

Old Habits Die Hard

An Historical Inquiry into the Institutional Identity of the Orders of Saint John



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Abstract

In order to frame the current constitutional reform of the Sovereign Military Order of Malta in a political-historical context, this thesis researches the institutional identity of the Order and its spiritual predecessor, the Order of Saint John of Jerusalem, at various stages in history. A historical narrative follows the Order's institutional development and places its international encounters within the context of its time. Original research into the Order's legal constitutions, including the 15th century *Stabilimenta Rhodiorum militum*, the 18th century *Codice de Rohan*, and the 20th century *Constitutional Charter and Code*, reveals trends of institutional innovation and stagnation. This gives us insight into the high and low periods of the Order. Today, the Order is a somewhat obscure entity, often misunderstood entity within scholarship. This was not always so. A better understanding of the role the Order of Saint John of Jerusalem played during its heyday will help us better understand the European international system, sheds light on the most widely misunderstood international player in today's society, and gives us a deeper appreciation of the often fraught reform process that is currently holding the Order in its grip.

Keywords: Sovereign Military Order of Malta, Order of Saint John of Jerusalem, social constructivism, institutional identity, international society, constitutional structures

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Preface

*Only three people have ever really understood the Hospitaller question: the Grand Master, who is dead, an English professor, who has gone mad, and I, who have forgotten half of it...*¹

It is usually considered bad form to credit Wikipedia, but I would likely not have aware of the Sovereign Military Order of Malta without it. It sat as a curious little asterisk in the back of my mind for many years. When it came time to choose a subject to research for my Master's thesis, it did not immediately spring to mind. But with only a few thousand members and no territory to speak of, it seemed just the right size.

Researching this thesis has been a labour of love and agony in equal measure. I was looking for something that would challenge received notions in IR, and I got my wish. Research is like quicksand: the longer you're in it, the deeper it drags you down. My projects have a tendency to get exponentially more unwieldy the bigger they get, and this one truly tested the limits. My neurological-medical situation did not help matters in that regard. I could have asked for more help at any time, but in my stubborn perfectionism I chose not to. And I stand by that decision. The experience has taught me well. And here we are after all.

What you have before you now is a thesis that has my full confidence. I hope it conveys a little of what makes the Hospitaller Orders so fascinating. The ethical paradoxes that mark their rule, the continuing struggle for identity in a new world, that ever-elusive spiritual component. The SMOM is an institution of living history, a pre-Westphalian relic that stubbornly refuses to die. And it makes us think.

I would like to thank everyone who has been on this journey with me. My parents, who have born my brooding with great patience. My professors and fellow students for their help and guidance, in particular my supervisor Mano Delea. Any errors are my own. Happy reading.

—Ralf Corsten



¹ Paraphrase of the Schleswig-Holstein question, popularly attributed to Lord Palmerston.

Nomenclature

Many of the organisations mentioned in the text often have overly long official names. In order not to clog up the text or the footnotes, these names are collected here.

The Knights Hospitaller

Latin: *Ordo Fratrum Hospitalis Sancti Ioannis Hierosolymitani*

Italian: *Sacro militare ordine di San Giovanni Gerosolitano*

English: *Order of Knights of the Hospital of Saint John of Jerusalem*

I have generally preferred the use of *Order of St. John* or the *Order*, since the Order was initially not military in nature (and legally, it never was a military order).

The Knights Templar

Latin: *Pauperes Commilitones Christi Templique Salomonici*

English: *Poor Fellow-Soldiers of Christ and of the Temple of Solomon*

The Order of Holy Sepulchre

Latin: *Ordo Equestris Sancti Sepulcri Hierosolymitani*

English: *Equestrian Order of the Holy Sepulchre of Jerusalem*

The Teutonic Order

Latin: *Ordo domus Sanctae Mariae Theutonicorum Hierosolymitanorum*

German: *Orden der Brüder vom Deutschen Haus der Heiligen Maria in Jerusalem*

English: *Order of Brothers of the German House of Saint Mary in Jerusalem*

The Sovereign Military Order of Malta

Latin: *Supremus Militaris Ordo Hospitalarius Sancti Ioannis Hierosolymitani Rhodiensis et Melitensis*

Italian: *Sovrano militare ordine ospedaliero di San Giovanni di Gerusalemme di Rodi e di Malta*

English: *Sovereign Military Hospitaller Order of Saint John of Jerusalem of Rhodes and of Malta*

I have generally preferred the use *Order of Malta* or the acronym *SMOM*, which is customary. There are many other organisations calling themselves the Order of Malta, but they do not feature here.

The Johanniterorden (Bailiwick of Brandenburg)

German: *Balley Brandenburg des Ritterlichen Ordens Sankt Johannis vom Spital zu Jerusalem*

English: *Bailiwick of Brandenburg of the Chivalric Order of Saint John of the Hospital at Jerusalem*

Other Johanniter Orders

Dutch: *Johanniter Orde in Nederland*

Swedish: *Johanniterorden i Sverige*

St John International

English: *Most Venerable Order of the Hospital of Saint John of Jerusalem*

The Alliance

English: *The Alliance of Orders of the Hospital of Saint John of Jerusalem*

The Constitutional Charter and Code

English: *Constitutional Charter and Code of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta*

Italian: *Carta Costituzionale e Codice del Sovrano militare ordine ospedaliero di San Giovanni di Gerusalemme di Rodi e di Malta*

References to *Orders of Saint John* (plural) refers to all the orders that trace their heritage back to the original *Order of Saint John of Jerusalem*.

It is customary for the professed religious knights of the SMOM to be referred to with the courtesy title of *Frà* (from *fratello*, which means *brother* in Italian). I have chosen not to engage in this practice, for several reasons. Firstly, the practice is mainly used for an inner circle. Of my sources, only Sire consistently identified the *Fràs* by name. This thesis is written for the academic community, not the SMOM community. It would also be mostly redundant, since most brothers of the SMOM mentioned in the text are Grand Masters, and thus automatically *Fràs*. I feel it would only clutter up a text that is dense enough as it is.

Introduction

The Orders of Saint John of Jerusalem have received relatively little attention in the annals of Global History and International Relations. They operate outside the usual areas of research, but are nonetheless worthy of study. Originally established in the eleventh century, the original Order of St. John operated as a hospice, a transnational network, a crusading force, a naval power, a principality, and a coloniser, before falling apart into various Orders over the course of the Reformation and the French Revolution. Some have survived to this day, continuing to claim the Order's heritage. They operate as aristocratic associations, military forces, or humanitarian charities. What ties these organisations together, and how is their heritage reflected in their current status?

What seems on the surface to be an interesting quirk of history, the political status of the Orders of St. John, is in fact a highly contested diplomatic battleground. One of them, the Sovereign Military Order of Malta, has been granted with wide-ranging diplomatic privileges on the basis of its asserted continuity with the old Order of St. John, presenting an entity *sui generis* in modern international society. However, this framing is not accepted everywhere, notably among legal scholarship in the Netherlands. It is a decidedly thorny matter, definitely not one that can be decided in a Master's thesis, but nevertheless a necessary hurdle to further discussion of the Orders. Irrespective of its actual status, the SMOM's diplomatic standing is undeniable. It answers to the Holy See in matters of faith, but maintains a "functional sovereignty" in worldly matters, maintaining bilateral and multilateral relations.² Its position cannot be explained through conventional realist or liberal International Relations theory, and invites a closer look.

Today, the Sovereign Military Order of Malta is at a crossroads. Having re-emerged as a flourishing international actor in the last century, changing developments internal and external have put pressure on the Order. Since 2016, it has been engrossed in an internal crisis over constitutional reform, in which conservative, liberal, and Vatican factions vie for power, each having different interests in the Order's future. This presents a unique opportunity to reflect on the origins and roles of the Order's constituent identities in light of power, politics, and sovereignty.

² H. J. A. Sire, *The Knights of Malta: A Modern Resurrection* (London: Profile Books, 2016), 215.

Overview & Research Question

The emergence of the state system in the early modern period is a well-trodden path in political history. The Sovereign Military Order of Malta also stems from this period, but was forced to take a different path. This is part of what makes this Order so unique and interesting to study, but equally what makes it such a contested subject. To avoid getting stranded down in endless legal debate, this thesis will approach the Orders from an idealist framework. The *idea* of the Order of St. John has persisted over nine centuries, there is no dispute about that. During that timeframe, seismic shifts in international society have greatly affected the interpretation and practical execution of this idea. It is therefore worth comparing ideas and interests governing the Orders of St. John, past and present. This leads us to the research question of this thesis: ***How have the Order of Saint John of Jerusalem and the Sovereign Military Order of Malta redefined their interests and identities across the ages?***

This period will be split up into three periods, each taking up one chapter. The first body chapter details the origins of the Order of St. John in the Levant, their activities in the Crusades and the Late Middle Ages (*c.* 1000–1530). The second chapter focuses on the Order's period on Malta, and their decline in the early modern period and annihilation in the Revolutionary era (1530–1798). The final chapter follows the Sovereign Military Order of Malta and its rise to pre-eminence from this period onwards (1798–present). The exact locations of the itinerant Order at any given time may be found in appendix A. Constitutions, statutes, and other legal documents will be used to infer the Order's institutional make-up where available. These will be supplemented with details of their actual activities, which did not always follow from their high ideals. It is the intention of this thesis to show the role of internal and international upheaval in the redefining of the Orders' interests and identities.

The Sovereign Military Order of Malta serves as an example of the many Orders of St. John that have split off from the original. The Sovereign Military Order has inherited the diplomatic privileges of the Order of St. John, as well as its relationship with the Holy See, and for those reasons serves as the main subject of this thesis. This SMOM-centric approach is not to downplay the existence of the other Orders, but reflects the limited space available in a Master's thesis. It is primarily the ideational and diplomatic continuities between the two Orders that stand at the basis of this study.

Theoretical Concepts

The theoretical framework of this thesis owes much to constructivist frameworks, particularly those presented in Alexander Wendt's book *Social Theory of International Politics* and Christian Reus-Smit's book *The Moral Purpose of the State*, both published in 1999.³⁴ The role of these books in the wider literature will be further explained below in my literature review. Here, I will focus on a few key insights.

Wendt's primary goal is to set up a framework that explains the perceptions of actors in the international system, particularly their perception of anarchy, and how this affects their politics. These perceptions are informed by the available knowledge, creating so-called *social facts*. Actors that have more knowledge of themselves and the system, have the opportunity to create more powerful narratives, shaping the international system. Wendt's system is *socially constructed*, where things that appear to be true are taken as true. It is an idealist system, where material facts only matter as far as they are interpreted, interpreted through the *ideas* and *interests* of actors. These ideas are intersubjective, they are shared collectively through a common conceptual grid called culture, but are interpreted on an individual basis. Through socialisation within this grid, identities are formed.

Wendt distinguishes four types of identity: *personal/corporate identity* (what sort of entity is it), *type identity* (how does it function), *role identity* (what is its place in the system), and *collective identity* (how are its relations with others). He also identifies two types of interests: *objective interests* (what is to be done) and *subjective interests* (how is it to be achieved). Finally, he identifies three international systems, three types of anarchy. In Hobbesian anarchy, comparable to realism, states are antagonists. In Lockean anarchy, comparable to liberalism, states are competitors. Finally, in Kantian anarchy, states are partners. Wendt uses contemporary states as his primary subject, but I believe his framework is flexible enough to be applied to other diplomatic entities that operate autonomously in the international system, such as the Order of Malta. This view is shared by Jozef Bátora and Nik

³ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999).

⁴ Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity and Institutional Rationality in International Relations* (Princeton: Princeton University Press, 1999).

Hynek in their book *Fringe Players and the Diplomatic Order*, where they discuss the Order as a diplomatic power.⁵

Here, in the absence of a theory of entities similar to Sovereign Military Order of Malta, it is useful to situate the Order within the framework set up by Christian Reus-Smit. He and Wendt come from different schools of thought, but end up in the same ballpark. Where Wendt seeks to add new possibilities to Kenneth Waltz's *Theory of International Politics* by making it less structuralist, Reus-Smit takes from Hedley Bull's *The Anarchical Society*, who rejects a systems-based approach based on one where actors agree to common rules and institutions in a common, ungoverned, international society. These institutions are not the structural kind, such as the United Nations, but rather more the 'rules of the game' for any given era. I believe this theory to be closer to the truth, but will stick with Wendt more because his material is a little more tangible and a little more structured, which makes for clearer analysis. There are limits to rational action, no matter how much we would like to be convinced otherwise.

According to Reus-Smit, international society is governed by and *fundamental institutions*. The latter can be thought of as the diplomatic 'rules of the game' for a given era, "defining mentalities of institutional architects and shaping the moral discourse that structures institutional production and reproduction. [...] States create fundamental institutions that reflect their social identity, and as that identity changes, so too do basic institutional practices".⁶ He writes: "Fundamental institutions differ between societies, but are the elementary rules of practice that states formulate to solve the coordination and collaboration problems associated with coexistence under anarchy".⁷ Examples include *contractual international law* and *multilateralism* in the modern age, or *oratorical diplomacy* in Renaissance Italy.

These fundamental institutions are underpinned by *constitutional structures*, meta-values defining legitimate statehood and rightful state action. These are, in order, the *moral purpose of the state*, an *organising principle of sovereignty*, and a *systemic norm of procedural justice*. Interestingly, there is no reference to a monopoly on violence in this framework, allowing us to place the pretend-state Sovereign Military Order of Malta within

⁵ Jozef Bátora and Nik Hynek, *Fringe Players and the Diplomatic Order: The 'New' Heteronomy* (London: Palgrave Macmillan, 2014), 112–137.

⁶ Reus-Smit, *The Moral Purpose of the State*, 39.

⁷ Reus-Smit, *The Moral Purpose of the State*, 14.

this framework as well. Moreover, its elevation of the moral purpose of the state draws attention to the state as a normative institution. Norms typically play a secondary role in structuralist accounts of international politics, while postmodernists often draw a contrast between morality and the institutions of the state. But norms are a constitutive part of international society; its members cannot justify their existence without them. Nowhere is this more apparent than in the Sovereign Military Order of Malta, as will shortly become apparent.

Literature Review

The literature on the identity of international actors can be roughly divided into four IR theories: realism, liberalism, critical theory, and constructivism. It is difficult to apply a realist perspective on the SMOM, as the Order's power is not grounded in territorial sovereignty. Liberalism provides us with tools to approach non-state actors, but assumes a theory of action based on a hierarchy of rational interests, which seems a little narrow-minded when applied to a faith-based actor that has redefined its role in international politics numerous times. The appeal of critical theory lies in its subversive approach, uncovering class hierarchies and control behind every structure. However, approach is often taken too far, leading to conspiratorialism and mistrust, and have no intention of adding to that particular train of thought.

The constructivist school of thought first emerged at the end of the 1980s, as a result of the third (or fourth) debate in International Relations. This theoretical debate mainly took place between neoliberals and neorealists, and explored the limits of measurement and understanding. Having been unable to anticipate the end of the Cold War, both sides explored to what extent post-positivist and critical theories could be integrated into their frameworks, without losing the scientific basis that grounded IR as one of the political sciences. This debate never formally resolved, but formed the basis for a plethora of new methods and approaches. One of the first approaches to emerge was constructivism.

Constructivism

Constructivism arose out of the linguistic turn in social science, taking as its starting point the idea that all ideas and identities and practices on the international playing field are socially constructed. They are not fixed pillars of truth, but only function within a shared, socio-cultural framework. The word was introduced by Nicholas Onuf in his 1989 book *World of Our Making*, and gained popular traction after Alexander Wendt's 1992 article "Anarchy is whatever we make of it". The idea of constructivism caught on among the scholarly community during this time, leading to an explosion of ideas that underpinned the

international playing field. Among the more influential examples of constructivist research include rules, language, constitutional structures, diplomacy, and more.⁸

By the end of the 1990s, some fault lines appeared in the accumulated mass of constructivist literature. In a sense, it was the neo-neo debate continuing under a different guise. One side consisted largely of neorealist constructivists, who share a foundational text in Kenneth Waltz' 1979 book *Theory of International Politics*. Although each author had criticisms of Waltz, he served as a theoretical point of departure. This group is sometimes called the 'rational constructivists' or 'structural constructivists', owing to their positivist belief that it is possible to have real and systemic knowledge of the world. The other side consisted largely of English school constructivists, whose foundational text is Hedley Bull's 1977 book *The Anarchical Society*. This group has been identified as 'poststructuralist constructivists' or 'holistic constructivists'. Their focus lies on understanding transcultural and transhistorical claims, irrespective of a structural constraints. We will return to this dichotomy at the beginning of the next chapter in order to lay the groundwork for my own framework. For now, we will take a brief look at two influential theorists.

In his 1999 book, *Social Theory of International Politics*, Alexander Wendt tries to bridge the gap between neorealists and neoliberals by creating a social science theory that is both 'holistic' (structural) and idealist.⁹ In a nutshell, Wendt argues that knowledge is essentially social, and exists on two levels: the intersubjective (international) and the internal (nationalist). Ideas grow through socialisation within a common conceptual grid, culture. Structural change manifests as cultural change depending on the make-up of the society of states. The structural identity of a state lies in the type of anarchy it espouses: Hobbesian, Lockean, and Kantian. The structural identity of the system is something Wendt leaves open. Although Wendt's use of anarchy is quite strict and his theory a little abstract, it goes a long way in providing a conceptual space that can house both realist and liberal perspectives.

Concurrently, Christian Reus-Smit's book *The Moral Purpose of the State* attempts to create a theory of the rules of practice that underpin functioning societies of states under anarchy.¹⁰ Regimes are underpinned by era-defining fundamental institutions, such as international law or multilateral diplomacy, which in turn are underpinned by constitutional

⁸ Hoyoon Jung, "The Evolution of Social Constructivism in Political Science: Past to Present," *SAGE Open* 9, no. 1 (January–March 2019).

⁹ Wendt, *Social Theory of International Politics*.

¹⁰ Reus-Smit, *The Moral Purpose of the State*.

structures. These are the meta-values that govern societies of states, legitimating actors and action. They consist of the moral purpose of the state (what actions are normative), an organizing principle of sovereignty (who is a legitimate actor), and a systemic norm of procedural justice (how to police members). Reus-Smit demonstrates this structure with examples from Ancient Greece, Renaissance Italy, Absolutist Europe, and Modern International Society. Although this selection is quite Eurocentric, it reflects the main intellectual influences on IR theory until very recently. Taken together, Wendt and Reus-Smit present a framework of the behaviour of states between different societies.

The Practice Turn & The Religious Turn

Constructivism has earned a place among the main paradigms of International Relations. It provided new insights in many new insights in IR subfields and is being taught in textbooks.¹¹ At the same time, constructivism came under increasing criticism from the scholarly community by the early 2000s. Common definitions disintegrated as each scholar applied their own methodology. Constructivism provided a space for holistic theorising, but lost touch with the reality of international relations on the ground. In response, the IR community shifted focus to examine common practices in what is known as the Practice Turn. The theoretical insights gained through the constructivist method dried up, and linguistic theory took a back seat to a new style of knowledge production. The Practice Turn this continues to be the dominant mode of analysis to this day.¹² The result is a scholarly field that is increasingly more atomised in its focus and fragmented in its approach.

At the same time, the early 2000s also saw the ‘return of religion’ in IR. For decades, IR theory had developed under the assumption of secularism. However, the practice of practice of religion in international relations persisted, particularly in the wake of the War on Terror, renewing interest in the Middle East. Different subfields arrived at religion in their own way: post-Soviet scholars in a culture of anti-communist resistance, students of conflict studies concerned with the Israel-Palestine question, or constructivist theorists trying to locate ideological thought. The ‘religious turn’ has surfaced in a number of academic discourses,

¹¹ Jung, “The Evolution of Social Constructivism in Political Science”, 1.

¹² David M. McCourt, “Practice Theory and Relationism as the New Constructivism,” *International Studies Quarterly* 60, no. 3 (September 2016), 475.

including the discourses on civilisation, the public/private distinction, and modernity.¹³ For example, Alan Chong points out the soft power of the Catholic Church, its role in enlarging normative spaces, and its ability to provide aid both material and ideological.¹⁴ But then, perhaps this is not as benign as it seems: aid reproduces and reinforces discursive hierarchies.¹⁵ Whatever its true value, it is clear beyond question that the church is a major player on the international stage. There exists a great methodological diversity around the subject, reflecting the continuing fragmentation. Some scholars preferring to integrate it within existing theories, while others argue for a completely new paradigm through which to view IR theory.¹⁶ Once more, old differences between positivist and post-positivist approaches prevailed.

It was the influential sociologist Jürgen Habermas who popularised the term postsecularism to refer to the various discourses that returned to the question of religion.¹⁷ As the term suggests, postsecularism is a reflectivist approach, a new addition to the critical theory toolkit. Positivist scholars have been less quick to embrace it, as there is as of yet no effective structural theory of religion in international politics through which they can advance their methods. What ties postsecular thought together is the recognition that religion continues to play an important role in contemporary international relations. In this sense, this thesis is also essential postsecular. Postsecularism does not reject modernity or rationality, but tries to find a way of fitting the religious experience into that framework as well. The most erudite account of postsecularism is probably Cloke et al.'s *Geographies of Postsecularity*.¹⁸ Its concepts go well beyond the purview of this thesis, but the ideas it presents provoke a great deal of thought. It is clear that there is still much to discover in this exciting new social studies paradigm.

¹³ Mariano Barbato and Friedrich Kratochwil, "Towards a post-secular political order?," *European Political Science Review* 1, no. 3 (November 2009): 317–340. See also: Vendulka Kubáľková, "A 'Turn to Religion' in International Relations?," *Perspectives* 17, no. 2 (2009): 13–41.

¹⁴ Alan Chong, "The Catholic Church in International Relations," *E-International Relations*, published 14 November 2013, accessed 24 June 2022, <https://www.e-ir.info/pdf/44289>.

¹⁵ Sheila Nair, "Governance, Representation, and International Aid," *Third World Quarterly* 34, no. 4 (2013): 630–652.

¹⁶ Paul Cloke et al., introduction to *Geographies of Postsecularity: Re-Envisioning Politics, Subjectivity and Ethics*, (London: Routledge, 2019), 1–25.

¹⁷ Ibid, "Habermas and the public technologies of postsecularity," 35–40. See also: Barbato and Kratochwil, "Towards a post-secular political order?," 318.

