

<http://www.ordosanctisepulchri.com/homepage.htm>

The origin of the Order of the Knights of the Holy Sepulchre goes back to the age of the Roman Empire: In the year 326 of our Lord, Emperor Constantine the Great ordered a sacral building to be erected over the rediscovered Holy Sepulchre and at the same time set up a special military force for its permanent protection. Quoting G. Bascape P. 263 (G. Bascape, Milano, Casa editrice CESCHINA) it is right to state, that, neither in Canon law nor in the Italian Jurisprudence "Outside the Public Law there can exist no Orders of Chivalry". The "Jus Honorum" cannot emanate if not from a Sovereign State or Person, at least by Title, and in consequence the private associations who assume names and decorations of the Old Equestrian Orders or Military Orders that are extinct, are destined to extinguish themselves, unless they will obtain from the Holy See or from a Sovereign State or at least from a deposed Sovereign, an explicit juridical recognition and valid Protection (Tutela). This portal which is the official portal of the Order of the Holy Sepulchre, is intended to keep visitors informed on the works being carried out by the Order as well as to transmit the latest News which from here I promise you that on this Portal you will only read the truth and nothing but the truth.

Message from:

Chev. Sandro Calleja OSS

Regent and Vicar Grand Master OBSS

Count of Piscupia

Vicar Grand Master

Chev. Carmel Sandro Calleja

Membership

To achieve full membership in the Order of the Holy Sepulchre, an associate member must volunteer their time for worthy causes. All members must be recommended through their local Priory, please feel free to contact us for details of the Priory closest to you. Affiliation with a local Priory during this period will facilitate study and acquaint the associate member with the general work of OSS in his or her area. The time spent as an associate member is also a time for reflection and prayer to discern if this is a path to which you are called. After at least six months as an associate member, an associate member may apply to an OSS official for induction into the Byzantine Order of the Holy Sepulchre as a full member. Full Members are also eligible to vote and to hold office. Membership entitles the person to a voice in the internal affairs of the Order of the Holy Sepulchre.

There are two types of membership:

Associate Membership

Full Membership

If you have been an Associate member of the order but are not currently active, you may reinstate or renew your membership by writing to the Order at this address.

Correspondence with the Order

To join the International Order of the Holy Sepulchre as an associate member, or to enquire about any issue relating to the Order please send your request to:

info@ordosanctisepulchri.com (Malta)

or directly to the Grand Master of the Order at:

Chev. Count C.S. Calleja. OBSS, D.D, Ph.D

13 Marchesa Bugeja Str

St Paul's Bay

Malta

SPB02

History, by Count Sandro Calleja

The Christian Chivalry Classification of the Equestrian Orders In History and in Canon and Civil Law

Introduction

In dealing with historical issues, it is worth keeping in mind Cicero's classical adage'. "Primam esse Historiae Legem, ne quis false dicere audeat: deinde ne quid veri non audeat" (De Oratore 1, 2, C.15). "The first law of history is not to dare to utter falsehood: the second, not to fear to speak the Truth".

In this examination, we do not propose to reach new judgements or to constitute a treatise of historical juridical exposition, but a work, which contains a number of documents and learned opinions, which would be helpful and easy to consult. Thus, while the readers will find compiled here, the principle knowledge on the history, the constitution, the life of various Orders, and learned opinions – especially those of the Church – these readers will be able to consult this dissertation, with some fruitful result. The legislative documents, statutes, Bulls and pontifical briefs, magisterial decrees, official acts – which are included here – which otherwise would be difficult for them to find. These documents are mostly printed in private form for the exclusive use of those to whom they were addressed or kept in the archives of the chanceries of the Orders.

These few Documents, for example, will serve for an easy comparative study of the juridical status of various Orders, a study which is desired by many, because it will definitely clarify many controversial points of the history of Chivalry and also some particular aspects of the Church and certain Popes. In our times, much has been said and written about the Chivalric Orders, especially those of the Church, or under the protection of the Church, not the least about certain initiatives about the revival of Orders which are extinct or about to be extinct.

This question has been dealt with not only by specialist reviews, but also by daily papers, but not all that has been written corresponds to the real facts. That is why, in this work we propose to offer a brief historical and juridical interest about the Christian Chivalry beginning from the time of the crusades up to our time and to furnish about them at least the principle element of judgement, documents and bibliographical information.

Section I:

THE Crusaders

Crusaders take their name from the Latin word "Cruz" (a Cross) the crusaders badge. Tradition seems to prefer to pin their origin to Constantine the Great (Flavius Valerius Constantinus, c.280 – 337) the first Christian Emperor of Rome. Constantine, however, is chiefly renowned for his support of Christianity. Attributing his victory of the MILVIAN BRIDGE to a vision of the cross, seen before the battle, he adopted the monogram of Christ on his standard (LABORUM) and on the uniforms of his armies. Hence, the name Crusades (crossed). Later his mother the Empress Helena (c.250 – 330) who became a Christian during Constantine's youth, and as the Emperor's mother was very influential protectress of the Christian Church. In 326, she founded the basilicas of the Mount of Olives and at Bethlehem. The tradition that she discovered at Golgotha the Cross on which Christ was crucified dates from 395.

The crusaders were formed into a special force to protect these places especially the Holy Sepulchre. Later crusades were expeditions against the Moslems of the Holy Land, the first aimed at the recapture of Jerusalem, taken by the Seljuk Turks, popularly known as Saracens, in 1087. The desire of many, to make a pilgrimage to Jerusalem (which the Seljuks refused to allow) and the appeals from the Byzantine emperors for help in reconquering their lost provinces. The success of the wars against the Moslems in Spain and Italy, and the initiative of the papacy, were the main causes of the first Crusade. The desire of the Frankish princes to gain territory in Palestine, and of the Italian cities to develop their trade with the east became increasingly important.

Pope Urban II proclaimed the first crusade at the council of CLERMONT in 1095, and itinerant preachers such as Peter the Hermit roused crusading fervour.

The disorderly bands that set off in 1096 achieved nothing and were mostly slaughtered in Asia Minor. But the well armed feudal armies that followed, in which France had the largest share, captured Jerusalem in 1099, and three principalities of independent foundation but which later became its fiefs, Tripoli, Antioch and Edessa. (Newnes Popular Encyclopedia).

At this point it is important to have a parenthesis:

Tradition shows that during the times we are discussing, there were other organisations, mostly known as Orders. For example, the Order of St. Catherine of Mount Sinai (which had a military character) who looked after the defence of the Sanctuary and the holy relics of the Saint, and the protection of the Pilgrims against the Moslems, from Jerusalem to Mount Sinai. "Ces Chevaliers – wrote Perrot – avaient la Règle de Saint Basile et les Mêmes Institutions que les Chevaliers du Saint Sepulchre" (Bascape', G.C. L'Ordine Sovrano di Malte e gli Ordini Equestri della Chiesa part III page 176.

It is proper to say that the Order of the Holy Sepulchre, mentioned by Perrot, had exactly the same prerogatives of the Order of St. Catherine with one difference: "They protected the Holy Sepulchre of Christ". Other Knights of such Orders as those of St. Catherine of Mount Sinai and of the Holy Sepulchre namely the Templars and the Hospitaliers, who combined military prowess with religious vows, helped to maintain these states, but Edessa fell in 1144.

St. Bernard preached the second crusade, and expeditions set out under Louis VII of France and the western emperor Conrad III but were defeated in Asia Minor. The third Crusade was the Christian response to the capture of Jerusalem in 1187 by Saladin, who had built up a powerful Moslem confederacy. The western emperor Frederick Barbarossa led an overland expedition (1189) but was drowned crossing a river in Asia Minor. Philip Augustus of France and Richard I of England (son of Henry II – 1190) who was crowned Defender of the Holy Sepulchre, came by sea, but though Acre was taken, quarrels developed between the leaders and Philip soon returned. Richard, who remained to fight it out with Saladin, obtained the cession of the entire coast towns and the permission for the pilgrims to visit Jerusalem. Trying to make his way home across Germany he was imprisoned and held at ransom.

