

**J**uan Ignacio ARRIETA, *Corso di diritto vaticano*, Edusc., Roma, 2021, 384 pp., Pontificia Università della Santa Croce, *Subsidia canonica*, 31, [ISBN: 978-88-8333-931-8]

S. Ecc. Msgr. Arrieta, secretary of the Pontifical Council for Legislative Texts, publishes this interesting and useful manual which, as the title clearly states, is a support for the Vatican Law course that the same Author holds in the Faculty of Canon Law of the Pontifical University of the Holy Cross in Rome and in the Faculty of Canon Law “San Pio X” in Venice.

In truth, in front of a work addressed to students, one would be tempted to believe that one is holding purely didactic pages in one’s hands, instead this publication is characterized by its very high scientific depth, as well as the abundant apparatus of notes and bibliographic references well demonstrates; for its organic, systematic and clear procedure and for dealing with a peculiar subject that has been investigated by a few with so much dedication and such considerable in-depth analysis, and this aspect is certainly an absolute merit that must be recognized in the writing of Msgr. Arrieta, who does not fail to remember as a teacher in this field was the late prof. Giuseppe Dalla Torre, who recently passed away. Perhaps it might seem that dedicating oneself to Vatican law is a “niche” matter; instead, the precise exposition that is made here of the legislative evolution of the Vatican City State proves the vivacity, topicality, and interest that the subject in question can arouse, together with certainly also a pinch of healthy curiosity and this not only in the scholar or in those who for some reason have some relationship with the Vatican, but also in all those who deal with state law and international law: certainly for the peculiarity that the Vatican State presents and for the characteristic relationship which inevitably links it to the Italian one, but also because of certain aspects that often emerge in the news, such as financial ones.

The volume opens with the *General Index* (pp. 5-8), the *Author's Presentation* (pp. 9-10) and the *List of abbreviations and acronyms* (pp. 11-13). The first chapter is consecrated to the historical configuration of the Vatican City State (pp. 15-56) and offers a historical excursus which, although broadly speaking, manages to explain in a satisfactory way *ab initio* and up to the present day how it was formed and evolved, among various events, what today is precisely called the Vatican City State.

The second chapter is preparatory to the following purely juridical treatment. In fact, we focus here on Structure and elements of the Vatican City State (pp. 57-110), with special reference to the legal subjectivity of the Vatican, the Roman Pontiff and the form of government in force in the State, with considerable reference to the debate doctrinal around the various issues affecting these aspects, not even neglecting to dwell on citizenship and the population, on the defense and on the territory of the State, with the various implications that also affect bilateral relations, especially with Italy, under numerous profiles.

The third chapter investigates The Government Structure of the Vatican City State (pp. 111-162). After a look at the evolution of the government structure starting from 1929, the pivotal year as we know, Arrieta leads the reader into the most systematic part of the work, which will unfold in the course of the following chapters, starting to deal with the Fundamental Law of the State of Vatican City promulgated in 2000 which, although substantially follows the structure of the previous one, however, defines a new way of relating the sovereign with the institutions of the State, significantly improving the legal technique and also benefiting from the evolution of the legal system of the Holy See and of the Roman Curia which took place since that fateful 1929. Said Law of 2000 also better clarifies the relationship between legislative and executive powers, delimiting the power of the Commission of Cardinals to the legislative sphere only, while previously it was also the depositary of the executive power, with undeniable operational limits for the daily management of the government of the State. The executive power is now – instead – delegated to the President of the Commission of Cardinals, in charge of the Vatican Governorate. Finally, the 2000 Law attributes judicial power in vicarious

form to the courts of the Vatican City, which administer justice in the name of the Supreme Pontiff. Disputes relating to labor relations, then, fall within the competence of the Labor Office of the Apostolic See. Finally, Arrieta points out that in 2002 a law on the government of the Vatican City State was promulgated, replacing that of 1969, which was replaced in 2018 by a new law (the Law no. CCLXXIV) regulating precisely the same matter. The exercise of the three powers (legislative, executive, and judicial) becomes the subject of the Author's attention during this chapter, with abundant reference to legislation and doctrine and with detailed analysis of the various past and present legislative texts.

Having reached the middle of the prestigious tome that we are reviewing, that is the fourth chapter, the reader is faced with even more purely juridical issues, namely the reflection on the system of sources in the Vatican legal system (pp. 163-207). This is the place to study Law no. LXXI on the sources of law, promulgated by Benedict XVI in 2008 as an update to the previous one of 1929, of which we analyze first of all the main sources of law, that is, canon law, the norms specifically promulgated by the legislator for the Vatican City, and the laws and other legislative acts issued in the Italian State, implemented on a supplementary basis within the limits established by the Vatican law itself. The new law on sources also refers to the norms of international law, even if, in order to be operative, they need other norms of the State that make them enforceable. It is sharply noted how the legislation in question, which arose in an international context very different from that of 1929, takes note of the concrete experience, namely the significant multiplicity of bilateral and multilateral agreements that today affect the Vatican City State. Arrieta, however, points out what is the main indication of the Law, and which is set out in art. 1, paragraph 1 of the same, or that "the Vatican legal system recognizes the first normative source and the first interpretative reference criterion in the canonical system". The author concentrates very profitably on explaining the scope and incidence of this assertion, not without underlining how this reference to canon law sounds in a distinctly different way from what was foreseen in the Law of 1929: and this first of all, as the reader observes, in the use of the verb "to recognize", which

already expresses in itself the indissoluble link between Vatican law and canon law which before – however – had not been made explicit in any normative text.