¹⁸ Ibid.

Anglophone Historiography on the Order of Saint John

Researching the history of the Order of St. John throws up a number of obstacles. The first obstacle is one of language: given the Order's historic roots, much of their ancient literature is written in Latin. In modern times, the common tongue of the Order is Italian. Since the bulk of literature *on* the Order is written by members *of* the Order, this means that most historical research into the Order is either in Italian, or in French. Furthermore, as the Order remains a rather niche historical subject, that means that this literature only circulates locally and is generally only regional in its scope. As a result, it could be not accessed for this thesis, despite my best efforts. But since much of that work is focused on art history, theology, or recollections of their sixteenth century glory days, this is not too great a loss. However, it also restricts our access to primary sources and other useful historical research. Apart from a limited number of works, this thesis will be based on the Anglophone historical tradition.

English presence in the Order goes back to the time of the Crusades. When the Order was subdivided into seven national units or *langues* in 1319, English members were numerous enough to warrant one of them.¹⁹ Anglophone scholarship on the Order dates back at least as far 1803, when William Eton authored *Authentic Materials for a History of the Principality of Malta*.²⁰ The following year, this book was followed up by the encyclopaedic three-volume history *Ancient and Modern Malta*, written by Louis de Boisgelin, a knight of the Order.²¹ This sudden interest in Malta can be explained by the fact that it had become a British protectorate in 1800, and would remain under its colonial rule until 1964. Histories of the Maltese knights continued to appear throughout much of the nineteenth century.

In modern times, two professional English histories of the Maltese knights stand out. Curiously, the two authors barely take notice of the other, despite covering similar ground within a few years of one another. The first is *The Order of Malta* (1994), written by Henry Sire.²² It is an engaging read, but is lacking in references. Sire's perspective is somewhat Whiggish: he displays a partiality to certain actors or organisations within the Order,

¹⁹ "The Ancient Langues of the order," Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, accessed 24 June 2022, <https://www.orderofmalta.int/history/the-ancient-langues-of-the-order/>.

²⁰ William Eton, *Authentic Materials for a History of the Principality of Malta* (London: Luke Hansard for T. Cadell and W. Davies, 1803).

²¹ Louis de Boisgelin, *Ancient and Modern Malta* [...], 3 vols., (London: G. & J. Robinson, 1804).

²² H. J. A. Sire, *The Knights of Malta* (New Haven: Yale University Press, 1994).

particularly in his 2016 book *The Order of Malta: A Modern Resurrection*.²³ Here, Sire recounts a continuous history of the Order from the fall of Malta in 1798 to the present day. This book is most valuable for its information on the Order's most obscure period, even if the argument the author advances should be taken with a grain of salt. In 2018, the author's membership of the Order was suspended following the publication of *The Dictator Pope*, a censorious tract against the governance of Pope Francis, at a time when the Order's relations with the Papacy were historically tense.²⁴ I have done my best to separate conspiracy theorists from legitimate critical sources, but this religion is a subject that can draw some fierce debate at times.

The second history is *The Knights Hospitaller* (2001), written by Helen J. Nicholson.²⁵ Nicholson is a professor of Medieval History at Cardiff University, her interests focusing on military orders. Her history of the Knights of St. John is considerably more dispassionate, and factual, and as such misses out on the more disputed elements. Additionally, as a Medievalist scholar focusing on the crusading orders, Nicholson's account tapers off after 1798. However, she is an invaluable source for the medieval chapters. She goes in depth on the internal structure of the Order of St. John, as well as its outside engagements. Although her book is now 20 years old, it has lost very little relevance.

Position in International Law and IR

Not much has been written on the latter-day international relations of the Sovereign Military Order of Malta. One reason for this may be the Order's lack of territorial presence, removing it from the traditional IR picture.²⁶ Jozef Batora and Nik Hynek's 2004 book *Fringe Players and the Diplomatic Order: The 'New' Heteronomy* characterises the Order as a "fringe player" in European politics, a non-state entity with diplomatic privileges.²⁷ Their coverage of the Order is part of a larger argument about the importance of fringe players in international society, including the Holy See and the European Union. Building on liminality theory, Batora and Hynek set out to construct a heteronomic political order that functions through the

²³ Sire, *A Modern Resurrection*.

²⁴ Marcantonio Colonna [Henry J. A. Sire], *The Dictator Pope: The Inside Story of the Francis Papacy* (online: Amazon Kindle, 2017).

²⁵ Helen Nicholson, *The Knights Hospitaller* (Woodbridge: Boydell, 2003). Paperback edition.

²⁶ Batora and Hynek, *Fringe Players and Diplomatic Order*, 112.

²⁷ Ibid, "The Sovereign Military Order of Malta: Extraordinary Resilience Meets Chance", 112–137

institution of diplomacy. In this order, the relationship between the isomorphic centre and the fringe is crucial to establishing norms.²⁸ Although I believe their framework places too much weight on the importance of fringe actors (particularly the SMOM and the Holy See), the authors make some excellent points about the limiting explanatory power of other paradigms on these fringes and why it is important to study them. They criticise realism as overly determinist, practice theory as overly reductionist, and constructivism as overly essentialist. Like Reus-Smit, Batory and Hynek are less interested in the core of the ordering system and more in what happens between the gaps. Crucially, they both avoid casting sovereignty as absolute. In their analysis, Batory and Hynek note the Order's institutional flexibility and its powerful financial structure. In doing so, they come closer to understanding the source of the Order's power than anyone else. However, they continue to frame of the SMOM in normative terms vis-à-vis the international society of states: a *sui generis* in a 'fringe' category.

Discussions on the exact nature of the Order have featured more prominently in International Law, often in response to Order's contested claim to sovereignty. There is considerable misunderstanding over what the Order legally *is*. Its unique status among governments gained some prominence after an incident at the United Nations, where the Order has been a permanent observer member since 1994.²⁹ When a group photo of all the state representatives at the U.N. Millennium Summit in 2000 was made, the Order's representative, Count Carlo Marullo di Condojanni, snuck in, causing a minor scandal.³⁰ Terms such as 'anomalous entity', *sui generis*, and quasi-sovereignty are used to denote that which does not fit the constitutive theories of sovereign statehood.³¹ Some have resorted to the term 'quasi-state', though not in a way that term is traditionally defined.³² As noted by Karol Karski, the Order's ties with the Holy See are too close to consider them fully

²⁸ Ibid, Introduction, 1–18.

²⁹ Carlo Marullo di Condojanni, *Il Sovrano Militare Ordine di Malta Osservatore Permanente alle Nazioni Unite: Testimonianze*, (Palermo: Malta Academy Publishing, 2008), 34–39. For better image quality, see: "Nazioni Unite – Vertice il Millennio," official website of Carlo Marullo di Condojanni, accessed 24 June 2022, <http://www.carlomarullodicondojanni.net/Smom/ACTIVITIES/Pubblicazioni/index71.html>. Marullo di Condojanni can be seen in the top left corner.

³⁰ Jason J. Kovacs, "The Country Above the Hermes Boutique: The International Status of the Sovereign Military Order of Malta," *The Digest: National Italian American Bar Association Law Journal* 11, no. 27 (2003), 27.

³¹ Noel Cox, "The Continuing Question of Sovereignty and the Sovereign Military Order of Jerusalem of Rhodes and of Malta," *Australian International Law Journal* 13, no. 1 (2006), 211.

³² Noel Cox, "The Acquisition of Sovereignty by Quasi-States: The Case of the Order of Malta," *Mountbatten Journal of Legal Studies* 6 (2002): 26–47. For actual Quasi-States, see: Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, (Vancouver: University of British Columbia Press, 1991).

autonomous, yet it is a subject of international law.³³ Yet this seeming paradox between autonomy and commitment is the very stuff states are made of.³⁴ Even ‘hermit kingdoms’ are defined by their opposition to mainstream international society, after all. The Order has full bilateral relations with 112 states.³⁵ Its recognition as a full diplomatic actor is not absolute, but the historically contingent result of diplomatic and political manoeuvring, as concluded by Michelle Hoekstra in her 2018 master thesis on Dutch non-recognition.³⁶ A similar understanding of international law as political compromise can be found in the 2004 book *The Politics of International Law*, edited by Christian Reus-Smit.³⁷

The legitimacy of the Order is often debated, but nowhere as thoroughly as in H. J. Hoegen Dijkhof’s PhD dissertation examining just that.³⁸ Hoegen Dijkhof takes a critical stance towards the orders, rejecting the hierarchy perpetuated by the Alliance of the Orders of St. John and their institutional double standards, and going so far as to invent his own definition of chivalry.³⁹ According to this definition, the Order became invalid after the Tacit Truce with the Ottoman Empire in 1723, since it stopped fighting Muslims at that point.⁴⁰ Disregarding the institutional continuity of the Order, he focuses his attention on the so-called “Ecumenical Order”: the *Knights Hospitallers of the Sovereign Order of St John of Jerusalem, Knights of Malta – The Ecumenical Order*, an American organisation with ties to the former royal houses of Yugoslavia and Romania. It is not a member of the Alliance, and a spokesman of the SMOM has come out in public to protest against its use of Hospitaller symbolism.⁴¹ As well argued as Hoegen Dijkhof’s dissertation is, and however valid his critique of the “Maltese myth”, his unwillingness to come to terms with the institutional reality that persists instead places him squarely outside the mainstream discourse.⁴² This may be regarded as a quirk of legal practice, regarded by constructivist Friedrich Kratochwil as “a

³³ Karol Karski, “The International Legal Status of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta,” *International Community Law Review* 14, no. 1 (January 2012): 19–32.

³⁴ Martti Koskeniemi, “The Many Faces of Sovereignty. Introduction to Critical Legal Thinking,” *Kutafin Law University Review* 4, no. 2 (2017), 290.

³⁵ “Bilateral relations,” Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, accessed 24 June 2022, <https://www.orderofmalta.int/diplomatic-activities/bilateral-relations/>.

³⁶ Michelle Hoekstra, “The Sovereign Military Order of Malta: An exploration of nonrecognition by the Netherlands” (master’s thesis, Erasmus University Rotterdam, 2018), 59.

³⁷ Christian Reus-Smit, ed., *The Politics of International Law*, (Cambridge: Cambridge University Press, 2004), 44.

³⁸ H. J. Hoegen Dijkhof, “The legitimacy of Orders of St. John: a historical and legal analysis and case study of a para-religious phenomenon” (PhD Diss., Leiden University, 2006).

³⁹ *Ibid.*, 286–299.

⁴⁰ *Ibid.*, 201, 414, 422.

⁴¹ Umberto di Capua, “Unauthorised use of Sovereign Order’s name,” *Times of Malta*, 11 June 2011, <https://timesofmalta.com/articles/view/Unauthorised-use-of-Sovereign-Order-s-name.369992>.

⁴² H. J. Hoegen Dijkhof, “The Legitimacy of Orders of St. John,” 445.

language game in which different exemplars exhibit different features rather than one ‘essential characteristic’.”⁴³

What is true of the politics of international law today, was equally true during its historical development.⁴⁴ Under this assumption, critical legal historian Martti Koskenniemi has spent his career uncovering the historical social and political developments that shaped international law. Koskenniemi has suggested important new avenues of research, but historians and political scientists have not taken him up on the offer thus far. Following the idea of the German philosopher Carl Schmitt, that international legal thinking is rooted in secularised Christian theology, Koskenniemi attempts to uncover the origins of international law in religion and empire. This proves difficult however, as he notes in his introduction to *International Law and Religion*: there is hardly any epistemological ground between the two.⁴⁵ No wonder legal theorists struggle to accommodate the Order’s claim to sovereignty, as it is deeply intertwined with religion as well as ‘international’ politics. Not to mention that sovereignty has been a highly contested concept among political scientists for decades, with theorists like Sunday O. Onwe and David M. E. Nwogbaga struggling to find a common ground between the different IR paradigms that is both functional and specific.⁴⁶

Others have attempted to construct new ways of seeing the world. Followers of the English School have mouthed the word neo-medievalism, a term coined by Hedley Bull to describe a possible future in which a system of sovereign states in which no one was fully sovereign, but dependent on “a structure of overlapping structures and cross-cutting loyalties that hold all peoples together in a universal society”.⁴⁷ The term has since circled around debates without much substance. In a 2008 article, Douglas Brommesson attempts to use the SMOM as an empirical model for neo-medievalism, in order to shed more light on European integration.⁴⁸ He notes four distinguishing characteristics: non-territorial sovereignty,

⁴³ Friedrich Kratochwil, *The Status of Law in World Society: Meditations on the Role and Rule of Law*, (Cambridge: Cambridge University Press, 2014), 74.

⁴⁴ Martti Koskenniemi, “The Politics of International Law,” *European Journal of International Law* 1, no. 1 (1990), 4–32.

⁴⁵ Martti Koskenniemi, “International Law and Religion: No Stable Ground,” *International Law and Religion*, ed. Martti Koskenniemi, Mónica García-Salmones Rovira, and Paolo Amorosa (Oxford: Oxford Scholarship Online, 2017).

⁴⁶ Sunday O. Onwe and David M. E. Nwogbaga, “Conceptual Issues and Theoretical Analysis of Sovereignty,” *Research on Humanities and Social Sciences* 5, no. 3 (2015): 19–24.

⁴⁷ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 3rd ed. (Basingstoke: Palgrave, 2002), 246.

⁴⁸ Douglas Brommesson, “«New medievalism» från teori till empiri: Malteserorden som modell,” *Internasjonal Politikk* 66, no. 4 (December 2008): 615–632.

overlapping citizenship (and thus overlapping sovereignty), value-based action, and strong roots in international law. Interestingly, Brommesson does not dismiss the Order as an anomaly, but argues it points to “en alternativ internationell ordning”; an alternative international order.⁴⁹ And in this, he is right. Brommesson’s model is useful in pointing out the Order’s deviations from normative international relations. But the Order can hardly be called a *neo*-medieval actor, when its diplomatic history dates back to the First Crusade. The only way one can understand the Order is by framing it in a medieval, and *post*-medieval perspective.

The Dual Nature of the Sovereign Military Order of Malta

The most thorough Catholic legal understanding of the Sovereign Military Order of Malta was published by Paolo Gambi and Pablo José Sandonato de León.⁵⁰ Not many IR scholars have taken notice of this article, published as it was in a Spanish journal on canon law, but the approach taken Gambi and De León comes closer to understanding the impact of history on the development of legal systems and the Order’s place within those systems.

To begin with, Gambi and De León divide their analysis in two: the status of the Order in canon law, and the status of the Order in international law. This is a theoretical fiction: the Order’s laws do not make this distinction; in fact, the deep fusion of these two orders is what makes the Order such a flexible and effective international player. But it is an important distinction to make nonetheless, mimicking the theoretical division of power in medieval Catholic Europe between worldly-temporal power, with the Holy Roman Emperor as its sovereign hegemon, and spiritual-religious power, with the Pope as its sovereign hegemon. This dualistic model developed in direct opposition to the Orthodox-Byzantine model, in which the Emperor usurped the right to intervene in matter of faith, and became one of the fundamental norms of the medieval Catholic politico-religious community. The Order developed its institutions under this fundamental norm, and continues to do so to this day. In doing so, it challenges the hegemony of centralised nation-states as primary subjects of international law. Through upholding its ancient military traditions, the Order challenges the monopoly on violence. It also challenges the conventional monopoly on legal sovereignty

⁴⁹ Ibid, 625.

⁵⁰ Paolo Gambi and Pablo José Sandonato de León, “La soberana militar Orden de Malta en el orden jurídico eclesial e internacional,” *Ius Canonicum* 44, no. 87 (January–June 2004): 197–232.

through ‘blood and soil’, that is, population and territory, by deriving its independence *within* the Catholic Church, but not *from* it.⁵¹

In the first part of the article, Gambi describes the Order’s role within the church hierarchy as a religious-chivalric order. Chivalric orders do not have a defined role within this hierarchy. They cannot be reduced to the any of the categories of religious institutions or societies under the 1983 canon law, having traditions and privileges of their own. They exist in a third space, closely linked to the church but not of it. This reflects their history as third-party associations that were granted recognition and legal privileges by way of Papal bulls. In the contemporary political order, the extent of the Holy See’s legal power is more limited, but the privileges it once conferred to the Order of St. John still apply. The SMOM is constitutionally legally independent: professed religious knights of the order answer to the Grand Master and the Sovereign Council, not to the Holy See. There also exists a mutual diplomatic recognition. What makes the SMOM anomalous in the international sphere is its continued “axiological-juridical-religious” insistence on medieval dualism, a worldview long since abandoned by the other powers.⁵² Herein lies the Order’s political paradox: they assert their ancient sovereign privileges by upholding the historical authority of the Pope. Independence through servitude. This servitude is largely performative, as the Order is a sovereign body and has been known to stray from Papal orthodoxy. Good relations are paramount.

In the second part of the article, De León describes the Order’s position in international law. This argument is more complex, relying on historical and social arguments as well as legal procedural arguments. De León compares the Order not only with states, but also with other subjects of international law, such as international organisations, insurgencies, national liberation movements, and Holy See.⁵³ There are three legal requisites for subjects of international law: *ius repraesentationis* (capacity of representation), *ius tractatum* (capacity to make treaties), and *ius* or *locus standi* (capacity to participate in law).⁵⁴ Each of these rights are attributed to the Sovereign Military Order of Malta. Then there is the question of independence. Historically speaking, the Order’s independence is not tied to the possession of any one territory, and has been recognised by the Pope in 1446 as well as in 1113. It was

⁵¹ Ibid, 199.

⁵² Ibid, 231.

⁵³ Ibid, 214.

⁵⁴ Ibid, 212.

recognised by other states and sent ambassadors to those states. These diplomatic arrangements have continued past the end of its territorial rule, and have significantly increased in the last century. State-like rights accorded with the state of Italy, on an equal footing. De León then deconstructs a number of arguments made against the Order. It has no territory, but it does have extraterritoriality. It has no permanent population, but neither have international organisations, and the Order does have diplomatically recognised functional citizenship for the heads of its governmental branches. It is subject to the Vatican, but only in religious matters, not matters of state. It is an equal to sovereign states in legal proceedings, participating in bilateral as well as multilateral agreements, and its international personality and diplomatic immunity is respected by other states. Finally, although it is seen by some as anachronistic, the Order has a proven complex of values that is used to shape international norms. Its independence established, there remains the question of categorisation. It cannot be reduced to any existing category. It is not a state (as it has no sovereign territory or permanent population), no international organisation (as the Order's powers are more extensive), and it does not fall under any customary law (as there is no such law). As such, Gambi and De León claim that the Sovereign Military Order of Malta is a *sui generis* subject of non-territorial, non-materialist international law, continuing to serve its original purpose: defence of the faith and assistance to the poor (*tuition fidei et obsequium pauperum*).⁵⁵ This interpretation, I believe is closest to the Order's own self-image.

⁵⁵ Ibid, 230.

Primary Sources & Research Methods

My qualitative discourse analysis into the Orders of St. John will focus on three historical periods in particular: the fifteenth century, the eighteenth century, and the twentieth and twenty-first centuries. This will compare how the Order came into existence, how it developed beyond its original purpose, and how it changed in keeping with international society.

This comparison will be twofold. Firstly, I will examine legal texts, such as codes, statutes, and constitutions to examine the Order's formal legal position. Secondly, I will examine the activities of the Order in practice: what are some of their more notable activities, and how does this place them within international society? Moments of political conflict will be of particular interest.

Because of the amorphous history of the Orders of St. John, I will place special focus on the internal structure and unique terminology used within the Orders. These are quite outside the realm of regular political science, and as such deserve special attention. The various ranks within the Order tell us a great deal about of the hierarchy of values at play. At the end of each chapter, a brief overview will place the Order of that period into the theoretical framework.

The main type of primary source we will be examining in this thesis are the Order's legal and constitutional codes. My decision to feature these so heavily in my analysis is largely the result of a scarcity of available sources in the Order's international relations, particularly further back in time. The few attainable sources were either too granular, or not representative of the Order's international relations as a whole. Constitutions, though they often conceal a world of internal politics, are the best source for an institutional overview.

The first codified and printed law code of the Order were the *Stabilimenta Rhodiorum militum*, collected by Guillaume Caoursin between 1489 and 1493. It presents the Order, then still in the Eastern Mediterranean, during a period of great legalisation. It will serve as the main research subject of the first body chapter. This work was revised numerous times during the succeeding centuries, with the final version being the *Codice de Rohan*, promulgated in 1782 and the main research subject of the second chapter. This code, named for the Grand Master who commissioned it, Emmanuel de Rohan-Polduc, and continues to serve the Sovereign Military Order of Malta as an official supplementary work in cases where the

current constitution is inconclusive. Attempts at bringing the Order's constitution into the modern world began in earnest in the 1950s, as a result of diplomatic pressure from the Vatican. This period, sometimes called the 'second great siege', was crucial in establishing the Order's current international persona. Several draft constitutions from this period have been published. This *Constitutional Charter and Code*, promulgated in 1961 and revised in 1997, will be the main research subject of the third chapter. Chapter three will compare and contrast the frictions within and outside the Order at mid-century to those experienced today.

Additional materials supplementing these law codes will form the second type of primary source used in this thesis. These serve to clarify passages in the codes that otherwise remain inscrutable. They reveal some of the thoughts behind certain decisions and outlooks. These texts are scarce, and will serve a relatively minor role compared to the existing historiography cited. A great example of this time of the text are the *Lectures on the Statutes of the Sacred Order of St. John of Jerusalem*, published by the Maltese legal scholar Antonio Micallef in 1792 and translated in an edition version in 2012. This book reveals many of the hidden assumptions behind the making of the *Codice de Rohan*. Another such book is *The Order of Malta Exposed*, published pseudonymously in 1790 and translated in 2010. This book presents a picture of Malta quite starkly different from the Order's propaganda. In modern times, sources detailing the Order's activities are both more detailed and much more accessible. They may include news articles, interviews, and autobiographical texts.

My ultimate aim is to give a thorough, but balanced account of how the Sovereign Military Order of Malta has manoeuvred and positioned itself to meet the needs of international society.