From the beginning, the crusades had been on bad terms with the Byzantine emperors. As possible allies in the restoration of the lost coastal imperial lands, the crusaders, bent on carving out principalities for themselves had proved a sad disappointment. The crusaders too had felt chagrin at the lack of support by the one Christian power in the Near East. But Christendom was shocked when the fourth crusade was diverted to Byzantine territory on the flimsiest of pretexts. Constantinople was stormed in April 1204 and a Latin empire, under Baldwin of Flanders established. By this time the crusading spirit was all but dead. But not the spirit of the chivalric Orders bound by their monastic rules.

The western emperor Frederick II did indeed succeed (1228 –29) in regaining Jerusalem but by treaty with the Moslem rulers of Egypt rather than as a knight of the cross.

Later expeditions accomplished little or nothing and one after another the territories remaining to the crusaders passed into the Moslems hands. Jerusalem was again seized in 1244, Antioch lost in 1268, and Acre, the last Christian colony in Syria, fell in 1291. (Newnes Popular Encyclopaedia Vol.3, p. 847-8).

Section II:

THE Chivalry – Classification of the Orders

The historians of Chivalric Orders have diversely classified the institutions and the Equestrian Orders. The bibliography of the Orders and about their institutions of Chivalry is considerable. We limit ourselves at this stage to quote only a group of works particularly worthy of note, to serve our purpose.

The famous Sansovino F., in the middle of the XVI century, has formulated the first partitions: The Orders of the COLLAR, reserved to Sovereigns and High Personage, have no religious vows not even other rules except those of honour and of Chivalry, and generally “NAZIONAL” (example: SS. Annuziata, Toson d’Oro or GOLDEN FLEECE, those of the GARTER etc.);

The Order of the Cross, known also as Ecclesiastical Militants or Religions, they were subject to special rules, and lived in community life, they also professed vows, and had an international character (example: The Sacred Religion and Military Order of St. John of Jerusalem);

The Order of the SPURS, conferred by the Popes or the Kings to reward persons who performed good and exceptional deeds. This tripartition is still accepted now by some heraldists and some jurisprudence experts. Another division was developed by one of the most recognised professors of the XVIII century, his name P. Onorato di Santa Maria. He distinguishes the Hereditary and National from that which is acquired, which he divides in:

Roman

Military – for military fetes

Honorary – destined to reward civil and religious good deeds

Social

Ecclesiastic – Knighthood of honour

Regular – which has a religious rule

Female – which is considered only as an honorary reward.

Another famous author Maigne, in 1861, limiting his comments on the Honorary Knighthood has proposed to divide these in three types:

Great Orders – destined only to Reigning Monarchs and distinguished high-ranking persons.

Courtesan Orders – destined only for aristocracy.

Orders of Merit – accessible to all as Decorations as a “Thank You” reward for distinguished services.

The Critics have pointed out the defects of these and other classifications, which we prefer to omit for

brevity. However, we would like to trace down a system of division of Orders under the jurisprudential aspect and in this system we are going to consider only existing Orders and excluding those who had been extinct.

Note: cfr. Patetta F., *Studi Storici e note sopra alcune iscrizioni medioevali*, nelle "Mem. R. Accad. Scienze e Lettere" Modena 1909, Serie III, Vol. VII; Pivano C., "Lineamenti Storici e giuridici della Cavalleria medioevale, nella Mem. R. Acad. Sc." Torino 1907, and the Treatise of C. Arnone, *Classificazione degli Ordini Cavallereschi*, nella "Riv. Araldica" 1938 fasc. IX, p.p. 404–414.

STATE ORDERS: Those which appear as a moral person or juridical public person: e.g. "The Legion of Honour" considered as a model of Chivalric Orders, in the democratic state, which existed after the French Revolution.

DYNASTIC STATE ORDERS - Structural: Those, which before the French Revolution belonged to the Heraldic Patrimony of the Crown. In Italy these would include the Orders of the Annunziata and that of Saint Maurizio and Saint Lazarus.

DYNASTIC STATE ORDERS – These Orders are considered Dynastic because it is an accepted juridical tenet, and also under International Law de facto, a dethroned Prince, although he loses his throne, he will still hold his Jus Collationis of his Dynastic Orders. Therefore even in the present time there exist pure Dynastic Orders, which are not attached to the sovereignty of the State.

There is the case of the Constantinian Order of St. George, whose De Jure Legitimacy is out of any discussion. Another Order considered as the one above, is the Order of the Holy Sepulchre (previously known as Orthodox Order of the Holy Sepulchre). Order of the Holy Sepulchre belongs exclusively to the Rurick Dynasty, through the marriage in A.D. 1472 between Zoe (Sofia) Paleologina niece of the Emperor of Byzantium Constantine XI Paleologo, and Ivan III Vericky (the Great), Grand Duke of Russia. This marriage brought to Ivan and his descendants, the Title of Pretender to the Throne of Byzantium, and encourages the absorption of many noble Houses and Chivalric Orders founded during the Byzantine Empire. Hence, the title of "Zar" which means "Caesare". We will expand on Dynastic Orders later in a different section.

PONTIFICAL ORDERS – The Church directly or indirectly controls these Orders, and are to be considered as emanating from the spiritual sovereignty of the Church, which Sovereignty is to be considered gerarchically superior, in theory, to that of the State.

Some jurists seem to prefer to put the Jus Honorum of the Holy See on the temporal sovereignty rather than on that which is spiritual. But when Rome – that is the Holy See – lost its temporal status from 1870 to 1929, it would have lost the right to confer honours, which is contrary to the de facto truth.

The majority of these Orders are not derived from the old monastic Orders of the Church and therefore, they mostly practice the secular or laical character of the State orders. In fact they have a laical crisma, in as much that they cannot be conferred to ecclesiastics, whether secular or regular (with the exception of the Order of the Holy Sepulchre), and in as much as vice versa they can be conferred even in exceptional cases to non Christians.

MAGISTRAL ORDERS – By right, we can only put the Order of St. John of Jerusalem, of Rhodes and of Malta, which is commonly known as the Sovereign Military Order of Malta (S.M.O.M.), in this category.

The juridical position is most special, because this Order contains two distinct prerogatives: The Religion (Monkshood) and the Chivalric Order annexed to the religion, hence, "Religio Militaris" military Order of monks.

The Sovereignty, in the form of a person of international law, is an attribute of the Religion; this is understood under the technical Juridical Canon Law Subject. The Grand Master, Head of the Religion (monks), the Supreme Head of the Order, appears to be the holder of the sovereignty. In fact in some cases he was referred to as the "Sovereign" for as much as he appeared as Temporal Prince like all the others of that time and eras.

Therefore, since this Order is dependent on the Grandmastership, it is opportune for the jurists to call this Chivalric Order "Magistral" and not of the State. Substantially, the Orders mentioned in these sections are all based upon the existence of a Sovereign state, a Sovereign Prince, a High Pontiff who is a spiritual and temporal sovereign, hence they are called a Sovereign Order. This is what is always undoubtedly accepted in the Juridical Law and Public Law.

No proper Orders can exist, therefore, outside these Orders" Categories. Those outside this category will be simply considered "Associations"; because the Jus Honorum (Fons Honorum, - Jus Honorandi) has a transcendental character and therefore it can only be emanated from a legitimate Sovereignty.

