

“The principles of international law governing the Sovereign authority for the creation and administration of Orders of Chivalry”, in Rory Stanley (ed.), *Féil-Scribhinn Liam Mhic Alasdair – Essays Presented to Liam Mac Alasdair, FGSi* (Genealogical Society of Ireland, Dublin, 2009) 15-25 ISBN 9781898471677

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I Introduction

The International Commission for Orders of Chivalry was established at the Vth Congress of Genealogy and Heraldry at its meeting in Stockholm in August 1960, in order to look into the legitimacy of pretended Orders of chivalry. These Orders had proliferated, especially after the Second World War. The Commission reported to the VIth International Congress of Genealogy, held at Edinburgh in September 1962.¹ A provisional list of authentic Orders was published in 1963, and the Register itself in 1976.

In its Report, the Commission outlined what it had concluded were the principles involved in assessing the validity of Orders of chivalry. These principles were accepted by the VIth International Congress of Genealogy. In addition, it was agreed that the International Commission, composed of “high personalities of the Congress, and leading experts in the field of chivalry, nobiliary and heraldic law”,² should become a permanent body charged with applying the principles developed in its report.³ The Commission published a new edition of the Register in 1996. This does not however differ materially from earlier editions,⁴ and is governed by the original principles, said to have been derived from international law. The sources of international law include written and unwritten rules, treaties, agreements, and customary law, the latter being discoverable in the writings of jurists and academics upon the behaviour of states, for states were for long the dominant – if not sole – participants in international diplomacy and law.

The principles which the International Commission identified were that only states have the right to create Orders of chivalry; that these Orders cannot be abolished by republican governments, that exiled Sovereigns retain control of royal Orders, that no private individuals can create Orders, that no state or supranational organisation without its own Orders can validate Orders, and that the only sovereign Order is the Order of Malta.

Since 1962 these principles have been followed by the Commission. They have also been generally, though not universally, accepted by heraldists and by others. But it is more than doubtful whether they were ever legally correct, at least in their entirety. This chapter will examine the second and third principles, which would appear to suggest that the right to control honours is inalienably attached to the person of the Sovereign who instituted them, and such a right of control is unassailable by a successor government. Such a conclusion

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¹ International Commission for Orders of Chivalry, *Register of Orders of Chivalry – Report of the International Commission for Orders of Chivalry* (1978), 3.

² One must be perpetually vigilant against claims as to the legitimacy of new “Orders of Chivalry” based on the opinions of supposed legal experts.

³ International Commission for Orders of Chivalry, *Register of Orders of Chivalry – Report of the International Commission for Orders of Chivalry* (1978), 3.

⁴ i.e. *ibid.*

might be correct in canon law, but it is not so in international law, nor in the domestic law of most, if not all, countries.

II *Ultra vires* to abolish Orders

The second principle states that:

The Dynastic (or Family or House) Orders belonging *jure sanguinis* to a Sovereign House (that is to those ruling or ex-ruling Houses whose sovereign rank was internationally recognised at the time of the Congress of Vienna in 1814 or later) retain their full historical chivalric, nobiliary and social validity, notwithstanding all political changes. It is therefore considered *ultra vires* of any republican State to interfere, by legislation or administrative practice, with the Princely Dynastic Family or House Orders. That they may not be officially recognised by the new government does not affect their traditional validity or their accepted status in international heraldic, chivalric and nobiliary circles.⁵

Several difficulties are immediately apparent. The first of these is with the nomenclature; what is meant by “Dynastic (or Family or House) Orders”?

A distinction between dynastic Orders and state Orders is virtually unknown in the common law world,⁶ and would appear to be only applicable where there is a legal distinction between the state and the legal person of the Sovereign.⁷ The British approach is to be distinguished from that of most continental European countries, which have Roman law-based civil law legal systems. Archbishop Hyginus Eugene Cardinale has given what may be called the classic civil law definition of dynastic Orders:

Dynastic Orders of Knighthood are a category of Orders belonging to the heraldic patrimony of a dynasty, often held by ancient right. They are sometimes called Family Orders, in that they are strictly related to a Royal Family or House. They differ from the early military and religious Orders and from the later Orders of Merit belonging to a particular State, having been instituted to reward personal services rendered to a dynasty or an ancient Family of princely rank.⁸

Thus, in this tradition the dynastic Orders are linked to the royal family, in contrast to the state Orders, which are linked to the state. The absence of a British concept of the state is,

⁵ Ibid, 4.

