

The Sovereign Military Order of Malta

An exploration of the nonrecognition by the Netherlands



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--- Master Thesis ---

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12-01-2018

Word count: 24.504

I. ABSTRACT

The aim for this thesis is to explain *why the Sovereign Military Order of Malta is not recognized by the Netherlands as a full diplomatic actor in the international order*. This case study is examined through a congruence analysis, using theories of recognition and sovereignty, social constructivist theory and historical institutionalist theory. This research investigates the lacuna in the scientific literature on the diplomatic position of the SMOM. This is very understudied, especially the diplomatic relations of this fringe player. Congruence analysis combines the descriptive and explanatory merits of the three theories to give the best understanding of the nonrecognition. This research is based on three sources of data: scientific literature, interviews and data from the Dutch national archives. It finds that earlier explorations were undertaken to open diplomatic relations in the past hundred years and these attempts are scrutinized in the congruence analysis.

This research led to three new insights. Firstly, the Netherlands apply a strict recognition policy: they test possible recognition candidates on five legal criteria. Secondly, social constructivist factors (especially the Catholic religious background of the SMOM) influenced the relationship between the Netherlands and the SMOM. Finally, congruence analysis led to the insight that there were several critical junctures (e.g. the loss of territory) that inhibited diplomatic relations. These critical junctures caused the Netherlands to choose in favour of path-dependent behaviour and continue the status-quo of nonrecognition. The assessment of critical junctures is essential to this research, as explains the historical background of events and the choices that were made after these critical junctures that led to path-dependent behaviour of nonrecognition.

Hence, the Netherlands does not recognize the SMOM as a full diplomatic actor in the international order due to path-dependent behaviour, that was exacerbated through legal arguments and difficulties of religion. This implies that there were several complementing factors that inhibited diplomatic recognition, but it also shows that there still is a possibility for diplomatic relations in the future, when the evidence for nonrecognition can be overcome for political reasons.

II. PREFACE

Alphen aan den Rijn, 12-01-2018

This year, 20 years ago, was the first time that I visited the Maltese archipelago. Although a three-year-old cannot really get hooked on an island, the visits in the following years made that happen. The love for the island, the climate, the people, the landscape, the architecture, but mostly the culture and history made me come back over a dozen times in the past years.

The Maltese history has some intriguing periods, mostly to thank to its strategic geographic location. The island knows many conquerors, starting out with the Phoenicians, to the Romans, the Normans, the Hospitallers, the French and the Brits. The most important part of the 'modern' Maltese history is set by the Knights Hospitallers of Saint John. In almost 300 years (1530-1798) they built Malta's most recognizable cities, churches and other buildings. It is due to these imposing remains that I have developed a fascination for the Order of Malta. The ideal research for me, was then to find a connection with my home country, the Netherlands. I found a diplomatic missing link that I was able to scrutinize.

Before you lies the result of this research: *"The Sovereign Military Order of Malta – An exploration of the nonrecognition by the Netherlands"*. It has been written to fulfil the graduation criteria for the Master's programme International Public Management and Policy at Erasmus University Rotterdam.

For the establishment of this thesis I would like to express my gratitude to several people who have been of significant importance to my thesis.

Firstly, my tutor and thesis supervisor Michal Onderco. Thank you for inspiring me to this subject and your excellent guidance when I was in need of it. And, my second reader, Koen Stapelbroek, for stimulating me to look further into the time spirits in the eras of the Order.

I also wish to thank my respondents, Mr. Eugenio Ajroldi di Robbiate, on behalf of the Sovereign Military Order of Malta, and Prince Jaime de Bourbon de Parme, on behalf of the Dutch government, for taking the time to give me new insights for this thesis.

Lastly, I want to thank my partner Robin Pijnacker and my parents, for supporting me in the period when my medical condition prohibited me to even make progress on my thesis. You kept motivating me to continue and follow my dreams.

I hope you enjoy reading it as much as I did writing it.

Michelle Hoekstra

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IV. LIST OF ABBREVIATIONS

DCP	Direction of Cabinet and Protocol at the Dutch Ministry of Foreign Affairs
EU	European Union
HI	Historical institutionalism
HS	Holy See
IO	International organization
IR	International Relations
MFA	Ministry of Foreign Affairs
NGOs	Non-governmental organizations
NI	New Institutionalism
SC	Social constructivism
SMOM	Sovereign Military Order of Malta

1. INTRODUCTION

The Sovereign Military Order of Malta (SMOM) is one of the few special cases under diplomatic law, a fringe player. This is a striking case: a very tiny order, which possesses only one extra-territorial palace in Rome and issues only five hundred passports worldwide, acts on a par with states. The reason for this *sui generis* status in the diplomatic world order can be found in the long and profound history of the SMOM. The SMOM acted as a diplomatic player already since its existence.

