

H.R.H. Dom Duarte Nuno, Duke of Bragança, wearing the insignia of the Order of the Golden Fleece, the Collar and Star of the Order of SS. Annunziata, The Star of the Order of Our Lady of the Conception of Vila Viçosa, the Star of the Grand Cross of the Pontifical Pian Order, and the uniform and insignia of a Bailiff Grand Cross of Honour and Devotion of the Sovereign Military Order of Malta.

Courtesy: The Duke of Bragança



H.R.H. Dom Miguel died on 11 October 1927, and H.M. King Dom Manuel II died in 1932 in England: thus the lineage of the male descendants of Queen Dona Maria II ended, and H.R.H. Dom Duarte Nuno, Duke of Bragança, became the legitimate Head of the Royal House of Portugal, and in 1942 he married his cousin H.R.H. Dona Marie Françoise de Orléans Bragança, a direct descendant of Dom Pedro, thus uniting the two branches of the Bragança family.

They had three sons: Dom Duarte Pio, born on 15 May 1945, whose Godfather was His Holiness Pope Pius XII; Dom Miguel, born on 3 December 1946; and Dom Henrique, born on 6 November 1949.

In 1950, by the unanimous decision of the National Assembly of the Republic of Portugal, the successor to the Côrtes, H.R.H. Dom Duarte Nuno, Duke of Bragança, was invited to return from exile to Portugal with his family.

H.R.H. Dom Duarte Nuno died on 24 December 1976 in Lisbon and was interred in the Pantheon of the Dukes of Bragança in Vila Viçosa.

He was succeeded by his eldest son, Dom Duarte Pio João Miguel Henrique Pedro Gabrielo Rafael, as Duke of Bragança, the new Head of the Royal House of Portugal.

When the Parliament of Portugal invited the Royal Family to return to their homeland, they accepted the legitimacy of the right to the headship



After his return from exile with his family, H.R.H. Dom Duarte Nuno, Duke of Bragança paid a visit to Rome, so that his son and heir, Dom Duarte Pio, the present Duke of Bragança, could pay homage to his Godfather, Pope Pius XII. From left to right: H.R.H. Dom Duarte Nuno, Duke of Bragança, the Infante Dom Miguel, His Holiness Pope Pius XII, the Pope's Godson, the Infante D. Duarte Pio, the Duke of Bragança's Principal Counsellor, Dom Antonio de Sousa Lara.

Courtesy: The Duke of Bragança

of the Royal House of Bragança of H.R.H. Dom Duarte Nuno. While the Assembleia da República can decide who – other than the Head of the Royal House, his spouse and children – belongs to the Royal Family and may use the title Infante and is in line to the succession, for example, the Duke of Bragança's brothers, neither Parliament nor the Council of Nobility of Portugal nor any political party can 'elect' the Head of the House of Bragança. He or she becomes the Head of the Royal House by the law of primogeniture, being first in line to the succession on the death of the last Head.

On the death of his father in 1976, Dom Duarte Pio inherited the *Ius Collationis*, the right to confer honours of the Royal House of Bragança, which became his personal property by *Iure Sanguinis* – the right of blood

– and both its possession and exercise are inviolable and vested solely in him.¹

A Head of a Royal House, whether regnant or non-regnant, can abdicate, either in favour of the next person in line of succession or, by mutual agreement between the legitimate heir-apparent and heir-presumptives in favour of an heir-apparent who, however, must first be declared a member of the Royal Family by the Assembleia da República, the Parliament of Portugal, before such a transfer is possible. The lawful Head of the Royal House of Bragança cannot legitimately be removed from that position and a successor lawfully installed, unless the political forces trying to force such an issue resort to execution or assassination.

There have been the inevitable claimants to the headship of the House of Bragança just as there have been spurious claimants and imposters who have laid claim to almost every headship of regnant and non-regnant Royal Houses, and Portugal is no exception. I draw particular attention to those false claimants who by devious means published pictures of themselves with the Pope, thus pretending to have 'papal approval'. I have explained in the introduction to this chapter how these photographs are 'arranged' and subsequently exploited.