The Order of Saint John in the Middle Ages (c. 1000–1530)

By way of introduction to the topic, this chapter will start with a brief overview of the founding of the Order of St. John of Jerusalem and its development during the first centuries of its existence. This history is based on the account given in *The Knights Hospitaller*, except where noted.⁵⁶ In addition, there will be a summary of the Order's institutional structure, including a run-down of the main political offices. A list of leaders of the Order can be found in appendix B. The main focus of this chapter will be on the late fifteenth century, covering the Order's first wave of legal codification. This way, I hope to find out how the Order came to establish itself as an institution.

The Origins of the Hospitaller Order in the Crusades (c. 1000–1306)

The history of the Order of St. John begins at the turn of the millennium, a period of great spiritual reform in the Western Christian church. Monasticism, moral integrity and practical contributions to society became key focal points of Christian piety. One popular practice was the pilgrimage to a holy site, the holiest of all being the city of Jerusalem. But this was a dangerous undertaking, with bandits and other outlaws on the road. Local lords were increasingly unable to guarantee safe passage to travellers. This prompted a group of merchants from the Italian maritime port of Amalfi to petition the Caliph to build *xenodocheum* (hospice) and church in Jerusalem for the visiting pilgrims. The facility was segregated between men and women, as was the custom at the time, and was dedicated to Saint John the Baptist and Saint Mary, respectively. It first assumed operations sometime between the 1040s and the 1070s, and was initially staffed by lay Catholics.⁵⁷ One of many such initiatives to spring up during this era, the exact details of the hospice's origins are lost to history.

The traditional origin story of the Order of Saint John starts with the First Crusade (1096–99). The guardian of the male hospital at this time was Gerard (c. 1080–1120), and his actions during the 1099 siege of Jerusalem have long served the Order as a source of mythical origins. In fact, Gerard is venerated as a saint within the St. John community, where he is

⁵⁶ Nicholson, *The Knights Hospitaller*.

⁵⁷ The traditional date is 1048. This cannot be verified. The earliest description of the hospital dates to the 1070s. See: Nicholson, *The Knights Hospitaller*, 3.

customarily referred to as ‘the Blessed Gerard’. Some of the earliest records indeed suggest that the profile of the hospital grew considerably in the wake of the siege, when Jerusalem was captured by the crusading armies. Along with the Church of the Holy Sepulchre, it became one of the key Christian institutions in the city of Jerusalem, receiving record numbers of pilgrims, as well as numerous land donations. These possessions, confirmed by King Baldwin II of Jerusalem (*r.* 1100–18) in 1110.⁵⁸ It would be the beginning of an extensive network of estates. By 1113, eight so-called “Hospitals of Jerusalem” had sprung up across the Mediterranean.⁵⁹ Official recognition of this institution followed on February 15, 1113, in a Papal bull from Pope Paschalis II.⁶⁰ This document, *Pie postulatio voluntatis*, placed the hospital under the direct protection of the Papacy, promised exemption from outside interference, confirmed their leadership over the other Jerusalemite hospitals, and promised that future leaders of the hospital could be chosen without interference.⁶¹ This is considered the founding document of the *Order of the Hospital of Saint John of Jerusalem*.

In fact, it would take several decades for the Order of St. John to fully develop as an independent institution. New bulls by successive popes granted the Order more legal privileges in the years 1135–1154. They were exempted from tithes and diocesan and episcopal authority, leading to a brief dispute with the Latin Patriarch at the Church of the Holy Sepulchre, who had been the Order’s protector until that time. In practice, these exemptions allowed the Order to act autonomously. The privileges given to the Order of St. John were similar to those given to other Orders founded around that time, such as the Knights Templar. The creation of powerful, self-sufficient Orders helped to change the rather haphazard organisation of the crusades into a somewhat more professional undertaking. It also kept them far away from European politics, which in the decades following the Investiture Controversy was still deeply marked by Imperial-Papal rivalry. It is also during this time that the first monastic rules for the Order of the Hospital are drawn up, under the guardianship of Raymond du Puy (*c.* 1020–60). These stipulated that all brothers, lay and clerical, were bound to vows of poverty, chastity, and obedience.⁶²

⁵⁸ Theresa Vann, “Jerusalem and the First Crusade,” *900 Years of Faith in Action: 1113–2013, The Bull of Pascal II*, (Collegeville: Malta Study Center, 2013), panel 4.

⁵⁹ *Ibid*, “An English Translation of *Pie postulatio voluntatis*,” panel 8.

⁶⁰ A *bull* is a decree in the form of a sealed letter.

⁶¹ *Ibid*, panel 1.

⁶² As for the sisters of the Hospital, they seem to vanish from the historical record until the twentieth century.

Concurrently, the Order began to be associated with military activities. This started as a natural extension of their services to pilgrims, who often faced bandits and robbers along their journey. The flourishing Hospital was well-positioned to support the defence of the newly-formed crusader regime. From the 1140s, donations to the Hospital included freshly conquered lands such as in Spain, or military structures such as the Krak des Chevaliers fortress in the Country of Tripoli. The Order came to play an advisory and later supplementary role in the crusades, nearly bankrupting themselves in the process. This caused friction with Rome during the 1170s, since the Hospitallers did not take military vows like the Templars or the Knights of the Holy Sepulchre and were expected to serve another purpose. In response, the Hospitallers began to stress their charitable activities in correspondence while continuing their military activities: an early indicator of their flexible diplomacy. As happened often during this period, legislation was drawn up after the fact. Statutes drawn up under the rule of the ninth guardian of the Hospital, Alphonso of Portugal (c. 1202–1206) confirmed the formal institution of two classes of knights: lay and professed, reflecting the mixed membership of the Order of the Hospital. It is only from this time that their most famous name, the *Knights Hospitaller*, is reflective of their nature. An official military outfit was approved by Pope Innocent IV in 1248, being a white cross emblazoned on a red surcoat.

Despite the Hospitallers' enthusiasm in battle, the crusaders' hold on the Levant remained tenuous. The crusader lords were disunited, allowing the Ayyubid sultan Saladin to recapture Jerusalem in 1187. But the end of Jerusalem was not the end for the Jerusalemite Orders. The Hospitallers relocated to the port city of Acre during the Third Crusade (1189–92), where they held out for another century until it was captured by the Muslims in May 1291. By 1303, the last crusader outpost in the Levant had been captured. The Hospitallers sought refuge on the nearby island of Cyprus. In theory, this was an ideal position from which to launch a new crusade. But none materialised. European leaders were deeply in debt and fed up with the infighting and enrichment of the supposedly poor holy orders. At the cusp of the fourteenth century, reform was imminent.

The Hospitaller Order on Rhodes (1306–1530)

Following the end of the crusades in the Levant, the military Orders were met with great disapproval and distrust. It was clear that reform was necessary, but there were too many different interests for a concerted effort. Political instability on Cyprus made it unsuitable as a base of operations for the Hospitallers. Guillaume de Villaret, 24th guardian of the Hospital (*r.* 1296–1305), intended to move the seat of the order to France, but met with resistance. He also led two expeditions to the Armenian Kingdom of Cilicia, but to no avail.⁶³ His successor and nephew Folques de Villaret (*r.* 1305–17/19) hatched a plan to take over the island of Rhodes. The island was nominally subject to the Roman Emperor at Constantinople, but in practice it was controlled by pirates from the maritime Turkish beylik of Menteshe. The Hospitallers launched their first naval assault in 1306, and after four long years of fighting, settled on the island in 1310.

The conquest of Rhodes, however long, was a sign that the Hospitallers were still in a better state than their counterparts. The Teutonic Order, which had been successful at conquering much of the eastern Baltic, was now under investigation for heresy and witchcraft. The Knights Templar, meanwhile, were being suppressed at the hands of Philip IV of France in a desperate attempt to wipe out his debts. When they were officially disbanded by Pope Clement V in 1312, many of their lands went to the Hospitallers. Although the chances of organising a new holy war were thinning, none of the Orders were ready to give up the fight. In the course of their arrival on Rhodes, the Hospitallers enmeshed themselves in Aegean politics, and began to mount naval campaigns against the emir of Menteshe. In doing so, they found a new vocation as a naval power, keeping the fighting flame alive and prolonging their existence.

Internally, things were in disarray. Villaret's campaign had been a financial disaster for the Order. Furthermore, the man was widely personally disliked. After an unsuccessful assassination attempt in 1317, the brothers elected a new leader, Maurice de Pagnac. De Villaret protested and appealed to Pope John XXII at Avignon. Pagnac died of old age before the matter could be brought before the pope, and Villaret was given back his title on the condition that he resign immediately. That same year, at the Chapter General in Montpellier, the Hospitallers agreed to a regional subdivision, based on the various tongues (*langues*)

⁶³ Cilician Armenia is not a predecessor to the current-day Republic of Armenia, but an Armenian kingdom located on the southern Anatolian coast, then known as Cilicia.

spoken in the Order. These were, in order of precedence: Provence, Auvergne, France, Spain (split into Aragon and Portugal-Castile in 1462), Italy, England (including Ireland), and Germany (including the Holy Roman Empire, Scandinavia, Poland, and Hungary).⁶⁴ These were then subdivided into grand priories, priories, bailiwicks, and commanderies. Each *langue* met in a physical headquarters named an *auberge* or ‘inn’, built on the island where the Order resided.

External relations were changing as well. At the close of the Villaret incident, the Pope appointed Elyon de Villenove as the Order’s new Master (a title first adopted by Folcques de Villaret). The pope did not have this power under *Pie postulatio voluntatis*, showing the despondency of the Order and its dependency on the Papacy in an era with no more crusades. Popes began to appoint key positions in the Order to friends and allies, blurring the lines between the two. This reached a peak around 1400. At this time, the Order also helped end the Western Schism (1378–1417).⁶⁵ Between the twelfth and fourteenth centuries, Hospitallers also served at royal courts such as in England or France. Meanwhile, European kings developed new strategies to maintain a grip over their lands, forbidding donations in mortmain (to religious organisations) without royal assent, effectively curbing the accumulation of church lands. New forms of diplomatic integration and military cooperation developed. In an attempt to renew the fight for Catholicism, a naval league was formed between Venice, Cyprus, and Rhodes in 1344, soon taking the Turkish port of Smyrna on the Anatolian coast.

That said, the Hospitallers’ arms had declined considerably by the fourteenth and fifteenth centuries, unable to muster armies greater than a few hundred knights. Technological and economic developments were changing the face of warfare, stopping the Hospitallers in their tracks more often than not. The majority of the Order’s members had never been on the frontlines, but managing one of their many estates throughout Europe. With the medieval Warm Period now giving way to the Little Ice Age, crop yields fell drastically and economic instability rose. Although the Hospitallers’ banking network was never as extensive as that of the Templars, it played a significant role in their diplomacy and was vital to their expeditions. One notable example is an expedition from the 1330s that was called off by Pope Benedict XII (*r.* 1334–42), who feared the Florentine counting houses would collapse if the

⁶⁴ The tongue of Castile, including Portugal, would split off from Aragon in 1462.

⁶⁵ Batora and Hynek, 118.

Hospitallers were to withdraw all their money from the banks, which would lead to Papal bankruptcy. Furthermore, the introduction of gunpowder and longbows on the battlefield gave rise to more extensive (and costlier) armour. Combined with the increasing professionalization of the military, this meant that only an elite group of wealthy nobles were able to fight. At the time of the crusades every able-bodied man was able to join up, but by the fourteenth century, knighthood had risen to an isolated socio-political caste.

As the political situation changed, so did the Order's military tactics. A real halt to the Ottoman advance came in the armies of the Mongol ruler Timur. Having lost control of Smyrna to Timur in 1402, the Knights moved their mainland activities to Bodrum, constructing a castle with the remains of the Tomb of Mausolus.⁶⁶ With the Ottomans resurgent following Timur's retreat, the Knights scaled back direct attacks and poised to play the Ottomans and Mamluks out against one another for as long as they could. Fifteenth century fighting efforts were increasingly collaborative. The Hospitallers received assistance from neighbouring naval powers such as the Venetians, Aragonese, and Genoese (when they weren't busy fighting amongst themselves). A Mamluk siege of Rhodes in 1444 was warded off with the help of a Dutch fleet sent by Duke Philip the Good of Burgundy. But it was not enough to stop the Ottoman advance, and Grand Master Jean de Lastic (*r.* 1437–1454) saw numerous islands lost following the fall of Constantinople in 1453. If the new title of Grand Master was intended to exude a more exalted status, then it succeeded, because it is used among the various Orders to this day. The actual situation was rather more dire. A siege in 1480 by Ottoman sultan Mehmed the Conqueror came close to succeeding but for the onset of winter and his death the following year. Following the Ottoman annexation of the Mamluk Sultanate in 1517, the game was up. In 1522, Sultan Suleiman the Magnificent and a force of 100,000–200,000 men laid siege to Hospitaller Rhodes. The Hospitallers surrendered on 18 December 1522, departing from the island on New Year's Day.

⁶⁶ This structure, also known as the Mausoleum of Halicarnassus, was known in ancient times as one of the Seven Wonders of the World. It is also the origin of the word *mausoleum*.

The Identity of the Hospitaller Order in the Middle Ages

Already from the very beginning of its existence we can identify numerous shifts in the role and identity of the Order of St. John of Jerusalem. Today, much of the founding of the Order is laid on Gerard, with the Sovereign Military Order of Malta celebrating ‘their’ 900th anniversary both in 1999 (to commemorate the Siege of Jerusalem) and in 2013 (to commemorate *Pie postulatio voluntatis*). And while Gerard’s role was undoubtedly pivotal, it marked the transformation of an even earlier religious community. The conquest of Kingdom of Jerusalem during the First Crusade changed the political context in which the *xenodocheum* had operated, from the safe haven of a religious minority to one of the key players in the region. The immediate gifts of land received by the Hospital and the instigation of similar institutions along the Mediterranean coast also transformed the scope of the project. Although the Hospital had been an example of transnational Christianity from its founding, the donations gave the Hospital a geopolitical footprint as well, constituting a change in its corporate identity. There was not just one hospital now, but an institution.

The confirmation of the Order by the pope and the ensuing legal privileges further redefined its collective identity, by tying the Order directly to the Papacy, as opposed to the existing episcopal and diocesan hierarchies. An interesting dynamic develops, where the Order is allowed to act all but independently, yet still needs to court the good graces of the pope as supreme ruler of Latin Christendom. If the pope does not will it, then the Order must show to withhold the fight, as in the 1170s or in the 1330s. These events show that all the freedoms granted to the Order are ultimately conditional, and the Papal hand will be more present at critical moments, in weakness or disunity. This can still be observed in the Order of Malta to this day.

It is common to speak of the Knights Hospitaller as we would of the Knights Templar, but the Hospitaller Order was not founded as a military one, and it took nearly a century for any military statutes to be codified, by which time they were no longer in control of Jerusalem. We must interpret this as a considerable change in the Order’s subjective interests, changing its type identity from a non-belligerent religious community to a military power. As did its role in the social community. Where the pre-crusade Hospital had sought an accommodating attitude toward the ruling Muslim powers, attitudes now hardened into an anti-Islamic opposition that would far outlast that of its partners. The creation of a knightly class among its ranks reflected a further change in its corporate identity, marking the

beginning of an ever-increasing hierarchy. This class was divided between lay and clerical members, one of the most enduring features of the Order of St. John from the very beginning to its spiritual successors in the present day.

The picture that arises out of this period is markedly different from the origins myth propagated by the Orders of St. John. The Sovereign Military Order of Malta has celebrated its 900th anniversary twice in recent times: in 1999, to mark the Siege of Jerusalem, and in 2013, to mark *Pie postulatio voluntatis*. These stressed the role of the ‘Blessed Gerard’ and Pope Paschal II as institutional founders of an independent Order. In actual fact, the foundation of the Order of St. John as a recognisable institution both precedes and succeeds these events, as its internal structures would continue to develop. Nevertheless, the afterimage of holy knightly order forged in battle is one that would deeply influence the values of the Order for centuries to come.

The conquest and subsequent settlement of Rhodes may appear to break with the Order’s commitment in the Holy Land, but on the whole this period marks a great deal of continuity. The Order continued to position itself as a menace to the Muslim advance, even if this meant getting in the crosshairs of the more accommodating Christian rulers. Its methods shifted to naval warfare, but its interests stayed the same. There was a growing status hierarchy within the Order and greater degree of military specialisation, reflecting wider trends across Europe. The biggest change was likely in the governance of Rhodes, which fell to the Order alongside its territorial governance.

What marks the Order during this period is its relative isolation. Fighting the crusades had always been a collaborative effort, made up of various forces. With the disappearance of the other Orders in the Eastern Mediterranean and other adventurers preferring to stay within their own territory, the Order was forced to rally local powers to their cause. They were markedly less successful in this, because their allegiance to the Pope placed them outside the other networks of power that were developing. Rising naval powers, such as Venice and Genoa, were more focused on securing their trade routes. Local rulers, caught in an endless web of changing political alliances, faced the realities of a chequered religious landscape. And the kings of Europe sought greater control over the land and its laws, often viewing the church as a rival authority. The Order of St. John had no natural rival: their nearest counterpart, the Teutonic Order, was situated in the Baltic. As such, the Order became increasingly reactive to the political developments within Christendom, forced to hold out support. Although its

members were increasingly part of a wide aristocratic network, this did not comparatively enhance the Order's standing within the community.

Indeed, the greatest change in the Order's identity in this period came from within. The Chapter General or provincial council, a legislative assembly comparable to a conclave or medieval parliament, first convened in the late twelfth century, bringing Hospitallers from all corners together to discuss new legislation. It would serve this role for the next four hundred years. Another example is the Council. The (Grand) Council, the executive branch of the Order, was headed by the (Grand) Master and met in the Convent. Although the Grand Master technically had supreme authority, it was expected of him to consult the Council or Chapter General. The conventual bailiffs, who made up the rest of the Council, all held a specific office, and were drawn from specific *langues*. They were, in order of rank: the Conventual Prior (head of the Order's churches and priests), the Grand Commander (Provence; Grand Master's second-in-command), the Hospitaller (France; head of the hospital and other charitable work), the Marshal (Auvergne; commander of the military), the Admiral (Italy; commander of the fleet), the Turcopolier (England; commander of mercenary troops), the Draper (Spain/Aragon; fabrics, clothing, and bedding), and the Treasurer (Germany; finance). Later, the offices of Grand Bailiff (Germany; oversight of fortifications, replacing the treasury) and Grand Chancellor (Portugal-Castile; head of the chancery) were added to the Council.⁶⁷

The specialisation and institutionalisation of the Order's internal organisation, the result of common practices codifying into law, can be observed at all levels of the Order's hierarchy. It reflects wider trends seen across Western Europe at the time. Despite their geostrategic interests being situated in Eastern Europe and Near East, the Order was a distinctly Western institution, whose members were socialised in the aristocratic networks of Western Europe. Some offices, such the Grand Commander Overseas or the Visitor, were explicitly tasked with maintaining the ties between the priories in the West and their Order's commitment to the East. As related in the previous part, some brothers of the Order held important functions at European courts, they allied with European naval powers, and remained under the watch of the pontiff. All this helped to tie the geographically religiously

⁶⁷ Jyri Hasecker and Jürgen Sarnowsky, eds., "III, de baiulivis 47: De linguarum et baiulivorum ac priorum numero et origine, Consuetudo" (n.d.), last modified 28 August 2008, The Medieval Statutes of the Hospitaller Order: A Synoptic Edition to the Web, online supplement to *Stabilimenta Rhodiorum militum: Die Statuten des Johanniterordens von 1489/93*, (Göttingen: V&R unipress, 2007), http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001084.

isolated brother-knights into the Western European sphere of ideas, ideas generally understood within a Catholic framework.

Furthermore, the creation of these internal institutions marks the formation of the Order's constitutional structures. It is on Rhodes that the Order begins to function as more than just a charitable-martial organisation, and develops a governance more akin to a legitimate state. The moral purpose of the Order remains clear, even if in practice it was more devoted to targeting petty piracy flying under an Islamic flag. The Order also possessed a sovereignty as it was understood during that time; the Grand Master was recognised as a prince with his own domain (with Rhodes as its crown jewel), holding the authority and regalia that were expected of a ruler of his stature. It derived its legitimacy from Christianity through a direct line with the pope, something few rulers in Christendom could boast. Justice within the Order had its foundations in the Rule of the Hospital formulated by Raymond du Puy in the twelfth century, and over time grew to a sizeable collection of legislation that was the subject of widespread review at the regular Chapters General. We will examine some of this legislation in the next part.

The *Stabilimenta Rhodiorum militum*: Hospitaller Law at the End of the Middle Ages

By the end of the Middle Ages, order in Europe was becoming increasingly legalised. So it was in the Order of St. John, which saw a feverish creation of new laws in the period following the Western Schism (1378–1417). It was however becoming clear that an ever-growing pile of new laws was not enough to govern the Order, particularly when attacks by the Mamluk Sultanate in the 1440s drained its coffers. To this end, Pope Eugene IV (*r.* 1431–1447) attempted to kick start a process of structural legal reform of the Order in 1446, becoming the first pope in a long line to take up this task. However, this effort was come to a sudden halt with his death the following year.⁶⁸ Legal reform laid dormant until the siege of 1480, when it gained political traction once more. From 1489 to 1493, vice-chancellor Guillaume Caoursin authored the revision of the Order’s statutes, known as the *Stabilimenta Rhodiorum militum* (Foundation of the Knights of Rhodes). These were drawn up in Latin, as well as in French, which was long a dominant language within the Order. The resulting constitution was printed, initially in Paris by an unknown printer, then by Bernardus Stagninus of Venice in 1495, and finally by Johann Reger of Ulm in 1496.⁶⁹ These incunabula represent some of the earliest printed books pertaining to the Order of St. John.

The most recent annotated edition of the *Stabilimenta* was edited by Jürgen Sarnowsky and Jyri Hasecker in 2007.⁷⁰ Sarnowsky has written extensively about the identity of holy orders in the Late Middle Ages, including the Rhodes-based Hospitallers. Unfortunately, many of these distinguished publications, including the *Stabilimenta*, were not available for research in the writing of this thesis. However, it is clear that there are many similarities to be found in the way these orders present themselves and their histories. On a companion website to the *Stabilimenta*, “The Medieval Statutes of the Hospitaller Order, A Synoptic Edition to the Web”, we can find transcripts of all the statutes that made their way into the *Stabilimenta*, in Latin and in French.⁷¹ A cursory examination of these texts gives us

⁶⁸ Jürgen Sarnowsky, *Macht und Herrschaft im Johanniterorden des 15. Jahrhunderts: Verfassung und Verwaltung des Johanniterorden auf Rhodos (1421–1522)*, (Münster: LIT, 2001), 31.

