

Crusader Knight Orders as Medieval NGOs. Legal History Lessons for 21st Century Legal Practitioners

Doc. Dr. habil. ORSOLYA FALUS, Ph.D, LL.M, Associate professor

Institute of Social Sciences, University of Dunaújváros

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Introduction, historical parallels

On September 3, 2022, Pope Francis revoked the mandate of the leaders of the Rome-based Sovereign Order of Malta and appointed a temporary body to head the institution, with immediate effect, thereby placing the oldest, continuously operating Crusader knight order under the direct authority of the Holy See.¹ According to the decree of the head of the Catholic Church, the mandate of the current leaders of Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta (S.M.O.M.) has been terminated, the body leading the order has been dissolved, and the temporary council appointed by Pope Francis has taken its place. The task of the temporary council is to prepare the extraordinary meeting scheduled for January 25, where the order's new operating regulations will be adopted. The papal decree establishes the order's subordination to the Holy See.

¹ Holy See Press Office: <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2022/09/03/decreo-for-the-sovereign-military-hospitaller-order-of-saint-joh.html> (Accessed: 29-09-2022).

The order has 42,000 employees around the world, employs 80,000 volunteers, can mobilize hundreds of thousands of people in medical emergencies, maintains twenty hospitals in different countries, distributes six million bowls of food annually in its relief kitchens, has significant property ownership, and income from donations. In 2016, serious contradictions surfaced in the order, which led to the resignation of Grand Master Fra' Matthew Festing, who had led the organization for nine years. The Pope then set up a commission of inquiry to investigate the situation. The events in Myanmar were also in the background, when the Maltese distributed tens of thousands of contraceptives among the population at the site of the natural disaster. The Grand Master blamed the then Grand Chancellor Albert von Boeselager, who in turn asked the Pope to take countermeasures. In 2017, the Pope first appointed Angelo Becciu and then Archbishop Silvano Tomasi to the order as extraordinary delegates.² Referring to its sovereignty the knight order opposed the Vatican on several occasions, including the appointment of the leaders, and the regulation of the membership procedure. In recent years, the media has accused the order of having “turned into an NGO” after breaking away from its goals at the time of its founding.³

The scandal related to what happened last time with a Crusader order when on Friday, October 13, 1307, by order of the papal inquisitor Guillaume de Paris, but actually under the pressure of the French king Philip IV the Fair (1285–1314), all the Knights Templar in the Kingdom of France were arrested in one night. They were accused of denying Christ, idolatry, and sodomy. The Pope, Clement V (1305–1314), who found the measure exaggerated, convened a council in Vienne, France in 1311, but the meeting was held in the ring of Philip the Fair's army, so the decision was predictable. The Pope summarized the council's decision in bulls beginning with “*Vox in excelso*” and later “*Ad providam*”. The first bull exonerated the order for lack of evidence, but ruled that it could no longer continue its activities.⁴ The second, on the other hand, emphasized that the principle of collective guilt cannot be applied, so the case

² Harris, Elise and Bunderson, Carl (2017): Knights of Malta Grand Master to resign at request of Pope Francis. Catholic News Agency, Vatican City, Jan 25, 2017 / 02:29 am <https://www.catholicnewsagency.com/news/35301/knights-of-malta-grand-master-to-resign-at-request-of-pope-francis> (Accessed: 03-10-2022).

³ Ed. Condon (2022): Is the Order of Malta still 'sovereign'? The pope has made very big changes to the Order of Malta. But what do they mean? The Pillar, September 5, 2022. 6:07 PM <https://www.pillaratholic.com/order-of-malta-still-sovereign/> (Accessed: 29-09-2022).

⁴ Howarth, Stephen: A templomosok titka [The Secret of the Templars]. Kossuth Kiadó, Budapest, 1986., p. 326.

of each knight must be investigated individually, and only the guilty should be punished. The same bull ordered the Johannites – the legal predecessors of the Maltese punished in 2022 – to hand over the property of the Templars. As the final act of the infamous trial, the last Grand Master of the Templars, Jacques de Molay, was burned at the stake on March 18, 1314.⁵ The king, who owed the order a huge amount, already on the day of the arrests ordered the destruction of his own debt papers.⁶

The parallels between the fates of the two Crusader orders are striking: rapid rise, moral and financial support of the Holy See and the powers of the time, wealth and sovereignty, and then their fall in the face of worldwide publicity.