On 17 May 1982, by Royal Warrant, Dom Duarte, Duke of Bragança, conferred upon his brother and heir-apparent, H.R.H. the Infante Dom Miguel, the title of Duke of Viseu, and upon his youngest brother, the heir-presumptive, H.R.H. Dom Henrique, the dignity of Duke of Coimbra.

Unless H.R.H. Dom Duarte Pio, Duke of Bragança, whilst being without issue, proposes a person to the Portuguese Parliament to be named and approved as third in line to succession, so as to ensure the continuity of the Royal House, it is idle to speculate who might eventually succeed as Duke of Bragança.

The rôle and function of the Head of the Royal House of Portugal differs in many respects from those of other Heads of major Royal Dynasties, most of whom live outside their native lands. This is due to a

¹In one important respect, the prerogatives of the Dukes of Bragança differ from those of all other legitimate successors to reigning monarchs: besides the royal prerogative of conferring the dynastic Orders of Knighthood, the Dukes of Bragança have always exercised and maintained, separately from their prerogatives as successors to the Monarchs of Portugal, the inherent rights and prerogatives of the Heads of the sovereign Ducal House of Bragança, the conferring of 'Foros', six titles of nobility. When João, eighth Duke of Bragança, ascended the throne of Portugal as King in 1640, he did not surrender the ducal prerogative of conferring the six 'Foros' to the Crown. Instead, the Kings of Portugal conferred the 'Foros' as supplementary titles to the royal titles upon those whom they singled out for a personal honour. On occasion, a 'Foro' was conferred upon trusted friends of the Monarch – in his capacity as the Duke of Bragança – without a royal title. Because the Dukes of Bragança never surrendered the prerogative of conferring 'Foros' to the Crown, this prerogative continued to belong to them and did not pass to the State or Republic which became the heir to all other Crown privileges and prerogatives. The Duke of Bragança is therefore the only non-regnant Head of a Dynasty who has retained the right to confer titles of nobility. (See: Appendix VIII 'The Prerogatives of the Dukes of Bragança').

number of factors, foremost of which was the mutual respect between institutions of the Republic of Portugal and the Duke of Bragança, Dom Duarte Nuno.

His Royal Highness Dom Duarte Pio, the present Duke of Bragança, is advised by his own Counsellors. Affinity and support for the Duke of Bragança permeates not only all classes of society, but also the Assembleia da República, where he has friends in all political parties. He is not, for example, associated with political monarchist parties. There is no rivalry between the Head of the Republic and the Head of the non-regnant Royal House, but much mutual respect.

The reader might be tempted to draw a comparison with events in Spain prior to the accession of His Majesty King Juan Carlos of Spain, but such a comparison would be wrong. The Duke of Bragança is not a protégé of Portugal's Head of State (with the right of succession) as was the case in Spain; Dom Duarte Pio has only desired to serve Portugal in whatever capacity he can, and that wish is respected by the Government and the people of Portugal alike. His Royal Highness served for several years as a Pilot Officer in the Portuguese Air Force.

He has won the respect of the people, the Presidency of the Republic and the Government on his own merits, not on claims based on the deeds of his illustrious ancestors. Similarly, he has never tried to perpetuate



Eighty years after King Dom Manuel II had gone into exile to England and where he attended the Installation of Edward, Prince of Wales as a Knight of the Garter, H.R.H. Dom Duarte Pio, Duke of Bragança presents H.R.H. Charles, Prince of Wales, with a Polo Trophy.

Courtesy: Marquês de Arena

APPENDIX VIII

THE PREROGATIVES OF THE DUKES OF BRAGANÇA
TO CONFER THE ANCIENT TITLES OF NOBILITY,
THE FOROS

Among the Heads of the non-regnant Catholic dynasties, the Dukes of Bragança, the legitimate heirs and successors to the Crown of Portugal, are unique in as much as the inherent rights and prerogatives they have always possessed as sovereign Dukes of Bragança, were never surrendered to the Crown of Portugal and continued to exist in parallel with the rights and prerogatives they exercised as monarchs of the Kingdom of Portugal.