⁶⁹ Museum of the Order of St John, “Stabilimenta Militum Hierosolymitanorum,” 2021 virtual book exhibition, ed. Adriana Celmare, <https://museumstjohn.org.uk/collections/stabilimenta-militum-hierosolymitanorum/>.

⁷⁰ Jyri Hasecker and Jürgen Sarnowsky, eds., *Stabilimenta Rhodiorum militum: Die Statuten des Johanniterordens von 1489/93*, (Göttingen: V&R unipress, 2007).

⁷¹ Jyri Hasecker and Jürgen Sarnowsky, eds., The Medieval Statutes of the Hospitaller Order: A Synoptic Edition to the Web, online supplement to *Stabilimenta Rhodiorum militum: Die Statuten des Johanniterordens von 1489/93*, (Göttingen: V&R unipress, 2007), <http://www.josta.uni-hamburg.de/content/below/index.xml>.

an idea of the legal foundations of the Order of St. John in the Late Middle Ages, for which the Latin text will be leading.

The structure of the *Stabilimenta*, including two legal ratifications, an introduction, a table of contents, and various chapters, is surprisingly modern for a text compiled in the 1490s. Only the deeply religious nature of its justifications show the difference in institutional thinking. The book begins with a short prologue (*exordium*) by Grand Master Pierre d'Aubusson (r. 1476–1503), ratifying the legality of the legal code at the Chapter General in Rhodes on 5 August 1493. D'Aubusson makes a point of order in the book being written in Latin, as the brothers were used to speaking in their own vernaculars. This is followed by a Papal bull dated 4 July 1492, in which Pope Innocent VIII (r. 1484–92) signs off on the contents of the *Stabilimenta*.⁷² Next follows another introduction by d'Aubusson, arguing the need for the laws and resistance to the “strong spirit of Mohammed” (*forti animo Mahumetorum*), and thanking those who worked on the project (the Council plus one person from each *langue*).⁷³ A table of contents divides the book into three parts, seventeen rubrics (chapters), and 403 capitularies (laws).⁷⁴

Prima Pars

De origine religionis

De regula

De receptione fratrum

First Part

On the origins of the ‘religion’⁷⁵

On the monastic Rules; 6 capitularies

On the admission of brothers; 23 capitularies

Secunda Pars

De ecclesia

De hospitalitate

De thesauro

De capitulo

De consilio

Second Part

On the church; 42 capitularies

On the hospital; 21 capitularies

On the treasury; 40 capitularies

On the chapter general; 11 capitularies

On the council; 21 capitularies

⁷² Ibid, “Prolog (Exordium) der Stabilimenta Rhodiorum militum in Form der Bulle des Generalkapitels von 1493 August 5 und der Bulle Dum preclara religionis Papst Innozenz’ VIII. von 1492 Juli 4: Approbation der Stabilimenta Rhodiorum militum” (5 August 1493 and 4 July 1492), last modified 18 October 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001267.

⁷³ Ibid, “Exordium in stabilimenta” (10 October 1489), last modified 20 October 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001269.

⁷⁴ Ibid, “Declaratio partium, rubricarum et capitulorum voluminis stabilimentorum” (n.d.), http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001271.

⁷⁵ This is a reference to the Order of Saint John, which was often referred to as simply ‘the religion’.

<i>De sgardio</i>	On the tribunal of the brethren; 18 capitularies ⁷⁶
<i>Tertia Pars</i>	<u>Third Part</u>
<i>De magistro</i>	On the Grand Master; 16 capitularies
<i>De baiuilivis</i>	On the conventual bailiffs; 47 capitularies
<i>De prioribus</i>	On the priors; 24 capitularies
<i>De fratribus ac inhibitionibus et poenis</i>	On the brothers, prohibitions, and fines; 71 capit.
<i>De electionibus</i>	On the elections; 20 capitularies
<i>De collationibus</i>	On the collection of taxes; 30 capitularies
<i>De alienationibus</i>	On breach of contracts; 9 capitularies
<i>De arrendamentis</i>	On the lease of land; 4 capitularies

In addition, 18 new capitularies were ratified at the 1493 chapter general.

Most of the laws in the *Stabilimenta* are for internal use only, and thus give us little indication to the international or political standing of the Order. These are largely procedural, or in the case of the treasury, precautions against embezzlement. There are laws regulating public audiences, such as *De consilio III*, and laws guarding the secrecy of the council's decisions, such as *De consilio IV*, which also forbids 'secular persons' from attending the council.^{77 78}

One law, *De consilio XIX*, notes the council's sovereignty in foreign policy:

*Ad scandala et damna, que oriri possent, evitanda stabilimus, quod in religione nostra non possint iniri aut componi inducie vel pax cum Turcis, Mauris aut aliis infidelibus nisi dumtaxat cum deliberatione magistri et consilii completi. Quod si aliter factum sit, penitus caducum censeatur.*⁷⁹

In order to avoid any scandals or damages that may occur, we establish that in our Order it is not possible to enter into any truce or settlement with the Turks, Moors, or

⁷⁶ This tribunal was set up as a check against the Grand Master's supreme power, to defend the brothers if his orders are deemed unlawful or despotic.

⁷⁷ Hasecker and Sarnowsky, "II, de consilio 3: Quod celebretur qualibet hebdomada audientia publica, Frater Philibertus de Nilliacho magister" (19 September 1410), last modified 2 January 2009, The Medieval Statutes of the Hospitaller Order, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001463.

⁷⁸ Ibid, "II, de consilio 4: Quod secularis persona non intersit consilio, Frater Philibertus de Nilliacho magister" (20 May 1410), last modified 2 January 2009, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001465.

⁷⁹ Ibid, "II, de consilio 19: De induciis aut pace ineundis et componendis, Frater Baptista de Ursinis magister" (26 November 1471), last modified 8 January 2009, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001494.

other unbelievers, except after the deliberation with the Grand Master and the full Council. Any deals made otherwise should be considered null and void.

The wording of this law reflects the spirit of eternal holy war that formed the basis of the Order's international policy, references to which are sprinkled throughout the book. The 1480 siege of Rhodes, successfully held off by the Hospitallers, is recounted to commemorate the founding of the Church of Our Lady of Victory, in *De ecclesia XXXIX*.⁸⁰ Occasionally, as in *De regula III*, "Exercitium milite pro Christo", comparisons would be drawn between the brothers and the "Maccabean martyrs".⁸¹ This reference is explained in the history of the Order at the start of the *Stabilimenta*, where in true Renaissance style, the origins of the hospital at Jerusalem are traced all the way back to the ancient world. In this account, the mythical founder of the hospital is Judas Maccabeus, who led the Maccabean Revolt against the Seleucid Empire in the 160s BCE.⁸²

References to international politics in the *Stabilimenta* are few and far between, and appear most concretely in capitularies that deal with overseas offices, such as the castellans of the Order's various keeps. Two notable ones include *De thesauro XIII*, which stipulates the pay of ambassadors and traveling orators, and *De electionibus XII*, which concerns the election of the procurator-general, the Order's representative at the Papal curia.^{83 84} This capitulary stresses the need for good relations with Rome.

We also find some references to the political status of the Grand Master in the section dedicated to him. Of these, *De magistro V* (dated to 4 August 1278) is interesting for giving him the right to use a wax seal, giving him a degree of legal authority.⁸⁵ *De magistro VII*,

⁸⁰ Ibid, "II, de ecclesia 39: Fundatio oratorii sancte Marie de victoria, Frater Petrus Daubusson cardinalis et magister" (October 1489), last modified 12 July 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_0000942.

⁸¹ Ibid, "I, de regula 3: Exercitium militie pro Christo, Consuetudo" (n.d.), last modified 25 October 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001279.

⁸² Ibid, "Primordium et origo sacri xenodochii atque ordinis militie sancti Ioannis Baptiste hospitaliariorum Hierosolymitani" (n.d.), last modified 23 October 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001273.

⁸³ Ibid, "II, de thesauro 13: Que stipendia thesaurus solvere debet oratoribus, Frater Antonius Fluviani magister" (23–24 May 1428), published 19 July 2007, last modified 7 July 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00000002.

⁸⁴ Ibid, "IV, de electionibus 12: De electione procuratoris generalis Romane curie, Frater Iacobus de Milly magister" (17 November 1454), last modified 11 April 2009, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001678.

⁸⁵ Ibid, "III, de magistro 5: De bulla plumbea et cerea magistri, Frater Nicolaus Lorgne magister" (4 August 1278), last modified 16 August 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001041.

dated to 5 March 1367, confirms the territorial possession of Rhodes and the surrounding isles to the office of the Grand Master, an important step in the legal development of the Grand Master as the princely sovereign of a state.⁸⁶ In this sense, it is also interesting to take note of *De magistro IV*, which designates the requirements for holding the office of Grand Master, namely that he be of a knight of the Order of St. John, and born of legitimate gentle birth.⁸⁷ In practice, this had always been the case. This law is noteworthy for being the earliest of the thirteen capitularies signed by Grand Master Hugues Revel (*r.* 1258–77) at his first chapter general on 12 September 1262, that were incorporated into the *Stabilimenta*. Revel can be seen as the Order’s first lawgiver, initiating a trend of legalization that culminated in the *Stabilimenta* 231 years later. A chronological overview of the capitularies in the *Stabilimenta* can be found in appendix C.

The *Stabilimenta* concludes with a bull from Grand Master d’Aubusson, dated 5 August 1493, and a list of 17 new laws that were signed in the same chapter general.^{88 89} These laws are only available in French and do not seem to have been translated into Latin.

⁸⁶ Ibid, “III, de Magistro 7: De insula Rhodi applicata magistratui, Frater Raymundus Berengarii magister” (5 March 1367), last modified 16 August 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001045.

⁸⁷ Ibid, “III, de Magistro 4: Quod nullus possit esse magister hospitalis nisi frater miles gentilhominibus parentibus legitime procreatus, Frater Hugo Revel magister” (12 September 1262), last modified 16 August 2008, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001039.

⁸⁸ Ibid, “Declaratio rubricarum et capitulorum stabilimentorum capituli generalis Rhodi celebrati anno incarnationis dominice Mcccclxxxiii” (5 August 1493), last modified 13 June 2009, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001777.

⁸⁹ Ibid, “Bulla stabilimentorum capituli generalis. Mcccclxxxiii” (5 August 1493), last modified 13 June 2009, http://www.josta.uni-hamburg.de/receive/JohanniterStatuten_variante_00001779.

Conclusion

In reviewing the early development of the Order of St. John of Jerusalem, it quickly transpires that the Order's institutional origins differ significantly from the myths and legends that have sprung up around it. However, this mythmaking has been a feature of authoritative texts on the Order for centuries, as demonstrated in the fictional account of the Maccabean origins of the hospital at Jerusalem. It is common practice to find some fanciful, illustrious origins for a state or organisation. Tellingly, these tales seem to get less outlandish over time.

The institutional identity of the Order in the Middle Ages is fluid and constantly in motion, with familiar elements such as its military and chivalric traditions becoming entrenched over time. It is sometimes difficult to represent the Order's true nature at a given point in time, due to the received conceptions we have inherited from a later date. There is even a prehistory of the hospital before the Order. Nevertheless, we can identify a number of identifying markers.

As a legal corporate entity, the Order of St. John was a lay religious order, whose brothers swore an oath of poverty, chastity, and obedience. This order included by laymen and professed religious men, such as priests and chaplains. Its initial mission was to maintain a hospital in Jerusalem for visiting pilgrim, the poor, and the sick. Even after the loss of Jerusalem, the Order continued to operate hospitals. Military efforts to hold back the advance of Islam in the Eastern Mediterranean supplanted this mission to an extent, but only a small number of brothers had the financial capacity to act as knights. This hierarchy grew as time went on. Senior Hospitallers were typically of noble stock, and as such had an extensive international network, often spending time in the courts of other princes. The Order was territorially decentralised, and various measures were taken to ensure unity between East and West. Various offices were created to consolidate power, and regular assemblies encouraged the legalisation of power, but supreme power lay in the hands of the Grand Master. The Order existed separately from other churchly jurisdictions, falling under the direct supervision of the Pope. Although the Order was given the privileges to act autonomously, the Pontiff could and did intervene in times of crisis and/or convenience.

The Order's extensive transnational network of people and estates, made possible by the supreme power of Christianity across Europe, gave rise to an international actor with wide localised sway, but relatively little centralised power. It should be noted that the Order of St.

John was not unique or out of the ordinary in its day. It was one of several military orders that survived the end of the eastern crusades, including the Teutonic Order located in the Baltic. Its members were a part of mainstream aristocratic society, just like territorial, abbots, knights, and bishops came from other aristocratic families. Its hatred toward Islam was widely shared among Europeans, as was its attitude of rulers in the Eastern Roman Empire, who did not follow the Pope and who were sometimes pushed to collaborate with the heathens. It is true that the Order held on longer in its interest in a new crusade, even after this became militarily and financially unpopular. They were never the bulwark against Islam that they liked to claim, but were a significant regional player in the Eastern Mediterranean. They put up a good fight, but were ultimately rooted from their power base multiple times: in Jerusalem, in Acre, on Rhodes.

The Order of Saint John in the Early Modern Era (1530–1798)

This chapter will cover the development of the Order during their settlement on Malta in the early modern period, culminating in their expulsion by Napoléon Bonaparte in 1798. The history in this chapter is similarly based on *The Knights Hospitaller*.⁹⁰ We will round off this chapter by examining their Enlightenment-era legal code, the *Codice de Rohan*, which came into force near the very end of this period.

The Hospitaller Order on Malta (1530–1798)

Despite their military defeat, the Knights enjoyed great prestige for their valiant efforts in battle. Master Philippe Villiers de l'Isle-Adam (*r.* 1521–34) personally enjoyed a heroic reputation as a result of numerous naval successes.⁹¹ Consequently, there was no talk of disbanding the order, as there had been following the loss of Acre. That Pope Clement VII himself had been a Hospitaller knight may have helped. For several years, the Hospitallers swerved around the Mediterranean while scouting for their new location: Crete, Messina, Viterbo, and Nice all served as temporary settlements. Finally, on 23 March 1530, Emperor Charles V in his capacity as king of Sicily, donated the Maltese archipelago and the North African port of Tripoli to the Order of St. John. The Hospitallers swore an oath of fealty to the king and henceforth paid an annual tribute in the form of a Maltese falcon.⁹² In 1548, Charles also granted them the Principality of Heimersheim in the Holy Roman Empire, including a permanent seat in the Imperial Diet. The Order's fight against the Ottomans also turned for the better. Although they lost Tripoli in 1551, the Knights successfully defended Malta against Suleiman during the Great Siege of 1565 and contributed to the Holy League's mythic victory at the naval battle of Lepanto in 1571. The Ottoman advance into Europe was now successfully halted. Following the Great Siege, work began on a new fortified capital under the rule of Master Jean Parisot de la Valette (*r.* 1557–68). The Order relocated from Birgu to the newly-constructed Valletta in 1571. It is this period, particularly the Great Siege, which is remembered as the Order's golden hour.

⁹⁰ Nicholson, *The Knights Hospitaller*.

⁹¹ The style of Grand Master was dropped by l'Isle-Adam and his successor, and would return under Grand Master Antoine de Paule (*r.* 1623–36).

⁹² This symbol was later immortalised in John Huston's 1941 noir film *The Maltese Falcon*, an adaptation of a 1930 novel by Dashiell Hammett.

But not all was well with Catholicism. The Reformation had irrevocably changed the religious and political landscape of Europe, forcing many princes to adapt to the circumstances. In 1525, The Teutonic Order secularized into the Duchy of Prussia, leaving the Hospitallers as the largest remaining military Order. The dissolution of the monasteries and the establishment of the Anglican Church on the British Isles effectively put an end to the Hospitallers' activities there by mid-century. The Hospitaller Bailiwick of Brandenburg was converted to Lutheranism and came under the control of the ruling family, the house of Hohenzollern. When priories in other Lutheran states also faced extinction, many of their members joined the Brandenburg Order of St. John, known as the *Johanniterorden*. This became the first of many alternative Orders of St. John. The *Johanniterorden* was nationalised into a royal possession of the Hohenzollern family in 1811, but it still exists, including autonomous commanderies in Finland, France, Switzerland, and Hungary. Two commanderies split off from the Johanniter in 1946, becoming the Orders of Saint John in the Netherlands and Sweden, and are presided over by their respective monarchs. A British order was re-established in the nineteenth century and continues to run a number of international health care organisations, including St John Ambulance and the St John Eye Hospital in Jerusalem. In 1961, the German, British, Dutch, and Swedish orders formed an alliance to strengthen their claim to the heritage of the Order of St. John, as opposed to other, so-called 'self-styled' or false Orders that were established in the 19th and 20th centuries. In 1987, they signed a joint declaration with the Sovereign Military Order of Malta.⁹³ One source lists as many as twenty different non-recognised Orders of Malta by 1995.⁹⁴ The Catholic Order, which is the one we shall continue to follow, had plenty of its own problems during the Reformation. The Wars of Religion caused widespread damage to its churches and estates, and the Order was criticized severely for its opposition to the reforms proposed at the Council of Trent (1545–1563).

The Order's perennial argument against reform was that it would inhibit its primary purpose, which was still to fight the Ottomans (who were by then the only Muslim power in the Mediterranean save for the Moroccan sultanate). In this, the Hospitallers still had the support of the Papacy. In practice however, the Order's armed forces were simply too small to secure territory. It now refocused its efforts on privateering. Hospitaller Corsairs would raid

⁹³ The Alliance of Orders of the Hospital of St. John of Jerusalem, "About," accessed 24 June 2022, <http://www.allianceofstjohn.org/>.

⁹⁴ James J. Algrant, "The Proliferation of Russian and Other 'Orders' of St. John," Stichting Argus, published 1995, accessed 24 June 2022, <http://www.stichtingargus.nl/vrijmettselarij/ridders/orderstjohn1.html>.

the ships of Muslim traders and those suspected of trading with Muslims, such as the Venetians. They would also, on occasion, attack Christian merchants without any apparent religious motive. In diplomatic relations, the Order emphasised the anti-Islamic message, perhaps to distance themselves from rogue privateers. This however also made the Order unpopular, as international opinion shifted away from war and toward trade. During the Wars of Religion, the Ottoman menace came to be re-evaluated, while Hospitaller foreign policy continued their old maxim that ‘the friend of my enemy is my enemy’, just as they had acted against the Turkish-allying Greeks two centuries earlier. This policy led to various hostilities with trading ports, particularly with the Republic of Venice. From the 1590s, even the Papacy softened its stance toward the Ottoman trade, leading the Hospitallers to conduct a begrudging ceasefire with the Venetians. Even a Moroccan emissary was treated more warmly by the Order, given that the Moroccans were a potential ally against the Ottomans. Over the course of the seventeenth century, the fight against the Ottoman traders dwindled against the growing dominance of commercial interests in the Mediterranean. France and Venice were especially keen to keep the Hospitaller fleet at bay, and French interests had always been strongly represented within the order. By the century’s end, the Order’s days of fighting Islam were over. A Tacit Truce was signed with the Ottoman Empire in 1723.⁹⁵ Malta would however remain a favourite training outpost for French and Russian naval officers.

As their fight for Christendom was leading to a dead end, the Hospitallers shifted the attention of their military activities. The states on the Barbary Coast were notorious for harbouring pirates, a scourge of Christian and Muslim traders alike. From the start of the eighteenth century, Hospitaller corsairs began targeting piracy in the Mediterranean. It is also during this time that the Knights Hospitaller participated in that defining activity of the era, the European colonisation of the Americas. Although colonisation is often remembered in national terms, in fact there were all kinds of private and sub-national schemes to sponsor colonial ventures. One such venture was the *Compagnie des Îles de l’Amérique* (Company of the American Islands), a French charter company that controlled a number of Caribbean holdings in the 1630s and 40s. Phillipe de Longvilliers de Poincy, a French aristocrat and an influential member of the Order, ascended to the governorship of the company in 1639. Poincy proved headstrong and difficult, refusing to be removed from his position. He suggested instead that the French government sell the islands, and the *Compagnie des Îles de l’Amérique* was dissolved in 1651. The Hospitallers purchased four settlements: Saint-

⁹⁵ H. J. Hoegen Dijkhof, “The Legitimacy of Orders of St. John,” 141.

Christophe, Saint-Martin, Saint-Barthélemy, and Sainte-Croix.⁹⁶ This consisted of three islands and a half, since the southern half of Saint Martin was and is part of the Netherlands. The Hospitallers served as governors of the island, which remained under the royal sovereignty of King Louis XIV of France. The Hospitallers also attempted to oust Poincy, and replace him with Charles de Montmagny, a former governor of the colony of New France, but Poincy successfully resisted. Only upon his death in 1660 did a new governor take over control, Montmagny having passed away in the interim. Disappointed with the lack of profits, the Knights sold the colonies back to the newly-formed *Compagnie françaises des Indes occidentales* (French West India Company) in 1665. Thus ended the brief period of Hospitaller colonisation.

By the dawn of the eighteenth century, Malta was turning into a modern European state. The *Sacra Infermeria* hospital in Valletta was home to advances in medical science, and some of the knights were prominent scientists.⁹⁷ This was also reflected in the style of ruling. The style of Grand Master was reintroduced in the seventeenth century, signalling a new increase of pomp and circumstance. They ruled with increasing decorum and autocracy, as was the general tendency throughout Europe. The defining ruler of this era is Grand Master Emanuel Pinto da Fonseca (*r.* 1741–73). Pinto presented himself as an enlightened monarch, establishing the University of Malta in 1769 and financing many new baroque constructions, bringing the Order in financial trouble after his death. Notably, Pinto adopted the style of Eminent Highness and to add the closed crown to the standard of the Grand Master, a symbol reserved for royalty.⁹⁸ This incurred the wrath King Charles V of Sicily and VII of Naples, starting a dispute that ended the following year in 1754. This event is one of several argued by historians sympathetic to the Order to be their declaration of independence. The historical record suggests otherwise. Malta still followed the decrees of the Sicilian king, as is evident in the expulsion of the Jesuits in 1768, the event that led directly to the founding of the university.