Crusader knight orders

The members of the most special institutions of the Middle Ages, the knight orders, were secular knights living according to monastic rules. The evangelical teaching clearly condemns violence however in the case of the knight orders it seems as if the Church sanctifies violence. It is therefore necessary to clarify that the members of the knight orders were not monks who received permission to fight and shed blood, but secular warriors who continued their lifestyle outside of warfare based on monastic rules.

Starting from the 11th century the continuation of the charitable activities initiated by the monastic orders were the knight orders whose goal was to care for the sick and the poor. These were the Hospitaller orders, whose roots grew out of the organization of the Hospitaller brotherhoods (*confraternitas*). However, brotherhoods developed from the lay institution of monasteries (*fratres conversi*) into an independent form of coexistence. It was a long road from the secular knights (*bellatores*), to the orders of the Crusaders. Probably in connection with the church's efforts to ensure God's peace (*pax Dei*, or *treuga Dei*), the brotherhoods, confraternities supported by the church were the starting points of the movement.⁷

⁵ Hunyadi, Zsolt-Pósán, László: Krisztus katonái. A középkori lovagrendek [Soldiers of Christ. The medieval knights]. Tóth Könyvkereskedés és Kiadó Kft. Debrecen. 2011., pp. 37-38.

⁶ Falus, Orsolya. Ispotályos kereszties lovagrendek az Árpád-kori Magyarországon [Hospitaller Knight Orders in the Arpad-era in Hungary]. IDResearch Kft./Publikon Kiadó, Pécs, 2015, p. 63.

⁷ More about this topic: Falus, op. cit. pp. 28–32.

The path of pilgrimages to the Holy Land supported by the church had to be protected, and this task was undertaken by secular brotherhoods that were established for this purpose already at the beginning of the 11th century. The members of the knight orders that later emerged from such confraternities took monastic vows in which they accepted obedience, poverty and virginity. Of course, there are exceptions to this, as the members of the “Knights of Christ”, founded in Parma in the 13th century, did not take a vow of virginity, and the Spanish “Order of Santiago” included married members, whose rules required that they maintain their marriage refrain from physical contact.⁸

The characteristic of this new form of community is the active life (*vita activa*) and the sanctity of life intended to be achieved within its framework, unlike the monastic orders that lead a contemplative life (*vita contemplativa*). Their way of life and order accordingly differed from the orders of monks and canons. They could not even accept the principle of the stability of the place of life to be lived (*stabilitas loci*), since their warrior lifestyle forced them to be constantly mobile. However, the most important difference in which he distinguished the new Crusader orders from the monastic communities that had already formed by that time was that the knights lived in a strict order hierarchy, as opposed to fellow monastics of equal rank. In the knight orders, three forms of order status were created: knights (*milites*), serving brothers (*servientes*) and ordained priests or chaplains (*presbyteri* or *capellani*). It is difficult to distinguish the group of serving brothers from the paid servants, who, however, did not fall under the order’s own jurisdiction.⁹ Due to the strict hierarchy, these organizations could be controlled clearly and efficiently during military operations.

The knight orders were also distinguished from the monastic orders by the fact that they did not accept children’s oblations moreover the novitiate – candidate – institution was only operated in a very limited form.¹⁰ In the Holy Land, they very often suffered significant human losses, which they had to replace within a short time. Of course, this does not mean that the orders, and among them primarily the hospitallers, did not accept orphaned children into their monasteries. The Johannites, for example, raised orphans in many places, but their mission was not to supply them, since among them members of the order emerged in just the same proportion as among those who applied from outside.

⁸ Hunyadi-Pósán, op. cit. p. 15.

⁹ Ibidem, p. 17.

¹⁰ Ibidem.