To exercise these rights the Dukes of Bragança never needed apostolic or ministerial approval or advice. The act of giving to the Portuguese Council of Nobility the right of approving and keeping a register of the Duke's appointments, was an act of courtesy by Dom Duarte Nuno, Duke of Bragança, who had instituted the Council of Nobility after his return from exile in 1950. Juridically only the Duke of Bragança is the legitimate *fons honorum* who can confer *Foros*, which are six ancient hereditary titles of nobility, solely conferred by the Heads of the House of Bragança, even when not rulers of Portugal.

These *Foros* were often conferred as complementary to the royal titles bestowed by the monarchs as Sovereigns of Portugal on those singled out for special distinction, and they were conferred separately. Thus, those honoured with the highest *Foro*, FIDALGO CAVALEIRO, prior to 1640, were appointed FIDALGO CAVALEIRO DO DUQUE – Ducal Peer -, and those whom the Monarch appointed after 1640 were created FIDALGO CAVALEIRO DA CASA REAL – Peer of the Royal House.

Since 1910, when Portugal became a Republic, the Dukes of Bragança can only confer dukedoms and other royal titles of nobility upon actual members of the Royal Family, who must be approved and named by the Assembleia da República, the Portuguese Parliament. However he has the unrestricted right of conferring *Foros* because the Ducal House of Bragança never surrendered that prerogative to the Crown of Portugal. As mentioned above, royal titles which need renewing under the clauses of the relevant Royal Letters Patent are now ratified and confirmed by the Council of Nobility of Portugal.

Royal Portuguese titles of nobility were conferred for one, two or at most three generations, after which they had to be renewed. It is the prerogative of the Duke of Bragança to approve the renewal of a title. His approval is indicated to the President of the Council of Nobility, who will

then discuss the matter in Council. Requirement for renewal of title does not apply to the *Foros* which have always been conferred in perpetuity. Dom Duarte Nuno, Duke of Bragança, delegated the responsibility for examining and deciding on claims of legitimate successors to royal titles to the Council of Nobility of Portugal. The titles, which have to be renewed periodically, and to which lawful and legitimate succession has to be proven by the petitioner before the Duke of Bragança recommends ratification of a renewal, are those of Duque, Marquês, Conde, Visconde and Barão, these being titles conferred by a Monarch before 1910.

The Duke of Bragança can also grant permission and give his personal *Nihil Obstat* for foreign titles of nobility that have been conferred upon Portuguese citizens by foreign Monarchs to be born as a foreign titles in Portugal, and the *Tratamento*, the appellation 'Dom' which is used by distinguished nobles, is in his personal gift.

In exceptional cases the Dukes of Bragança have conferred a *Foro* upon a foreign citizen. The Duke of Bragança informs the Council of Nobility and the proposed recipient of the *Foro* he intends to confer. The Council will then ratify and register the title of the newly created holder and an *Alvará* or Letters Patent will be issued.

A separate document is issued by the Associação da Nobreza Histórica de Portugal, a public body in the Republic, which gives the date of ratification of the title, the date of publication of the document, its enrolment number as well as issuing a badge of nobility.

The *Foros da Casa Real*, fall into two categories: the higher and lesser nobility:

Higher Nobility:

FIDALGO CAVALEIRO DA CASA REAL
FIDALGO ESCUDEIRO DA CASA REAL
MOÇO FIDALGO DA CASA REAL

Lesser Nobility:

CAVALEIRO FIDALGO DA CASA REAL
ESCUDEIRO FIDALGO DA CASA REAL
MOÇO DA CAMERA DA CASA REAL.

As can be seen, the distinction between the first and the fourth, and the second and the fifth *Foro* has been the position of the word FIDALGO. If it was placed first, it presupposed that the bearer of the title was considered a Peer of the House of Bragança of Portugal. From the second half of the sixteenth century to the first half of the seventeenth century, only twenty gentlemen were created FIDALGO. Initially they were appointed FIDALGO DO DUQUE¹, which was changed after 1640 to FIDALGO DA CASA REAL.

On 2 December 1991 Dom Duarte Pio, Duke of Bragança decreed that

¹See *Mercês de D. Theodósio II Duque de Bragança*, Lisboa 1967.

from that date the two principal *Foros* of Higher Nobility should both be registered by the Council of Nobility in the *Alvará* as FIDALGO DA CASA REAL – Peer of the Royal House – as the original distinctions relating to positions at Court no longer apply, although the Duke of Bragança will continue to confer the titles of FIDALGO CAVALEIRO and FIDALGO ESCUDEIRO at his discretion. No decision with regard to the *Foros* of Lesser Nobility has been taken, as none has been conferred since 1896.