The death of Pinto da Fonseca marks the beginning of the Hospitallers' final period in Malta, the Enlightenment now knocking on their door. In 1776, Grand Master Emmanuel

⁹⁶ The present status of these islands varies. Saint Christopher Island holds the capital of the Federation of the Saint Kitts and Nevis. Saint-Martin and Saint-Barthélemy are French overseas collectivities. Saint Croix is a district of the U.S. Virgin Islands.

⁹⁷ An interesting example is Déodat de Dolomieu (1750–1801), the geologist after which dolomite is named, as well as the mountain range where he first described it.

⁹⁸ Sire, "A Modern Resurrection," 9.

de Rohan-Polduc (*r.* 1775–1797) called the Chapter General together for the first time since 1631, after a lacuna of 145 years. Again, the French influence on the Order is striking. And much like France, the Order was deeply in debt after Pinto's spending spree. Nonetheless, Rohan attempted to modernise, presenting himself as an enlightened autocrat. Rohan issued two comprehensive legal reforms: the *Codice de Rohan*, issued in 1782, compiled the laws of the Order, and the 1784 *Diritto Municipale* did the same for civilian population of Malta. But Rohan was still an autocrat, and his attempt to break away from the church to form an independent state were met with fierce resistance. In 1793, Pope Pius VI even threatened to dissolve the Order in response to Rohan's absolutism. In foreign affairs, diplomatic negotiations with Russia and the Ottoman Empire stalled over religious differences and legal impossibility respectively, and talks of an alliance with the United States of America under President Washington also came to nought. But all this was nothing compared to the political revolution that was taking Europe by storm.

In 1789, the French Revolution rose up against the first and second estates. Reforms aimed at secularising the French state severely handicapped the Order, effectively nationalising the French *langues* in 1791 and confiscating their property the following year. The Polish priories, which had recently joined the newly-created Anglo-Bavarian *langue*, were conquered by Russian during the Second and Third Partitions of the Polish-Lithuanian Commonwealth (1793/1795), and rebranded themselves as Russian priories. Following the execution of King Louis XVI in January 1793, the Order broke off diplomatic contact with the new republic, only narrowly avoiding war as the Reign of Terror plunged France into turmoil. After Rohan's passing in the summer of 1797, the Order decided it would be wise not to elect another Frenchman given the political circumstances, and picked Ferdinand von Hompesch (*r.* 1797–98, *gm.* 1798-99) as his successor, the first Grand Master of the German *langue*. This was interpreted by France as an Austrian coup, and set out to dispossess the Order of its holdings in Spain and on Malta. The French fleet, commanded by General Napoléon Bonaparte on his way to Egypt, arrived at Malta on 9 June 1798. The British Admiral Horatio Nelson had been notified of the coming attack, but was delayed due to weather conditions. On 10 June, the French disembarked and sparked an insurrection among the native Maltese, who needed little encouragement. Severed in finances by Revolutionary reforms, without their Grand Master by their side, and hopelessly outnumbered, the Knights were in disarray. Hompesch surrendered on the 11th, and the Hospitallers disembarked from Malta on the 17th of June 1798. They would not return again. The Order was once again

without a home, but the French Revolution posed a much more existential threat to their *modus operandi*. Losing Malta would prove to be only the beginning of their problems.

The Identity of the Hospitaller Order in the Early Modern Era

The Order's sojourn on Malta between the sixteenth and eighteenth centuries is a period marked with both continuity and change. Where the previous period on Rhodes was marked by the continuing development of internal institutions, by the fifteenth century this process had largely settled down. The Order of the eighteenth century were, by and large, still working in the same framework as their forebears. Their practices had changed, particularly their military activities and the autocratic rule of the Grand Master, but the organisational structure was still the same. This cannot be said for the Order's external interaction, particularly with the rapidly changing nature of the international system. The Order was affected by the cultural changes that took hold of the international community, and did not fare all the better for it.

The Order's 'golden hour', their defence of Malta in the Great Siege of 1565, gives us a great indication of the kind of identity the Order longed to play. The knights of St. John saw themselves world in which they were the heroic defenders of a united Christian Europe, able to hold back the Ottoman advance, and perhaps, with enough help, capable of taking back Jerusalem. Ever since the siege of Rhodes in 1480, the Order had used the medium of print to disseminate propaganda of their heroic triumphs and bitter defeats, all across the Latin-speaking world.⁹⁹ In actual fact, though Malta was certainly a strategic stronghold in the Mediterranean, the Hospitallers played only a minor role in the wars with the Ottomans, due to their limited means. Although the brothers themselves were quite wealthy, they simply could not measure up to the vast resources commanded by continental powers such as the Austrian or Spanish Habsburgs, or the trading powers such as the Venetians, that ultimately took charge in battles. Without wishing to downplay their victories, on a collective scale, the Order's role in this conflict was of a largely symbolic nature.

The sixteenth and seventeenth centuries see two major shifts in the Order's identity. The first is external, a refocusing of the type of entity they are, as Western Christianity splits in two. The Hospitallers go from being a Christian order to being a Catholic Order, with the shrinking or outright disappearance of their most northerly *langues*. I am not aware of any altercations where the Order was directly involved in the Wars of Religion, but the change must certainly have been felt, especially in the German priories. The second change is

⁹⁹ Theresa M. Vann and Donald J. Kagay, *Hospitaller Piety and Crusader Propaganda: Guillaume Caoursin's Description of the Ottoman Siege of Rhodes, 1480*, (London: Routledge, 2016).

internal, and it is one of the major changes in the Order's subjective interests in its entire history. The commercialisation of international relations in the Mediterranean, and the mercantile interests that grew out of it, gave the Order an opportunity to reframe its fight against Muslim ships. Attacking Ottoman traders upset their trading partners, but attacking the growing number of Barbary pirates would help defend trading interests. It also carried the added advantage of giving the Hospitallers enemies roughly their own size, increasing their odds of victory. And indeed, after the Order had vacated Malta, its primary legacy in the international arena was their patrolling of the Mediterranean, as reported by the Austrian cabinet during the Congress of Aix-la-Chapelle (1818):

Il doit, en un mot, être moins question de combattre un Corps armé que de surveiller, de poursuivre et de détruire des brigands. Si tel est le cas, une gendarmerie rendra de meilleurs services que les bataillons les mieux exercés.

La révolution a détruit une antique institution qui depuis des siècles avoit rendu dans ce genre les plus grands services. Ces services eussent toutefois été plus efficaces encore si l' Ordre de Malte n'avoit eu que le seul but de faire la police de la Méditerranée, et si tous les moyens que possedoit cet Ordre eussent été voués exclusivement à ce but d'utilité générale.¹⁰⁰

It is, in a word, less a question of combating an army corps than to watch, pursue, and destroy brigands. If such is the case, a gendarmerie would render better service than the best exercised battalions.

The Revolution destroyed an ancient institution which for centuries had rendered the greatest services of this kind. However, these services would have been even more effective if the Order of Malta only had the sole purpose of policing the Mediterranean, and if all the means that this Order possessed had been exclusively devoted to the purpose of this common good.

The author then goes on to suggest that the Order might have been reformed to fully serve this purpose, had the Order continued to exist.¹⁰¹ It is unclear to what extent this could have been

¹⁰⁰ [Klemens von Metternich], "Vote du Cabinet Autrichien sur les Barbaresques," annex to the protocol of the 31st sitting of the Congress of Aix-la-Chapelle (13 November 1818), Bl 82r, in *Mächtekongresse 1818–1822*. Digitale Edition, eds. Karin Schneider and Stephan Kurz, accessed 24 June 2022, https://maechtekongresse.acdh.oeaw.ac.at/pages/show.html?document=Aachen_Prot_31.xml.

¹⁰¹ *Ibid.*, Bl. 83r.

realised, as the Austrian government was the Order's main political refuge after the Revolution, but it is a telling excerpt from one of the rare mentions of the Order in the Concert of Europe.

The episode detailing the Order's colonial adventure has been included to put its activities in the wider context of European history. The positions of Philippe de Longvilliers de Poincy and Charles de Montmagny, both in the Order of St. John and the French colonial administration, demonstrate how closely the Order was linked with the major powers of its day. A minor player it may have been, but the Order was always close to the centre of Europe's old aristocracy, as are its descendants today. This proximity goes some ways toward explaining the Order's unusual longevity. The colonial episode further demonstrates the Order's ability to govern people and their territories, just like any other European state. It did not fundamentally change the nature of the Order of the Hospital, but frames it in a different light. And it serves a reminder that colonial ventures as the considerable financial and administrative investments that they were, rich with potential for autocracy, misrule, and bankruptcy for those involved.

The era of absolute monarchy mostly affected the Order's personal internal identity. The Chapter General last convened in 1631, not long after the last meeting of the French Estates General. This signals a shift of power toward the council, and particularly, to the Grand Master himself. If the statutes of the Order needed to be revised, which on occasion they did, it was always on the orders of the Grand Master. Furthermore, the adoption of the closed crown of monarchy by Pinto da Fonseca betrays a desire to measure up in Europe's increasingly absolutist international society. The inflation of the status hierarchy was not a reflection of the Order's growing power, but rather the lack of it. Much like the adoption of the title of Master by Folques de Villaret in the early fourteenth century, and that of Grand Master by Jean de Lastic in the mid-fifteenth century, it was an artificial inflation of power at a time when the Order's real power was shortcoming. If it was an attempt to sway the Order's collective identity within international society, then subsequent events bear out how little effect it had in the end. There is no record of a change in the relationship with either of the Order's closest associates at this point: not with the Pope, not with the French government, and certainly not with the king of Sicily.

An assessment of the Hospitallers during their final hour on Malta is not simple. Like its contemporary, the Holy Roman Empire, it was an ancient institution that sometimes

struggled to adapt to the modern world, but it was still active and reforming its internal organisation right up until its disappearance. Had the French Revolutionary government not interfered, the Order would likely have continued to rule Malta well into the nineteenth century. It is at this point that historians begin to speculate why the Order did not return after the Revolution. Sire, who covered this question in detail in *The Knights of Malta: A Modern Resurrection*, puts the immediate blame with Ferdinand von Hompesch, the last Grand Master on Malta, who is described as a weak man. He puts further blame on his successors, well into the first decades of the nineteenth century, each time underlining their inability or unwillingness to act. There may be some truth to this, but Sire's clear preference for strong leadership ignores the structural problems that were plaguing the Order. Both in this chapter and in the last, traces of a deeply-rooted conservatism can be found within the Order. The brother-knights displayed an unwillingness to review their objectives within the wider context of Christendom on multiple occasions. By the 1790s, their virulent anti-Islamism was sinking their diplomatic entreaties and their dictatorial rule of Malta put even the Pontiff to shame. This was not the mark of an enlightened monarchy or an effective policing force.

Furthermore, evidence suggests that the Order already had some deep internal issues. By the eighteenth century, visitors and other commentators regularly complained about the backwards state of the *Sacra Infermeria*, the statutory hospital that directly reflected the Hospitallers' sacred duty, and they bemoaned the loose morals of the brother-knights. After the 1775 Rising of the Priests, in which the Maltese clergy rose up against the Hospitallers, the Regiment of Malta was created. All this culminated in a number of subversive books. These include the seditious *Mustafà Bassà di Rodi, schiavo in Malta* (Mustafà Bassà of Rhodes, slave in Malta), an account of the discovery of a planned uprising of the Muslim slaves on Malta in June 1749, and the brutal crackdown that followed.¹⁰² The Order banned and suppressed the book, making it extremely rare.¹⁰³

Another book is *L'Ordre de Malthe dévoilé*, a scathing exposé by a certain Carasi published in two volumes in 1790, and translated as *The Order of Malta Exposed* by Thomas Freller in 2010.¹⁰⁴ This book, written by an ex-soldier in the Regiment of Malta, details the many faults of the Order in their governance of Malta. In particular, the lack of industry on Malta

¹⁰² Michele Acciard, *Mustafà Bassà di Rodi, schiavo in Malta*, (Naples: Appresso Benedetto and Ignazio Gessari, 1751).

¹⁰³ For more information, see: Robert Thake, *Patriotism, Deception, and Censorship: De Soldanis and the 1751 Account of the Uprising of the Slaves*, (San Gwann: BDL Publishing, 2013).

¹⁰⁴ Carasi [pseud.], *The Order of Malta Exposed*, trans. Thomas Freller (Gudja: Gutenberg Press, 2010).

led many poor young men to sell themselves as galley slaves, while Maltese women were subject to the licentious advances of the (officially celibate) brothers of St. John. Carasi also describes the deplorable state of the Hospitaller navy and their coastal defences, and the laissez-faire attitude of the Grand Masters in fixing fundamental problems. Even if some of Carasi's polemic may have been rhetorical, his account corroborates enough with that of others for it to ring true. Combined with Sire's rather different account of this period, it seems that the late Order was more often awe-inspiring than effective. The ease with which General Bonaparte overwhelmed them in 1798 adds further credence to this argument.

The *Codice de Rohan*: Hospitaller Law at the End of the *Ancien Régime*

Hospitaller legal texts were published and amended several times throughout the early modern period, each time adding the new laws that were written in the interim. The first reprint of the *Stabilimenta* was in 1534 under Master l'Isle-Adam. Sixty-nine new capitularies were added, up to a total of 472.¹⁰⁵ The 1556 reprint, now named *Statuta* (Statutes), added three new chapters and forty-three new capitularies, now up to 519.¹⁰⁶ Another revision of the *Statuta* was published in 1586 and brought the total number of capitularies up to 566.¹⁰⁷ It also included a liturgical calendar for the first time. The next *Statuti* would not be printed until 1676, and would be the first of the Order's constitutions to be published in Italian.¹⁰⁸ This version also included the ordinances of the 1631 chapter general. However, no notable new laws were added at this time, nor were there when the *Statuti* were reprinted in 1719.¹⁰⁹

Following the latest chapter general in 1776, work began on the creation of a new legal text for the Order. It is worth noting that the two remained separate, meaning that Maltese civil law did not cover the Grand Master and his brothers. The Order's new constitution, the *Codice del Sacro militare ordine Gerosolimitano* (Code of the Holy Military Order of Jerusalem), was promulgated in 1782, with a compendium published the following year.^{110 111} Both books were published by Fra' Giovanni Mallia at the palace printing press in Valetta. The code is commonly referred to as the *Code Rohan* or *Codice de Rohan* after Grand Master Emmanuel de Rohan-Polduc, who commissioned both works. In addition, a 1792 university textbook on the *Codice*, simply titled *Lezioni su gli statuti*, also survives.¹¹² This book, prepared by Antonio Micallef, professor of Civil Law at the University of Malta between 1771 and 1809, was published by the palace printing press, giving close to an official interpretation of the code. This book was translated as *Lectures on the Statutes of the Sacred Order of Jerusalem* by Wolf-Dieter Barz and Michael Galea in 2012.¹¹³

¹⁰⁵ *Stabilimenta militum sacri ordinis divi Joannis hierosolymitani* [...], (Salamanca: Juan de Junta, 1534).

¹⁰⁶ *Statuta ordinis domus Hospitalis Hierusalem*, (Rome: Antonio Blado, 1556).

¹⁰⁷ *Statuta hospitalis Hierusalem*, (Rome, 1586).

¹⁰⁸ *Volume, che contiene li Statuti della Sacra Religione Gerosolimitana* [...], (Borgo Novo: Bartolomeo Cotta Stamp, 1676).

¹⁰⁹ *Statuti della sac. religione di S. Gio. Gerosolimitano* [...], (Borgo Novo: Antonio Scionico, 1719).

¹¹⁰ *Codice del Sacro Militare Ordine Gerosolimitano*, (Valetta: Giovanni Mallia, 1782).

¹¹¹ *Compendio delle materie contenute nel codice del Sacro Militare Ordine Gerosolimitano*, (Valetta: Giovanni Mallia, 1783).

¹¹² Antonio Micallef, *Lezioni su gli statuti*, (Valetta: Giovanni Mallia, 1783).

¹¹³ Antonio Micallef, *Lectures on the Statutes of Sacred Order of St. John of Jerusalem*, eds. Wolf-Dieter Barz and Michael Galea (Karlsruhe: KIT Scientific Press, 2012).

The text of the *Codice* is very similar to that of the *Stabilimenta*, having been inherited from previous printings. But three centuries of improvements in typography have made the *Codice* considerably easier to read. After the numbered table of contents, we find a chronology of Grand Masters and a number of bulls to authenticate this edition; by Grand Master Rohan (1782), Pope Sixtus V (1583), Grand Master Hugues Loubenx de Verdalle (1583), Pope Paulus V (1588), and Pope Pius VI (1776). After the statutes and capitulary ordinances, we also find ceremonials for the election of the Grand Master and the knighting of new cavaliers, as well as a regulation for the maintenance of a forestry reserve from the King of France, written in French. A 128-page appendix adds all the Papal bulls pertaining to the Order, which are in Latin. The rest is all in Italian. The statutes and capitulary ordinances, making up 482 pages of the 505-page book, are divided in the following twenty-two chapters:

<i>Della Regola</i>	On the monastic Rules; 17 statutes
<i>Del Ricevimento de' Fratelli</i>	On the admission of brothers; 48 statutes
<i>Della Chiesa</i>	On the church; 29 statutes
<i>Dell' Ospitalità</i>	On the hospital; 23 statutes
<i>Del Comun Tesoro</i>	On the common treasury; 88 statutes
<i>Del Capitolo</i>	On the chapter general; 24 statutes
<i>Del Consiglio, e de' Guidizi</i>	On the council and the judiciary; 41 statutes
<i>Dello Sguardo</i>	On the tribunal of the brethren; 8 statutes
<i>Del Maestro</i>	On the Grand Master; 12 statutes
<i>De' Baglivi</i>	On the conventual bailiffs; 29 statutes
<i>De' Priori</i>	On the priors; 15 statutes
<i>Dell' Ufficio de' Fratelli</i>	On the brother-officials; 4 statutes
<i>Delle Elezioni</i>	On elections; 20 statutes
<i>Delle Commende, ed Amministrazioni</i>	On benefices and administrations; 64 statutes
<i>Delle Visite</i>	On official visits; 10 statutes
<i>Dei Contratti, e delle Alienazioni</i>	On breach of contracts; 7 statutes
<i>Delle Allogazioni, o siano Affitti</i>	On leases or rents; 2 statutes
<i>Delle Proibizioni, e Pene</i>	On prohibitions and fines; 28 statutes
<i>Della Cancelleria</i>	On the chancery; 7 statutes
<i>Delle Albergie</i>	On the <i>auberges</i> ; 3 statutes
<i>Delle Galere, e dei Vascelli</i>	On the galleys and naval vessels; 2 statutes
<i>Della Significazione delle Parole</i>	On the legal definitions of words; 14 statutes

In total, 495 statutes were issued. The number of statutes had been declining since 1675, possibly because some old laws were scrapped. It also became commonplace to issue multiple ordinances in one statute, such as the 100 laws in Rohan's first statute on naval vessels. As such, it makes little sense to prepare an overview of which Grand Master issued which statutes, especially since only the Grand Masters to issue new laws during this period were the ones revising the *Statuti*. Although some spheres of Hospitaller life were legalised and more closely defined, the Order's legal status had changed little. Those who believed that the Order was structurally unfit for its present duties at the end of the eighteenth century must have found more fuel in its legal code, which was a relic full of centuries-old privileges, harkening back to the fighting days of Rhodes. And the *Codice de Rohan* is still in active as a subsidiary text to the constitution of the Sovereign Military Order of Malta.

If the *Codice* seems somewhat underwhelming for an Enlightenment-era constitution, the same cannot be held against Antonio Micallef's *Lectures*, which provide a clear and structured understanding of the prevailing legal opinion of the time. The first chapters of book one, detailing the nature, purpose, and sovereignty of the Order, speak volumes.

A good number [of people find it strange], that a society may consider itself religious, when one of its purposes is militancy, a profession strongly contrary to contemplative life...”¹¹⁴

Micallef emphasises the military and canonically religious nature of the Order, quoting a letter from Pope Benedict XIV (*r.* 1740–58). He is forthcoming about the Order's purpose:

The purposes of the Sacred Order are twofold: hospitality and militancy. [...] The Sacred Order practises hospitality by running a vast hospital in its convent in Malta where the sick of all nationality are given shelter. Militancy consists in maintaining ships, galleys and troops in continuous action against the Turk, and particularly to protect trade to all the nations in the Mediterranean from the piracy of the Barbary States.¹¹⁵

Curiously, aristocracy is *not* held up as one of the Order's primary traditions. Instead, the Order is described as a mixed government.

¹¹⁴ Ibid, 46.

¹¹⁵ Ibid, 47.

None of the three types of governments was chosen: obviously not the monarchical because it was subject to frequent changes; the aristocratic because in a short time in a state of the few it can be restricted; the democratic because almost with all nations with the greatest facility it is converted into licence.¹¹⁶

[...]

On this basis was established the legislative power [the Chapter General] with the principles of democracy, judicial power [the Tribunals] with those of aristocracy, and the executive [the Grand Master] with those of monarchy.¹¹⁷

In actual fact, aristocracy was vital to the Order. Chapter XIV of the first book details the proceedings of the Tribunal of Legitimacy and Nobility, which was established in 1644 to ascertain the nobility of the brothers in the third degree.¹¹⁸ Furthermore, sources such as Sarnowsky have concluded that the Chapter General was in practice more of an oligarchy than a democracy.¹¹⁹

Micallef defends the Order's sovereignty on the basis of its military history.

Our Sacred Order carries with it two aspects: the one as a true Religion, and therefore immediately subject to the Holy See; the other as having the character of a Temporal Sovereign in the countries of its residence. It is wrongly believed that the Sacred Order started being a Sovereign Order in 1309, at the time of the conquest of Rhodes, when in fact it became as such from the very moment that it adopted the establishment of militancy. Here is the evidence with the premise the following principles: every civil society which of its own nature and with its laws governs itself without any dependence on others is a Sovereign State; every civil society which by all the Sovereigns is acknowledged as having the right to make war with its own troops, and to acquire irrevocably the property and states of the enemy, and to contract alliances for attack and defence with other Sovereigns, is a Sovereign State; having a flag

¹¹⁶ Ibid, 50.

¹¹⁷ Ibid, 51.

¹¹⁸ That is, all great-grandparents were required to be of noble blood.