However, the reason for this was partly financial: the new member entering the order, or his family, gave donations to the monastery, which, of course, could not be expected in the case of an orphaned child. Donors (*donatus*) were also more loosely connected to the knight orders.¹¹ It is not an easy task to distinguish a one-time donor from a confrater. It is certain, however, that the confraters – unlike the donatus – took a vow of obedience, which is why they became entitled, for example, to eat together with the regular members of the order. There have also been cases where the confrater later became a full member of the order, of course only if he was not married. From 1239, the Johannite statutes also contained provisions specifically requiring the confraters to attend the funerals of all members of the order under the burden of *septaine* (one week of confinement with fasting, sometimes with caning and whipping), unless they were officially assigned elsewhere.¹² We also know that a confrater could not only be a lay person, but also a member of another monastic community. This is how it happened in 1358 that Hungarian Johannites admitted a Benedictine monk to confraternity status.¹³ The legal institution of the confraternity was an important element of the innovations of the knight orders and foresaw the possibility of “patronage membership” of non-profit organizations (NGOs) in order to collect wealth and increase the strength and support of the organization.¹⁴

Membership for a fixed period (*militēs ad terminum*) appeared as a special form of membership in the Order of the Templars. This enabled rapid replenishment in times of loss of life, and moreover, it created the possibility of a “trial period” for those who, for the time being, were averse to the definitive, life-long commitment to the strict threefold monastic vow.¹⁵

The basic administrative and economic units of the knight orders were the houses (*domus*) with their associated estates (*camera, membrum*). Several monasteries were headed by the “preceptor” (*commendator, Komtur*). The preceptors were appointed by the general chapters of the orders or by the grand master of the order himself. The preceptories were united by provinces, priories (*prioratus*). Starting from the second half of the 13th century, the slopes of a larger area were organized according to “languages” (*linguae*).¹⁶

¹¹ Falus, op. cit. pp. 29–30.

¹² Hunyadi-Pósán, op. cit. p. 18.

¹³ Ibidem.

¹⁴ Falus, op. cit. p. 29.

¹⁵ Hunyadi-Pósán, op. cit. p. 19.

¹⁶ Ibidem, p. 20.

The operation of the knight orders was also determined by the rules of strict hierarchy. The members of the convents usually gathered once a week, on Sundays, to hold a chapter within the defined liturgical framework for the purpose of discussing the current affairs of the monastery. Provincial chapters – in which the heads of religious houses met – were usually convened on an annual basis under the leadership of the provincial master or the slash, and typically on the feast day of a famous saint of the province. The main decision-making bodies were the general chapters created on the Cistercian model, where the leaders of the provinces and the delegated members appeared, and which most often met annually in the central houses. The superiors of the provinces submitted their taxes at this time, asked for legal redress in their province's good and bad affairs, and also elected the officials of the order. The orders were headed by the grand master, who was confirmed by the general chapter with the approval of the pope in the case of larger knight orders confirmed by a papal bull, and in other cases by the monarch. In all cases, the election of the Grand Master was the right of a body appointed exclusively for this position. This usually consisted of thirteen senior, experienced members. The Templars and the Teutonic Knights, for example, delegated eight knights, four serving brothers and an ordained chaplain to the body of the “thirteen” (*prudhommes*).¹⁷

The Grand Master could only be chosen from among the knights. His direct deputies were the seneschal (in French: *baili* or *bailiff*, in the Slavic provinces: *stolnik*, in English: *steward*) and the marshal.¹⁸ In his absence, the Grand Master was replaced by the Grand Preceptor in the Order of the Templars and Johannites. In the Templar order, from the 12th century, this position was completely taken over by the seneschal, who also replaced the preceptor of the Kingdom of Jerusalem. In the case of the Templar order, the visitation and leadership of the European religious houses was provided by the *magister cismarinis*, the “master from here on the sea”.¹⁹ In all knight orders, the marshal was the military commander of the order. The treasurer (*thesauraris*) managed the finances the *draperarius* took care of the clothes. In addition to the above, the individual orders of knights also created their own positions that appeared

¹⁷ Hunyadi-Pósán, op. cit. pp. 20–21.

¹⁸ Cantor, Norman Frank: *The Civilization of the Middle Ages*. Harper Collins Publishers. New York. 1993., p. 412.

¹⁹ Hunyadi-Pósán, op. cit. p. 21.

only for them. Among the Johannites, for example, the *magnus prior* appeared as the leader of the order's chaplains, with the hospital master (*hospitalarius*) overseeing the operations of the hospitals. Starting from the 13th century, the position of admiral (*admiratus*) also appeared in the Johannite order.²⁰

The structure of these organizations is similar to today's social organizations, insofar as they also had a separate organization and assets assigned to it, so they were quasi-legal entities.

