

Article

The Status of Knighthood Appointments, Knighthood and Bushido

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ABSTRACT

Chivalry is a concept that is both familiar and distant to many Japanese. There is no other social class in the world that resembles knights as much as the samurai in Japan. However, why is it that there is such a gap between knights and warriors, even though they are both warriors with the same social status and honor? This paper reviews the legal debates on the deposed sovereigns' rights have emerged since 20th century. Among them, the right to appoint knights by heads of deposed royal families is one of the focal points. The author begins with a comprehensive review of legal debates on the subject. Six principles on the appointment are extracted from the review. Then, a comparison between chivalry and Bushido, Japanese Samurai code, was carried out.

Keywords: knighthood; international law; Canon Law; order of knighthood; sovereign; royal family; jus honorum; fons honorum; jure sanguinis

Introduction

In Western history, the Middle Ages can be divided into the Early Period (5th-10th centuries), the High Period (11th-13th centuries), and the Late Period (14th-15th centuries). In the High Middle Ages, the feudal system was firmly established as the social structure, the outline of the current group of states (Britain, France, Germany, Italy) was formed, and the population increased greatly. This period was also the time when Christianity launched a reversal of its long-standing struggle against the pagans. The best example of this was the Crusades, and the knights were the core force of this great social movement that gathered the total power of the entire Christian world. The successful recapture of the Holy City in the First Crusade greatly raised the social status of knights, and they not only joined the ranks of the lower nobility, but an era arrived in which even princes sought the title of knight.

Throughout the 19th and 20th centuries, monarchy was abolished in a number of European countries. As a result, the political order of European countries transitioned from monarchy to the republican system of government. International law became the pillar of the democratised world.¹ As a result, since the 20th century, academic research on the “descending” source of sovereignty, namely, monarchy, wound down. At the same time, efforts began to focus on the “ascending” source of sovereignty, namely democracy.² In the political realm, debates on the

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¹ H. Bull, ‘International Law and International Order,’ *International Organization* 1972-3, pp. 583-88.

² S. Dellavalle, ‘On Sovereignty, Legitimacy, and Solidarity Or: How Can a Solidaristic Idea of Legitimate Sovereignty Be Justified?,’ *Theoretical Inquiries in Law* 2015-2, pp. 367-98.

rights of deposed sovereigns were emerging rapidly in the last decades of the 20th Century.³ It is the author's standing that this was directly related to the fact that the academic community had focused less on monarchy and its rights. In other words, the root of many political debates on royal prerogatives might be attributed to the lack of academic research on this subject.

Among the debates on royal prerogatives, one of the most notable focal points is the right to appoint new knights to dynastic orders of knighthood.⁴ The abolition of monarchy in European countries created confusion regarding the legitimacy of several orders of knighthood that had originally belonged to the monarchs, which led to the formation of the International Commission for Orders of Chivalry at the 5th Congress of Genealogy and Heraldry in 1960.⁵ Since its formation, the International Commission for Orders of Chivalry has periodically published its judgments on the legitimacy of the order of knighthood around the world. However, as N. Cox pointed out⁶, the criteria it followed in delivering its judgments are self-regulatory. This poses a significant problem when considering the fact that some countries in Europe have passed bills that forbids the appointment of new knights by deposed sovereigns, including the Italian Republic.⁷ Since the subject of conferment of knighthood by deposed sovereigns may fall under international law,⁸ it is the author's standing that legal studies alone can offer a solution to the differences that arise between the applicability of national law and the prerogative of royal families to confer honours.

To this end, the purpose of this paper is twofold. First, the paper aims to review and summarise legal principles on the conferment of knighthood. Second, it aims to present a new clarification of the legitimacy of dynastic orders based on the principles, with the aim of easing the conflicts between national law and dynastic royal prerogatives. The author wishes this preprint would work as a platform for academic discussions.

I. Legal Principles on the Orders of Knighthood

This section presents a comprehensive review of the known customs governing the orders of knighthood. In particular, customs that saw good agreements among scholars and/or jurists are explicitly labeled as "Principles" in the following section.