⁶ Though it was adopted in 1995 in the Prime Minister’s Honours Advisory Committee, *The New Zealand Royal Honours System: Report of the Prime Minister’s Honours Advisory Committee* (1995).

⁷ The Crown is the substitute for the state in realms; see Noel Cox, “The Theory of Sovereignty and the Importance of the Crown in the Realms of The Queen”, 2(2) *Oxford University Commonwealth Law Journal* (2002): 237-255, 237.

⁸ Hyginus Eugene Cardinale, *Orders of Knighthood Awards and the Holy See – A historical, juridical and practical Compendium* (1983), 119. Although his work was subsequently criticised for the many errors which it contained, none of these are of relevance to the present chapter.

of course, is not a coincidence.⁹ In the British usage at least, a more meaningful distinction is between the great Orders of Christendom (such as the Golden Fleece and the Garter), the domestic, house or family Orders,¹⁰ and the (generally modern) Orders of merit.¹¹ The Order of St Patrick, a dynastic Order in terms of the Commission's principles, could potentially be transformed from dynastic Order to state Order, if revived by the government of the Irish republic, as some has advocated.¹² This raises significant questions, not least of which is the existence of the right to preserve or to institute a new branch of the original Order, in both the United Kingdom and Ireland. This can be seen as equivalent to the division of the Order of Christ between the Holy See, Portugal and Brazil. The Commission's own principles would appear to invalidate any revival of the Order of St Patrick by the Irish state, and it must be doubted whether this can be correct.

Whilst the existence of such a thing as a dynastic Order in British law is uncertain, the principle continues with what can only be called an extraordinary contention. The claim that these Orders "belonging *jure sanguinis* to a Sovereign House ... retain their full historical chivalric, nobiliary and social validity, notwithstanding all political changes" is a far reaching assertion of the divine right of kings.¹³

Three general schools of thought on the subject have emerged.¹⁴ Many proponents of the concept of *fons honorum* or right to confer honours and create Orders will agree that an ex-monarch or the head of a former royal house is limited in the exercise of his regalian rights by the royal constitution which was in effect at the time of his abdication. This position has much to commend it, and appears to have been generally accepted.¹⁵

However, others insist that the privileges of *fons honorum* can only apply to a monarch who has actually reigned and not to the head of a former royal house who has not. Whilst a Sovereign will lose legitimacy as head of state once the new regime is established, there is no doubt that the *fons honorum* remains with the Sovereign and their lawful successors, subject to alteration or abolition by the new national authorities;¹⁶ assuming for the moment that the latter is legal.

⁹ Frederic Maitland, "The Crown as a Corporation", 17 *Law Quarterly Review* (1901): 131; *Adams v Naylor* [1946] AC 543, 555 (HL); David Cohen, "Thinking about the State: law reform and the Crown in Canada", 24 *Osgoode Hall Law Journal* (1986): 379-404; *Verreault v Attorney-General of Quebec* [1977] 1 SCR 41, 47; *Attorney-General of Quebec v Labrecque* [1980] 2 SCR 1057, 1082 [Supreme Court of Canada].

¹⁰ Such as the Royal Family Order, bestowed on female members of the Royal Family.

¹¹ All others, such as the Order of the British Empire.

¹² The Most Illustrious Order, established 1783 by King George III as King of Great Britain and Ireland, became obsolescent after the creation of the Irish Free State. Though the King was, in the 1922 Constitution, part of Parliament, "All powers of government and all authority, legislative, executive, and judicial, in Ireland are derived from the people of Ireland, and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organisations established by or under, and in accord with, this Constitution" (Article 12). Thereafter it was difficult, if not impossible, for new appointments to be made to the Order. The last appointment was that of HRH Prince Henry Duke of Gloucester in 1934. The Order became obsolete with the death of the last knight (also the Duke of Gloucester) in 1974.

¹³ JN Figgis, *The theory of the Divine Right of Kings* (1914).

¹⁴ James Algrant, "The Fons Honorum", formerly obtainable from <<http://www.kwtelecom.com/heraldry/>>.

¹⁵ *Ibid.*

¹⁶ Thus unless a new Grand Master is appointed, any royal grand master remains in office.