Legal history that can be drawn from the operation of knight orders

Forms of subsidies granted to knight orders

During the 10–14th century Hungary, various organizations of the Christian Church, such as the Crusaders, carried out the treatment of the sick, the nursing and care of the disabled. In the centuries of the Árpád era, several such nursing crusaders operated in the territory of the Kingdom of Hungary: the Lazarites (*Fratres S. Lazari de Jerusalem*),²¹ the Knights Templar (*Fratres Militae Templi*),²² the Johannites (*Ordo Equitum Hospitaliensium Sancti Joannis de Jerusalem*),²³ the Antonites (*Hospitalarii S. Antonii*),²⁴ the Stephanites (*Cruciferi Sancti Stephani Regis*),²⁵ for a short period the Teutonic Knights (*Ordo Theutonicorum*),²⁶ as well as the Order of the Holy Spirit starting from the time of the last Árpád ruler (*Ordo Hospitalarius SS. Spiritus*).²⁷

Since the knights took the triple monastic vow of poverty, virginity and obedience when they entered the order, they could not accumulate their own wealth. The orders used their assets for the maintenance and expansion of their organization, as well as for the realization of their public benefit goal(s), so they operated as NGOs, i.e. non-profit-oriented, organizations. Their biggest supporters were the rulers of the time. During this period, state power was

²⁰ Hunyadi-Pósán, op. cit. p. 21.

²¹ More: Falus, Orsolya: Szpitalne zakony rycerskie w czasach Arpadów na Węgrzech. Zabrze, Tarnowskie Góry, Wydawnictwo Inforteditions, 2019, pp. 65–79.

²² More: Ibidem, pp. 80–97.

²³ More: Ibidem, pp. 98–116.

²⁴ More: Ibidem, pp. 117–130.

²⁵ More: Ibidem, pp. 131–149.

²⁶ More: Ibidem, p. 159.

²⁷ More: Ibidem, pp. 150–168.

exercised directly and personally the king. He passed the law, first exclusively, and then, starting from the 13th century, by listening to the *servients*.²⁸ The king's private property and state property were not separated from each other. His private estates, as well as the income he was entitled to on the basis of *ius regale* – customs, fairs, mining rights, bullion monopoly, minting, and salt income – were all under joint management.²⁹ In this era, the king only granted property that was either originally royal property or had reverted to the king, but was actually in the hands of the ruler (*donatio de manubis regiis*). The royal donation – based on Werbőczy's³⁰ formulation – is the gift that the king gives from the goods legally assigned to the Holy Crown as a reward for service.³¹

This donation is therefore not charity on the part of the ruler in the modern sense, but a knightly obligation to reward good service, on the one hand a political decision by which the king binds the donor to himself in order to ensure his loyalty, and on the other hand, so that in the event of war, the king will go to war with knightly weapons on its side and under its flag. This is the explanation for the fact that the crusader orders – among them primarily the loyal and excellent soldiers, the Johannites and the Templars – fought on the side of the ruler in every battle and accompanied him to the crusades.

At the time of its foundation, the king provided the church, the high priest, the chapter and the convent with land and servants, and also determined its/ his legal status and revenues.³² During their later operation, church organizations could be supported by the king, higher church dignitaries, incoming members and private individuals alike with their donations. The donation was also due to the fact that the church applied the doctrine of merit to those who donated to its organizations and those who financially supported the crusades. The medieval Christian believed that through his good deeds he would earn

²⁸ Royal servants: the lower layer of the ruling class in the early feudalism of the Hungarian Kingdom in the 11–13th centuries, who received property donations in return for their military services.

²⁹ Degré, Alajos: Magyar alkotmány- és jogtörténet. Dr. Degré Alajos egyetemi tanár 1950/51. tanévben tartott előadásai nyomán [Hungarian constitutional and legal history. Following the lectures of Dr. Alajos Degré, university professor during the academic year 1950/51.]. (ed.: Béli, Gábor) PTE ÁJK. Pécs. 2010., p. 74.

³⁰ Werbőczy's Tripartitum (as printed by Singrenius in 1517) was published as The Customary Law of the Renowned Kingdom of Hungary: A Work in Three Parts, the "Tripartitum" = Tripartitum opus iuris consuetudinarii incltyi regni Hungariae.

³¹ Ibidem, p. 153.