The legitimacy of the appointment of new knights has been explored under international law by a number of previous studies on the Sovereign Order of Malta (or the Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta) because of its unique status as a sovereign recognised by the international community. It has to be noted that the nature of dynastic orders of knighthood is different from that of the Sovereign Order of Malta. The status of the Sovereign Order of Malta, which is widely recognised as an international person, falls explicitly under international law, while many jurists do not assume the same for the dynastic orders of knighthood. Although knighthood appointments made by deposed royal families in exile have in a few instances been recognised by governments, some argue

³ L. Glanville, *Sovereignty and the responsibility to protect: a new history*, Chicago: University of Chicago Press 2013, pp. 132-170.

⁴ H.E. Cardinale, *Orders of Knighthood, Awards and the Holy See*, Buckinghamshire: Van Duren Publishers Limited 1984, pp. 217-235.

⁵ P.F.d. Uberti et al., *Register of Orders of Chivalry*, Bologna: International Commission for Orders of Chivalry 2016, p.5.

⁶ N. Cox, 'The sovereign authority for the creation of Orders of Chivalry,' *Journal of the Heraldry Society of Southern Africa* 2009-2, pp. 317-29.

⁷ Lagge 3 marzo 1951, n. 178 .

⁸ E. Furno, 'Ordini equestri non nazionali. - Art. 7 Legge 3 marzo 1951, n. 178,' *Rivista Penale* 1961-1, pp. 46-70.

that these are only bilateral arrangements and as such it is not a subject of international law. Nevertheless, many of the legal discussions on the matter prove to be relevant and are applicable to the discussions on dynastic orders of knighthood. Therefore, the author referred to studies on the Sovereign Order of Malta by Hoegen Dijkhof as a foundation for this review. To examine the conventions and legal interpretations of Canon Law, the author studied the works of Cardinale and Duren in detail. On the interpretation of international law, the author referred to the works of Cox. Finally, the author also examined a series of judgments delivered in the Italian Republic between 1952 and 1964 on the legitimacy of the royal prerogatives of Prince Francesco Mario⁹ and its interpretations by E. Furno, which proved to be relevant to the subject.

I.1 The Foundation and the Possession of the Orders of Knighthood

Under international law, sovereigns hold the supreme power over its cities and provinces.^{10,11} This secular right is called sovereignty, or *jus majestatis*.¹² J. Althusius understood the right as follows:¹³

[*Jus majestatis*] is the means by which the members, in order to establish good order and the supplying of provisions throughout the territory of the realm, are associated and bound to each other as one people in one body under one head.

Members under sovereigns hold *jus honorum*, a right to hold a public office or to be conferred honors with unilateral appointments by the sovereign.^{14,15} *Jus honorum* is also interpreted as the exclusive right of sovereigns to appoint members to public positions or to confer an honor upon them.¹⁶ In this sense, *jus honorum* is the right ‘to grant and confirm coats of arms, to bestow titles drawn from places over which their ancestors had exercised their sovereign powers, and also the right to found, re-establish, reform and exercise the Grand Magistracy of the Orders of Knighthood conferred by their family.’¹⁷ To legitimise orders of knighthood, *jus majestatis* and *jus honorum* are required. As a result, the **orders of knighthood must be founded or sponsored by a sovereign power**

⁹ *Francesco Mario v. Italy*, No. 40/51 R.G. No. 485/52 (United Court Bari 1952).

¹⁰ M.R. Ossewaarde, ‘Three rival versions of political enquiry: Althusius and the concept of sphere sovereignty,’ *The monist* 2007-1, pp. 106-25.

¹¹ M. Vatter, ‘Republicanism or Modern Natural Right? The Question of the Origins of Modern Representative Democracy and the Political Thought of Giuseppe Duso,’ *CR: The New Centennial Review* 2010-2, pp. 99-120.

¹² M.S. Weinert, *Democratic Sovereignty: Authority, Legitimacy, and State in a Globalizing Age*, London: Routledge 2007, p. 68.

¹³ *Ibid.*

¹⁴ H.T. Martínez, ‘Ius suffragii y ius honorum,’ *Revista Chilena de Derecho* 1993, pp. 345-52.

¹⁵ S.P. Sinha, ‘The Anthropocentric Theory of International Law as a Basis for Human Rights,’ *Case W. Res. J. Int’l L.* 1978, p. 469.

¹⁶ A. De Becker, ‘The Legal Status of Public Employees or Public Servants: Comparing the Regulatory Frameworks in the United Kingdom, France, Belgium, and the Netherlands,’ *Comp. Lab. L. & Pol’y J.* 2010, p. 949.

¹⁷ *Ibid*, supra note 9.