Although the SMOM has currently established diplomatic relations with 107 countries and is active in over 120 countries worldwide, the Netherlands has not officially recognized the SMOM. In particular, the Netherlands does not recognize the SMOM as an official diplomatic player. Moreover, the Netherlands does not accept the SMOM's passports as official document. This is odd, seeing that the majority of countries have recognized the SMOM and that the SMOM has an observer-status in the United Nations and has special diplomatic ties with the European Union, where both diplomatic entities meet.

Already in 1911, the Dutch association of the Order of Malta was opened and per 24th April of that year officially acknowledged by royal decree. Hence, the Netherlands recognizes the Dutch association as an international organization, as a religious order, but not as a diplomatic entity in the world order, whilst 107 other countries do.

Therefore, with this thesis I scrutinize this 'odd' case, where the Netherlands has not recognized the SMOM. Thus, the research question of this thesis is:

Why is the Sovereign Military Order of Malta not recognized by the Netherlands as a full diplomatic actor in the international order?

The answer to this research question of this thesis is especially relevant concerning (diplomatic) policy-making. With this thesis I outlined the current situation of the SMOM and the Netherlands and I explored the reasons why there has not been recognition by using archival sources. Although the Dutch Ministry of Foreign Affairs has once explored some archival sources on why no relations exist, they have never performed such an in-depth study, to compare archival material and scientific literature. Therefore, this document is relevant to both parties as it gives insight in why the diplomatic relations and diplomatic recognition is not present between the two. This document may be a starting point for new insights and can be consulted when there will be a new exploration of opening diplomatic relations.

This thesis is also an addition to the already existing scientific literature: it explores a field that is highly understudied. The SMOM has mostly been studied from historical perspectives and only several studies had been performed in the field of international relations, on diplomatic relations. None of these studies had specifically explored recognition of SMOM and more specifically in the case of the

Netherlands. Therefore, this thesis scrutinizes a whole new section of this field. Furthermore, the combination of scientific literature and archival sources is rarely performed, this also applies for the scientific field of diplomacy. Where most scholars stop at scientific literature and interviews, I look into it more deeply, by using historical pieces that are of crucial importance to understand the relationship. Therefore, I do not only scrutinize a new section of scientific literature, but I also combine three important sources in order to get a more thorough understanding of this case: interviews, scientific literature and archival sources.

This introduction has briefly outlined the case and its implications and the relevance. The rest of this thesis is organized as follows. In the second chapter I briefly discuss the history of the SMOM. Chapter 2 explains the headlines of the SMOM's history. In the third chapter I discuss the relevant literature of the debate I will contribute to: diplomatic recognition. In this chapter I explain what diplomatic recognition entails, what fringe players are and I discuss several variations of diplomatic recognition. I conclude this chapter by arguing that there exists a gap in the literature, in particular on the diplomatic recognition of the SMOM. In the fourth chapter I discuss three important theories that contribute in the understanding of the factors that influence the diplomatic relations between SMOM and the Netherlands. I explain (1) theory on recognition and sovereignty; (2) social constructivist theory; and (3) historical institutionalism. From these theories I distract expectations that will be tested in Chapter 6, 7 and 8. But first I explain the research design and methods in Chapter 5. This research uses congruence analysis, where I test the three theories I mentioned before and I explain my case selection and data. Chapter 6 entails the first analysis: implications of recognition policy, where I argue the importance of territory for legal recognition. In Chapter 7 I perform an analysis of social constructivist factors, where I scrutinize the importance of religion, ideology and difficulties in the relationship. I argue that religion is one of the important factors to inhibit diplomatic recognition. The last analysis, in Chapter 8, concerns historical institutionalism, where I stress the importance of critical junctures and path-dependency. In Chapter 9 I conclude that all three theories complement each other and point to important factors that inhibited diplomatic recognition and that the reason for nonrecognition is versatile. The Netherlands does not recognize the SMOM because of legal reasons, the religious influences and due to path-dependent behaviour.

2. HISTORY OF THE SOVEREIGN MILITARY ORDER OF MALTA

The Sovereign Military Order of Malta has a long and profound history that is richly studied, but only in a descriptive way. This chapter too, briefly describes the origin and history of the SMOM. It explains how and why the SMOM came into being and how it survived as the diplomatic actor it is now. To understand the contemporary diplomatic position of the SMOM –that it is not just an international organization but a diplomatic entity– one must have a rough idea of the tumultuous history of the SMOM. In order to do so, I describe that the SMOM was a player that acted in the higher levels of society, already from the beginning. I explain the basis of the name and underline some legal foundations of the SMOM.

This chapter aims to give a brief overview of the highlights of history, necessary to understand the role and position of the SMOM today. With this overview, I provide the readers with the historical background they need to understand the rest of this research.