³² Béli, Gábor: Magyar Jogtörténet. A tradicionális jog [Hungarian Legal History. Traditional Law]. Dialóg Campus Kiadó, Budapest-Pécs 2009., p. 124.

merit before God, and that these would help him ward off divine punishment and gain eternal happiness. The donations could be a lump sum or annual, monetary, property or other movable donations. As compensation, the convent prayed and held masses for the health and spiritual well-being of the donors and their families. Many of them were laid to rest in the cemetery of the order after his death.³³

For their “public benefit” activities, the Crusader orders received discounts and exemptions (*exemptio*) from the exerciser of (state) power. These privileges could come from the king, on the one hand, and from the pope, who exercised ecclesiastical power, on the other. For example, in 1222, the Teutonic order, which later proved to be unworthy, was granted permission to transport salt free of duty from King Andrew II of Hungary (1205–1235), and some Carpathian salt mines as an additional donation. In addition, they won the right to inspect the Olt and Mures waterways and shacks for the transport. Their serfs could visit Szekler and Vlach lands without paying customs duties.³⁴

The knight orders were positioned directly under the jurisdiction of the Pope. This did not mean, of course, that the Pope controlled these organizations. From time to time, he had a say in the election of the grand master, or made suggestions regarding the regulations of the order, and every evening he issued a resolution in the form of a decree (*decretalis*). The papal support meant that the preceptories of the knight orders were exempted from the obligation to pay tithes to the church. In the middle of the 12th century, Pope Adrian IV (1154–1159) limited it to the *labores* and *novalia* tithes. The former meant the tenth of the estates where the members of the knight order themselves produced, while the latter referred to the tenth of the crops of newly plowed agricultural land newly brought into production. Pope Alexander III (1159–1181), who is also referred to as the “jurist pope”, later lifted this restriction. At the Lateran Council of 1123, in the framework of the 19th canon at the initiative of Pope Innocent III (1198–1216) the restriction was introduced again, but with the fact that the tithe exemption from *labores* only applies to lands acquired before 1215.³⁵ The *novalia* discount gained a new meaning in the secular tax benefits of today’s “green-field investments”, but the tax benefits of nongovernmental

³³ Falus, 2015, op. cit. p. 29.

³⁴ Pószán, László: A Német Lovagrend megítélése Magyarországon II. András korában [The assessment of the Teutonic Knights in Hungary in Andrew II's time]. *Történelmi Szemle*, LVIII. évfolyam, 2016/3, pp. 465–474.

³⁵ Hunyadi-Pószán, op. cit. p. 22.

organizations also remind us of the total or partial exemption from church tax of the Crusaders.

The right to free church building was also important for the knight orders. It was not necessary for the orders in the area of the given diocese to ask for the permission of the bishop in order to decide where they wanted to establish another preceptory. The right to freely choose a chaplain is also related to this, since by curtailing the rights of the county bishop, they could decide for themselves who could preach the word and administer the sacraments in their churches. This also includes the right of burial, since by having the right to bury in the cemeteries of their convents they deprived the county bishops of these revenues. In the churches of the knight order, the sacraments could also be administered during even interdicts. In such cases, however, the church door had to be closed, and the bells were not allowed to ring.³⁶

The public benefit activities of the knights' orders

Among the Crusader orders, there were those that, in addition to health-related public services, also engaged in other public benefit activities. While the Lazarite order was initially founded specifically to care for lepers, the Antonite order to heal those suffering from ergotism, and the Holy Spirit order to maintain hospitals, the other three nursing crusader orders did not exclusively deal with nursing activities.³⁷

The Templars, the Johannites, the Stefanites and the Teutonic Knights were also excellent soldiers, so – to use today's expression – they participated in the creation of public safety and national defense. It was also the fall of domestically founded Knight Order of St. Stephen, which does not have an international supply, an extensive organization, and not a large number of personnel: all its members fell in the Battle of Mohács (1526). The orders which distinguished themselves in battle gained political authority by fighting alongside the monarch during campaigns, and during the first Mongol invasion (1241–1242) also ensured the protection of the royal family.³⁸

³⁶ Hunyadi-Pósán, op. cit. p. 23.

³⁷ Falus, 2015, pp. 131–132.

³⁸ *Ibidem*.