The third position, and most restricted, holds that the *fons honorum* disappears when monarchy ceases to be the form of government. This has simplicity, but little else to commend it.¹⁷

Even if one accepts that a Sovereign probably retains *fons honorum* even if exiled, the question becomes one of how long this will last, and what conditions (if any) it is subject to. Arguably, in the case of the Order of St Patrick, the King had ceased to be the Head of State, by 1949 at the latest, and was therefore self-limited; the revival, or even the continuation, of the Order by the King after 1943 (and possibly as early as 1922), was inappropriate, or at least politically difficult. Whether the new state could revive the Order, or take it over, was another vexed question.

The Constitution of the Irish Free State remained silent on the question of the royal prerogative, which was not transferred to the government of the State, but which probably preserved the royal prerogative in the hands of the King while he retained a constitutional role in the State. The royal prerogative was thus unaffected by the advent of the Irish Free State – at least until 1937 (or rather 1936), and the effective creation of an Irish republic, but it remained associated with the Crown. In the case of *Byrne v Ireland*¹⁸ the Supreme Court of Ireland categorically established that the Irish Republic did not inherit the royal prerogative.¹⁹ It was apparently excluded – indeed this occurred in 1922,²⁰ rather than in 1937, or in 1949, when Ireland became officially as well as effectively a republic.

However the power of the state to do revive the Order of St Patrick, or to create a new Order of merit, may exist independently of the prerogative. It is apparently not limited by Article 40.2.1 of Bunreacht na hÉireann, which prohibited the conferring of titles of nobility but not necessarily an Order of Merit.²¹ The Irish Government has expressed its intention to establish an Order of merit, which it may do under principle one of the Commission’s guidelines,²² though this is unlikely to include titles.²³ The revival of the Order in Ireland, or the creation of a new Order of merit, would have to be by legislative means.

¹⁷ James Algrant, “The Fons Honorum”, formerly obtainable from <<http://www.kwtelecom.com/heraldry/>>.

¹⁸ [1972] IR 241 [Supreme Court of Ireland].

¹⁹ Supported by *Webb v Ireland* [1988] IR 353 and *Geoghegan v Institute of Chartered Accountants* [1995] 3 IR 86.

²⁰ The Constitution of Saorstát Éireann 1922.

²¹ However, “Article 40.2 does not appear to have ever been judicially considered”; John Kelly, *The Irish Constitution* (2nd ed), 467.

²² “Every independent State has the right to create its own Orders or Decorations and lay down, at will, their particular rules. But it must be made clear that only the higher degrees of these modern State Orders can be deemed of knightly rank, provided that they are conferred by the Crown or by the ‘pro tempore’ ruler of some traditional State”.

²³ The use of titular honours by those for whom permission has been granted to receive such foreign honours has also been controversial, as is the use of Irish chiefly titles. Some of the latter, like the O’Conor Don, were accorded an element of “courtesy recognition” by the Crown prior to 1943. Afterwards 15 were recognised by Edward MacLysaght, Chief Herald of Ireland and Genealogical Officer, Office of Arms 1944-45, and another 7 were recognised 1989-95, including the McCarthy Mor (later rejected), O’Doherty, O’Rourke, O’Carroll and MacDonnell. Recognition by the Crown seems to have survived even after 1943, with Major-General David Nial Creagh, the O’Morchoe, a senior officer of the British Army, being commonly accorded recognition (though in the *London Gazette* he is described as David Nial Creagh O’Morchoe, in the *Army List* he was given as “O’Morchoe”). The Irish state

One of the first principles of Commonwealth constitutional law holds that sovereignty, that is the absolute right to command obedience, rests with Parliament.²⁴ This principle of parliamentary supremacy, which is by no means unknown in European and other legal traditions, is completely at odds with a contention that it is “*ultra vires* of any republican State to interfere, by legislation or administrative practice, with the Princely Dynastic Family or House Orders”.²⁵

Any property or legal right belonging *jure sanguinis* (by right of blood) to any individual can be alienated, either by action of the competent legislative authority,²⁶ or (to a lesser extent) by action of the possessor.²⁷ It is to be very much doubted that any Order is unalienable, and for the Commission to assert that it is “*ultra vires* of any republican State to interfere, by legislation or administrative practice, with the Princely Dynastic Family or House Orders” is not only unrealistic, but does not reflect the legal position.²⁸

It is not true even in civil law that “[n]o authority can deprive [exiled Sovereigns and their heirs] of the right to confer honours, since this prerogative belongs to them as a lawful personal property *iure sanguinis* (by right of blood), and both its possession and exercise are inviolable”.²⁹ Any property may be sequestrated, seized or abolished by legitimate authority – provided that this is done in accordance with the proper legal procedures. Nor must an abdicating Sovereign explicitly renounce his right to the grand mastership of an Order, it being clear that on abdication a Sovereign renounces all offices, titles and other attributes of sovereignty.³⁰

The term Grand Master encompasses rather more in Continental usage than in British practice. A Sovereign is not always grand master in either tradition, and the appointment may be given to another member of the Royal Family, or even a commoner. However, the right to control an Order belongs to a Sovereign as Sovereign of an Order, rather than as Grand Master, and this status cannot survive voluntary abdication.