(Principle 1).^{18,19} Here, the expression “founded or sponsored” is used because in the past, there have been orders of knighthood that had been founded by private persons, then received the recognitions from sovereign powers to gain its legitimacy, including the Knights Templar.²⁰ However, it should be noted that as observed by the International Commission for Orders of Chivalry,²¹ private persons’ rights to create orders of knighthood have long since fallen into disuse, and orders of knighthood have been exclusively founded by sovereign powers in the last few centuries.

Orders of knighthood founded by a sovereign belong to his/her royal family (Principle 2).^{22,23} Orders of knighthood founded or sponsored by sovereigns are recognised as the monarchs’ *‘truly personal, executive prerogatives.’*²⁴ In other words, they are *‘the exclusive property of a Sovereign, and they remain such even if he goes into exile, and are transmissible to his legitimate successor and Head of the Family.’*²⁵ **Only when the sovereign explicitly yields the rights to the crown, would the order of knighthood become the property of the state (Principle 3).**²⁶ Here, the orders of knighthood that belong to a family are called “dynastic order” of the “family order” to distinguish themselves from state-owned orders. Only so long as the order of knighthood is the property of the state, the order is governed by the state and its rights considered the patrimony of the state.²⁷

I.2 Orders of Knighthood and the Canon Law

The origin of the orders of knighthood lies within the Catholic Church.²⁸ The Holy See, the ecclesiastical jurisdiction of the Catholic Church, initiated its involvement in the field of chivalry with the first Papal Bull granting indulgences to Crusaders. It had since created, recognised, merged, and abolished numerous orders of knighthood.²⁹ To this date, many orders of knighthood are still Catholic-founded, and thus, abide by Canon Law.³⁰ The Catholic Church is a member of the international community, and has been influential in shaping international law.³¹ The pope is the sovereign of the Vatican City State,³² an independent state created in 1929 through the Lateran treaties, recognised under

¹⁸ Cardinale 1984, supra note 4, p. 173.

¹⁹ Ibid, supra note 5.

²⁰ Ibid, supra note 18.

²¹ Ibid, supra note 5.

²² Cardinale 1984, supra note 4, p. 119.

²³ The Ministry of Justice. 2009. *Review of the Executive Royal Prerogative Powers: Final Report*. London.

²⁴ Ibid.

²⁵ Ibid, supra note 22.

²⁶ P.B.v. Duren, *The Pontifical, Religious and Secularised Catholic-founded Orders and their relationship to the Apostolic See*, Buckinghamshire: Colin Smythe 1995, p. 218.

²⁷ Ibid.

²⁸ L. Gautier, *La Chevalerie*, Paris: Victor Palme 1884, pp. 1-30.

²⁹ J.H. Lawrence-Archer, *The Orders of Chivalry. From the Original Statutes of the Various Knighthood, and other Sources of Information*, London: W. H. Allen and Co. 1887, pp. 323-333.

³⁰ Duren 1995, supra note 26, pp. 220-221.

³¹ E.H. Boyle & S. Golden & W. Liao, ‘The Catholic Church and International Law,’ *Annual Review of Law and Social Science* 2017, pp. 395-411.

³² Art. 1-2, Fundamental Law of Vatican City State 2000.

international law.³³ The position of Canon Law under international law in this respect is summarised by Rene Metz as follows:³⁴

In the person of the pope who represents it, the Holy See enjoys a twofold sovereignty: territorial sovereignty as representing the Vatican City State, and personal authority as representing the Catholic and Universal Church. ...

The pope and the Holy See represent the universal Catholic Church. And the Catholic Church in its universality has the character of a supra-national institution. There is nothing, therefore, to prevent the recognition of international personality in it, which confers a real sovereignty upon it. even though one of another order than territorial sovereignty. This way of looking upon the Catholic Church is fully in line with the development of modern international law. ... International personality is attributed to [supra-national institutions], so that, while not possessing territorial sovereignty, these bodies are able to conclude agreements with states whose sovereignty is of a territorial order. The classic institution of this kind is the United Nations Organization, and there are many others – NATO, UNESCO and so forth. It is in this category of new juridical institutions of a supra-national character that most contemporary writers place the Holy See.