The creation and operation of „authentication places” (*locus credibilis authenticus*)³⁹ represented at least this much political power in the case of the convents of the Johannite and Stephanite orders. In doing so, their public utility manifested itself in the fact that by recording legal transactions in writing, they established the security of real estate transactions, as well as authentically certifying acts of proof in litigation. It cannot be ignored that these knight orders also gained additional income through the tax collected after the diplomas issued by them under their own seal.⁴⁰

It is necessary to mention here that the order of the Templars, in addition to the public benefit, non-profit activities, proved to be primarily a for-profit, profit-oriented organization. Their authority grew until loaned to King Philip IV of France. However, when the loans, together with the interest, were to be reclaimed from the French monarch after the period of “laying out”, they fell out of favour. Their huge wealth became the cause of their conceptual lawsuit and termination. Similar problems arose in the case of the Teutonic knights, who without the permission of king Andrew II of Hungary minted their own money in Transylvania, and tried to establish an independent state against the royal power.⁴¹

The more types of public benefit activities a crusader knight order performed, the more useful it proved to be for the (state) power. Among the Crusader orders, they obviously had the most influence, and received the most donations and exemptions, whose operation was useful to the ruler. Since health care and healing were not yet a public need in this period, the most recognized public benefit activities were military – national defense-public security – and credit-related activities. Accordingly, the authority of the Johannite, Templar and Stephanite knights were the most authoritative in Árpád-era Hungary. This is also proven by the fact that in 1222 the Hungarian orders of the Johannites and Templars, as well as the Stephanites, were entrusted with the custody of a copy of the Golden Bull,⁴² while

³⁹ In the medieval Hungarian Kingdom *locus credibilis authenticus* was the name given to the ecclesiastical bodies that had the right to issue a public charter using a certified seal. The chancery and the monastic convent were authentication sites. Bővebben: Solymosi, László, A bencés konventek hiteleshelyi oklevéladásának kezdetei [The beginnings of the authentication of the Benedictine convents]. In: Takács, Imre (ed.), *Mons Sacer 996–1996. Pannonhalma 1000 éve*. vol. I, Pannonhalma, 1996, pp. 481–498.

⁴⁰ Falus, 2015, op. cit. pp. 131–132.

⁴¹ Pószán, op. cit. pp. 470–471.

⁴² The Golden Bull is the first letter of privilege in Hungary. It is often compared to the Magna Charta. The Bulla was the first constitutional document of the Hungarian nation, while the Magna Charta was the first constitutional charter of the English nation. More on this topic: Zsoldos,

the king did not even mention the discredited Teutonic Knights when issuing the document.

Abuses

During the provision of public benefit activities, the medieval crusader orders also committed abuses when using the exemptions granted to their organizations. Martin Luther's 95 theses, which started the Reformation, were an open declaration of war against letters of indulgence, and salvation bought with money:

„27. They preach only human doctrines who say that as soon as the money clinks into the money chest, the soul flies out of purgatory. (...)
32. Those who believe that they can be certain of their salvation because they have indulgence letters will be eternally damned, together with their teachers.”⁴³

For example, the Antonite order did not shy away from acquiring even greater wealth by forging printed letters of indulgence.⁴⁴ Four such documents from 1505–1506 have survived and are preserved in the Hungarian National Archives.⁴⁵

Undoubtedly, one of the biggest scandals in the legal history of medieval Hungarian chivalry was the dishonorable involvement of the Teutonic knights. The order of Teutonic knights forced to leave the Holy Land were settled by king Andrew II of Hungary in Transylvania in the “deserta et inhabitata” (desert and uninhabited) territory of the Barcaság (terra Borza),⁴⁶ a region of some 1200–1300 square kilometres in the south-east of Transylvania, hoping that the border region of the kingdom would be protected against the attacks of the Cumans (*ad munimen regni contra Cumanos*), and also that his royal power would be strengthened in the Balkans (*ut regnum per conversationem eorum*

Attila: The Golden Bull of Hungary. MTA Bölcsészettudományi Kutatóközpont, Budapest, 2022.

⁴³ Luther, Martin: 95 Theses digitized: <https://www.luther.de/en/95thesen.html> (Accessed: 04-10-2022)

⁴⁴ Borsa, Gedeon: A Szent Antalról nevezett ispotályos rend Magyarországon terjesztett nyomtatványai (1505–1506) Prints of the Hospitaller order named after Saint Anthony distributed in Hungary (1505–1506)]. IN: Az Országos Széchényi Könyvtár Évkönyve. Budapest. 1961–1962. pp. 223.