The position of the Sovereign of an Order of chivalry, being an incorporeal hereditament or heritage, is a right *in rem* maintainable against anyone within the jurisdiction

presumably has the legal authority to recognise these titles (assuming they are recognised as chiefly or territorial titles and not titles of nobility), but the legal authority for the Genealogical Office to recognise Gaelic chiefly titles has been challenged; see the Attorney-General’s advice to the Minister of Arts, Sport and Tourism in June 2002.

²⁴ See, for example, Sir Henry Wade, “The Legal Basis of Sovereignty”, *Cambridge Law Journal* (1955): 172.

²⁵ International Commission for Orders of Chivalry, *Register of Orders of Chivalry – Report of the International Commission for Orders of Chivalry* (1978), 4.

²⁶ *Countess of Shrewsbury’s Case* (1612) 12 Co Rep 106; 77 ER 1369; *R v Purbeck (Viscount)* (1678) Show Parl Cas 1, 5; 1 ER 1, 5; *Report as to the Dignity of a Peer of the Realm* (1820, 1829 Reprint), vol I p 393.

²⁷ Once conferred, a peerage cannot in English law be renounced, although an heir, upon succeeding to a peerage, may now renounce the dignity for his lifetime, under the Peerage Act 1963 (UK). Scottish law allowed however the surrender of a peerage.

²⁸ With the exception of natural, or divine law, any human law is amenable to change by competent political authority; generally, see Noel Cox, *Church and State in the Post-Colonial Era: The Anglican Church and the Constitution in New Zealand* (2008), especially 66.

²⁹ Hyginus Eugene Cardinale, *Orders of Knighthood Awards and the Holy See – A historical, juridical and practical Compendium* (1983), 119.

³⁰ This was clearly illustrated by the case of King Edward VIII. He retained, however, those offices not held as a consequence of kingship, including his military ranks.

of creation.³¹ However, rights *in rem*, and in particular incorporeal right *in rem*, only exist within the legal system which created them³² and which usually protects and enforces the right. Once a right is removed from the legal system that conferred it, it ceases to have any validity under the law of the creator state.³³

Once out of the jurisdiction in which an Order was created, the rights conferred by the statutes of the Order are unenforceable, unless the country to which it is taken is prepared to recognise the rights *in rem* created by the statutes, under the host country's rules of private international laws.³⁴ These rights are determined by the *lex creatus*,³⁵ the law of the country of origin, rather than that of the *lex situs*,³⁶ the country in which the Sovereign may now reside.

Orders of chivalry are governed by the appropriate *lex creatus*. Claims to Orders and the rights they confer must be directed to the granting jurisdiction where the claim will be decided by the *lex creatus*.³⁷ Unless the Order is recognised by another state, the purported abolition must be accepted as valid. Archbishop Cardinale recognised the limitations on exiled Sovereigns when he acknowledged that “they cannot however found new Dynastic Orders”.³⁸ But he didn't carry this to its logical conclusion. They cannot create new Orders because the *lex creatus* is no longer in their hands.

The only general exception is if the Order has become an independent legal person in international law, a status only enjoyed by the Sovereign Military Order of Malta.³⁹ Any papal

³¹ Sir Crispin Agnew of Lochnaw, “The Conflict of heraldic laws”, *Juridical Review* (1988): 61, 62-63; See GC Cheshire and PM North, *Private International Law* PM North ed (1979), 658; *Salvesen v Administrator of Austrian Property* [1927] AC 641.

³² “The characteristic of a legal right is its recognition by a legal system” in GW Paton and DP Denham (eds), *Jurisprudence* (1972), 284 et seq.

³³ Sir Thomas Innes of Learney, *Scots heraldry* (1978), 8.

³⁴ Sir Crispin Agnew of Lochnaw, “The Conflict of heraldic laws”, *Juridical Review* (1988): 61, 63.