Those holding a *Foro* are listed in the *Anuário da Nobreza de Portugal*, updated editions of which are published periodically. The Duke of Bragança has also issued a decree to make it clear that holders of the first and second class ranks of the Order of Our Lady of the Conception of Vila Viçosa, do not receive a *Foro* by right, as has been stated in some publications, his prerogatives as successor to the Crown of Portugal and to the Dukedom of Bragança being quite separate.

I am indebted to Mr. John Bury, a foremost scholar and authority in Iberian history, for providing me with a comprehensive history and definition of a *Foro*. Mr. Bury¹ has made a particular study of the era from the fifth to the eighth Duke of Bragança. *Foro DO DUQUE* and *Foro DA CASA REAL* are ancient Portuguese phrases, best translated as largess, charter or grant bestowed by the Head of the Sovereign Ducal House of Bragança. A *Foro* or a largess of a FIDALGO consisted of the actual title, annuities and privileges.² The word *Foro* is primarily used in modern parlance for a charter conferring privileges on cities and towns.

As far as titles connected with Royal or Ducal Houses are concerned, they tend to use archaic terms that can create problems when an up-to-date interpretation or a translation into another language is sought. Mr. Bury cited several reference works that analyse the appellation FIDALGO and show that it is a contraction of the words *filho*, son, and *d'algo*, meaning of wealth, of riches, of honour; (in the 16th and 17th and 18th centuries it always implied that the person was a member of the nobility and armigerous). In his researches, Mr. Bury also discovered that, particularly in the sixteenth century, the *Foro* granting the title FIDALGO was quite distinct from those granting lesser ranks of nobility, as each group constituted a different possibility of promotion and position that could be held at Court. He cautioned against drawing any comparison between persons holding a *Foro* in Portugal, which confers actual nobility, with those using the appellation *Nobile*, sometimes granted with a Pontifical Order of Knighthood. The appellation *Nobile*, does not confer or denote actual nobility and the recipient is therefore listed as 'untitled

¹Mr. John Bury drew my attention to the *Mappa de Portugal* by João Bautista de Castro (Lisboa, 1762) which he considers the best source of information on the two parallel ladders of promotion from MOÇO through ESCUDEIRO to CAVALEIRO DA CASA DO DUQUE and CASA REAL DE PORTUGAL. This practice prevailed in Portugal from at least the early sixteenth century.

²See the official publication *Privilegios da Nobreza, e Fidalguia de de Portugal*, Anno de 1806, com Licença da Meza do Sesembargo do Paço.

nobility' or it can be used as a courtesy title for a person of high social standing.

By courtesy of Mr. Bury the following extracts have been reproduced: from *Mappa de Portugal Antigo, E Moderno pel Padred João Bautista de Castro* (Lisbon, 1762), the relevant pages referring to FIDALGUIA PORTUGUESA, and from his own work *Juan de Herrera y el Escorial* (Madrid: Patrimonio Nacional, 1995), a comparison between FIDALGOS and Knights in Spain.



ORDERS
OF
KNIGHTHOOD
AND
OF MERIT



Peter Bander
van Duren

ORDERS
OF
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AND OF
MERIT

The Pontifical, Religious
and Secularised
Catholic-founded Orders,
and their relationship to
the Apostolic See

Peter Bander van Duren

ISBN 0-86140-371-1



Since the publication in 1983 of Archbishop Cardinale's *Orders of Knighthood, Awards and the Holy See*, and the two later editions (1984 and 1985) edited and revised by Peter Bander van Duren, whose own work *The Cross on the Sword* appeared in 1987, there have been major changes in the Holy See's attitude towards Orders of Knighthood. These changes have meant that large sections of both books are now out of date, so it has been necessary for Peter Bander van Duren to completely rewrite and update the work Archbishop Cardinale began, and without which this book could not have been written.

