

GUTIÉRREZ DEL CASTILLO, Víctor Luis, *Review of La subjetividad de la Santa Sede en la sociedad internacional. Estudio de sus fundamentos históricos y jurídicos a la luz del derecho internacional*¹, (Aranzadi, Madrid, 2024)

Although the international subjectivity of the Holy See has been the object of doctrinal debate since the late 19th century, there are not many monographs that deal with its complexity in an updated and systematic manner. In this respect, the work of Professor Gutiérrez proves to be particularly valuable, inasmuch as it presents a thorough legal construction of the conceptual pillars required to provide a well-founded answer to this topic.

To this end, the monograph is divided into two parts. The first addresses the historical and juridical foundations of the international subjectivity of the Holy See. In the interest of clarity, Chapter I begins with a delimitation of concepts, otherwise frequently misinterpreted, by making a distinction between the Holy See and the Apostolic See or Roman Curia and then delving into the international legal status of the Vatican City State and its interrelationship with the Holy See. The second chapter undertakes a parallel analysis of the historical evolution of the Holy See in the context of the historical milestones outlining the features of today's international society: the Peace of Westphalia (1648), the Congress of Vienna (1815), The Hague Peace Conferences (1899 and 1907), the Treaty of Versailles (1919), and the Charter of the United Nations (1945). The author rightly suggests the need for this analysis and points out that, in spite of being beset with difficulties, the Holy See never ceased to exercise the rights derived from its subjectivity on the international level and kept signing international agreements and engaging in constant diplomatic activity. In this connection, he highlights the significant role of the Lateran Pacts in giving the Holy See a new opportunity to participate in the construction of the international order, which intensified after the Second World War, as the historical context made it possible for the Vatican to bolster its international relations with third states.

From this standpoint, the second part of the work analyzes in detail the effectiveness of the Holy See's subjectivity in international society. This is where the author displays both his expertise and his knowledge of the dogmatic pillars of international law.

The third chapter focuses on how the Holy See projects its legal capacity vis-à-vis the international order in a manner comparable to that of States and recognized by the subjects and actors that make up the international community. This becomes manifest in the exercise of *ius legationes*, *ius tractatum* or *ius foederum*. The author makes a noteworthy analysis of the performance of the Holy See in settling international disputes and dwells

¹ *The subjectivity of the Holy See in international society: A study of its historical and legal rationale in the light of International Law* (T. N.)

especially on its role as international arbitrator and mediator; as well as on the study of its good offices and its participation in international forums and conferences.

After this analysis of international practice to support the effectiveness of international subjectivity, the fourth and final chapter examines the role of the Holy See and Vatican City in contemporary international society. Throughout the work, the author explains how the Holy See's own traits of neutrality and inviolability mark its evolution in the international order and its relationship with third states, as evidenced by its contribution to the construction of the new European order in the context of the Cold War and his participation in the organic structure of international society, both in the United Nations system and in regional organizations. Likewise, Mr. Gutiérrez Castillo sheds light on the legal and historical foundations of the Vatican City State and reminds us that its roots did not originate in the Papal States, which ended up disappearing after the completion of the Italian reunification process. To this effect, the author aligns himself with the prevailing doctrinal current, by virtue of which the independence of its subjectivity with respect to that of the Holy See is maintained.

Thus this work approaches, rigorously and successfully, a particularly complex issue by making a historical analysis that allows to understand the evolution of the particular condition of the Holy See and its relations with the States. In this regard, the author demonstrates his profound knowledge of the question of international subjectivity in public international law and, on this basis, explains the effectiveness of the international subjectivity of the Holy See. Of particular significance is his final analysis of the challenges facing this issue today and his conclusion on how the new geopolitics championed by Pope Francis entails a reconceptualization of the Vatican's traditional international policy, insofar as it involves parting with European centrality and the development of a diplomatic action that prioritizes peripheral realities.

In short, we are in the presence of a work deemed essential to unravel misconceptions and describe with elegance and brilliance the complex question of the international subjectivity of the Holy See.

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