The Holy See has a juridical personality under international law. The Catholic Church is a supra-national institution and is a subject of international law.³⁵ In some cases, the Catholic Church is even recognised for its independence and sovereignty, as in the case of the Constitution of the Italian Republic.³⁶

The theological disciplines of the Catholic Church are expressed using the juridical method of Canon Law.³⁷ Under Canon Law, orders of knighthood that are explicitly recognised by the Holy See hold an official status in the Catholic Church as *private associations*. This is based on Canons 298, 299 1-3, and 301, which read as follows:³⁸

Can. 298 §1. In the Church there are associations distinct from institutes of consecrated life and societies of apostolic life; in these associations the Christian faithful, whether clerics, lay persons, or clerics and lay persons together, strive in a common endeavor to foster a more perfect life, to promote public worship or Christian doctrine, or to exercise other works of the apostolate such as initiatives of evangelization, works of piety or charity, and those which animate the temporal order with a Christian spirit.

Can. 299 §1. By means of a private agreement made among themselves, the Christian faithful are free to establish associations to pursue the purposes mentioned in can. 298, §1, without prejudice to the prescript of can. 301, §1.

§2. Even if ecclesiastical authority praises or commends them, associations of this type are called private associations.

³³ J.L. Kunz, 'The Status of the Holy See in International Law,' *American Journal of International Law* 1952-2, pp. 308-14.

³⁴ R. Metz, *L'Eglise a ses lois (Le Droit canon)*. Paris: Arth. Fayard, 1959, pp. 131-133.

³⁵ H.F. Cumbo, 'The Holy See and International Law,' *The International Law Quarterly* 1948-4, pp. 603-620.

³⁶ Art. 7, Costituzione della Repubblica Italiana.

³⁷ J.P. Beal & J.A. Coriden & T.J. Green, *New commentary on the code of canon law*, Mahwah: Paulist Press 2000, pp. 1-10.

³⁸ *Idem*, pp. 401-404.

§3. No private association of the Christian faithful is recognized in the Church unless competent authority reviews its statutes.

Can. 301 §1. It is for the competent ecclesiastical authority alone to erect associations of the Christian faithful which propose to hand on Christian doctrine in the name of the Church or to promote public worship, or which intend other purposes whose pursuit is of its nature reserved to the same ecclesiastical authority.

Canon 298 recognises the right of association of the Christian faithful and provides the criteria to be relied on in examining an association's request for recognition. In Canon 299, it is explicitly stated that without recognition from a competent ecclesiastical authority, an association will remain without official status, thereby remaining a *de facto* association. Only upon recognition by the competent ecclesiastical authority, is an association given official status in the Catholic Church as a *private association* with its corresponding juridical status. Finally, Canon 300 presents the distinction between a *public association* and a *private association*. It states that an association erected by a competent ecclesiastical authority is *public* and an association recognised by a competent ecclesiastical authority is *private*.³⁹ Based on these legal bases, an order of knighthood explicitly recognised by the Holy See, usually by means of Papal Bulls, is considered a *private association* in the Catholic Church. Due to the Holy See's status as an independent juridical person under international law, this recognition and status of orders of knighthood cannot be suppressed by other states.⁴⁰ As a result, **dynastic orders of knighthood once explicitly recognised by the Holy See has a status under international law, which cannot be suppressed by other states (Principle 4)**.^{41,42} This continues, unless the Holy See itself explicitly retracts its recognition on them. Here, note that only dynastic orders of knighthood may have a status in the Catholic Church, because orders that belong to the crown or to the state are considered secular, and therefore lose their Catholic character.⁴³ It also has to be noted that since 1920s the Holy See hasn't given explicit recognitions to any orders of chivalry other than pontifical orders and two Catholic orders, the Sovereign Order of Malta and the Order of the Holy Sepulchre.

I.3 Appointment of New Knights to the Orders of Knighthood

As reviewed in Section I.1, *jus honorum* is required to appoint a new knight. A person or body that holds *jus honorum* is called *fons honorum*, and **every order of knighthood must have a *fons honorum* to appoint new knights into the order (Principle 5)**.^{44,45} *Jus honorum* is the right to appoint knights, where *fons honorum* is a person or body that has such a right and accordingly appoints knights. In monarchies, sovereigns exclusively hold *jus honorum*, and thus

³⁹ Ibid.

⁴⁰ Ibid, supra note 22.

⁴¹ Ibid, supra note 37.

⁴² Ibid, supra note 30.

⁴³ Ibid, supra note 26.

⁴⁴ H.J. Hoegen Dijkhof, *The Legitimacy Of Orders Of St. John A historical and legal analysis and case study of a para-religious phenomenon*, Amsterdam: Leiden University 2006, p. 411.