The Classification of these Orders, under the aspects of modern Public Law, jurisprudence, serves mostly to clarify the meaning of the terms that will be used as we proceed in this dissertation. Naturally, when the Chivalric Orders emanating from the Church, or those subject to It's protection are discussed, there is fundamental distinction in value. On one side the Chivalry defined as military, regular or effective and on the other side that which is called Honoraria (Honorary).

The Military and Regular Orders

This category comprises the Orders that were formed during the times of the Crusades. These Military Orders which were founded by private initiatives and not by the Pope or Kings, defended the faith and many times carried out hospitalier functions.

These Rules, imposed especially upon the monastic Orders demanded a special way of life inside a convent or commanderie (like that of S.M.O.M.).

Very rarely, secular Knights were obliged to say special prayers and abstain. These Knights took the vows of poverty, chastity, and obedience, and always had the duty to assist the sick, the pilgrims and the poor, to protect the widows and orphans, and to take up arms for the defence of the Church. These Military or Religious Orders adopted different monastic Rules. The famous Santa Maria reveals that the following Orders were under the rule of Saint Basil:

The Order of the Lilly

The Order of Saint Catherine of Mount Sinai

The Order of St. Biagio

The Orthodox Order of the Holy Sepulchre (Later known as Order of the Holy Sepulchre)

The Order of the Holy Sepulchre instituted by Henry II King of England in 1174, and many others.

The rule of St. Augustine of Hyppo was followed by: the Knights of Saint Lazarus; the knights of St. John of Jerusalem of Rhodes and of Malta; the knights of the Holy Spirit of Rome; the Teutonic Knights; those of St. John of the Sword (both Portuguese and the Spanish) and those of Saint dominic or Militia of Christ.

The Rule of St. Benedict was followed by the Knights of the “Avis”, of “Calatrava”, of “Alcantara”, of “Livonia” and others.

The Carmelite Rule was followed only by the Order of Our Lady of Mount Carmel (see Santa Maria [OA]). “Disserzione Storiche, Critiche, sopra la cavalleria antica e moderne, secolare e regolare”. Bascapè – 1761: Translation from the original that was published in Paris in 1718. From the Middle Ages and the early years of the modern ages the so called “Branche Militari” (military offshoots) of some of the Military Orders also belonged to this category. For example the Mercedari – who in the second period as soon as their military functions ceased, became “Honorary” and they are classified as Knighthood of honour. Those who wanted to be accepted in the Military Orders had to serve for a period of time as Novices. Then they were allowed to have an investiture, which took place under a severe and solemn ceremony, in church and in the presence of a Bishop or the Grand Master, or an Abbot or at least a Prelate. After taking the vows and completed other formalities the knight was given the sword, the military cordon, the golden spurs.

A typical example of the Military Orders or Military Regular Orders is the Order of St. John of Jerusalem, called also of Rhodes and of Malta, whose effective members to this day are obliged to profess Religious Vows same as those taken by monks.

The Honorary Knighthoods of the Church

The honorary Chivalry includes the institutions and the Orders of prevalent honorary nature (mostly instituted by Popes or Sovereigns as a reward for good deeds, without special duties or ties). The already mentioned branches of some religious Chivalry Orders, the “Noble Orders”, and in general the Chivalric Nobility, after their transformation into a pure honorary character; all belong to the Honorary Knighthood whether personal or hereditary. Those accepted in this category, were endowed with the privilege of an aristocratic and honorary rather than strictly chivalric. This means that the title of knighthood in these cases falls under the category and qualification of noble status true and proper. Whilst the Military and Regular Orders were generally established during the XI and XII centuries, they were regarded as quasi-autonomous but under the protection and vigilance of the Holy See. According to the opinion of most jurists, the Pontifical honorary Chivalry did not start before the XIV century, and was always directly or indirectly conferred by the Holy See. In exceptional cases, some Popes did institute Orders with a Regular and Military Character, but these ceased to exist or, were at a later stage modified to the extent of becoming truly and properly honorary.

The honorary Chivalry of the Church, at first destined to be given only to Kings, Princes, Ambassadors, high dignitaries, generals, etc., was later extended to personalities who distinguished themselves in the Arts and Science fields. In general it was also given to others who had performed special services to the Church or the Pope. During the XVII and XVIII centuries, when the decadence of Chivalry took place, some of the equestrian titles were annexed ex jure to special high ranking offices of the Holy Roman See or the Pontifical State, to the college of Jurisconsultants and other similar institutions, and to University Professors (in some cases also to Laureates). These investitures accentuated the difference between the honorary Chivalry from the regular one.

Finally, during our times, some of the equestrian institutions of the Holy See, ceased to exist, others were modified, and some new ones were instituted, with more of a Character of Decorations; to reward persons for services rendered to the Church (e.g. The P.E.P. PRO ECCLESIA ET PONTIFICE).

The distinction between the Regular and the Honorary Chivalry is based on the distribution of the arguments in this dissertation. I will now consider some useful notes about some of the Orders: I will not

touch the origins of the history of fetes of the Orders, but I will touch certain valuable information that is pertinent to this work.

Regular Orders of the Holy See

Part I: The Order of St. John of Jerusalem, Rhodes and Malta or as is commonly known as The Sovereign Military Order of Malta (S.M.O.M), is the only Regular Order of the Church. Its members take the vows as those taken by monks; de facto they are monks. They profess the Rule of St. Augustine. They have also the Order of Cloistered Nuns. They have also Associations whose associate members are both male and female.

The Order after the loss of Malta to the French:

After the Order lost Malta everything seemed to point to its extinction or at least disintegration, as M. DE. PIERREDON in his publication: "Histoire Politique de l'Ordre Souverain de Malte depuis la chute de Malte jusqu'à nos jours", published in Paris in 1926. Instead the old Robust Three, that had outlived a thousand trials, still had great force, stamina and vitality that helped it survive again and to continue.

With some changes and new modelling adaptation to our time, the Order managed to conserve its existence. After leaving Malta, Grand Master Ferdinando Hompesch landed in Trieste and tried to regroup the Order, but considerable number of knights asked for and obtained the protection of the Emperor Paul I of Russia, and therefore they elected him their Grand Master. (This if nothing was very anomalous, he was Orthodox and therefore he was not eligible to head a Catholic Order. He was married and therefore could not take the vow of celibacy, which all the Knights had to profess, and therefore he could not become their Grand Master). However, after the demise of Paul I of Russia, Pope Pius VII nominated for the Grand Mastership Fra. G.B. TOMMASI, who after reconstituting the Grand Counsel at Messina and later in Catania, he was recognised by many nations, but he failed, even through diplomacy to retake Malta.

After, Fra. Tommasi, who incidentally was nominated by the Pope and not elected Grand Master from 1805 to the year 1817, the Order was governed by Lieutenants. Their prime aim was to recons true the Order to organise the National Associations, which in part somehow substituted the Old Langues and to try to revive some Priors. The Seat of the Order was transferred in 1826 to Ferrara and in 1834 to Rome, under the direct protection of the Pope. In 1878 Pope Leo XIII re-established the Grand Mastership.

It is important to point out that in 1312, when the templars were suppressed; their property had passed to the Order of St. John. Another aggregation of property in favour of this Order has taken place in 1439, when Pope Innocentius VIII with his Bullam "CUM SOLERTI MEDITATIONE" had suppressed the Order of the Holy Sepulchre (of Rome) whose founding seems to have taken place during the XII Century. After this, the Grand Master of St. John has added the Title "MAGISTER SACRAE DOMUS HOSPITALIS SANCTI JOHANNES JERESOLIMITANI ET PAUPERUM JESU CHRISTI CUSTOS".

The second title (which incidentally they still claim to this day) of Grand Master of "Militaris Ordinis Sancti Sepulchri Dominici". We will expand on this later on, when we consider the Equestrian Order of the Holy Sepulchre of Jerusalem.