³⁵ Thus claims to Scottish peerages and baronetcies, and probably creations of Great Britain and the United Kingdom with Scottish designations, are considered in Lyon Court or before the Committee of Privileges in terms of Scots Law; Sir Crispin Agnew of Lochnaw, “Peerage and Baronetcy Claims in the Lyon Court” (n.d.); *Dunbar of Kilconzie*, 1986 SLT 463; *Lady Ruthven of Freeland, Petitioner*, 1977 SLT (Lyon Court), 2; *Grant of Grant, Petitioner*, 1950 SLT (Lyon Court); Sir Crispin Agnew of Lochnaw, “The Conflict of heraldic laws”, *Juridical Review* (1988): 61, 63.

³⁶ See ch XVI “The Law of Immoveables” in GC Cheshire and PM North, *Private International Law* PM North, ed (1979); ch 17 “Immoveable Property” in AE Anton, *Private International Law: A treatise from the standpoint of Scots law* (1967).

³⁷ Sir Crispin Agnew of Lochnaw, “The Conflict of heraldic laws”, *Juridical Review* (1988), 61, 63.

³⁸ Hyginus Eugene Cardinale, *Orders of Knighthood Awards and the Holy See – A historical, juridical and practical Compendium* (1983), 119.

³⁹ Recognised by the Holy See 1113; *Regesta Pontificum Romanorum* P Jaffé, S Loewenfeld, F Kaltenbrunner and P Ewald eds (1956), 6341; Noel Cox, “The Continuing question of sovereignty and the Sovereign Military Order of Jerusalem, of Rhodes and of Malta”, 13, *Australian International Law Journal* (2006): 211-232.

recognition would of course confer some legitimacy upon the Order, in so far as canon law was concerned, though this would not as such make it an Order of chivalry.⁴⁰

Archbishop Cardinale identified the crux of the position however, when he wrote that “[t]his is especially true when the Orders in question have been solemnly recognised by the Supreme Authority of the Holy See. No political authority has the right to suppress this recognition, declared by highly official documents, such as Papal Bulls by a merely unilateral act of abolition. So long as the recognition is not revoked by the Holy See itself, the Order cannot be considered canonically extinct”.⁴¹

So far as canon law is concerned, the Order of chivalry remains in existence. But canon law does not overrule the municipal laws of states. Thus, whatever the position of the Papacy, any successor authority may abolish or suppress any Order of chivalry, dynastic or otherwise. According to international practice, the Holy See recognises legitimately instituted Orders of knighthood as juridical persons under public law in the various states.⁴² An Order still recognised by the papacy has canonical validity, even if it lacks validity in domestic law. But if it lacks validity in domestic law it will lack validity in international law also.⁴³

There are several Catholic dynastic Orders of knighthood which are still being bestowed by a legitimate successor of a Sovereign in exile. Among these, the two most important are the Most Noble Order of the Golden Fleece (Austrian branch) and the Sacred Military Constantinian Order of St George of the Kingdom of the Two Sicilies.⁴⁴ Others still bestowed, though with doubtful authority since they were suppressed by the successor authorities of the countries concerned, include the Order of the Holy Annunciation and the Order of Saints Maurice and Lazarus, both of Italy.

The Order of St Patrick remains in legal existence since its authority is derived from the Crown of the Kingdom of Great Britain and Ireland, and is now the property of the Crown of the United Kingdom, as successor in law.⁴⁵

⁴⁰ Were the legitimacy of an Order, as an Order of Chivalry, to be recognised, then difficulties would exist for subject of The Queen, who may not accept foreign honours without Her Majesty’s permission.

⁴¹ Hyginus Eugene Cardinale, *Orders of Knighthood Awards and the Holy See – A historical, juridical and practical Compendium* (1983), 119.

⁴² *Ibid* 26.

⁴³ It may have validity in the secular law of the papal states (now Vatican City State), and this would be sufficient to give it some validity in international law if it lacks validity in the *locus creatus*. But the Sovereign of such an Order would owe their authority to this recognition, and not to the laws of their own country. It is doubtful that the secular law of the Vatican City State, as distinct from the canon law of the Catholic Church, has accorded any Order recognition.

⁴⁴ Hyginus Eugene Cardinale, *Orders of Knighthood Awards and the Holy See – A historical, juridical and practical Compendium* (1983), 140.