⁴⁵ D.C.R. Butculescu, 'Prolegomena to the Study of Heraldic Insignia: from the Medieval Coat of Arms (XIV-XVI Century) to the Heraldic Insignia of Institutions and Societies in Contemporary Law. Evolution, Legal Regime, Effects, Legal Protection, Prohibitions', *Diversity and Interdisciplinarity in Business Law* 2017, pp. 11-18.

they themselves are the *fons honorum*.⁴⁶ *Jus honorum* of the sovereigns are *jure sanguinis*, or rights by blood. **Regardless of whether they are regnant or not, heads of royal families enjoy *jus honorum* indefinitely as long as the succession is made according to each family's dynastic law (Principle 6).**^{47,48,49,50,51} This essential principle requires a detailed review.

Legal debates on the deposed sovereigns' *jus honorum* emerged in the 20th century in Europe, when monarchy was abolished in many countries. One of the first judgments delivered under the contemporary legal system on this subject was given in the Italian Republic in 1952, by Pretura Unificata di Bari (United Court of Bari) on Case 485/52. This was a criminal case where Umberto Zambrini, a resident of Bari, Italy, was prosecuted for the crime of "Usurpation of Titles and Honours" (Article 498 of the Italian Penal Code), for publicly presenting himself as Count of Sant'Ilarico. During the trial, the defendant claimed that the title of nobility was legitimately conferred by the Prince of Emmanuel, Francesco Mario Paternò Castello di Carcaci. After an investigation, the court ruled that Francesco Mario was indeed a direct descendant of a branch of the House of Aragon.⁵² Based on the investigation, Judge Giovanni de Gioca delivered the following judgment on March 13, 1952:⁵³

By a brevet of Kings James I, ... the claim to this throne made by the Paternò is legitimate which confirms him indeed a member of a branch of the House of Aragon and are its last representatives. ... [Therefore, Francesco Mario] have retained many of his rights *jure sanguinis*.

Among those rights are the *fons honorum*, or the faculty to ennoble, to grant and confirm coats of arms, to bestow titles, drawn from places over which their ancestors had exercised their sovereign powers, and also the right to found, re-establish, reform and exercise the Grand Magistracy of the Orders of Knighthood conferred by their family, which may be handed down from father to son as an irrepressible birthright, which indeed is found among the inherited rights of Prince Francesco Mario as also confirmed in 1860 by Francis II di Borbone, King of the Two Sicilies.

This judgment clearly rules that a head of a deposed royal family retains its *jus honorum* as *jure sanguinis*. Further, the judgment indicates that he or she can confer nobility or appoint new knights to dynastic orders of knighthood as well. The consequent judgment on Francesco Mario at Tribunale di Pistoia followed the same principles.⁵⁴ E. Furno summarised the judgments on *jus honorum* under international law as follows:

⁴⁶ N. Cox, 'The Office of the Chief Herald of Ireland and Continuity of Legal Authority,' *Dublin ULJ* 2007, pp. 84.

⁴⁷ S.P.K.y. Baca, 'Resolution of Monarchical Successions Under International Law: Succession of HRH Prince Ranier to the Chiefship of The Royal House of the Two Sicilies,' *The Augustan* 1975-76, pp. 1-32.

⁴⁸ Ibid, supra note 8.

⁴⁹ Ibid, supra note 9.

⁵⁰ Ibid, supra note 22.

⁵¹ Hoegen Dijkhof 2006, supra note 44, pp. 296-297.

⁵² Ibid.

⁵³ Ibid, supra note 9.

⁵⁴ Ibid, supra note 51.

Scholars and jurists have agreed that royal prerogatives personally belong to the Sovereign; and that outside of the “*debellatio*” that is the total or spontaneous abdication, the deposed Sovereign, even without [some of royal prerogatives], preserves the “*jus honorum*” as well as the “*jus majestatis*”⁵⁵

There are quite a few judgements, both civil and criminal, some very recent, which all generally accept the traditional principles given above. Principally, the special prerogatives of “*jus majestatis*” and “*jus honorum*” are based on “*nobilita nativa*” and “*jure sanguinis*,” and the question of the such prerogatives are subject of international law with all logical consequences: a sovereign in exile can legitimately confer noble titles and the honors that fall within its heraldic heritage as the head of family, with or without a predication.⁵⁶

Here, the questions of *nobilita nativa* (innate nobility) and *jure sanguinis*, that is the questions on the legitimacy of the succession, are ought to be resolved under international law through the correct application of each family’s dynastic laws.⁵⁷ Therefore, by applying these principles to the appointment of new knights to orders of knighthood, Cardinale concluded as follows:⁵⁸

A Sovereign in exile and his legitimate successor and Head of the Family ... may bestow honours in full legitimacy, provided the Order has not become extinct. ... No authority can deprive them of the right to confer honors, 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.