To confirm the above we would like to refer you to some authors:

LANGLOS 'Le proces des Templiers d'apres documents nouveaux' in <Revue des Deux Mondes>, Paris, 1891;

LUMDGREEN 'Zur Geschichte des Templier Orden' in <Mitteilungen des Instit. Fur Oesterr. Gesch.> a.xxxv (1914);

SALVEMINI 'L'abolizione dell' Ordine dei Templari' in <Arch. Stor. Ital.> 1895, pp. 225 onwards, republished in 'Studi Storici' Firenze 1901, pp. 91 onwards.

Having ceased to operate their military functions, which have lasted more than five centuries, the Order returned back to its primitive Hospitalier functions. And so, from 1834 has started to operate hospitals, ambulance service, and asylums for children, and in general assist in Social Welfare and Assistance, according to the spirit of the old statutes.

Part II: Other Chivalric Orders bestowed by the Vatican are: The Order of Saint Gregory the Great, The Order of St. Sylvester, the Order of the Golden Spurs. These Orders are given only as honorary Decorations with no duties attached.

Part III: The Equestrian Order of the Holy Sepulchre of Jerusalem. The character of this Order, one of the most ancient and Glorious Military Orders of Christianity, obliges us to give it special treatment. This Order cannot be considered as a Pontifical Order, in as much as it has never been conferred directly by the Holy See, but it has a special place in the history of Christian Knighthood. It is governed and administered by the Latin Patriarch of Jerusalem by a Papal Delegation.

Historical notes: a pontifical note as the most ancient Order of Chivalry classifies This Order; in fact its origin is sometimes attributed to the times of Constantine the Great. In reality, as we already have pointed out before, no military religious Order has started before the XI century. The most accepted opinion is that this Order knows its origin to a group of knights from the Crusades who had formed themselves voluntarily in a group for the protection and the defence of the Holy Sepulchre, after the conquest of the Holy Land in 1099. They put themselves under the obedience of the Prior of the Chapter of the Holy Sepulchre, who on his part depended on the Latin Patriarch of Jerusalem. This has formed a Sodality – not yet an Order – with a Religious – Laico Military character. It had no constitution until 1114, when the Patriarch transformed it into a regular Order, calling it "Order of the Canons of the Holy Sepulchre", professing the Rule of Saint Augustine (PERREDON, op. Cit. Pp.21-22 and VISCONTI op. Cit. Pp.23). This fusion was so complete that sometimes even the Ordained Monks took part in Warfare.

After the capture of Palestine by the Turks in 1291, the Canons of the Holy Sepulchre ceased to exercise any military activity, at least in Jerusalem. The old knights continued to create knights both in Palestine and in Europe, under the saying held at that time that any knight can create other knights. But although the Old Knights had the faculty to create others, it was required by Canon Law that the Investiture had to be officiated by a Priest, or a Monk, as per the Old Ritual. Hence the origin of Chaplains of the Orders. Two very important reforms took place in the IV century. Pope Innocentius VIII by the Bull <Cum Solerti Meditatio> of the 28th day of March 1489 has united this Order of the Holy Sepulchre to that of St. John of Jerusalem and Rhodes. According to most historians, in Italy this absorption was complete in a short time, but it did not take effect in many other nations, where the Canons and Groups of Knights remained in existence. (Visconti, op.Cit.16 onwards).

Again it seems certain that a little short while after Pope Alexander VI "Vivae Vocis Oraculo" has authorised the Custodians (Franciscan Priors) of the Holy Sepulchre to confer the dignity of "knight on the Holy Sepulchre". By this time many knights asked the Holy See to preserve the Order in their States, thus the Order survived in Germany, in Poland and in Moscow which included those of Hungary, Bohemia, and in many other places like Spain. Pope Julius II in 1505; Pope Leo X in 1513 and 1520; Pope

Clement VII in 1524; and also by Pope Sixtus V in 1586 confirmed the preservation of the Order. An institution, similar to the Order of the Holy Sepulchre, with whom it had many relations, was the Order of St. Catherine of Mount Sinai. These Knights who had the rule of St. Basil were similar to the Knights of the Holy Sepulchre (Perrot – “Avaient La Regle de Saint Basile et le memes institutions que les Chevaliers du Saint Sepulcre”). They were mostly Orthodox and therefore they were annexed to the Priors of Moscow.

In reality, though, it is licit at least to suspect that the Bull of Pope Alexander VI did not exist. Many recent historians are of the opinion that at the end of the XV century the reconstitution of the suppressed Order as such did not de facto take place.

The Holy See authorised the continuation of the conferment of the chivalric dignity on the Holy Sepulchre as an honorary title (BOSELLI, “L’Ordre de Saint Sepulcre de Jerusalem” in the <Revue Araldica>, 1914, p.41; PASINI – FRASSONE, “considerazioni sue Titoli e Ordini Pontific”, p.361 ibid. Thus the Order seemed to be kept in existence, although with some difference in the structure without taking away any of the old traditions of the Glorious Order, as was the wish of Pope Pius IX. Suffice it to say that Pope Pius IX, in 1868, decreed that the classification of knights would be three: Grand Cross, Commanders and Knights.

Pope Leo XIII with an Apostolic Letter of the 3rd August 1888 extended the knighthood to the female sex with the title of DAME, while all the Orders of the Holy See were reserved only for the male sex. Several changes have evolved by an Apostolic Letter of the 6th January 1928 by Pope Pius XI, with a Decree of the Holy Congregation of Ceremonies of the 5th August 1931, and finally by the new Statute of the Order approved by a Decree of the same congregation on the 19th of March 1932.

The Apostolic Letter of Pope Pius XI revoked the Apostolic Letter “Quam Multa” of Pope Pius X, which reserved the Grand Mastership of the Order to the Person of the Holy Pontiff. The document of Pope XI established that for the future, the Order <Under the protection of the Holy See> would depend exclusively to the authority of the Latin Patriarch of Jerusalem pro tempore; who as Rector and Perpetual administrator, will have the power to create knights. But why, one may ask, did Pope Pius XI abolish the Grand Mastership assumed by the Pontiffs? Pope Pius XI decided that the Pope is higher than a Grand Master and can dispose of Church Orders. A typical example is the cessation of the Grand Mastership of the Order of St. Lazarus to the Savoia Dynasty. With the Decree of 1931, the name of the Order was changed to that of “Ordine Equestre del Santo Sepolcro di Gerusalemme” as we know it today. Pope Pius XI established also that on the Diploma would be His Visum and Seal – a necessary condition for His official recognition.

Finally, the reconstitution of the Canons of the Holy Sepulchre, in 1847, who formed part of the Order, and therefore represented the clerical and professed element. This confirms that today the Equestrian Milizia of the Holy Sepulchre has again taken the same shape of the older Order. (Lovera di Gastaglione in “ L’Ordine del Santo Sepalcro, come Milizia” in the Rivista <Crociata> art. IV, 1937, fase. VI, pp.236-240).

Part IV: The Independent Orders vis a vis the Holy See and the Italian Law.

A question of notable significance and of great importance in the field of history and of the Chivalric Laws is that of the Equestrian Orders called “Independent”. What is their position in the Italian Law, in the Canon Law and in the International Law?

We have already stated previously how these Chivalric Orders were constituted by groups of knights

assuming a Rule; or by the will of Kings, or Princes.

We have seen how these institutions had always asked for the approval, or the protection of the Holy See or Church, which somehow or other exercised full power for their reforms.

Suffice to mention the suppression of the Templars, the amalgamation of the Order of the Holy Sepulchre to that of the Order of St. John of Jerusalem, and other direct intervention by Popes, like the approval of the transition of the Grand Mastership of the Order of St. Lazzarus to the House of Savoia, and that of the Constantinian Order of St. George to the Farnesi and later to the Borbons. In reality, these Orders can be classified or divided into four Categories:

Dynastic Orders: which belong to a reigning monarch or ex-reigning monarch and definitely not the State.