¹¹⁹ Sarnowsky, *Macht und Herrschaft im Johanniterorden des 15. Jahrhunderts*, 588–590.

respected at sea by the Powers is an univocal proof of the Sovereignty of the government, to which it pertains.¹²⁰

Micallef bases his principle of sovereignty primarily through society and secondarily through territory, from Grotius' *De jure belli ac pacis*. What is interesting about this argument, is that the division between spiritual and temporal sovereignty is made today by defenders of the SMOM to this day.¹²¹

The remainder of the *Lectures* are filled with the various courts and tribunals of the Order, the Rule of the Hospital and the duties of the brothers, various offices of state, and rules surrounding elections and other rituals. There is a short chapter about the ordinary ambassador to the Holy See and Extraordinary Ambassadors to other courts, but this covers the full extent of Order's laws regarding its international relations.¹²²

¹²⁰ Micallef, *Lectures on the Statutes of the Sacred Order of St. John of Jerusalem*, 47.

¹²¹ For an example, see: Paolo Gambi and Pablo José Sandonato de León, "La soberana militar Orden de Malta en el orden jurídico eclesial e internacional,".

¹²² Micallef, *Lectures on the Statutes of the Sacred Order of St. John of Jerusalem*, 129.

Conclusion

If we were to characterise the state of the Order of St. John on Malta in the early modern era, it would be a period of stagnation and slow decline on a number of fronts. There is also a growing sense within the international community that the Order's ethos, especially toward Islam, is a little out of step with the rest of Europe. The Order of St. John, still a separate organisation far away from the continental church infrastructure, sometimes lived in a world of its own. But it still kept up with much of the international spirit of the era, as is evident in its brief colonial venture.

In some ways, the Order was much like any other early modern state. It was socialised in contemporary understandings of statehood, and ruled accordingly. It built buildings, opened institutions, and punished slaves just like any other state. It became increasingly absolutist as time went on and threatened to neglect the welfare of its citizens, just like any other state. Yet the Order struggled to measure itself against other states. Where army sizes grew as continental dynasties amassed ever more land and more subjects, the Order remained nothing more than a society of well-connected men of good means who could pay for the upkeep of a small fleet, as long as they bothered to maintain it. They ultimately proved no match against the French Revolutionary army, which was massive and modern.

In many ways, the Order remained stuck in the ways of the Middle Ages. As shown, their legislation from the 1790s differed little from that of the 1490s. Writing at the end of the eighteenth century, Antonio Micallef notes that some of the Order's most fundamental nature was met with confusion by some. Many saw the Order as a convenience: a place to train troops, or a police force against Barbary corsairs. This reflected well on the Order, but these were not the primary activities of a modern state. Where other states secured alliances to strengthen their defence, the Order's attempts to negotiate treaties with other states were marred by its theological trappings, which did not lend themselves to pragmatic partnership. And its patrol of the high seas of the Mediterranean was not the most effective, if contemporary accounts are to be believed. By the end, the Order lacked a true *raison d'être*, all the while the brother-knights neglected their existing duties.

The Order's deep-seated religious conservatism, its geopolitically strategic location, and its medieval institutions made it an unfit state for the modern era. But although they had lost the battle, their story was not yet over. The Order went into political exile, but it still

existed. It still possessed its ancient rights. And General Bonaparte's career was only just beginning. The headiest days of the Order were still ahead.

The Orders of Saint John in the Modern Era (1798–present)

This chapter will cover the virtual disintegration of Order of Saint John in the tumultuous years of the early nineteenth century, and the recovery of the Papal Order, known as the Sovereign Military Order of Malta. The history of this chapter is derived from *The Order of Malta: A Modern Resurrection*, except where noted.¹²³ The Sovereign Military Order models itself on the Order of St. John, of which it claims to be a direct continuation. These claims continue to be contested, and this text will treat the SMOM as a separate but related entity. We will finish this chapter by looking at the constitutional charter and code of the SMOM, and its current place in international relations.

The Nineteenth Century: Disintegration and Revival (1798–1914)

The havoc that broke out as a result of the loss of Malta haunts the Orders of St. John to this day. Paul I, Emperor of Russia (*r.* 1796–1801), had been increasingly attracted to the Order, as a conservative bulwark against the revolutionary spirit of the age. Casting himself as the noble saviour, he had already petitioned the Order to style himself Protector before the loss of Malta. Then, in the fall of 1798, Paul commanded the Russian Grand Priory to elect him as Grand Master, after Hompesch and his administration had settled in Trieste. This effective coup d'état divided the Order in two: the German and Russian priories sided with Paul, while Spain, Bohemia, and Bavaria opposed him. The anti-Paul faction argued that it was illegal for him to take over; he was not celibate, not professed religious, not even a Roman Catholic. But Hompesch had fallen into disfavour with his fellow brothers, and resigned his post on 6 July 1799, leaving Paul as the sole leader of the Order. Pope Pius VI, who was nominally in charge of the Order, was at this time a prisoner of the French Republic and unable to protest. Although Paul's son Alexander I (*r.* 1801–25) would later disband the Russian priories, Paul's actions as Grand Master ensured the Order of St. John survived in Russia in a different form.¹²⁴

¹²³ Sire, *A Modern Resurrection*.

¹²⁴ A 1799 decree by Paul instituted so-called 'hereditary commanderies' for 24 noble families, who continued to wear the insignia of the eight-pointed cross. In 1928, some of the descendants from these Russian houses met in Paris to establish the *Union of Descendants of Hereditary Commanders and Knights of the Russian Grand Priory the Order of St. John of Jerusalem*. This order died with its last member in 1975. Two years later, an American order was founded that claimed descent from this order, the *Sovereign Order of the Orthodox Knights Hospitaller of St. John of Jerusalem*. It is unknown what became of this organisation. See: Algrant, "The Proliferation of Russian and Other Orders of St. John," III.

Following the assassination of Paul I in 1801, the Order's leadership failed to recover. When Grand Master Tommasi (*r.* 1803–05) died suddenly, Pope Pius appealed to Napoléon, Emperor of the French, to appoint a man named Giuseppe Caracciolo. But Napoléon was content not to appoint anyone, which would presumably lead it to a quiet death. This left the organisation in the hands in a series of Lieutenant-Generals, who served as commanders *ad interim*. Hoping to reclaim Malta at some point, the Order refused an offer to settle on the Baltic isle of Gotland. However, with Malta now under British protection, this proved to be a dead end.¹²⁵ Various schemes to claim a new territory for the Order were promised and discussed, but none came through. And when the Order's representatives failed to show up to any of the post-war Congresses (1814–22), its fate was sealed. The lack of constitutional powers defined for the lieutenancy and the continued presence of Grand Master-elect Caracciolo led to a greatly reduced authority for the once so autocratic Order.

Geographically, the Order also had a lot to endure. During the Revolutionary period, priories were disbanded left and right. Venice and the Papal States were conquered by Napoléon, Prussia closed the Catholic priories in Silesia, Alexander closed them in Poland and Russia, the German priories were mediatised, and Heitersheim was taken over by Baden at the fall of the Holy Roman Empire. By 1814, only Sicily, Bohemia, and the royal priory of Portugal remained. A stay in Sicily following the Russian debacle likely saved them from extinction, but when political circumstances changed in the 1820s, the Order was forced to relocate its headquarters once again, now to Ferrara. Attempts to set up commissions for new members in the Restoration monarchies brought little success, owing to failing diplomacy and internal struggles. In 1823, a con artist who styled himself the Marquis of Sainte-Croix embezzled a large loan from the Order, under the pretence of financing an expedition to take over the Aegean island of Syros, during the Greek War of Independence. Such was the state of the Order at this time.

An atmosphere of political instability and the uncertainty pervades these first decades of the 19th century, in which the Order struggled to define a cause that it should embody. They still had a decent network among the old aristocracy, (former) monarchs and especially the Austrian State Chancellor Klemens von Metternich, but other than espousing Catholic anti-revolutionary conservatism, the Order had little to do. By 1831, there were only 200 to 300

¹²⁵ After becoming a Crown colony in 1813, Malta remained under the British flag until 1964. The now independent state of Malta became a republic in 1974. British troops left the islands in 1979. Malta remains a member of the Commonwealth of Nations. In 2004, it became a member of the European Union.

knights in the remaining Bohemian and Italian *langues*. It was then that the tide of the Order began to change. Financial constraints spelled the end of the central Convent this year, officially closing on 15 October. However, without a Council, no laws could be approved, and no new knights could be admitted. So a letter went out to the newly crowned Pope Gregory XVI (*r.* 1831–46), who granted full powers to the lieutenancy on 20 December of that year. Now the Order had to wait for the right man to take advantage of those powers. But for as long as Antonio Busca reigned (*lt.* 1821–34), the Order of St. John was effectively dead in the water.

Following the election of Carlo Candida as the new Lieutenant-General (*lt.* 1834–45), the Order began to experience a revival. A new headquarters was set up in Rome, known today as the Magistral Palace. A new Chapter General conferred in 1838, and the Grand Priory of the Two Sicilies was set up the following year. The French Commission, after a brief suppression, was restored, and its knights soon established a presence in Britain as well. Slowly but surely, the Papal Order was restored across Europe. Following the official recognition of Protestant associations in Germany and Britain, the Catholic knights were also officially recognised. The Rhenish-Westphalian and Silesian Associations of 1859 and the British Association of 1875 paved way for a new type of integration: national, rather than transnational. National Associations were established in Spain (1885), Portugal (1899), and the Netherlands (1911, alongside the Protestant Order), and many more would follow. A special case was the Italian association formed in 1876, which was set up with the intent of restoring the military traditions of the Order by training a medical and paramilitary unit under the army of the newfound Kingdom of Italy. It would be the start of a longstanding relationship between the Order and the Italian state. The Order's ancient duty of hospitality was revived in 1877, in the form of a small hospice near Bethlehem. Emperor Franz Joseph was made its protector. The final restoration came two years later, when the Order was finally lifted from its long lieutenancy: on 28 March 1879, Giovanni Battista Ceschi a Santa Croce (*lt.* 1871–79) became the new Grand Master (*gm.* 1879–1905) of the Order.

The Twentieth Century: Ancient Traditions in a Modern World (1914–present)

The twentieth century brought many institutional challenges to the Order. Its decentralised structure allowed it to operate medical services to both Allied and Axis powers during the First World War, but the Austrian Grand Master Galeas von Thun und Hohenstein (*gm.* 1905–31) thought it best to exile himself to his own country while the Grand Chancellery continued its work in Rome. With the redrawing of Europe’s borders and a new international regime, a steady flow of new National Associations were established, starting in Poland, Austria, Hungary, and the United States. It is also during this time that the Order began to pursue diplomatic recognition from the countries in which it operated. In Italy, meanwhile, the Grand Master conferred chivalric honours on its new prime minister, Benito Mussolini, a move that was as questionable as it was politically expedient.¹²⁶ They were on such good terms that Mussolini went so far as to promise to give Rhodes (then part of the Italian Dodecanese) to the Order, but this never came to pass. In 1929, shortly after the Lateran Treaty, the Italian government agreed to officially recognise the *Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes, and of Malta*, as the Order is known to this day. This name change was quite a seismic shift, foregrounding their political status over their religious one. The Order had also recently started issuing diplomatic passports, of which some 500 are in circulation today.¹²⁷ Shortly after, the Order adopted *Ave Crux Alba* as its official anthem.¹²⁸

In the new world order, the Order attempted to reach the same status as it had in the old, seeing itself as equal to sovereign states and attempting to be recognised as such at international conferences. And occasionally, it succeeded in doing so. When in 1939 chivalric orders were abolished in Germany, the domestic *Johanniterorden* was suspended for the duration of the Nazi regime, but the SMOM was treated as a foreign power. During World War II, the Order retained good relations with the Italian government, switching sides after the Fascists were defeated. Following the peace, the Order briefly obtained some military aircraft from the Italian government, which was forcibly demilitarised by the Allied powers.

¹²⁶ Sovrano militare ordine ospedaliero di San Giovanni di Gerusalemme di Rodi e di Malta, *Ruolo generale del Sovrano militare ordine di san Giovanni di Gerusalemme di Malta*, (Rome: Tip. Del Senato di G. Bardi, 1938), 26.

¹²⁷ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, “The Order of Malta clarifies press reported figure on passports issued: currently 500 passports in circulation,” published 15 June 2017, accessed 24 June 2022, <https://www.orderofmalta.int/press-release/sovereign-order-malta-clarifies-press-reported-figure-passports-issue-currently-500-passports-circulation/>.

¹²⁸ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, “Anthem of the Sovereign Order of Malta: Ave Crux Alba,” accessed 24 June 2022, <https://www.orderofmalta.int/government/anthem-of-the-sovereign-order-of-malta-ave-crux-alba/>.

Additional legal rights have been granted by the Italian government over the years, including the extraterritoriality of its residences in Rome.

The second half of the twentieth century saw a transformation in the Order's diplomatic outreach, from 12 states in 1950 to 112 states at the time of writing.¹²⁹ The Order also established multilateral relations with international organisations, starting with UNESCO in 1962 and the Council of Europe in 1968. Along the way, it began issuing its own currency, the Maltese scudo (1961), established its own postal service (1966), and began issuing its own license plates. In 1994, recognition of its works was extended to an observer seat at the United Nations, along with international organisations such as the Holy See and the Red Cross/Red Crescent. This led to a brief diplomatic incident when in 2000 the Order's representative to the United Nations, Carlo Marullo di Condojanni, snuck into a photograph featuring all the state representatives present at the United Nations Millennium Summit.¹³⁰ Since 1998, the SMOM has reached an agreement with the government of Malta on the Castel Sant'Angelo, where a knight of Malta now permanently resides. In 2003, relations were established with the European Union.

The increase in diplomatic outreach has been accompanied by a dramatic increase in humanitarian and medical works. The establishment of the Malteser Hilfsdienst foreign aid service in 1953 marked the beginning of an increased presence in conflict zones: in Hungary after the 1956 uprisings, in the Vietnam War, in the Biafran War, in Lebanon on multiple occasions. That year, the Order was also involved in running a camp for the East German refugees that had fled to Hungary, where the organisation of the Pan-European Picnic proved to be a domino in the fall of the Iron Curtain.¹³¹ Today, the SMOM is active in 120 countries, providing refugee aid, disaster relief, and prevention, treating diseases and epidemics, running hospitals and other medical facilities, and providing social assistance. The Order is keen to publicise its efforts under the guise of good PR (its actual effect being only a small fraction compared to that of the Red Cross), but it has nonetheless established a transnational global outreach. The SMOM today has over 13,500 members and 95,000 permanent volunteers,

¹²⁹ "Bilateral relations," Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, accessed 24 June 2022, <https://www.orderofmalta.int/diplomatic-activities/bilateral-relations/>.

¹³⁰ Edward Wong, "Count Inserts Himself Into History in U.N. Summit Photo," *New York Times*, 9 September 2000, <https://www.nytimes.com/2000/09/09/nyregion/count-inserts-himself-into-history-in-un-summit-photo.html>.

¹³¹ The idea for the Picnic came from Otto von Habsburg (1912–2011), then President of the Paneuropean Union, head of the House of Habsburg-Lorraine, and a knight of the Sovereign Military Order of Malta.

including 52,000 medical professionals, and is active in 120 countries.¹³² Malteser International, the SMOM's worldwide relief agency, is present in some 30 countries to provide humanitarian or development aid in times of emergency, most recently in the COVID-19 pandemic and the Russo-Ukrainian War.^{133 134}

However, the blossoming of the SMOM's operations has also led to frictions within the Order, especially in its upper echelons. This division within its corporate identity runs roughly along political lines, with the liberal faction more concerned with the Order's future as a modern international health care organisation, and the conservative faction more concerned with upholding tradition and traditional values. When an internal report in 2016 found that the Order had been distributing contraceptives and possible abortifacients in a humanitarian effort in Myanmar, this was used as a crux by Cardinal Raymond Burke to oust the Grand Chancellor, Albrecht *Freiherr* von Boeselager, in which he was supported by the traditionalist Grand Master Matthew Festing (*gm.* 2008–17).¹³⁵ The incident caused considerable disquiet within in the Order and caused Pope Francis (*r.* 2013–present) to open an investigation, just as the Order had started one itself. Around the same time, a news broke of a mysterious Swiss trust bequeathing 118 million Swiss francs to various organisations, including 30 million Swiss francs to the Sovereign Military Order of Malta.¹³⁶ This transaction raised further questions and brought Grand Chancellor Boeselager into more hot waters.

The Papal investigation threatened to undermine the Order's sovereignty, further deepening the crisis. Following open hostility from Festing on the investigation, the pope declared his acts null and void and asked for his resignation.¹³⁷ Boeselager was reinstated

¹³² "Humanitarian & Medical Works," Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, accessed 24 June 2022, <https://www.orderofmalta.int/humanitarian-medical-works/>.

¹³³ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, "The Order of Malta's response to the Covid-19 pandemic," *Activity Report 2021*, July 2021, 8–31, <https://www.orderofmalta.int/wp-content/uploads/2021/11/Order-of-Malta-Activity-Report-2021.pdf>.

¹³⁴ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, "Two months after the war outbreak in Ukraine, the Order of Malta continues to widen its relief operations," published 22 April 2022, <https://www.orderofmalta.int/two-months-after-the-war-outbreak-in-ukraine-the-order-of-malta-continues-to-widen-its-relief-operations/>.

¹³⁵ "Knights of Malta row with Vatican over condom programme", *BBC News*, 11 January 2017, <https://www.bbc.com/news/world-europe-38580278>.

¹³⁶ Edward Pentin, "German Newspaper Investigates Mysterious Trust Connected to Order of Malta," *National Catholic Register*, 17 March 2017, <https://www.ncregister.com/blog/german-newspaper-investigates-mysterious-trust-connected-to-order-of-malta>.

¹³⁷ John Murray Brown, "Knights of Malta grandmaster resigns after condom row with Pope," *Financial Times*, 25 January 2017, <https://www.ft.com/content/aefdb678-e2f9-11e6-8405-9e5580d6e5fb>. This event was later rationalised as a spiritual response in order to ease tensions.

soon after. The Vatican also had an interest in exerting control over the Order, feeling that the Order had been neglecting its religious obligations, led by the wealthy German association into “Freemasonry” and other non-religious ideologies.¹³⁸ This rift has developed into a constitutional crisis, during which time tensions over the Order’s sovereignty are at a decades-long high. Although various draft constitutions have been proposed, the resignations and deaths of a number of senior knights have so far drawn out a conclusion to this affair. This will be discussed in greater detail in the last section in this chapter.

¹³⁸ Edward Pentin, “Disorder in the Order of Malta,” *National Catholic Register*, 8 January 2017, <https://www.ncregister.com/news/disorder-in-the-order-of-malta>.

The Identity of the Hospitaller Orders in the Modern Era

When we compare the Orders of St. John in the modern era to the previous eras, it becomes clear that the Orders were forced to adapt to the changing nature of international society even more radically than before. The Revolutions of the late 18th and 19th centuries were so fundamental as to change the fundamental institutions of international society. Nationalism and imperialism changed the make-up of international society and the societies in it. Even if the Order had been accepted another territorial possession, they would likely have faced popular resistance. Unlike the monastic community of Mount Athos, the Order of St. John was always too internationally involved and too independent to escape the forces of twentieth century world politics as a sovereign state. Even the Holy See was forced into seclusion after Italian unification. But in its irrelevance, the Order was largely shielded from the political torrents that ushered in the Global Transformation.¹³⁹

As such, the changes to the Orders of St. John have been rather drastic. Catholicism is now just one of many religions, and the authority of the Pope does not reach beyond the institution of the Church. The sovereignty of the SMOM, the Papal Order, has diminished in kind, and this has given way to a great deal of (sometimes deliberate) confusion over the Order's position in international society. It maintains a legal definition of sovereignty that is essentially otherwise extinct. This has led to some paradoxical situations, such as the Dutch government's non-recognition of the Catholic Order as a legitimate partner, while King Willem-Alexander is Honorary Commander of the Protestant Johanniter Order.¹⁴⁰

The legal collective identity of the SMOM, as defined by Hoegen Dijkhof, is close to that of a charity or service club, albeit one with extensive diplomatic relations and a close relationship with the Vatican.¹⁴¹ The SMOM legitimises its place in international society through its charitable works, which form the basis for its bilateral and multilateral relations, and feature prominently in its bi-annual Activity Reports. It is important to note that the Order has given up its claim to the Maltese archipelago, signalling that it no longer has any ambitions to sovereign territory. This represents a break with the Order of St. John's late medieval and early modern composition, when it ruled over a secular community, and is in

¹³⁹ Barry Buzan and George Lawson, *The Great Transformation: History, Modernity, and the Making of International Relations*, (Cambridge: Cambridge University Press, 2015).

¹⁴⁰ RVD, "Koning ontvangt versierselen Johanniter Orde," Het Koninklijk Huis, press release no. 141, published 20 June 2016, <https://www.koninklijkhuis.nl/actueel/nieuws/2016/06/20/koning-ontvangt-versierselen-johanniter-orde>.

¹⁴¹ H. J. Hoegen Dijkhof, "The legitimacy of Orders of St. John," 348.

this sense closer to its Levantine period. One characteristic that has changed is its military tradition, which today is purely ceremonial. The monopoly on violence that the Orders once claimed, now firmly belongs to sovereign states.

Insofar as we can distinguish between different types of charities, the clearest difference we can draw is with regards to its religious identity. The Red Cross/Red Crescent, despite the religious imagery on its flag, is essentially a secular organisation. Although its NGOs and health care organisations are dressed in similar humanitarian symbolism, an incident such as the 2016 contraceptive scandal reveals that there are material differences between the two. The SMOM continues to present itself as a Catholic chivalric order in free association with the Holy See, while the other Orders are registered charities or otherwise independent organisations. Some only survive as royal insignia. Freemasonry, another organisation that makes heavy use of symbolism, is also ultimately secular in nature. The same goes for Rotary International.