⁴⁵ Ibidem.

⁴⁶ Pósnán, op. cit.

propagatam dilatetur).⁴⁷ The deterioration of the relationship between Andrew II and the Teutonic Knights can be read in the king's charter, written on 7 May 1222. According to the text of the charter, the king again donated Barcaság to the Order of the Teutonic Knights, which he had previously taken away in anger because of the knights' provocations (*quia ira nostra contra eos provocata eo tempore, cum terram sepe dictum eis praeceperamus auferri*).⁴⁸

The 1222 charter also clearly forbade the knights to mint their own money in Barcovia, as they had done before (*nullam potestatem habeant cudendi [...] monetam*). However, according to a 1225 report by the Cistercian abbots of Lilienfeld, Kerc, and Egeres, the Teutonic Knights did indeed mint money in Barcaság, in violation of royal sovereignty (*iura regalia essentialia*).⁴⁹ The ecclesiastical policies of the Teutonic Knights have also contributed to its deteriorating image. In 1222, they asked the Pope to remove the Barcaság from the jurisdiction of the Bishop of Transylvania. On 12 December 1223, Pope Honorius III (c. 1150–1227) commissioned the Bishop of Eger to appoint a dean to govern the ecclesiastical affairs of the territory of the Order of the Teutonic Knights until the territory in question had its own bishop (*quatenus idoneam personam tibi ab ipsis fratribus presentatam vice nostra in archipresbyterum vel decanum preficias [...] donec [...] eis de proprio possit episcopo provideri*). This gave the Teutonic Knights an enemy with great influence at the royal court, because it was thanks to the protest of Andrew II that Reinald had been elected Bishop of Transylvania. In a situation that was becoming increasingly tense, the Order of the Teutonic Knights asked the Pope to take the Barcaság and the lands conquered from the Cumans into the ownership of St Peter (*in ius et proprietatem Beati Petri*) and into the special protection of the Papacy (*sub speciali apostolicae sedis protectione ac defensione*), which Honorius granted on 30 April 1224.⁵⁰

Andrew II was right to fear that the papal charter of April 1224 would prepare the way for the secession of Barcaság from the Hungarian kingdom, just as had happened in Portugal the previous century, and so he expelled the Teutonic Knights from Transylvania by force of arms in 1225.⁵¹ In addition the issues that

⁴⁷ Pósn, op. cit.

⁴⁸ Ibidem, pp. 468–469.

⁴⁹ Ibidem, p. 470.

⁵⁰ Ibidem, p. 470.

⁵¹ Hautula, Roman: “Грамоты венгерского короля Андрея II, предоставленные тевтонским рыцарям в Трансильвании: латинские тексты, переводы и комментарии”. In: Crusaders,

had already been challenged, such as the Teutonic Knights' minting money or recruiting settlers from royal lands despite the ban were again on the agenda. According to the papal charter of 1 September 1225, the Teutonic Knights were then considered in Hungary to be 'like fire in the lap, mice in the thigh, serpents in the bosom' (*tamquam ignis in sinu, mus in pera, et serpens in gremio*).⁵²

By addressing the knights supported by the Pope in the court of Andrew II as enemies of the Church, a clear message was sent to Rome about the *ius et proprietates* Beati Petri and the papacy's ambitions for power. This harsh qualification, used against enemies of Christianity, was certainly linked to the fact that the Teutonic Knights, with the support of the papacy, were seeking to create an independent monastic-novatic state based on the Barcaság and located in the Lower-Danube region, an independent ecclesiastical dominion.⁵³

The Teutonic Knights finally realized their state-founding plans and formed a sovereign state organization in the Baltic region, keeping Poland and Lithuania in terror. The combined Polish-Lithuanian forces finally turned against the ambitious knights who had founded an independent state in the Battle of Grünwald on July 15, 1410.⁵⁴ The organization, which lost its power and authority, turned into a beggar order in 1525. With the death of the last knight, the knight branch of the order ceased to exist, but the grand master, with the consent of his council, can still accept lay associates. The order thus survived the drastic reduction of its territory and income.⁵⁵

Conclusion

The public benefit activities and the nature of their organization determined which crusaders became the survivors of social changes, and which of them continues to operate without interruption until today. All the orders of knights mentioned in the study are still in operation, but only one of these organization

Missionaries and Eurasian Nomads in the 13th–14th Centuries: a Century of Interactions. (ed. Spinei, Victor) Brăila, București, 2017, pp. 39–65.