Equestrian Orders: held by a Master General of a Religious Order;

Equestrian Orders: held by a Bishop:

Independent Orders or Private Orders: which have never been approved or controlled by the Holy See, or by a Sovereign State, or by a Dynasty reigning or not, and therefore they should be referred to as:

PRIVATE CHIVALRIC ASSOCIATIONS.

Not to unnecessary prolong this history we tend to ignore, 'b' Orders held by a Master General of a Religious order, and 'c' Orders held by a Bishop because of their small value. But 'a' and 'd' cannot be ignored and must be given the importance they deserve.

DYNASTIC ORDERS: These Institutions form part of the Heraldic Patrimony of a Sovereign House, based on the direct descendants of the same House, independent by whether it is still exercising or not their Sovereignty which in its full exercise hold four fundament rights, namely:

The Jus Imperii or the right to command and govern.

The Jus Gladii or the right to impose and demand obedience by their command.

The Jus Maestatis or the right to be honoured and respected.

The Jus Honorum or the right to reward merit and virtue.

When a Sovereign loses his throne and political dominion, without abdication of those rights, and without acquiescence to the new dominion or power, he would definitely suffer unavoidably a decrease in the above mentioned power and rights. He loses the first two prerogatives, namely the Jus Imperii and Jus Gladii, but he will definitely reserve these two prerogatives, In Pectore et In Potentiae, as the person who is a Pretender to the lost throne.

To the deposed Sovereign remain intact the other two rights, namely, the Jus Maestatis and the Jus Honorum, which in their integrity remain in this particular case his prerogative under the name of Fons Honorum preserving this right in his person and his blood descendants to create nobles, to give knighthood and honours in the established Chivalric Orders belonging to his Dynastic House.

This right will be transmitted AD INFINITUM to his descendants Jure Sanguinis in the person of the Head of the Name and Arms of his Dynasty. It is therefore not by chance, but by God's given right that to this day the Head of the Savoia Dynasty still confers the knighthood in the Order of S.S. ANNUNZIATA and the Order of S.S. MAURIZIOE e LAZZARO both forming an exclusive part of his late Sovereign House. Under the same privilege the Head of the AUSBURGE DYNASTY conferees the kinghthood in the Order of the Golden Thistle (Toson d'Oro). They have never been challenged to desist from doing so by any government.

In the International Genealogy and Heraldry conventions held at Stockholm in 1960 and successive

meetings held at Edinburgh in 1962. During different sessions of the permanent historical commission for the study on Chivalric Orders, it was defined by which principles we can establish the validity of Dynastic Orders. They also published list called the Register of the Orders of Chivalry. Report of the International Commission for the Orders of Chivalry <The Armorial> London, from which the following text is taken:

Tout Etat independant a le droit de creer et de reglementer a sa guise ses propres ordres et decorations de merite. Mas il faut souligner que seuls les degres superiers des Ordres d'tats modernes peuvent etre consideres comme vraiment chevaleresques a condition, toutefois, toutefois, qu'ils soient conferes par la Couronne ou par le Chef pro tempore d' un Etat traditionnel.

Les Ordres dits dynastiques ou de famille, appartenant jure sanguinis a' des Maisons souveraines (c'est-a-dire reconnues internationalement comme telles, au temps du Congres de Vienne en 1814 ou plus tard) soit qu'ils relevent d'une Maison actuellement sur le trone, soit d'une Maison qui ne regne plus, gardent intacte, en depit des changement de regime, toute leur validite historique et sociale. Ce serait ultra vires se les Etats, qui ont pris la place des anciennes Monarchies, s'avisent par des mesure legislative ou autres de s'immiscer dans les affaire interieures des anciens Ordres. Que ces derniers ne soient pas officiellement reconnus par les nouveaux gouvernements n'entache pas leur valeur traditionnelle, sur le plan historique, heraldique ou nobiliaire.

Il est generalement admis par les juristes que les ex-Souverains n'ayant pas abdique, et don't la position est differente de celle de simples pretendants, conservent leurs droits comme <fons honorum> y compris celui de disposer des Ordres dits <de Couronne> don't ils continuent d'etre, a' titre personnel, les Grands Maitres et qui n'etant pas, au sens strict, dynastiques, pourraient etre classes, sans cela, parmi ceux d'Etat ou de Merite.

Bien qu'autrefois – il y a plusieurs siecles – des particuliers de haut lignage aient pu creer des Ordres de Chevalerie independants, qui ayant acquis, par la suite, un prestige considerable purent obtenir d'etre valides formellement par la Couronne ou par l'Eglise, cette faculte de creation est tombee depuis longtemps en desuetude et un Ordre de Chevalerie, tel qu'on le concoit de nos jours, ne saurait exister valablement sans dependre d'une autorite souveraine, et en etre legitime. . .

Translation from French to English:

Every independent state has the right to create and regulate as it sees fit – its own orders and decorations of merit. But it must be underlined that only the higher degrees of merit. But it must be underlined that only the higher degrees of orders of modern States can be considered as authentic knightly degrees on condition, however, that they are conferred by the Crown or by the Chief 'pro tempore' of a traditional State.

Dynasty or family Orders, belonging jure sanguinis to sovereign houses (i.e. recognized internationally as such as from the Congress of Vienna in 1814 or later) or coming from a House that is actually on the throne or from a House that is no longer in power, keep intact, in spite of any changes of government all their historic and social validity. It would be ultra vires if the States, which have replaced the Old Monarchies, intend to get mixed up by means of legislative measures or other in the internal affairs of the Orders. That the latter are not officially recognized by the new governments does not diminish their traditional value, in the historic, heraldic or nobility level.

It is generally admitted by jurists that ex-Sovereigns not having abdicated and whose position is different from that of simple pretenders, conserve their rights as fons honorum including that of

disposing of the Orders “of the Crown”, of which they continue to be, on a personal level, the Grand Masters, and not being considered as dynastic, can still be classified as forming part of the State or Merit Orders.

Although in the past – centuries ago, particulars of noble lineage were able to create independent knightly Orders, acquiring in the process considerable prestige which allowed them to be formally recognized by the Crown or by the Church. The practice is no longer practiced nowadays, and an Order of Knighthood, as it is conceived today, cannot really exist without the dependence of a sovereign authority, which gives it its legitimacy.

For the reason given above, it is necessary to point out that Jurisprudence, even to this day, has recognised an international juridical position, in all and for all identical as under the International Law, as the one recognized to the holy See (Vatican) in the period between 1870 and 1929, even if it was an entity without territorial Sovereignty to the Sovereign Princely Families and ex-Monarchs (the Savoia of Italy and the Grand Dukes of Moscow).

Therefore, it is proper to point out, that Sovereignty is a perpetual quality, firmly connected and united in centuries to all the descendants of the person who has achieved it or revindicated it the first time “ad infinitum”, in the physical person of the Head of the name and arms of the Dynasty. Independently of whatever consideration or inquiry of politico – juridical nature, moral or social nature, that the latter can do; and that, as history teaches, cannot absolutely interfere on the quality of the Sovereignty of the holder.

From this principle also follow, that even if the Sovereign abdicates and renounces these rights, it is Null and Void in any juridical sense, because these rights, inseparable from Sovereignty, will return to Him, for the fact that He is the Sovereign. An eventual abdication, declarative or translative act would acquire juridical effect, it is required that He will Divest Himself of His Sovereignty, that of His Rights and the Title as Head of the Name and Arms of the Dynasty.