As it stands, the role of the SMOM in international society remains somewhat ambiguous. As noted, there exists a tension between their humanitarian outreach and their religious traditions. These traditions are not immaterial, especially with regards to the higher ranks, and have caused the Order some trouble with recruitment, something that can be observed in Catholic societies generally. Still, is the SMOM a religious society that manages a number of charities, or is it a charity that happens to be based in Catholic morality? It is a sliding scale, and different brothers are likely to hold different opinions on the matter in line with their personal motivations. Its motto, *tuitio fidei et obsequium pauperum* (defence of the faith and assistance to the poor), embodies this very dichotomy.¹⁴²

The corporate identity of the SMOM has changed somewhat from previous centuries. Although the Order claims to be a “sovereign subject of international law”, this is only with respect to its diplomatic freedoms, including its stamps and number plates. It is otherwise fully submerged in national legislation, enjoying a wide array of freedoms under Italian law, such as extraterritoriality. Alongside its 6 grand priories and 5 sub-priories, the SMOM is also organised through 48 National Associations. Of these, only the Grand Priory of Bohemia is a direct successor of the *langue* that bears its name. These National Associations have considerable freedom, although the lines of communication are now generally tighter than

¹⁴² Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, “Knights of Malta,” accessed 24 June 2022, <https://www.orderofmalta.int/sovereign-order-of-malta/knights-of-malta/>.

they were in the early part of the twentieth century, when the American Association went a little off the rails. The relation with the Holy See has perhaps never been more crucial than today, being the sole remaining source of its legitimacy and its traditions. Only through close association with the Catholic Church can the SMOM legitimise its claim to be the first successor to the Order of St. John of Jerusalem, from whence all its traditions and legal freedoms are derived. This paradox is similar to the position the Order found itself in during the fourteenth century, after the end of the Eastern Crusades, albeit within an international community where the Holy See plays a severely diminished political role. It should come as no surprise then, that the SMOM has been so active in seeking diplomatic recognition from other states.

Let us now place the Sovereign Military Order of Malta in Reus-Smit's framework of constitutional structures and fundamental institutions. Unfortunately, his framework is lacking in data: the earliest two examples consist of Ancient Greece and Renaissance Italy, neither of which accurately describes Europe in the Middle Ages. However, we can compare the latter two examples, Absolutist Europe and the Modern Society of States, by comparing this chapter to the previous one. Reus-Smit notes two fundamental institutions in Absolutist Europe: *Natural International Law* and "*Old Diplomacy*", by which he refers to the ambassadorial and postal systems that maintained European diplomacy during that time. In addition, his fundamental institutions for the Modern Society of States consist of *Contractual International Law* and *Multilateralism*, in the form of international organisations. In the examples given above, we can see that the SMOM has adapted very nicely to today's fundamental institutions, better even perhaps than the late Order of St. John did in its day, struggling as it did to marry its ancient traditions with contemporary international practice. In fact, the change can be said to have occurred relatively recently, only after the traumatic events of the 1950s that will be the subject of the next sub-chapter. Today, this struggle is largely internalised, and the SMOM provides a successful front in international society.

As for the constitutional structures, some have been better adapted than others. The *systemic norm of procedural justice* has changed from authoritative to legislative justice. We can certainly see authoritative justice in the autocratic eighteenth century Order, but the legislative justice in today's Orders bears some examination. The occasional spat with the Vatican suggests that the SMOM's legislative process is not as smooth as it ought to be. Still, the law is the law, and regular chapter generals are called every five years.

Second, Reus-Smit identifies the dominant *organising principle of sovereignty* as having changed from dynastic sovereignty (the ‘divine right of kings’) to liberal sovereignty. The latter is not further elaborated upon, and I would rather substitute *popular republican sovereignty* instead. One only needs to glance at the various so-called Democratic and People’s Republics of in international society to see where they derive their legitimacy from. The monarchs of today are even less politically relevant than the republics of the Absolutist era. As shown in the section on Antonio Micallef’s lectures, the Order of St. John was actually a combination of various systems of governance, as were many medieval polities. That said, Order’s deeply religious nature and its close association with the Papacy similarly derives its legitimacy from God. The SMOM cannot be said to have substantially changed course from this, however much diminished its religious identity may have been. The Orders of St. John are not the shadowy puppet masters of popular conspiracy theories, but they cannot not be called liberal democratic institutions by any stretch of the imagination.

Finally, the *moral purpose of the state*. Reus-Smit identifies this in Absolutist Europe as the maintenance of a divinely ordained social order, and in the present day as the augmentation of individuals’ purposes and potentialities. Reus-Smit sources the former to the 16th century thinker Jean Bodin, although the idea is in fact much older.¹⁴³ As for the later, Reus-Smit gives the examples of the American Declaration of Independence and the work of John Stuart Mill. A more recent example might be the modern welfare state, or the Universal Declaration of Human Rights. The Order of St. John was certainly busy trying to maintain a social order which they saw as divinely ordained, one without any Muslims in the Holy Land. The contemporary Orders have reinterpreted their mission more universally, and now provide aid and assistance to people regardless of their religious background. Of special interest may be the Global Fund for Forgotten People, a charity run by the SMOM that raises awareness for issues that have fallen off the radar, so to speak. This enterprise complements the Order’s place in international society: almost invisible and operating off the usual grid.

It is plain to see that the Orders of St. John have greatly changed in their nature, and they have changed their interests accordingly. Charism is now their primary objective, universalised into humanitarian aid, and they have developed an extensive diplomatic network alongside. However, old habits still persist, as we will see in the next section.

¹⁴³ Reus-Smit, *The Moral Purpose of the State*, 95–96.

The Constitutional Charter and Code: Hospitaller Law at the End of the Millennium

To understand how the current constitution of the Sovereign Military Order of Malta came about, we must go back to the period shortly after World War II. At this time, the number of brothers who had taken religious vows reached at an all-time low, the Order (which is exempt from certain import duties in Italy) had raised some bad press after a number of peculiar business transactions. The Order had the appearance of an ultraconservative old boys' club for aristocrats with Catholic trimmings, rather than a respectable religious organisation. The Order, newly internationalised, clearly needed to reform some of its constitutions, and when it was revealed that that millions of dollars at the American Association had been diverted to various other schemes, the Vatican decided to intervene. Pope Pius XII (*r.* 1939–58) called the senior knights for an audience and told the Order to adapt to the times. He was rebuffed, but his finance minister, Cardinal Canali, sensed an opportunity, and set up a tribunal to review the Order's books.¹⁴⁴ He also attempted to close the Grand Magistry, but was prevented by a last-minute diplomatic intervention from the dying Grand Master Chigi (*gm.* 1931–51). This left the Grand Magistry once again with a vacancy to be filled by lieutenant-generals, until the matter could be settled.

The question arose whether the Vatican incursion was warranted, and a special commission of cardinals was set up to determine whether the Order was sovereign and whether it was still sufficiently religious. On 24 January 1953, the commission confirmed the Order's sovereignty as 'functional', citing its growing number of official relations with state governments.¹⁴⁵ Coincidentally, this was also the year the Malteser Hilfsdienst was established. Pressure from the Order's diplomatic relations, the Italian government, and the international press may have persuaded the Vatican to ease tensions in this matter. The death of Pius in 1958 and subsequent election of Pope John XXIII (*r.* 1958–63) further ameliorated relations between the SMOM and the Vatican. A provisional constitution for the Order was drawn up in 1956-57, with a definitive settlement promulgated on 27 June 1961. The following year, Angelo de Mojana (*gm.* 1962–88) was confirmed as its new Grand Master,

¹⁴⁴ Sire constructs the argument in his books that the Vatican intervention was the result of Canali's designs to merge the Order with the Order of the Holy Sepulchre and lead the combined order by Papal decree. It is difficult to confirm or disprove Sire's claim and Canali's views on the Order, since he provides no sources to back it up. In my view, Sire does not address the Pope's concerns adequately, and portrays him as a stooge to the melodramatic machinations of Cardinal Canali and his "henchmen". Sire, *A Modern Resurrection*, 209. Considering Sire's professed conservative leanings and his outspoken criticism of the papacy, it is advisable to take his narrative with a grain of salt.

¹⁴⁵ Cox, "The Acquisition of Sovereignty by Quasi-States", 13.

thereby ending the vacancy. The constitution was slightly revised in an Extraordinary Chapter General between 28 and 30 June 1997, and this version is still current.

The *Constitutional Charter and Code of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta*, as the text is fully known, is divided into two pieces, the Constitutional Charter and the Code. The Italian text is officially leading, but for the sake of convenience we will follow the official English translation available on the website of the Order.¹⁴⁶ This 55-page text is made up of 37 articles, divided into four titles: *The order and its nature, Members of the order, Government of the order, and The organization of the order*. The 91-page code is made up of 242 articles, similarly divided into four titles: *General Regulations, The Members of the Order, The government, and Organization of the order*. The nature of the Order is defined as such in Article 1 of the Constitutional Charter:

The Sovereign Military and Hospitaller Order of Saint John of Jerusalem, of Rhodes, and of Malta, arose from a group of hospitallers of the Hospice of Saint John of Jerusalem who had been called upon by circumstances to augment their original charitable enterprise with military service for the defence of pilgrims to the Holy Land and of Christian civilization in the East. It is a lay religious Order, by tradition military, chivalrous and nobiliary, which in time became sovereign on the islands of Rhodes and later of Malta.¹⁴⁷

The historical account of the hospice is correct, but the identification of its military and chivalric history being traditional, rather than original, was a later addition not present in the original 1961 or 1956 constitutions.^{148 149} Note how the SMOM claims continuity with the medieval Order. The addition of the Order's nobiliary traditions is acknowledged. The

¹⁴⁶ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, *Constitutional Charter and Code of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta*, promulgated 27 June 1961, revised by the Extraordinary Chapter General 28–30 April 1997, <https://www.orderofmalta.int/wp-content/uploads/2016/07/Sovereign-Order-of-Malta-Constitutional-Charter-and-code.pdf>. Note: this document uses American spelling, whereas British spelling has been preferred for this thesis. For notes on translation, see: *Constitutional Charter and Code*, 4. Referred from here on as SMOM Const., in accordance with style guide.

¹⁴⁷ SMOM Const. art. I, § 1.

¹⁴⁸ Zarb, S. M., ed., “Carta Costituzionale e Codice del Sovrano Militare Ordine Ospedaliero di San Giovanni di Gerusalemme detto Rodi, detto di Malta,” *Scientia* 28, no. 3 (July–September 1962): 99–115. Referred from here on as SMOM Const. of 1961, in accordance with style guide.

¹⁴⁹ Zarb, S. M., ed., “Carta Costituzionale e Codice del Sovrano Militare Ordine Ospedaliero di San Giovanni di Gerusalemme detto Rodi, detto di Malta,” *Scientia* 23, no. 1 (January–March 1957): 5–33. Referred from here on as SMOM Const. of 1956, in accordance with style guide.

Order's website notes that "While members of the Order of Malta in former times traditionally belonged to the European aristocracy, the emphasis today is on a nobility of spirit and conduct. Nobility in this deeper sense means: carrying more responsibility or duties than others".¹⁵⁰ In practice, however, the First and Second classes of knights (see below) are overwhelmingly aristocratic, as proof of nobility was required to be admitted to these classes until the 1997 revision. Article 13 of the Constitutional Charter continues to prescribe that "the Grand Master and the Lieutenant of the Grand Master must have the nobiliary requisites prescribed for the category of Knights of Honour and Devotion".¹⁵¹ These requisites are examined according to the rules set out in Article 113 of the Code.

The purpose of the Order is the promotion of the glory of God through the sanctification of its members, service to the faith and to the Holy Father, and assistance to one's neighbour, in accordance with its ancient traditions.

True to the divine precepts and to the admonitions of our Lord Jesus Christ, guided by the teachings of the Church, the Order affirms and propagates the Christian virtues of charity and brotherhood. The Order carries out its charitable works for the sick, the needy and refugees without distinction of religion, race, origin and age.

The Order fulfils its institutional tasks especially by carrying out hospitaller works, including social and health assistance, as well as aiding victims of exceptional disasters and of war, attending also to their spiritual well-being and the strengthening of their faith in God.¹⁵²

The Order's purpose, defined in Article 2 of the Constitutional Charter, is religious first, and humanitarian second. It also continues the trend of universalising their charitable mission, from pilgrims, to a general hospital, to helping people in need all around the world. The Order occasionally refers to them by the traditional phrase 'Our lords, the sick and the poor'. Article 236 of the Code goes into more detail on the official interpretation of its motto, *tuitio fidei et obsequium pauperum* (defence of the faith and assistance to the poor).

In search of a tangible response to the love of Christ, the first members of the Order recognized the Lord and served Him in sick pilgrims in the Holy Land. *Obsequium*

¹⁵⁰ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, "FAQ," accessed 24 June 2022, <https://www.orderofmalta.int/sovereign-order-of-malta/frequently-asked-questions/>.

¹⁵¹ SMOM Const. art. XIII, § 2.

¹⁵² SMOM Const. art. II, § 1 and 2.

pauperum has its origin in the divine compassion for the misery of the world, which obliges the members of the Order to serve Jesus Christ, who is present in the sick.

With respect to the other purpose of the Order, *tuitio fidei*, the members of the Order, recognizing the image of God in each individual, are especially called upon to become involved in those situations where human life is threatened in its God-given essence and dignity.

Consequently, the Order is the tangible way for its members to fulfill the supreme commandment of love for God and neighbour, to honour God and to grow in holiness in the imitation of Christ and in communion with the Church.

The charism of *obsequium pauperum* leads members to encounter the Lord in the sick through personal service. All members are, therefore, called on to practice, personally and regularly, the corporal and spiritual works of mercy.¹⁵³

In terms of sovereignty, there is only one sentence in the Constitutional Charter.

The Order is a subject of international law and exercises sovereign functions.¹⁵⁴

This phrase is somewhat plainly worded today, more so than in the 1956 and 1961 constitutions: “The intimate connection existing between the two qualities of a religious Order and a sovereign Order is not opposed to the autonomy of the Order itself in the exercise of its sovereignty and inherent prerogatives as a subject of international law vis-à-vis the states”.¹⁵⁵ Its relationship with the Holy See is framed in similarly terse prose, compared to the more detailed background in the 1956 and 1961 constitutions, omitting references to canon law.

The Order is a legal entity recognized by the Holy See.¹⁵⁶

In various instances, situations require communications with or approval from the Holy See, who has a permanent representative in the form of a prelate. This reflects a wider trend downplaying the Order’s relationship with the Holy See. In Article 1 of the 1961 constitution, we find: “The Order is a legal person solemnly approved by the Holy See. It enjoys the nature

¹⁵³ SMOM Code, art. CCXXXVI.

¹⁵⁴ SMOM Const. art. III, § 1.

¹⁵⁵ SMOM Const. of 1956 (revoked), art. III, and SMOM Const. of 1961, art. III (superseded 1997). “L’intima connessione esistente tra le due qualità di Ordine religioso e di Ordine sovrano non si oppone all’autonomia dell’Ordine stesso nell’esercizio della sua sovranità e delle prerogative ad essa inerenti come soggetto di diritto internazionale nei confronti degli Stati.”

¹⁵⁶ SMOM Const. art. IV, § 1.

of a subject of international law”.¹⁵⁷ It also added a fifth article on the relationship between professed religious members and the Holy See, which today is found in Article 4, paragraph 2:

Religious members through their vows, as well as members of the Second Class through the Promise of Obedience, are only subject to their appropriate Superiors in the Order.

In accordance with the Code of Canon Law, the churches and conventual institutions of the Order are exempt from the jurisdiction of the dioceses and are directly subject to the Holy See.

This passage is an example of the differences between the 1961 and 1956 constitutions, after the latter was rejected by the Order because the phrasing of its relationship to the Holy See was deemed a threat to the Order’s sovereignty.

In order to further understand the relationship between the Order and the Holy See, we must cover the Order’s internal structure. This is laid out in Article 8 of the Constitutional Charter.

The members of the Order are divided into three Classes:

A) the First Class consists of Knights of Justice, also called Professed, and of Professed Conventual Chaplains who have made religious vows;

B) the Second Class consists of members in Obedience, who make the Promise according to Art. 9, par. 2, and who are subdivided into three categories:

- a) Knights and Dames of Honour and Devotion in Obedience
- b) Knights and Dames of Grace and Devotion in Obedience
- c) Magistral Knights and Dames in Obedience;

C) the Third Class consists of those members who do not make religious vows or the Promise but who live according to the norms of the Church and are prepared to commit themselves to the Order and the Church. They are divided into six categories:

¹⁵⁷ SMOM Const. of 1961, art. I, § 2 (superseded 1997). “L’Ordine è persona giuridica solennemente approvato dalla Santa Sede. Gode della qualità di soggetto di diritto internazionale.”

- a) Knights and Dames of Honour and Devotion
- b) Conventual Chaplains ad honorem
- c) Knights and Dames of Grace and Devotion
- d) Magistral Chaplains
- e) Knights and Dames of Magistral Grace
- f) Donats (male and female) of Devotion.¹⁵⁸

Article 9 lays down the basic obligations for the various classes of members, which are further laid out in the Code.

The Knights and Chaplains belonging to the First Class profess the vows of poverty, chastity and obedience in accordance with the Code, thus aspiring to perfection according to the Gospel. They are religious for all purposes of Canon Law and are governed by the particular rules which concern them. They are not obliged to live in community.¹⁵⁹

This is the link between the Order and the Papacy: those members who have taken solemn vows are members of the Congregation of the Religious, subject to canon law under the Holy See, allowing the Order to call itself a truly religious order. However, as seen above, these members themselves are *not* subject to the Holy See.¹⁶⁰ It is this area in particular, that has received much attention during the recent constitutional crisis.

¹⁵⁸ SMOM Const. art. XIII, § 1.

¹⁵⁹ SMOM Const. art. IX, § 1.

¹⁶⁰ SMOM Const. art. IV, § 2. “Religious members through their vows, as well as members of the Second Class through the Promise of Obedience, are only subject to their appropriate Superiors in the Order.”

The Constitutional Reform: Hospitaller Law Today, and Tomorrow?

The election of Giacomo dalla Torre del Tempio di Sanguinetto (*lt.* 2017–18) as Lieutenant-General of the Sovereign Military Order of Malta in April 2017 heralded an era of reform. An official press release reported that “the proposed Constitutional reform will address potential institutional weaknesses. The recent crisis has shown some weaknesses in the checks and balances in governance: the reform will take this into consideration. The reform will also focus on strengthening the Orders [*sic*] spiritual life and to increase the number of its Professed members”.¹⁶¹

One much-discussed change in the Order’s governance, was a shift toward more collegiate and personable style of leadership, away from hierarchy and traditionalism that marked Festing’s rule. Dalla Torre managed to re-establish a working dialogue between the Order and the Holy See during his one-year term as lieutenant, and at the end of this time he was elected the Order’s new Grand Master (*gm.* 2018–20). In March 2018, the Order suspended their historian-in-residence Henry Sire, following the publication of *The Dictator Pope*, a traditionalist tract against Pope Francis in which he likens the pope to a Latin American dictator.¹⁶² Sire had, in effect, taken up the wrong side of history. Bit by bit, the conservative Order was brought more in line with mainstream Catholicism. The Tridentine rite, the traditional way of performing mass between the Councils of Trent and Vatican II (1570–1962), was still preferred by the Order until dalla Torre banned it in 2019.¹⁶³ The Order’s backwardness with regards to Vatican II had been cause for discussion some time before the crisis erupted, and serves as another reason why the Holy See felt the need to interfere.¹⁶⁴

Another issue lay with the professed religious knights of the First Class. By 2017, there remained only 12 eligible candidates who met the ancestry requirements.¹⁶⁵ By January

¹⁶¹ Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, “Fra’ Giacomo Dalla Torre del Tempio di Sanguinetto elected Lieutenant of the Grand Master of the Sovereign Order of Malta,” published 29 April 2017, <https://www.orderofmalta.int/press-release/fra-giacomo-dalla-torre-del-tempio-di-sanguinetto-elected-lieutenant-grand-master-sovereign-order-malta/>.

¹⁶² Christopher Lamb, “‘Dictator Pope’ author suspended by Order of Malta,” *The Tablet*, 22 March 2018, <https://www.thetablet.co.uk/news/8768/-dictator-pope-author-suspended-by-order-of-malta>.

¹⁶³ Christopher Lamb, “Analysis: Order of Malta head bans Old Rite,” *The Tablet*, 12 June 2019, <https://www.thetablet.co.uk/news/11779/analysis-order-of-malta-head-bans-old-rite>.

¹⁶⁴ Magda de Pinto, “La riforma della *Carta Costituzionale* e del *Codice* del Sovrano Militare Ordine di Malta,” *Odegitria* 17 (2010): 171–218.

¹⁶⁵ Christopher Lamb, “Festing reported at large in Rome ahead of Knights of Malta vote for his replacement,” *The Tablet*, 26 April 2017, <https://www.thetablet.co.uk/news/7028/festing-reported-at-large-in-rome-ahead-of-knights-of-malta-vote-for-his-replacement>.

2022, there were 38 religious knights in total, half of whom were over the age of 70.¹⁶⁶ So long as the pope is not willing to admit new knights and the plans for a new novitiate remain in the fridge, these knights are an endangered species. One of the proposals includes getting rid of the nobiliary requirement for this group. Article 11 of the constitution dictates that the Grand Master and the Lieutenant-General must be a professed knight in perpetual vows. Similar requirements exist for Priors and other high positions.¹⁶⁷ Marc Odendall, a member of the German faction, was quoted as saying: “\$2 billion turnover, 45,000 employees, 100,000 volunteers in the world cannot be managed by 19 professed who are under 70 and have no professional qualifications”.¹⁶⁸ Another proposal would allow non-professed members to fill these key positions, which is in line with Pope Francis’ policy of opening high positions in the Church to laypersons. The Vatican, for its part, raised concerns about the religious lifestyle of the professed. The knights’ vows include one of poverty and communal living, a far cry from their actual lifestyle. In 2018, the Vatican began to block any new recruits to the novitiate until reform had been passed, and made it known that the SMOM could lose its status as a religious order under canon law if it did not meet the requirements.¹⁶⁹ The fragility of the First Class of knights was felt once more in April 2020, with the sudden passing of Grand Master Dalla Torre. Now only 44 were able to vote in the election of Lieutenant Marco Luzzago (*lt.* 2020–22). Reform stalled further in October of that year, when the Papal special delegate Cardinal Angelo Becciu resigned over embezzlement charges, and was replaced by Cardinal Silvano Maria Tomasi.¹⁷⁰

Since then, little progress has been made. Tension flared up again in October 2021, when Luzzago’s one-year term was extended in order to finish the process. Instead of confirming him as Grand Master, Francis transferred many of his competencies in the reform process over to Tomasi.¹⁷¹ Matters were made worse when details of a draft constitution were

¹⁶⁶ Christopher Lamb, “Vatican denies undermining sovereignty Order of Malta,” *The Tablet*, 21 January 2022, <https://www.thetablet.co.uk/news/14919/vatican-denies-undermining-sovereignty-of-order-of-malta>.