⁴⁵ Though the Crown of Ireland was distinct from the Crown of Great Britain, at least pre-1800 (and the Order was established 1783), it is likely that the latter has the legal control of the Order, despite the reasoning applied in *Calvin’s Case* (1607) 7 Co Rep 156 16a; 77 ER 377, 396. The unity of the Crown was the prevailing concept; Noel Cox, “The Dichotomy of Legal Theory and Political Reality: The Honours Prerogative and Imperial Unity”, 14 *Australian Journal of Law and Society* (1998-99): 15-42. See also Noel Cox, “The British Peerage: The Legal Standing of the Peerage and Baronetage in the Overseas Realms of the Crown with Particular Reference to New Zealand”, 17(4) *New Zealand Universities Law Review* (1997): 379-401.

III *Jure sanguinis and fons honorum*

The third principle states that:

It is generally admitted by jurists that such ex-Sovereigns who have not abdicated have positions different from that of pretenders and that in their lifetime they retain their full rights as *fons honorum* in respect of those Orders of which they remain Grand Masters which would be classed, otherwise, as State and Merit Orders.⁴⁶

There are also some unusual aspects to this principle. Firstly, a Sovereign has control of an Order whether or not they are Grand Master, as the latter is merely an officer of the Order. Secondly, this is an assertion that an exiled Sovereign remains *de facto* if not *de jure* Sovereign for life. The question of loss of *de facto* and *de jure* authority has been the subject of numerous studies, and no one definitive position can be asserted.⁴⁷ Whilst it is possible that an exiled Sovereign may retain *de facto* authority, this is by no means certain in every case.

Referring to principle two, this means that whilst the Sovereign may retain the right to appoint to any prior existing Orders, that right is subject to termination by the proper successor authority.

IV Conclusion

What conclusions can be drawn from a brief examination of some of the principles under which the International Commission for Orders of Chivalry has operated for nearly fifty years? Firstly, every sovereign prince (or, subject to their respective constitutions, the president or other official in a republican state) has the right to confer honours, in accordance with the constitutional framework of the state. These honours should be accorded appropriate recognition in all other countries under the usual rules of private international law.

Secondly, an exiled Sovereign retains the right to bestow honours, dynastic, state or whatever else they may be styled. This right extends to their lawful successors in title, even for several generations. Appointments may continue to be made, unless this has been expressly prohibited by the successor authorities of the state, or the Order has become obsolete. It also follows that an exiled, or former Sovereign may continue to make appointments to an Order which is also governed by the new regime, thus creating a separate, though related, Order. Whilst an exiled Sovereign may in some circumstances establish a new Order of chivalry, he or she may only do so whilst they remain generally recognised by the international community as the *de jure* ruler of his country. His or her successors will not have this right to create new Orders, excepting in those rare instances where the son or further issue of an exiled Sovereign has been generally recognised by the international community as

⁴⁶ International Commission for Orders of Chivalry, *Register of Orders of Chivalry – Report of the International Commission for Orders of Chivalry* (1996), 4.

⁴⁷ See for example, FM Brookfield, “Some aspects of the Necessity Principle in Constitutional Law” unpublished University of Oxford DPhil thesis (1972); Jonathan Waskan, “De facto legitimacy and popular will”, 24(1) *Social Theory and Practice* (1988): 25-55.

the rightful ruler of their country. Only *de jure* Sovereigns (including their republican equivalents) may create Orders of chivalry.

Thirdly, the international status of an Order of chivalry depends upon the municipal law of the country in which it was created. There can be no international Orders as such, shorn of dependence upon the municipal laws of a state.⁴⁸ Principles four, five and six together indicate that sovereign Orders are not generally possible, with recognition however being extended to the Sovereign Military Order of Malta.⁴⁹ The Order of Malta depends upon its own unique history, and, at least in part, its recognition by the Holy See and by secular princes. Any pretended “sovereign” Order is nothing more than a voluntary society or association, and members should not wear any insignia or use any styles or titles to which they may be entitled outside the private functions of such groups.

⁴⁸ Thus, the “Sovereign Order of Saint Stanislaus” created 9 June 1979 by Count Juliusz Nowina Sokolnicki, President of the Republic of Poland (in exile), is not, and never could have been, sovereign, irrespective of the regularity of Sokolnicki’s own status as titular President.

⁴⁹ Noel Cox, “The Continuing question of sovereignty and the Sovereign Military Order of Jerusalem, of Rhodes and of Malta”, 13, *Australian International Law Journal* (2006): 211-232.