This is the essential principle on the appointment of new knights to orders of knighthood, which was expressed in form of Principle 6.

Chivalry is a concept that is both familiar and distant to many Japanese. There is no other social class in the world that resembles knights as much as the samurai in Japan. But at the same time, there seems to be no way of life more distant from the self-disciplined, silver-tongued warrior than the silver-tongued knight who dresses gorgeously and offers his love to a noblewoman. Why is it that there is such a gap between knights and warriors, even though they are both warriors with the same social status and honor? This paper provides us with a thread of guidance to answer this question.

The Chivalry of Gautier and Luy

At this point, I would like to look back at the chivalry of the 11th and 12th centuries by reiterating the "Ten Commandments of Knighthood" that Gauthier presented in "Chivalry," and compare and contrast them with the chivalry of the 13th century that Lully taught in "The Book of Chivalry.

Gautier's Chivalry (11th-12th century)

Chivalry of Luy (13th century)

⁵⁵ Furno 1961, supra note 8, p. 47.

⁵⁶ Idem, p. 56.

⁵⁷ Ibid, supra note 47.

⁵⁸ Ibid, supra note 22.

- The First Commandment: Thou shalt always believe in the teachings of the Church and obey its commands. (No one who does not love and revere God is worthy of the honor of knighthood.) / A knight who does not offer religious devotion is no less damaging to himself.
- Second Commandment: Thou shalt protect the church. The duty of a knight is to protect and support the faith of the Holy and Universal Church / A knight who is the guardian of God's teachings to save people.
- The Third Commandment: Thou shalt honor the weak and be a protector of them. A knight's duty is to protect the women, the widows, the orphans, the sick, and the weak.
- The Fourth Commandment: Thou shalt love the nation of thy birth. (No corresponding part)
- The Fifth Commandment: Thou shalt not retreat in the face of the enemy. A cowardly knight who abandons his post and flees before the enemy... is one who disobeys his duty as a knight.
- The Sixth Commandment: Thou shalt fight the infidels with all thy might and with no mercy. (No corresponding part)
- The Seventh Commandment: Thou shalt strictly perform the duties of a vassal insofar as they do not violate the law of God. A knight's duty is to serve and protect his lord. / A knight must help his lord.
- Eighth commandment: Thou shalt not speak falsehoods, but be true to thy vows. Those who bear false witness are not worthy of being knighted. Knights have a responsibility to be more sincere and pleasant to God and people.
- The Ninth Commandment: Thou shalt be generous and give to all. Chivalry and generosity are inseparable. A knight must give to the people with his hands as befits his honor and spare no money.
- The Tenth Commandment: Thou shalt always stand on the side of righteousness and goodness against injustice and evil at all times. Justice is the principle to which all knights should devote themselves / The knight's one duty now is to seek out and punish thieves, bandits, and evildoers.
- (No corresponding part) The knight restores benevolence and order to the world through love. / Benevolence is the form of love required of the knight in the performance of his duties.
- (No corresponding part) In the examination of a squire, one's manners and behavior must be tested.

The earliest military poems that Gauthier used as the basis for his Ten Commandments ()⁵⁹ were written at the end of the eleventh century, and there are nearly two hundred years between the chivalry taught by the two. In spite of this, the comparison on the right clearly shows that there is an almost one-to-one contrast between the two. This shows that the philosophy of chivalry was remarkably consistent throughout the Middle Ages.

However, there are some minor but important differences between the two teachings, and from these we can grasp the important implications that lead to the subsequent transformation of chivalry.