These Titles are in effect, a particular quality acquired by birth, both in the sense of the State, and in that of a Dynasty which is Perpetual, not only in the physical person of the so called Sovereign, even if He is dispossessed, but also by all direct line descendants. (cit. Prof. Ant. Accogli of Predesklava, “La Cas Granducaale di Mosca nella storia”, ED. Accademia di San Cirillo, Rome).

In Italy two of the most famous amongst the dynastic orders, which are tied to great ex-Sovereign Dynasties, are worth mentioning. Firstly, the Constantinian Order of Saint George which is still being given. Secondly, the Order of Saint Stephen of Tuscany, which for some reason or other is not being conferred anymore. One reason, some say, is that Napoleon in 1809 signed an Imperial Decree for the Suppression of the Order of St. Stephen, but juridically he was not competent to do so and therefore this decree was ultra vires, and therefore null and void. The Italian government, with a Decree of 1859, again abolished this Order. However, the jurists held that the Italian government was also ultra vires, after taking in consideration the partial religious nature of the Order.

For this reason heraldists maintain that this Order still exist De Jure and De Facto as a Dynastic Order and the Head of the Lorenese House is still its hereditary Grand Master.

Other Orders belonging to the Grand Duke of Tuscany in Italy are, the Order of Saint Joseph, the Order of the White Cross or Fidelity, both instituted by Ferdinand III, and another is the Order for Military Merit founded by Leopold II. These three Orders are considered as Stately Orders (belonging to the State) and therefore have to be considered as ceased to exist (extinct).

The same fate had the Order of Saint Lodovico instituted by Carlo Ludovico of Borone in 1836 (Parma and Lucca); the Order of Saint George (Lucca) and the order dell’ Aquila Estense, under the patron Saint

San Cantardo (Modena) instituted by Francesco V d'Este.

They are princely Orders whose prototype is the English Order of the Garter (c.1348). These were societies of favoured knights gathered by Sovereign Princes. Among the Orders of this type, there are the Most Ancient and Most Noble Order of the Tistle (Scotland c.1480 and revived in 1687), the Order of Saint Michael and Saint George, the Order of the Bath, Knights Bachelors and the Order of Saint Patrick, founded in Ireland in 1783 by George III (no conferment since 1934).

The Order of the Holy Sepulchre founded by Henry II.

Under this Order, Richard the Lionheart captured Acri. The Knights of this Order profess the Rule of St. Basil. From Henry II until Henry VII, all English Kings were Crowned and held the title of Defender of the Holy Sepulchre. There was also the Order of the Golden Fleece in 1430, which later were established in Spain and Austria. It is difficult to say whether these Orders belong to a Dynasty or to the Realms.

SECTION III:

Order of the Holy Sepulchre.

ORDO SANCTI SEPULCI (O.S.S.)

In Russia during the Romanoff Dynasty there was The Order of St Andrew, which up to the year 1917 was still in existence. St. Andrew, of course, was held in great veneration in Russia as the first to preach the Holy Gospel, in ancient SCYTHIA, which is the modern Ukraine.

The RURICK DYNASTY, founders of the Russian Nation had many Chivalric Orders, which did not belong to the State, but to the Dynasty. The main ones were The Order of FAITH, the Order of the VICTORY, the order of SAINT GEORGE and the most famous the Orthodox Order of the HOLY SEPULCHRE, presently known as the ORDER OF THE HOLY SEPULCHRE. Because of the importance of this Order worldwide, we feel obliged to give it special treatment:

Historical and Juridical Profile.

BYZANTINE ORIGIN:

This Glorious Order recalls the eternally valid values of Christian Chivalry and therefore it forms part of the historical heritage of Religious – Chivalric Orders with a particular significant reference to the most ancient and eminent Greek – Orthodox Order of THE HOLY SEPULCHRE. The Order is one of the first, if not the first Order, founded by The Roman Emperor CONSTANTINE THE GREAT son of Saint Helen who discovered the Holy Sepulchre and found the Holy Cross on which Jesus Christ was Crucified and Died. Considering the influence of Constantine the Great upon the ecclesiastical matters of The Church leaves no doubt that this Order was also recognised by The Church, even before the Orthodoxy.

It traces its reorganisation, however, to the tumultuous period spanning the military and political events of the fall of Constantinople, Capital of the Byzantine Empire in 1453.

These events severed the bonds between Eastern and Western Christendom, and brought to the fore the political vocation of the Russian Grand Dukes who granted assistance and protection to the wandering and dispersed knights of The Holy Sepulchre, including the Orthodox Crusaders who had militated in the Order of Saint Catherine of Mount Sinai since 1063 and who had fought in various Crusades, for the liberation of the Holy Land, and then to The Holy Sepulchres, from the Ottomans. The marriage in 1472 between ZOE (SOPHIS) PALEOLOGINA, niece of the last Emperor of Byzantium, Constantine XI Paleologo, and IVAN III VELICKY (The Great) Grand Duke of Russia and the Head of the Rjurick Dynasty, brought to the Rjuricks, as the noble bride's dowry, the Tittle of Pretender to the Throne of Byzantium and encouraged the absorption of many noble Houses and Chivalric Orders which belonged to her Dynasty. From that time onwards the Grand Dukes of Russia adopted the title of ZAR

meaning CAESARE.

RJURIK DYNASTY:

The Religious upheaval provoked by the dissolution of the Byzantine Empire, led many dispersed knights to seek refuge in the Patriarcates of Alexandria, Constantinople (ecumenical Patriacate), and Antioch. Meanwhile, Dimitrij VII Dimitrevic, Grand Duke in exile of the Imperial Rjurick House of Russia and direct descendant of IVAN and ZOE Paleogina, had established Himself in Enos in the OTTOMAN EMPIRE, around 1660, where many dispersed knights gathered around Him seeking Protection and Guidance. The Grand Duke organised and led them with great prudence and wisdom, earning their gratitude and devotion until they proclaimed him Grand Master of the Order. This resulted in form in a fusion between the survivors of the Greek Orthodox Order of the Holy Sepulchre and those of the Order of St. Catherine of Mount Sinai.

RECOGNITIONS:

In 1669 Sultan Mohammed IV Osman granted Dimitrij VII Dimitrevic recognition of his prerogatives and membership of the House of Moscow as Head of the Name and Arms of the Rjurick Dynasty. The Sultan accorded Him the title of Bay of Enos and granted hospitality and protection to Him, as Head of the House of Moscow and to His Orders and Cultural Institutions.

Dimitrij VII Dimitrevic incorporated the Order in His House and rendered the Order Dynastic, revising the Statute and rendering the Grand Mastership hereditary in his family. In 1671, the Order was recognized by an Edict of ROI SOLEIL. Meanwhile the Order Consolidated and flourished in various countries in the East and West.

In 1788 Duke Ercole III authorized the establishment of the Order in the Duchy of Modena, granting the Citizenship of the Duchy of Modena to the Head of the Imperial House of Moscow and De Jure recognition to His Orders and Cultural Institutions.

On that occasion the Order was confirmed under the Rule of Saint Basil and assumed as one of its principal aims that of assisting Christian pilgrims visiting the Holy Places, recalling the ecumenical spirit of the "EDICT OF MILAN" with which Constantine the Great had decreed the freedom of worship be guaranteed to the faithful of all religions, principally the Christians.

The Order was reorganised 1821, in 1943, in 1965 and in 1976.

On the officially recognized Coat of Arms of the Grand Duke is incorporated the Grand Collar of the Order of Saint Andrew belonging to the Romanoffs. This proves that even the Romanoffs House recognised the Grand Dukes of Moscow in all their Rights.