¹⁶⁷ SMOM Const. art. XI.

¹⁶⁸ Andrea Gagliarducci, “The Order of Malta’s new statutes could dilute its sovereignty forever,” Catholic News Agency, 19 January 2022, <https://www.catholicnewsagency.com/news/250137/the-order-of-malta-s-new-statutes-could-dilute-its-sovereignty-forever>.

¹⁶⁹ Christopher Lamb, “Pope blocks recruitment as Knights of Malta tussle for control of order,” *The Tablet*, 1 February 2018, <https://www.thetablet.co.uk/news/8488/pope-blocks-recruitment-as-knights-of-malta-tussle-for-control-of-order>.

¹⁷⁰ Francis to Silvano Maria Tomasi, 1 November 2020, The Holy See, accessed 24 June 2022, https://www.vatican.va/content/francesco/en/letters/2020/documents/papa-francesco_20201101_lettera-tomasi.html.

¹⁷¹ Francis to Silvano Maria Tomasi, 25 October 2021, The Holy See, accessed 24 June 2022, <https://www.vatican.va/content/francesco/en/letters/2021/documents/20211025-lettera-smom.html>.

made public in January 2022, in which the Order was to become an appendage of the Holy See, its national associations made religious and its governance of Malteser International centralised.¹⁷² For a moment, it seemed the Order's sovereignty was being called into question, and its diplomatic relations put at risk. However, tensions were soon eased, and talks continued. In March, Francis called for results, and the working group produced two competing proposals. In May, another draft leaked, including term limits and an overriding veto, drawing more controversy.¹⁷³ However, this draft seemed considerably more moderating than previous ones, as suggested by proposed Council for the Professed. When Lieutenant Luzzago passed away in June 2022, the pope moved to appoint a successor directly, citing a precedent from 1879.¹⁷⁴ This direct intervention in the leadership of the Order again raised disquiet. Is the pope overstepping his bounds? As his official representative Tomasi put it in an interview with *The Pillar*: “there is not, nor can there be, a clear break between the spiritual and the material, the moral and the legal, the spiritual government and the government of the works”.¹⁷⁵ Such is the sovereignty of the Order. And so it seems that the whole embittered debate could continue dragging on for quite some time.

¹⁷² Gagliarducci, “The Order of Malta’s new statutes could dilute its sovereignty forever”.

¹⁷³ *The Pillar*, “Order of Malta: Draft reform would impose term limits, end veto power of Grand Master,” 26 April 2022, <https://www.pillaratholic.com/p/order-of-malta-draft-reform-would>.

¹⁷⁴ Andrea Gagliarducci, “The Order of Malta has a new head, but has it lost its sovereignty?,” Catholic New Agency, 14 June 2022, <https://www.catholicnewsagency.com/news/251538/the-order-of-malta-has-a-new-head-but-has-it-lost-its-sovereignty>.

¹⁷⁵ *The Pillar*, “‘There is no debate’: Cardinal Tomasi on the future of the Order of Malta,” 10 March 2022, <https://www.pillaratholic.com/p/there-is-no-debate-cardinal-tomasi>.

Conclusion

The modern era has been an uphill struggle for the Orders of Saint John. However, they have often risen to the task. The Papal Order very nearly went extinct in the 1830s, before fully reinventing itself as the Sovereign Military Order of Malta. It found a new interest to serve in the form of humanitarianism, and it found a new diplomatic identity in international law, though not without a hitch. At times, the knights have had to throw their lot in with some unsavoury characters such as Mussolini, but they always came out on top, in part through the permanence of the Catholic Church. In 2022, the Order is still very much on the verge of a brave new world, struggling to adapt to a more effective organisation while maintaining the traditions that have made it such a unique and vibrant organisation for so long.

Today, two groups wrestle over the future of the Order. There is the Holy See, represented by Cardinal Tomasi, which would like to see the Order restored on the basis of its religious identity; its organising principle of sovereignty remaining with the First Class of professed religious knights and the vows of poverty, chastity, and obedience they have made. Then there is the Order, particularly the money German Association, represented by Marwan Sehnaoui of the Lebanese Association, which treats the Order as a rich and fruitful, but inefficient non-governmental organisation. Both factions' leaders, Pope Francis and Grand Chancellor Albrecht von Boeselager, have at times made some heavy-handed political moves, only to retreat into the background. Francis has made time his worst enemy by refusing to admit new knights of the highest classes, whose numbers continue to diminish. And Boeselager is undermining the Order's authority by playing as shadow Grand Master.

Perhaps the crisis is not as deep as is claimed in the press. Numerous more balanced opinions have surfaced. Count Thierry de Beaumont-Beynac, President of the French Association and of Malteser International, wrote in an internal letter:

I don't want to get into any controversy whatsoever but I can't, for all that, allow erroneous elements [of the proposals] to be disseminated to sow seeds and spread trouble in the minds of our members without reacting. [...] The various audiences held in the presence of the Holy Father in recent weeks, it was again reaffirmed by the Lieutenant of the Grand Master and the representatives of the Grand Magistracy that the Order intended to remain a religious order! It is therefore totally irrelevant to continue to agitate this argument of transformation from a religious order into a simple NGO!

This is a point that has nothing to do with reality. [...] Furthermore, I remind you that the Order has always been a constitutional monarchy and it is also under this regime that it still lives today. So having a Constitution that lists the Grand Master's responsibilities is nothing extraordinary or new.¹⁷⁶

Others agreed that “[t]his idea that the Grand Master has autocratic power is a modern fallacy, the history of our governance has always been collegial”.¹⁷⁷ One senior professed knight was quoted as saying:

Underpinning the entire ‘German project,’ if we’re calling it that, is this idea that the professed knights are old and unfit to run anything, [...] Quite a few of us have had, or continue to hold, quite senior roles outside of the order itself — this notion that we’re all quasi-senile and unfit for governance is just not true. Is the total number of professed low and the average age high? Yes, but that is to a great extent a problem made into a crisis by a years-long ban we had on admitting new professed. [...] The real questions are, or ought to be: are there younger vocations coming through, and is there a plan to increase them? Yes and yes. This is about a vision for the future: do we see the order continuing as a religious vocation, or a charitable enterprise with a ‘religious heritage’?¹⁷⁸

Additionally, it may be worth pointing out that our principal actors, Boeselager (aged 73) and Francis (aged 85) can hardly be described as spring chickens themselves.

No matter what the future holds for the Sovereign Military Order of Malta, there seems to be a consensus that its traditions and freedoms are to be respected. All actors involved have professed a strong faith in the institution. It has stood the test of time. It will endure.

¹⁷⁶ *The Pillar*, “Order of Malta”.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

Final Conclusion

How have the Order of Saint John of Jerusalem and the Sovereign Military Order of Malta redefined their interests and identities across the ages? That is the question this thesis set out to answer. My general method has been to show that the institutional changes in the Order have been historically and politically contingent. This is a process something neither the Order, nor the Holy See fully have under control, despite the promise of a protected sovereignty. There have been times where the Order took action without the Pope, such as in the creation of their military arm in the twelfth century. At other times, it is the Pope who has taken the reins, such as in the current constitutional kerfuffle. And then there are times when both are taken by surprise, such as during the French Revolution. Ultimately, the Order's sovereignty is much like that of any other state in an international society. A paradox, constantly being redefined, renegotiated, and reconstructed.

When it comes to tradition, very little is absolute. That was my main finding from the first chapter. Everything, from its aristocratic and chivalric traditions, to its military traditions, to the founding of the Order itself, was gradually developed on top of existing structures. And these traditions were open to creative reinterpretation as soon as there was opportunity, uprooting the 'Hospital of Jerusalem' time and again when Jerusalem, then the Levant, then the Eastern Mediterranean became impossible to hold. But this laissez-faire attitude has not always served the Order well, morally speaking. The stagnated knights of the eighteenth century effectively abandoned their vows of poverty, chastity and obedience, as they enslaved, whored, and finally abandoned duties on Malta when Bonaparte invaded. In this respect, Pope Francis is right to finally hold the knights to account. Nobility is great, but checks and balances are even better.

This should certainly not be new to the Order. As a religious institution, they are a normative actor in the international sphere. Although they have laid down the sword in one hand, they still hold the soft power of diplomacy and humanitarian aid in the other. This gives them discursive power and authority, alongside the prestige, connections, and easy access to finances through their aristocratic background. This should go some way toward explaining their miraculous survival: in the whirlwind of international politics, the Order has always sat right in the centre of the hurricane. Call it a different kind of liminality. That old order is now fading away, but the Order has found new ways of staying relevant in the modern era, repackaging Christian charity into a neoliberal NGO. Their message has been universalised,

but it endures in postsecular form. It will survive for as long as the Order is willing to show its usefulness and relevance.

Finally, I would like to suggest some avenues for further research. English-language scholarship on the Order itself is surprisingly light. Where this was a general overview, new studies could be made of specific periods and events. The Order occasionally features in studies of the crusaders, but these generally do not make it past the Reformation period. Comparison studies may be made with the Red Cross/Red Crescent, Rotary International, Freemasonry, or Mount Athos, another Christian community with a special legal position. Studies of microstates and states like the United Kingdom or the Scandinavian countries may unearth more of the institutional structures of old Europe. And in terms of new paradigms, I believe that the (historical) politics of (international) law may yield much new insight. As would new studies in postsecularity, especially under a critical or postcolonial framework.

Throughout this thesis, we have followed the Order of Saint John of Jerusalem, from its humble beginnings as a Jerusalem *xenodocheum*, to its naval battles on the high seas of the Mediterranean, to the associations and charities represented by the Sovereign Military Order of Malta today. It has been a history with many twists and turns, false leads, and dead ends. Between the search for available sources, the language barriers, the jargon, and the deliberately obfuscating commentaries, it has been a pain to uncover the truth. But no matter the eon, no matter the author, some of the fundamental structures in the international system/society remain applicable. These constructivist fundamentals have allowed us to step across the Westphalian border, and see one of the lineages that make up the international system today. The eleventh century international system may not have been as fast as today's, but it was no less sophisticated. After all, it all began with a group of merchants from Amalfi setting up a Christian hospice in an Islamic caliphate, staffed by laity and by clergy. And although the institutions and terminology may seem somewhat bewildering at first to our liberal democratic sensibilities, we soon find that they are not too alien. The past is a foreign country: that is why we study History and International Relations.

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Appendix A: Seat of the Grand Magistracy throughout history

Source: Source: Nicholson, *The Knights Hospitaller*, 2003, and Sire, *The Knights of Malta: A Resurrection*, 2016.

c. 1048–1099	Jerusalem, Fatimid Caliphate
1099–1187	Jerusalem, First Kingdom of Jerusalem
1187–1191	<i>Itinerant (Third Crusade)</i>
1191–1292	Acre, Second Kingdom of Jerusalem
1292–1310	Limassol, Kingdom of Cyprus
1310–1523	Rhodes, Order of the Hospital of Saint John of Jerusalem
1523–1530	<i>Itinerant</i>
1530–1571	Birgu, Malta, Kingdom of Sicily
1571–1798	Valetta, Malta, Kingdom of Sicily
1798–1799	Trieste, Austrian Empire
1799–1801	Saint Petersburg, Russian Empire
1801–1803	<i>Grand Magistracy not in operation</i>
1803–1804	Messina, Kingdom of Sicily
1804–1816	Catania, Kingdom of Sicily
1816–1826	Catania, Kingdom of the Two Sicilies
1826–1831	Ferrara, State of the Church
1831–1834	<i>Grand Magistracy not in operation</i>
1834–1849	Rome, State of the Church
1849–1849	Rome, Roman Republic
1849–1870	Rome, State of the Church
1870–1946	Rome, Kingdom of Italy
1946–present	Rome, Republic of Italy

Appendix B: List of Grand Masters of the Order of Saint John and of the Sovereign Military Order of Malta

This list shows all the Grand Masters (numbered) and Lieutenant-Generals (unnumbered) that have led the Order of Saint John, and then the Sovereign Military Order of Malta. Although the term Grand Master was only popularised in the early modern period, it has become the customary title of all invested leaders of the Order, past and present. The numbering shown is tailored to the SMOM only. Other orders have their own continuities depending on when they split off from this one. Dates for the early years are sometimes fictitious, as they are not always precisely known.

Source: Nicholson, *The Knights Hospitaller*, 2003, and Sire, *The Knights of Malta: A Resurrection*, 2016.

1. 1080–1120	Gerard	24. 1296–1305	Guillaume de Villaret
2. 1120–1160	Raymond du Puy		
3. 1160–1162	Auger de Balben	25. 1305–1317/19	Folcques de Villaret
4. 1162–1163	Arnaud de Comps	26. 1319–1346	Elyon de Villenove
5. 1163–1170	Gilbert d'Assailly	27. 1346–1353	Dieudonné de Gouzon
6. 1170–1172	Caste de Murols		
7. 1172–1177	Jobert of Syria	28. 1353–1355	Pierre de Cornilhan
8. 1177–1187	Roger des Moulins	29. 1355–1365	Rogier de Pins
9. 1187–1190	Armengol d'Aspa	30. 1365–1374	Raymond Berenguier
10. 1190–1192	Garnier de Nablus		
11. 1192–1202	Geoffrey de Donjon	31. 1374–1376	Robert de Juilly
12. 1202–1206	Afonso de Portugal	32. 1376–1396	Johan Ferrández d'Heredia
13. 1206–1207	Geoffroy le Rat		
14. 1207–1228	Garin de Montaigu	33. 1383–1395	Ricardo Caracciolo (<i>anti-Grand Master</i>)
15. 1228–1231	Bertrand de Thessy		
16. 1231–1236	Guérin Lebrun	34. 1396–1421	Philibert de Nailhac
17. 1236–1239	Bertrand de Comps	35. 1421–1437	Antonio Fluvia
18. 1239–1242	Pierre de Vieille-Brioude	36. 1437–1454	Jehan de Lastic
		37. 1454–1461	Jacques de Milly
19. 1242–1258	Guillaume de Châteauneuf	38. 1461–1467	Pere Ramon Sacosta
		39. 1467–1476	Giovanni Battista Orsini
20. 1258–1277	Hugues Revel		
21. 1277–1285	Nicole Lorgne	40. 1476–1503	Pierre d'Aubusson
22. 1285–1294	Jehan de Villiers	41. 1503–1512	Emery d'Amboise
23. 1294–1296	Ode de Pins	42. 1512–1513	Guy de Blanchefort
		43. 1513–1521	Fabrizio del Carretto

44. 1521–1534	Philippe Villiers de l’Isle-Adam	71. 1797–1799	Ferdinand von Hompesch
45. 1534–1535	Pierino del Ponte	72. 1799–1801	Paul I of Russia
46. 1535–1536	Didier de Sainte-Jalle	1801–1803	Nikolai Soltykov
47. 1536–1553	Juan de Homedes	73. 1803–1805	Giovanni Battista Tommasi
48. 1553–1557	Claude de la Sengle		
49. 1557–1568	Jean Parisot de la Vallete	1805–1814	Innigo Maria Guevara-Suardo
50. 1568–1572	Pietro del Monte	1814–1821	Andrea di Giovanni y Centellés
51. 1572–1582	Jean l’Évesque de la Cassière	1821–1834	Antonio Busca
52. 1582–1595	Hugues Loubenx de Verdalle	1834–1845	Carlo Candida
53. 1595–1601	Martín Garzés	1845–1864	Filippo di Colloredo-Mels
54. 1601–1622	Alof de Wignacourt	1864–1871	Alessandro Borgia
55. 1622–1623	Luis Mendes de Vasconcellos	1871–1879	Giovanni Battista Ceschi a Santa Croce
56. 1623–1636	Antoine de Paule		
57. 1636–1657	Giovanni Paolo Lascaris	74. 1879–1905	Giovanni Battista Ceschi a Santa Croce
58. 1657–1660	Martin de Redin		
59. 1660–1660	Annet de Clermont-Gessan	75. 1905–1931	Galeas von Thun und Hohenstein
60. 1660–1663	Rafael Cotoner	76. 1931–1951	Ludovico Chigi Albani della Rovere
61. 1663–1680	Nicolás Cotoner		
62. 1680–1690	Gregorio Carafa	1951–1955	Antonio Herculani Fava Simonetti
63. 1690–1697	Adrien de Wignacourt	1955–1962	Ernesto Paternò
64. 1697–1720	Ramón Perellós		
65. 1720–1722	Marcoantonio Zondadari	77. 1962–1988	Castello di Carcaci
66. 1722–1736	Antonio Manoel de Vilhena	78. 1988–2008	Angelo de Mojana di Cologna
67. 1736–1741	Ramón Despuig	79. 2008–2017	Andrew Bertie
68. 1741–1773	Emanuel Pinto da Foncesca	2017–2018	Matthew Festing
69. 1773–1775	Francisco Ximénes de Texada	80. 2018–2020	Giacomo dalla Torre del Tempio
70. 1775–1797	Emmanuel de Rohan-Polduc	2020–2022	Giacomo dalla Torre del Tempio
		2022–present	Marco Luzzago
			John T. Dunlap

Appendix C: Capitularies in the *Stabilimenta* (1493) by date of enactment

	custom	Raymond du Puy 1120–1160	Afonso of Portugal 1202–1206	Hugues Revel 1258–1277	Nicole Lorgne 1277–1285	Jehan de Villiers 1285–1294	Ode de Pins 1294–1296
<i>de regula</i>	1	2					
<i>de receptione fratrum</i>	2		1	4	1		
<i>de ecclesia</i>	10			4			
<i>de hospitalitate</i>	1		1		1		
<i>de thesauro</i>	1			1		1	1
<i>de capitulo</i>	2						
<i>de consilio</i>					1		
<i>de sgardio</i>	2					2	
<i>de magistro</i>	1		2	1	1		
<i>de baiiivis</i>	1		1				
<i>de prioribus</i>				2			
<i>de fratribus ac inhibitionibus ac poenis</i>			1	6	4		
<i>de electionibus</i>	1				1		
<i>de collationibus</i>							
<i>de alienationibus</i>				1			1
<i>de arrendamentis</i>							
total	22	2	6	19	9	3	2

	Guillaume de Villaret 1296–1305	Folques de Villaret 1305–1317/19	Elyon de Villenove 1319–1346	Dieudonné de Gouzon 1346–1353	Pierre de Cornilhan 1353–1355
<i>de regula</i>					
<i>de receptione fratrum</i>			1		
<i>de ecclesia</i>	1	1			1
<i>de hospitalitate</i>					
<i>de thesauro</i>			1		2
<i>de capitulo</i>					
<i>de consilio</i>	1				
<i>de sgardio</i>	1		1		
<i>de magistro</i>					1
<i>de baiuivis</i>	5		1		1
<i>de prioribus</i>	2		2		2
<i>de fratribus ac inhibitionibus ac poenis</i>	1		6		2
<i>de electionibus</i>					1
<i>de collationibus</i>			3		1
<i>de alienationibus</i>	1				1
<i>de arrendamentis</i>					
total	12	1	15	8	5

	Rogier de Pins 1355–1365	Raymond Berenguier 1365–1374	Johan Ferrández d'Heredia 1376–1396	Philibert de Nallhac 1396–1421	Antonio Fluvià 1421–1437
<i>de regula</i>		1			1
<i>de receptione fratrum</i>			1	1	6
<i>de ecclesia</i>	1	1	2	4	3
<i>de hospitalitate</i>				1	
<i>de thesauro</i>	1			4	3
<i>de capitulo</i>			2		1
<i>de consilio</i>				2	
<i>de sgardio</i>		1	2		
<i>de magistro</i>		1			2
<i>de baiuivis</i>	1			1	6
<i>de prioribus</i>				7	5
<i>de fratribus ac inhibitionus ac poenis</i>	2	4	2	7	10
<i>de electionibus</i>		1		1	2
<i>de collationibus</i>		3	1	2	4
<i>de alienationibus</i>		1			1
<i>de arrendamentis</i>				1	1
total	5	13	10	31	45

	Rogier de Pins 1355–1365	Raymond Berenguier 1365–1374	Robert de Juilly 1374–1376	Johan Ferrández d'Heredia 1376–1396	Philibert de Nalhac 1396–1421	Antonio Fluvià 1421–1437
<i>de regula</i>		1				1
<i>de receptione fratrum</i>				1	1	6
<i>de ecclesia</i>	1	1		2	4	3
<i>de hospitalitate</i>					1	
<i>de thesauro</i>	1				4	3
<i>de capitulo</i>				2		1
<i>de consilio</i>					2	
<i>de sgardio</i>		1		2		
<i>de magistro</i>		1				2
<i>de baiuivis</i>	1				1	6
<i>de prioribus</i>					7	5
<i>de fratribus ac inhibitionibus ac poenis</i>	2	4		2	7	10
<i>de electionibus</i>		1			1	2
<i>de collationibus</i>		3		1	2	4
<i>de alienationibus</i>		1				1
<i>de arrendamentis</i>					1	1
total	5	13	0	10	31	45

	Jehan de Lastic 1437-1454	Jacques de Milly 1454-1461	Pere Ramon Sacosta 1461-1467	Giovanni Battista Orsini 1467-1476	Pierre d'Aubusson 1476-1503	custom	total	new laws 1493
<i>de regula</i>					1		6	
<i>de receptione fratrum</i>		1			2	3	23	
<i>de ecclesia</i>	2	4		2	6		42	
<i>de hospitalitate</i>	11	6					21	
<i>de thesauro</i>	5		3	7	10		40	7
<i>de capitulo</i>			1	2	3		11	1
<i>de consilio</i>	1		7	9			21	
<i>de sgardio</i>	1		5	3			18	1
<i>de magistro</i>			5				2	16
<i>de baiuilivis</i>	15		6	5	2	2	47	
<i>de prioribus</i>	1		2		1		24	
<i>de fratribus ac inhibitionibus ac poenis</i>	3	1	6	2	3	10	71	2
<i>de electionibus</i>	2	3	4	3	1		20	2
<i>de collationibus</i>	3	3	2	2	6		30	4
<i>de alienationibus</i>			1	1	1		9	1
<i>de arrendamentis</i>	1				1		4	
total	45	18	42	36	37	17	403	18