The teachings that Gautier had but Lully did not are "patriotism" and "war against infidels. It is the unanimous view of later scholars, including Florrie, that the patriotism teaching was a creation of Gautier to inspire the French people, and therefore it is not important that it is not included in Lully's teaching. The more essential difference lies in the omission of the "war against the pagans". It is no exaggeration to say that for the knights, the height of the Middle Ages was the time of the Crusades, but this campaign to retake the Holy Land with the Muslims as their opponents was not entirely successful, except for the first time. Especially in the 13th century, the Christian side was clearly outnumbered, and with the fall of Acre in 1921, the Kingdom of Jerusalem was destroyed and the achievements of the Crusades were burnt to ashes. After this, the interest of Christian monarchs shifted to the struggle between nations, and with the start of the Hundred Years' War in 137, the era of Christian knights washing each other's blood with blood arrived. The fact that "fighting against the pagans" was dropped from Lully's chivalry can be read as a foretaste of such a decline.

On the other hand, there are some key words that are newly observed in Lully's chivalry. The first of these is "love". The Book of Chivalry tells us that knights are the ones who "restore benevolence and order to the world through love," and repeatedly describes the kind of love that knights should have. This is a concept that cannot be found in Gautier's chivalry of the eleventh and twelfth centuries, which was fundamentally a discipline for warriors, and it is an important beginning to the more courtly chivalry that followed. The other key word is "civility". Lully mentions civility as a prerequisite for knighthood, which reflects the changing world of the time when knights were seen as role models for the common people. "As the sentence "If the knight does not make mistakes, the common people will not make mistakes either" clearly shows, this phrase "civility" well expresses the tone of the 13th century, when the requirements for knights were shifting from being "horsemen" to being "warriors.

From Medieval Chivalry to Early Modern Chivalry

In order to deepen our understanding of chivalry in the Middle Ages, it is important to understand that Jesus Christ was the supreme lord and the only king for the knights of that time. The Bible says that God is "the only sovereign (⁶⁰), the King of kings, the Lord of lords ()" (⁶¹62). Therefore, in Europe during the height of the Middle Ages, people shared the value that no matter how many kingdoms the earth was divided into and how many kings ruled over them, they were all part of a single "Christendom" (Christendom) with God in heaven as the sovereign.

⁵⁹ "The Song of Roland.

⁶⁰ monarch

⁶¹ Lordship of the Lords

⁶² 1 Timothy 6.15

If we understand this fundamental value, we can understand that in the Ten Commandments for knights, "devotion and obedience to God" is placed higher than "vassalage to the earthly lord" as a natural truth (⁶³). This is the reason why knighthood was regarded as a covenant with God in the Middle Ages, and why the Seventh Commandment commands, "Thou shalt strictly fulfill the duties of vassalage insofar as they do not violate the law of God. In other words, the fusion of feudal values that commanded obedience to the lord and Christian values that stipulated that God was the lord among lords formed the chivalry of the Middle Ages, in which devotion to God was the supreme principle.

However, this idea of "one Christian nation" rapidly faded away after the late Middle Ages. After a series of wars between Christians, the concept of "nation and people" was formed in the process, and nationalism took its shape. In addition, the monarchs of each country established knightly orders (secular knights) as honorary organizations in order to attract influential people, and the value that being admitted to these orders was a social honor became dominant among knights, and knights came to recognize that the monarch was the "source of honor" - not God. The knights came to recognize that the monarch was the "source of honorum" - not God. Thus, the knights lost their sense of belonging to "Christendom. Early modern chivalry was transformed into a discipline that commanded loyalty to an earthly lord rather than to a heavenly god.

Finally, in examining the transformation of chivalry, it is essential to discuss the great popularity of medieval knightly tales (⁶⁴), led by the Arthurian legend. As Gauthier argues in the text, the spread of this seductive and emotional literature from the late Middle Ages onward infused chivalry with courtly values and the romance of devotional love for noblewomen.

Thus, the discipline of the warrior in the height of the Middle Ages, with its core values of "devotion to God, fighting the infidels, and protecting the weak," was transformed hundreds of years later into the values of the courtier in the early modern era, with its core values of "loyalty to the lord, honor and civility, and love for noblewomen.

Chivalry and Bushido

Having discussed the changes in chivalry since the height of the Middle Ages, let us now turn our attention to the far-off Japanese Bushido and compare the two. According to Satoshi Furukawa, the earliest reference to bushido is in the 16th century *Koyo Gunkan*. Bushido, as expressed in this book, was a pure fighting spirit that put winning first and never missed an opportunity to fight when it was necessary. In terms of the discipline of the warrior, who places the highest priority on victory and military valor, this Bushido is in line with the values of the Germanic peoples, the origin of chivalry.