THE HEREDITARY GRAND MASTERS OF THE ORDER SINCE 1669

1669 – 1688 DIMITRIJ VII DIMITREVIC

1688 – 1730 MICHAJL III DIMITREVIC

1730 – 1757 VASILIJ IV MICHAJLOVIC

1757 – 1787 VASILIJ V VASILJEVIC

1787 – 1821 DIMITRIJ VIII VASILJEVIC

1821 – 1861 MICHAJL IV DIMITREVIC

1861 – 1913 VASILIJ VI MICHAJLOVIC

1913 – 1965 DIMITRIJI IX VASILJEVIC

Section IV: Independent Orders

(AS SEEN BY THE CANON LAW AND ITALIAN PUBLIC LAW)

In this part, we will study the juridical situation of the Independent Orders – or as they are commonly or conveniently known <<CHIVALRIC ASSOCIATIONS>>. Amongst the experts of History and Juridical Law of Chivalry, there are two tendencies:

The first opinion seems to accept them as private chivalric associations, maintaining that in the olden times every knight had the right to create other knights, and more so because a group of gentlemen, constituted <<IN CAPITOLUM>> could start an association of Chivalric Status (Moral Person) that would ideally take the name of an extinct Order and adopt its name, constitution and scope (aims) etc.

According to this opinion and tendency, proposed by these learned persons, it is not necessary for them to accept the Protection of the Holy See or of a Sovereign, or Head of State, that is why they are called “Independent Orders”.

However this makes it evident that the Titles and Decorations conferred by these Orders have only a private status value, not only, that these Orders themselves “enter in the Chivalric Catalogue among the Private Law Institutions” This will be explained later on.

In the second opinion another group of learned historians and jurists oppose this opinion; in fact these Maintain that in modern states the public Law takes precedence of the Private Law. The first natural question is how to define and qualify an Order as “Independent”?

The term “Autonomous” is not adaptable, because autonomy must be recognised by an Organ of Universal Character; in this case no other than The Holy See, who is not inclined to exercise this function. Some others suggest the term “MAGISTRAL”. But the only Magisterial Order, which is held by a Sovereign Grand Master, is that of Saint John of Jerusalem, Rhodes and Malta.

Others tried to adopt them “Ordini Capitolari” to indicate the Order of Malta and the Independent Orders, when having no Grand Master, they are governed by a Council. But even this denomination is not correct. S.M.O.M. is governed by the Council only until the election of the Grand master.

It is legally accepted that a consultative organ next to the Supreme Power, is invested by this power during the time when the “SEDE VACANTE” which means when the Supreme seat is vacant. This is typical in the Church “Pope – College of Cardinals vis a vis the Central Power. In the Dioceses: “Bishop – Cathedral Chapter”. Therefore, although the Council does not anymore elect the Bishop – this regime, more than Capitolare, is the regime of the monarchical Church. Therefore I cannot see how we can recognise a Capitolar Organ in the Independent Orders – for in this case there is the name but definitely not the substance.

According to the juridical dogma of our times especially in Italy, the Chivalric Orders of the State are Juridical Public Persons (Moral Persons), thus seems to be the opinion of “RANELLETTI” and many other authoritative publicists. Therefore, the state cannot give its recognition, thus putting them in the same juridical parity to that of the Chivalric Orders, whom the eyes of the Law (to which they form part) have the same requisites, which means they would look as a public juridical person. Those who chose to distinguish between the public use and the private use, and therefore adopting the category of the “Private Orders” are off the right track. These Orders or Associations may perhaps be called private orders or private associations but definitely would never form part of the “Diritto Privato” or Private Law.

Professor Antonio Padula writes “Honours not recognised by the Italian State, cannot be considered “PUBLIC”, (quoting a sentence by the Camera di Consiglio della 10a sezione of the Tribunale Penale of

Rome, on the 25 JULY 1937-XV). Antonio Fonzi, President of the 10a Sezione del Tribunale Penale di Roma, on the 24th day of July 1937, pronounced a sentence concluding "In Italy one cannot give juridical value if not to Chivalric Orders legitimately recognized by the Italian Government". Comm. Franco Manfredi, another learned Lawyer, publishing an Ordinance of the Pretura Unificata of Naples, Ordinance pronounced on the 10th of June 1935, by the Pretore mastrostefano, assert: "A Chivalric Order that is not recognised by the Italian State, or by the Pope, could not be other than an Independent, autonomous and Private Order".

Another learned Lawyer Impollomeni, is of the opinion that: "Chivalric honours, and Noble Titles, not conferred by a King, or by some other authorised Institution, have only a private character and never public. By this concept one has to admit the extension of the Jus Honorum (Fons Honorum) to private persons, may not only give them the right to confer Chivalric Titles, but also to give noble Titles. It is held instead that, if it is admissible that a dispossessed Sovereign could preserve the faculty to create knights in those Orders that do not belong to the Crown but to his Dynasty, one cannot think that, He, dispossessed of his territory, can create nobles, and therefore that this faculty can be exercised by a private person - Pretore del Mandameto Advocate Luigi Peloso d'Iscia on 11th April 1936 – XIV, issued an Ordinance saying: "A non recognition, has the consequence to impossibilitate, to exercise the relative prerogatives to the Title; and precisely will impede the correlation of the same to the official or recognized titles".

According to Cinqetti in his publication "Valore Juridico degli Ordini Equestri Pontifici, esteri ed indipendenti (riconosciuti o non riconosciuti) nel Regno d'Italia" Milano 1938:

"The non recognised Equestrian Orders in Italy do not have any juridical value, but simply a non public or private character. The holders of such orders, decorations, cannot therefore use their titles such a "Chev" or "Comm" without describing after their title, the order to which they belong. According to others, this is also dubious, because of the disposition of Art. 498 C.P., which in conjunction with Art. 80 of the Statute of the Italian Kingdom, which states that "It is prohibited to receive from a "foreign country" without the permission of the King, taking in consideration that the preventive authorisation, as is well known, today is normally substituted by a later confirmation.

The Statute speaks of a "Foreign Country", therefore, it must be a juridical person or physical person holding Sovereignty, or at least has exercised the sovereignty in the past".

According to the opinion quoted above therefore, besides those orders that are considered to form part of the Public Law or International Law there exist no other orders.

To conclude, quoting G.Bascapè P. 263 (G. Bascapè, Milano, Casa editrice CESCHINA) it is right to state, that, neither in Canon law nor in the Italian Jurisprudence "Outside the Public Law there can exist no Orders of Chivalry". The "Jus Honorum" cannot emanate if not from a Sovereign State or Person, at least by Title, and in consequence the private associations who assume names and decorations of the Old Equestrian Orders or Military Orders that are extinct, are destined to extinguish themselves, unless they will obtain from the Holy See or from a Sovereign State or at least from a deposed Sovereign, an explicit juridical recognition and valid Protection (Tutela).

News

Many members worldwide have asked for clarification on the issue of Mr Alfred Baldacchino and his role within the Order. He has unfortunately repeatedly misused his position and caused great concern within the Order. By his own hand he has made it impossible for him to continue as a member. He is therefore no longer a member and holds no title within the Order.

Mr Alfred Baldacchino has continued to misuse his title and bring new Knights and Dames into the

Order, against the wishes of the Order and far outside his mandate. Before his death, the Grand Duke wrote a letter confirming this situation, this letter has been translated for the further clarification of the Order's members. The original letter in Italian is enclosed on the left, simply click on the picture. It is with great regret that Mr Alfred Baldacchino has caused so much bad feeling within the ranks of the Order and sullied the good name of our great Order in the wider world.