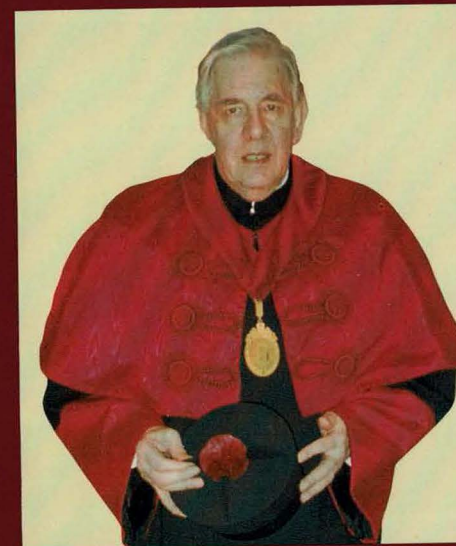
Orders of Knighthood and of Merit presents the many Catholic-founded Orders of Knighthood in a new perspective, and deals not only with the Pontifical Equestrian Orders and the two surviving religious Orders of Knighthood, but with the many Catholic-founded but secularised Orders – dynastic, state and crown – that exist today. He examines their relationship, where one exists, to the Apostolic See and the Papacy in the light of the changes that have taken place, as well as the dichotomy between the different rôles and functions of the Holy See and the Apostolic See, the *Master et Magistra* of all Catholic-founded Orders of Knighthood. Having been able to study various source materials hitherto and not since available to others, he exposes the misunderstandings and misinformation that exist in this field, and highlights errors that have been perpetuated, sometimes for centuries, through genuine lack of information, as well as those that, for political expediency, have been deliberately concealed.

The chapter and appendices on the Pontifical Orders of Knighthood are designed to assist papal knights in their rôle and functions that their appointments have given them. The author places these Orders in perspective, and shows that their continued existence is based on authoritative documentation, Papal Briefs, Papal Bulls and, in the light of recent developments, on the relevant Canons of the 1983 *Codex Iuris Canonici*. This book is therefore one of the most important contributions to the study of phaleristics that has been published in the past decades.

Special attention is paid to Dynastic Orders of Knighthood, especially those that although secularised, in some cases for centuries, still fulfil a lay apostolate. Many state and dynastic Orders were secularised during the Reformation, and while they no longer have any link with the Apostolic See, they retain the character and insignia of their former existence, and now have a reciprocal relationship with the Holy See in its capacity as a sovereign power. Extinct Catholic-founded Orders, as well as those organisations that without justification claim chivalric status, are dealt with in detail. One of the most important matters dealt with by the author, and not hitherto considered elsewhere, is the *raison d'être* of several Orders, and some aspects of Hospitaller as well as Military Orders are also examined.

For over half the present millennium, from the time of the first Crusade to the latter half of the seventeenth century, members of Catholic-founded Orders of Knighthood were at the forefront of the defence of West European civilization, and the author suggests that they may once again find a rôle. There are also many appendices that give a wealth of information not readily available to those interested in phaleristics – the study of Orders, decorations and honours bestowed on meritorious individuals.

Dr Peter Bander van Duren, who holds among other positions that of Professor Catedrático in the Faculty of European Studies at the Universidade Moderna in Lisbon, began work on this book after he finished *The Cross on the Sword* and as soon as he realised that, as a result of the 1983 *Codex Iuris Canonici's* attempts at reducing the specific functions of the Apostolic See, further revision of Archbishop Cardinale's *Orders of Knighthood, Awards and the Holy See* would not be



possible: a completely new work was essential. As well as working with Archbishop Cardinale, he also worked with Bishop Mario Oliveri on *The Representatives* (1980), with Archbishop Bruno Heim on his *Liber Amicorum* (1980) and with Cardinal Jacques Martin on *Heraldry in the Vatican* (1987).

Since giving up his academic career in 1970, Peter Bander van Duren has written and edited ten books, and today is one of the foremost authorities on phaleristics, particularly on the Catholic-founded Orders of Knighthood and of Merit, as well as being a leading expert on ecclesiastical heraldry. In latter years, he has resumed academic work and lectures on the concept of a European Union in the light of the *Res Publica Christiana* that flourished at the end of the first millenium, the European spirit of which would have to be revived if such a Union is to become relevant and have a chance of survival in the twenty-first century.

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