⁵² Ibidem, p. 471.

⁵³ Makkai, László and Mócsy, András (eds.): Erdély története I. [The History of Transylvania]. Akadémiai, Bp., 1986. p. 298.

⁵⁴ Pósnán, László: A német lovagrend Poroszországban [The German Knight Order in Prussia]. In: História, 1992. VII. pp. 15–17.

⁵⁵ Puskely, Mária: Keresztény szerzetesség I–II. [Christian Monasticism I–II.]. Bencés Kiadó, 1995., p. 312.

is active continuous. The other orders ceased to exist during the centuries of the Middle Ages, and for various reasons – arising from the features of their organization and activities.

The orders of the Lazarites, the Antonites and the Holy Spirit were primarily concerned with the healing, nursing and care of the sick and disabled. Their financial and political power was therefore more limited, since they did not make themselves indispensable to the rulers and society either with their actions of national defence, and public security, nor with their administrative role in official literacy. In the course of urbanization and the reformation, they therefore became redundant, since their hospitals could be operated more efficiently by the urban bourgeoisie.

The fate of the Stephanites, the only hospitaller crusade order founded in Hungary, turned out to be unique. After the fall of the Holy Land, their houses and hospitals there were lost, so they continued their public benefit activities exclusively in the territory of the Kingdom of Hungary with their headquarters in Esztergom. They earned the recognition and financial support of kings and society with their nursing and healing work in their hospitals, their reliable and professional procedures in their authentication places (*locus credibilis authenticus*), their courage in battles and their unconditional loyalty to the ruler. However, since, unlike other orders, they did not have an extensive international organization, they also had no personnel supply in case of loss of life. Already in the battle of Muhi (1241), the order was shaken, however, thanks to the support of Béla IV of Hungary (1235–1270), they were still able to reorganize at that time. Strengthened, a new house and hospital were also founded in Buda, the new royal seat. However, the battle of Mohács marked the end of the order's operation, since after that, due to the country's division into three parts and the confused internal political conditions, they no longer had the kind of ruling power, and intention behind them that could have saved their organization from extinction.

The survivor of history is undoubtedly the order of the Johannites, which has been operating continuously and successfully throughout the centuries, without interruption, until today. It is an independent international legal entity with the name of Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta (S.M.O.M.). It considers itself an independent state and maintains diplomatic relations with 92 countries of the world. It issues its own passport. It is represented by official delegations at UNESCO, the Geneva-based organizations of the UN, and the Council of Europe. However, the

pursuit of independence, the accumulation of wealth, and the circumvention of papal power are still dangerous even in the 21st century – the result of this is the decree of Pope Francis on September 3, 2022. *Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur?*⁵⁶

Abstract

Crusader Knight Orders as Medieval NGOs. Legal History Lessons for 21st Century Legal Practitioners

During the centuries of the Middle Ages the special organizations of Crusader knight orders have been founded in order to achieve goals of public utility. They also disposed of their own properties needed for achieving those goals of public utility, just like modern NGOs. Their nonprofit activities were: military defense and public safety, administration (“locus credibilis authenticus”), and healing (hospitals, “leprosariums”). The king, the superior ecclesiastical dignities, entrant members and individuals could equally support these organizations with their donations in the course of their latter functioning. The donations could be paid in one sum or on an annual basis; *inter vivos* (between the living), as a property benefit, or with a provision in the event of death, through a testament. In the course of carrying out public benefit activities, the Crusaders also committed abuses in the course of using the benefits provided to their organizations, similar to today’s nonprofit organizations. Within the framework of a “lesson” in legal history, the present study shows – mainly illustrated with Hungarian examples from the Arpad-era – the reasons that led to the disappearance of some knight orders, while how other organizations were able to survive – even until the present day.

⁵⁶ And as History, which bears witness to the passing of the ages, sheds light upon reality, gives life to recollection and guidance to human existence, and brings tidings of ancient days, whose voice, but the orator’s, can entrust her to immortality? Cicero, Marcus Tullius: *Orator ad M. Brutum*. II. 36.