In 1965, Grand Duke Dimitrij X Dimitrevic Di Russia, and as such the hereditary High Patron and Hereditary Grand Master of the Byzantine Order of the Holy Sepulchre, decided to separate the Dynastic succession of the Order - because this will belong always and exclusively to the Head of the Grand Ducal House of Moscow – RJURIK DYNASTY – from that of the authorised Grandmastership, which could be transferable to other persons for the day to day running of the Order, thus subtracting from the Magisterium the FONS HONORUM and JUS CONFERENDI which can only be transmitted by legitimate succession by blood (JURE SANGUINIS) or by Birth to whoever will be the Head of the RJURIK DYNASTY.

The position of authorised Grand Master was given first to the Patriarch Joannes Maria I, Primate of the Primitive Catholic Apostolic Church of Antioch, and Orthodox Church of Syro – Byzantine tradition. However when Patriarch Joannes Maria I, tried to abuse, or usurp the FONS HONORUM, the Grand Duke, High Patron and Hereditary Grand Master, ipso facto resumed the Grand Mastership of the Order, accusing the Patriarch of Laesa Maesta and therefore ipso facto automatically dismissed from the Order.

A brief history:

In 1986, the Hereditary Grand Patron and Hereditary Grand Master of the Order after recommendations from the Grand Council, accepted Alfred J. Baldacchino as Authorised Grand Master of the Order with the same conditions as those of the Patriarch.

In 1989, the Vicar Grand Master of the Order, as Vice President of the Magistral Council, recommended in the name of this Council to the Grand Duke to adopt the Authorised Grand Master. The Grand Duke kindly accepted this recommendation, but it turned out that this was legally impossible, and so it never took effect.

Authorised Grand Master Alfred J. Baldacchino again and again abused his position, and therefore the Grand Duke suspended him from the position in 2001. In these circumstances the Vicar Grand Master as is customary, automatically assumed the duty of the Head of the Order.

To protect the integrity of the Order, the Grand Duke appointed Count Carmel Sandro Calleja as his Vicar Grand Master ad vitam with the same rights of the Authorised Grand Master and appointed him Regent of the Order Pro Tempore (for the time being, until the successor of the Grand Duke, by blood, takes over). The Grand Duke awarded him the Grand Collar of the Order and the Regency of the Order upon his demise.

Translation of the Grand Duke's letter:

My Dear Count

Having seen in person the sorrowful situation of H.E Prince Alfred Josef Baldacchino di Gagri, in front of the Criminal Court of the Republic of Malta, we declare, ex tunc (as from now) the suspension from his office of authorised Grand Master and once and for all, that the Prince has never been adopted, as I personally declared this under oath in front of the judge of the Court in Malta. Having the premonition

that Mr Alfred Baldacchino might abuse this position, in our capacity of Hereditary Prince High Patron of the Order and of Hereditary Grand Master as provided by the same statute, we therefore decree:

1. That you, Dear Count, as from now is declared our Vicar with all the rights of those of an Authorised Grand Master.
2. In case of our premature death, you, while retaining for life (ad vitam) the post of our Vicar, to secure the future continuity of our Order, you will also assume the position of Regent ad Interim, until the proclamation, Jure Sanguinis (by blood) of our August Successor.
3. With the Regency ad Interim of the Order, to you, is owed ex officio the Grand Collar of the Order and to be considered our Cousin.
4. That all that is declared above must be considered as our last wish before our death.

Having discussed all this with you in confidence and that you dear Count, with humility, having God's help and that of our Confreres in Christ, have accepted, thank God. We can now feel sure and tranquil of the future of our Glorious Order.

With many thanks and our cordial greetings.

Your brother in Christ,

Dimitri Di Russia
Prince High Patron
Order Byzantinus Sancti Sepulchri

.....

FAO
Sandro Calleja
Regent and Vicar Grand Master OBSS
Count of Piscupia
Vicar Grand Master

Breaking News: Former MP defends imperial title in court

By James Debono of Malta Today 13th Nov 2005

Former Nationalist MP Alfred Baldacchino, who shocked the country in the 1970s when he crossed the floor to join Labour, has moved on since his political eclipse: his new name is now His Imperial Highness Grand Duke Alfred Josef Baldacchino, Head of the Name and Arms of the Rjurik dynasty and Prince of Gagry, Marquis of Casal Grimaldo and hereditary sovereign prince Grand Master of the Ordo Byzantinus Sancti Sepulchri.

But that is only if he manages to fend off accusations by another pretender to the throne: former Nationalist Party candidate "Count" Carmel Sandro Calleja, who is disputing Baldacchino's claim of dynastic succession.

The two faux nobles are presently engaged in a legal battle over the titles after Judge Geoffrey Valenzia upheld a request by Baldacchino to issue a prohibitory injunction against Calleja, banning him from holding an investiture ceremony on 19 March, or any other ceremony in the future.

Calleja has however told MaltaToday the ceremony has taken place already: "a religious ceremony which cannot be stopped by court," Calleja said. Calleja was expelled from the order in 2001 when he challenged Baldacchino's right to claim dynastic succession and change the order's statute. Baldacchino is the first Maltese to assume an imperial title by being adopted by a Russian Grand Duke claiming lineage to a Russian dynasty which ruled Russia up to the 1600s. Both him and Calleja are saying they have been following the instructions of the late Grand Duke Dimitrij X Dimitrevic, the last dynastic Grand Master of the Russian order.

Baldacchino claims he was appointed Grand Master "ad vitam" by Dimitrevic, in the absence of direct heirs, in December 1986. He said he was proclaimed the Grand Duke's "adopted son" and dynastic successor in October 1989, endorsed unanimously by the order's Magistral Council. Calleja however claims he was appointed Regent until the Grand Duke's successor by blood assumed his rights over the order. Holding a letter proving his appointment, Baldacchino says it is a fake. Calleja had nominated Baldacchino for Grand Master back in 1986 but insists the title does not give him any right claim dynastic succession or change the order's statute, since he is only fulfilling the role of "authorised Grand Master." Calleja is also claiming Baldacchino has abused of his position by trying to usurp dynastic succession. "Only the dynastic Grand Duke has the right to expel someone from the order," Calleja has told MaltaToday. Calleja said that after the Grand Duke's death, as Vicar of the order he was fulfilling his role by assuming the order's day-to-day running until a direct heir from the Rjurik family is found. "By claiming that he is the adopted son of the Grand Duke, Baldacchino is also indirectly making a claim to the Russian throne. This would have meant the beginning of a new Baldacchino dynasty," Calleja said. Baldacchino denies having any imperial ambitions: "I only have the order's charitable work at heart," he told the newspaper.

The Rjurik dynasty is named after a Swede who gained control of Novgorod in 862. His successors however, moved the capital to Kiev and founded the state of Kievan Rus, until it was sacked in 1240 by Genghis Khan.

Official history books say the Rjurik dynasty became extinct with the death of the imbecile tsar Feodor I. After Feodor's death, an unstable period known as the Time of Troubles ensued, and lasted until 1613. That year, Mikhail I took the throne, founding the Romanov Dynasty that would last for three centuries until the monarchy was abolished in 1917. But the rivalry between the two has left the order in a state of disarray: on the internet, a website claims Calleja was awarded the Grand Collar of the Order by the late Grand Duke. Another shows Baldacchino wearing the same collar. Defiantly, Calleja says the order will still conduct ceremonies in November and December. He says a 1991 sentence from the Court of Appeal disputes the competence of Maltese law over chivalric orders. Baldacchino is adamant in defending his role as Grand Master, claiming his order is recognised by the Italian authorities: "the role of the Maltese headquarters is that of coordinating the charitable work of the various priories."

Any and all worthy individuals who have been duped into joining the Order by Mr Alfred Baldacchino since his suspension and finally his expulsion in 2001 are welcome to contact the Order so as to ratify their position. In the first instance they are invited to write a letter of explanation to our Vicar Grand Master [HERE](#). Membership is free to all worthy individuals, both male and female, providing they are of high moral standing and of the Christian faith. See also our Statutes