

**The Foundations of the Modern Philippine State**  
*Imperial Rule and the American Constitutional Tradition in  
the Philippine Islands, 1898–1935*

The US occupation of the Philippine Islands in 1898 began a foundational period of the modern Philippine state. With the adoption of the 1935 Philippine Constitution, the legal conventions for ultimate independence were in place. In this time, American officials and their Filipino elite collaborators established a representative, progressive, yet limited colonial government that would modernize the Philippine Islands through colonial democracy and developmental capitalism.

Examining constitutional discourse in American and Philippine government records, academic literature, newspaper and personal accounts, *The Foundations of the Modern Philippine State* concludes that the promise of America's liberal empire was negated by the imperative of insulating American authority from Filipino political demands. Premised on Filipino incapacity, the colonial constitution weakened the safeguards that shielded liberty from power and unleashed liberalism's latent tyrannical potential in the name of civilization. This forged a constitutional despotism that haunts the Islands to this day.

Leia Castañeda Anastacio is an S.J.D. graduate of Harvard Law School and a Research Fellow with its East Asian Legal Studies Program. Placing first in the 1993 Philippine Bar Examinations, she was awarded Harvard Law School's Yong Kim '95 Memorial Prize in 2008 and the American Society of Legal History's William Nelson Cromwell Foundation Dissertation Prize in 2010.

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LEIA CASTAÑEDA ANASTACIO

*East Asian Legal Studies, Harvard Law School*



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*To Monchie, Victor, and Timmy, Mommy and Daddy —  
for their love, faith, and support,  
and  
To my formidable Filipina role models,  
My grandmother Salud Santos Tesoro and  
Her good friend Justice Cecilia Muñoz Palma —  
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drive and devotion,  
femininity and fortitude.*

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## Acknowledgements

A flash of insight sparked this decade-long endeavor. And it came in a mandatory “Introduction to American Law” course that I wanted to drop. Since much of Philippine law is American in provenance, I felt I knew American law – until Professor Abram Chayes asked our Master of Laws (LL.M.) class for the rationale underlying bicameralism in the US Congress. Instantly, my mind supplied the Philippine Legislature’s justification of providing legislation a national perspective through the Senate and a local one through the House. Hearing about the Connecticut compromise for the first time, I wondered, “What else am I assuming is identical that actually isn’t?” That epiphany launched an intellectual odyssey that led me to the Philippine constitutional order’s roots deep in its colonial past and across the Pacific to its American colonial origins – a quest that accompanied my own journey from New England to the Deep South.

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By way of clarification, I use the term “imperialism” broadly to encompass both formal and informal projections of a country’s power and influence outside its territory, whether through force or diplomacy, and “colonialism” to refer to both the policy and practice by which one country acquires full or partial political control over another, occupies its territory, governs its inhabitants, and directs its external and internal affairs. Spellings of terms reflect twentieth-century usage, and all translations from Tagalog and Spanish primary source material to English are mine, as are all mistakes, whether in translation or in this text as a whole.