Collection of the Newberry Library. The laws are summarized under title and subject-matter and are not reproduced in full. Solórzano here applied the same method used later, in 1628, by Antonio de León Pinelo in his *Sumarios*.

The *Libro primero* has a real value for scholars in colonial history and government, for it contains certain laws relating to early days of Spanish government in the Indies which complement the *Código de*

*Encinas*. It continues that digest to 1622. Some of these laws relating to the early juridical organization of the Indies later fell into disuse and do not appear in the *Recopilación* of 1680.

Solórzano returned to Spain in 1627 and was rapidly promoted to important government posts, including the position of *fiscal* in the Council of the Indies, and finally, without losing the prerogatives of this post, reached the important position and rank of member of the Council of Castile. He soon published (in 1629 and 1639, respectively) the two parts of his *De Indiarum iure et gubernatione*. In 1647 appeared his *Política indiana*, which is not a mere translation of *De Indiarum Iure et gubernatione* but a work of lofty inspiration considered by both Levene and Ayala one of the outstanding works of Spanish colonial literature.

Some of Solórzano's minor writings were followed in 1653 by the *Emblemata centum regio politica*, his last work and one in which his enormous humanistic erudition and politico-juridical training were blended to a moral and educational end.

*Las ideas políticas de Juan de Solórzano* is indeed a fine and profound study of a well-known but little-read jurist of the Indies. It is also an excellent analysis of Spanish political thinking during the first half of the seventeenth century. It is an analysis which enables the student to understand clearly the thoughts and position of Solórzano in his efforts to support his country's claims to the Indies. The author's patriotism, however, prevents him from being completely consistent in his arguments.

A glance at the contents of the chapters give an idea of what the book contains. The first three chapters are an introduction which reviews legal and political developments in seventeenth-century Spain based in part on the cultural and religious movements in Europe in the preceding centuries, and also gives a detailed portrayal of Solórzano's personality, background, writings, sources, influences, and relationships with other political thinkers. Solórzano emerges not so much as the creator of a new school of thought but as a systematic organizer of contemporary political ideas. In this work of organization, of cohesion, lies his fame.

The next six chapters embrace his ideas of the state. They are based on three general principles: the divine origin of all things, the perfectability of man through education, and the hierarchical organization of every society. Ayala analyzes these principles in detail. It is interesting to note that Solórzano based the legality of the Spanish empire on (among other things) three elements of cohesion: the Catholic religion, the *idea de patria*, and unity of language. These three factors Solórzano uses to defend the *continuance* of Spain's empire overseas.

The last six chapters (under the general title of "Civitas Maxima") are devoted to Solórzano's international concepts based on a purely nationalist position. This section may prove for most readers the most interesting part of the book because it is the part most closely related to Spanish policy in the Indies. The intellectual development of Solórzano was strongly influenced by medieval ideas, but it is in the field of international politics that this influence presents itself most vividly.

These international concepts are based on the revival of the theory of the pope's temporal and spiritual dominion of the world. This theory is cleverly woven in with that of the right of Spain to expand temporally and spiritually overseas. As the spokesman of political theorists of his day, Solórzano through these theories defends the Spanish empire as a system fast being lost through the growth of nationalism in other European states. He reasons in this way that the other European states have no right to Spain's empire overseas or even to the oceans that protect that empire.

Although Ayala frequently repeats himself and is not always clear (a failing due perhaps to the complex subject-matter he has courageously undertaken to explain) his book will help us to understand more readily the theoretical bases of the right of Spain to its empire in the new world.

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*Real Compañía de Guardias Marinas y Colegio Naval. Catálogo de pruebas de caballeros aspirantes.* Vol. III. Edited by DALMIRO DE LA VÁLGOMA and BARÓN DE FINESTRAT. [Consejo Superior de Investigaciones Científicas, Instituto Histórico de Marina.] (Madrid: Gráficas Ultra, S. A., 1945. Plates and illustrations. Pp. 534. Paper.)

As the title indicates, this is the third volume of a set in which are the names and genealogies of midshipmen in the Royal Spanish Navy. At first glance the book seems to reveal only the immense labors of men preoccupied with family trees, but a more careful consideration of the work will demonstrate its practical utility for the student of history.

The reviewer amused himself by trying to derive useful historical generalizations from a study of the one thousand individuals listed. Here are a few results of this attempt. About 9 per cent of the midshipmen were *criollos*, and in a few instances *criollos* of the second and third generation. Cuba, the Plata, and Chile are most frequently cited as their places of birth. The average age of the midshipmen at time of entry into the service was about fifteen years. By grouping the classes into decades and totalling the numbers of classes for each decade