Continuing with the systematic investigation, the fifth chapter comes to study The Vatican system of private law (pp. 209-245), which is composed of a set of institutes governed by canon law, Vatican and Italian legislation (always in *via suppletiva*), in relation to which the nature and peculiarity of the State determine that the private dimension of subjective legal positions does not always emerge in all clarity, on the contrary the public dimension is pre-eminent. Arrieta points out that a relevant source of Vatican private law is custom, which in the canonical system is regulated with particular sensitivity by the legislator for reasons also of a theological nature related to the *sensus fidei* and the participation of all the baptized in the mission of the Church. Canon law is in fact one of the few legal systems that recognizes the normative force of the custom *contra legem* not reprovved within thirty years (see canon 26 of the *Codex Iuris Canonici*).

The sixth chapter focuses, therefore, on The Vatican system of criminal law (pp. 247-278), where the characteristics of the penal system in force in the Vatican City State are analytically exposed, considering the elements that distinguish it from criminal law of the State, even without going into the examination of individual institutions. Subsequently, the author reviews very precisely the three sources that mainly deal with the matter: the Vatican Criminal Code, the complementary laws and the 2013 rules on administrative sanctions. Recent news stories have attracted public attention to the Vatican penal system, which has been able to develop considerably in recent years with the aim of conforming in some aspects to the laws of modern states. The central point of reference in this matter is the so-called Italian Criminal Code “Zanardelli”, promulgated on June 30, 1889, and no longer in force in Italy since 1930, which is incorporated into the Vatican system by the Law on sources no. LXXI. It is also pointed out, and this is of special importance, that the Vatican penal system is closely connected to canon law, with the implications that this entails, according to what Arrieta wisely and clearly reconstructs.

Chapter VII proceeds with the analysis of the system of labor law (pp. 279-314), which, unlike the subjects previously dealt with by the Author, constitutes a *normative corpus* common to both the Vatican and the canonical system, although there are differences in some respects.

The last chapter deals with an issue that, as already mentioned, has also attracted the interest of a wider audience in recent times, namely the financial system of the Vatican City State (pp. 315-367). Numerous factors have ensured that, since the pontificate of Benedict XVI, the legislation on the subject has been updated, especially following the conclusion of the monetary convention with the European Union in December 2009, by virtue of which the legal system of the State it is progressively brought into line with European monetary and financial law. Furthermore, after the election of Pope Francis, the decision to undertake changes in the general structure of the Holy See and of the Vatican City State, starting from the economic and financial sector, has certainly given a further impetus to the reforms launched for these sectors, as the Author points out in detail.

The volume concludes with the Appendices (pp. 371-386), in which the main reference normative texts cited several times in this Course on Vatican law are very usefully reproduced, namely the Treaty between the Holy See and Italy of 11 February 1929, the Fundamental Law of the Vatican City State of 26 November 2000 and Law no. LXXI on the sources of law of 1 October 2008.

If an observation can be advanced to the work, it is that, since it is destined to become a reference text not only academic but also for scholars of Vatican law, and given that it presents a considerable scientific depth with extensive bibliographic references to the most authoritative doctrine in the footnotes, it would have been advantageous if a general bibliography of reference had been presented at the end of the volume, which would have allowed the reader to orient himself in a subject that has so far little been investigated and about which little has been written.

The hope is that this volume by Msgr. Arrieta, whose merit is to distinguish himself for the academic depth and the organicity with which the topic is treated, becomes the object of attention not only by students and practitioners of the law of the Church, but also by all those who, by

reason of their employment or even just out of curiosity to know, they wish to study in a serious way Vatican law: which, in the light of the peculiarities that derive from the extraordinary configuration of the State, can act both as a useful key to reading other legislation, both as an “instrument” to better understand the bilateral and multilateral relations that unite the Vatican City State with other subjects of international law.

**Rev. Prof. Dr. Constantin Rus**

**S**fântul ISAAC SIRUL, *Cuvinte ascetice (Ascetical Homilies)*, vol. 1, Cuvintele I-XXX, ediție bilingvă, text critic grec stabilit de Marcel Pirard, Université de Louvain; Introducere, traducere, note și comentarii Ieromonah Agapie Corbu (Bilingual edition, Greek critical text established by Marcel Pirard, Université de Louvain; Introduction, translation, notes and comments by Hieromonk Agapie Corbu), Editura Sf. Nectarie, Arad, 2022, ISBN 978-606-8840-20-8, CXLVIII+622 pp.

After a translation effort worthy of an intellectual odyssey, the indefatigable father Agapie Corbu offers the Romanian culture and theology one of the philokalical pearls which influenced and inspired entire generations of Christian monks, theologians of all denominations, and lovers of the *Philokalia*. St. Isaac of Syria's *Ascetical Homilies* (Λόγοι ασκητικοί) is the most famous philokalical work, along with the *Ladder of Divine Ascent* of St. John Climacus. For centuries, these two works will become true manuals of asceticism for labors' lovers.

This famous and, at the same time, extremely practical writing was translated into several languages and became known throughout the Christian world. Over time, its notoriety determined the appearance of several manuscripts and prints of the famous *Ascetical Homilies*, reaching