As the Edo period came to a close and warfare subsided, Bushido inevitably changed from a warrior's mindset to a Confucian way of life. Thus, the Bushido of the Edo period, which was based on the principles of loyalty, faith, and righteousness, was the moralistic counterpart of early modern chivalry. In the Warring States period, bushido was used as a synonym for "man's way" and "samurai way," but in the Edo period it became known as "shido.

In the modern era, Inazo Nitobe extracted the moral values from the Shido and infused them with a public spirit appropriate to the Meiji era, giving birth to Meiji Bushido. Kakuaki Sugano argues that this was a change from the Bushido of private combatants to a national military unity and loyalty to the emperor. In this way, Meiji Bushido, which teaches

⁶³ ruby

⁶⁴ Ruby: romance

the values of a person who should stand as a role model above the people, has the same background as early modern chivalry, which was shaped by nationalism.

By tracing these changes, we can once again see the striking similarities between chivalry and bushido. The values of the Germanic peoples and warrior bushido were disciplines that went hand in hand in the mindset of the combatants. As time went by, they were indoctrinated, and both were transformed into moralistic values. Finally, this morality was infused with a public spirit based on nationalism, and the code of conduct for those who stood above the people was completed. In other words, although chivalry and bushido share the same source, they gradually lost their way in two ways: the difference in the values that formed their morality (Christianity and Confucianism) and the presence or absence of the romance element. Thus, in the East and West of the world, the two warrior paths of chivalry, which pursues "loyalty to the lord, honor and civility, and love for noblewomen," and bushido, which adheres to "loyalty to the lord, honor and respect, and the spirit of fair play," rose to prominence.

	chivalry		samurai code of chivalry	
Germanic (e.g. people, language, culture)	Valor on the battlefield comes first, never pull back.	warring states	Victory comes first, fight when you have to.	Principles of behavior on the battlefield
arrow (mark or symbol)	(Christian influence)	arrow (mark or symbol)	(Influence of Confucian thought)	
Medieval Times	Devotion to God, fighting the pagans, protecting the weak	old name of Tokyo	Loyalty to the lord, integrity, acting for the good of the world	= Moralistic values
arrow (mark or symbol)	(Nationalism, influence of medieval knightly tales)	arrow (mark or symbol)	(Influence of nationalism)	
modern times	Loyalty to the lord, honor and civility, love for noble ladies.	Meiji era (1868.9.8-1912.7.30)	Loyalty to the lord, honor and respect, and the spirit of fair play	= Code of conduct as a person who stands above the people

After the Knight

In the end, I will conclude my postscript with an abbreviated description of the evolution of the knightly profession from its medieval heyday to the present day. The era in which knights occupied an important position on the battlefield ended with the Hundred Years War ()⁶⁵ in history. The Hundred Years War gave birth to many mercenaries who fought for a living, and as a result, the subject of warfare shifted from knights to mercenaries.

⁶⁵ 1337-1453

In addition, the emergence of rifles and cannons in the Italian War (⁶⁶), which followed the Hundred Years' War, determined the downfall of knights as a fighting force in the early modern era.

On the other hand, the social status of knights continued to improve during this period, as if in inverse proportion to their importance on the battlefield. Reflecting the new hierarchy of the lower nobility, the path to the knightly class, which had been universally recognized in the height of the Middle Ages, was closed by the proclamation of St. Louis (⁶⁷), whom Gautier admired, that only those of knightly blood could be knighted thereafter ()⁶⁸. In this way, the knightly class was transformed from an open warrior class that emphasized the qualities of the warrior to a closed privileged class that was subject to succession.

In this aristocratized knightly class of the early modern period, it was actively sought to become a member of the knightly order as a means to show their closeness to the sovereign or their own hairiness. The Order of the Knights was born in the 12th century as a monastic order authorized by the Pope, but it changed its form over time, maintaining its prosperity as an elite fighting group that executed infidels in the Middle Ages and as an aristocratic honor society in the early modern period (⁶⁹). Thus, the solitary knight gradually disappeared, and the knightly order became the mainstay of the knightly system. In the modern era, when civilization triumphed and the knightly class collapsed along with the aristocracy, only the knightly order survived and barely kept the knightly status alive to this day.

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⁶⁶ 1494-1559

⁶⁷Louis IX

⁶⁸ However, only the sovereign has reserved the privilege of knighting those without bloodlines.

⁶⁹ See Glossary

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