2.1. The early years: Jerusalem and Rhodes

The Order¹ originated in a hospice for pilgrims in Jerusalem on the holy ground of St. John, probably somewhere before 1071 (Stevens, 2016: 1). This hospice, a safe haven for Christian pilgrims, had the original task: ‘*Obsequium Pauperum*’, service of the poor and nursing the sick. With the increased flow of pilgrims following the first crusade, Father Gérard transformed the Hospital of St. John into one of the most important of the Christian institutes in Jerusalem² (Sire, 2016: 1). Pope Paschalis II confirmed this with a papal bull in 1113: the ‘*Pie Postulatio Voluntatis*’, which recognized the Order as an independent institution, exempted from papal authority (Sire, 1994: 5; Stevens, 2008: 38). Several papal bulls afterwards extended the rights of the Order (Nicholson, 2001: 6; Stevens, 2008: 39). The first indications that the Hospital was involved in military activity was found in Pope Innocent II’s bull ‘*Quam amabilis Deo*’, to ensure that pilgrims could travel safely during crusades (Nicholson, 2001: 10). Hence, when the Hospitallers took up their arms to protect pilgrims, they were in full accordance with the Christian beliefs of their era: to defend Christians and Christian territory and they believed it won them God’s favour (Nicholson, 2001: 17). The house of St. John had become a knights brotherhood and the original task (*Obsequium Pauperum*) was expanded with ‘*Tuitio Fidei*’, the defence of the faith (Sire, 2016: 2).

After the loss of Jerusalem in 1187, and Acre in 1291, the master and brothers of the Hospital escaped and sought refuge in Cyprus (Nicholson, 2001: 26/27; Sire, 1994: 25). They moved to Rhodes in 1310,

¹ In this chapter I refer to the SMOM as ‘the Order’, as the official name was used only centuries later.

² Already since the mid-twelfth century the Hospitallers had been endowed properties in Europe to protect the faith, granted through international connections and beneficiaries (Sire, 1994: 36).

where they remained the next two centuries (Stevens, 2008: 179). On Rhodes, the Order became a sovereign aristocratic republic, with the ability to make wars and alliances, exchange emissaries and to sign treaties (Stevens, 2008: 202; Sire, 2016: 5). The Grandmaster was head of state and carried the title Prince of Rhodes. From then on, they used the official name: *The Sovereign Military Order of Rhodes of Saint John of Jerusalem*.

2.2. Malta

The Order moved to Malta in 1523, after their base in Rhodes was defeated. The Order held ground during several sieges and they reformed the island. At the same time, the Order also took part in diplomacy and as a sovereign entity. They had the ability to conclude bilateral agreements on the level of city states (Nicholson, 2001: 130).

The Order had to redraft their statutes in 1585, due to bulls that Pope Sixtus V issued. The Order was not allowed to attack any Christian and had to remain neutral in any war between Christian nations (Website Order of Malta a; Nicholson, 2001: 127/128). This is an important characteristic that changed the character of the Order.

The Order rested on Malta for over three centuries. During this period, the Order had a governmental structure with a decision-making body: the General Chapter (Nicholson, 2001: 131). The Grandmaster was assisted by this General Chapter, which was a Council of Ministers (Website Order of Malta a; Stevens, 2008: 203). The Grandmaster had enormous influence and presented himself as rich and powerful. His induction as Grandmaster almost looked like a coronation (Ibid). Hence, we can almost compare the Grandmasters role to a king's.

After the defeat by Napoleon in 1798 the Order lost their Maltese territory. The territory of the Order was officially neutral and the Order was forbidden by the pope to fight other Christians, such as the French. This marks the end of the Order's splendour and official territory (Stevens, 2016: vii).

2.3. The Congress of Vienna

From November 1814 until June 1815 the Congress of Vienna was held in order to provide a long-term peace plan for Europe after Napoleon was defeated in 1814. This moment is crucial in the European history, as it settles Europe on the basis of *uti possidetis*: a new state is defined by already existing borders (Sire, 2016: 49). This Congress is essential in understanding why the SMOM never regained territory, but shows that the SMOM historically had a status on a par with states. This Congress illustrates that the SMOM not always knew how to cope with this role.

For the SMOM, this should have been the moment to reclaim territory. However, they made several large mistakes, which caused the SMOM to leave this important congress with empty hands. Sire mentions two important reasons why the SMOM failed to achieve its objectives at the Congress. Firstly, there was an issue on the level of representation: the SMOM was not represented by its head, Grandmaster Di Giovanni who was physically not capable to travel, but instead they sent the chief envoy Miari. Miari was made a Grand Cross only a few weeks before, to give him the minimum of status he needed (Ibid: 47). This was a mistake, as the Congress was mostly a gathering of sovereigns. Chief envoy Miari did not act as a diplomat, but almost as a lobbyist. He put the SMOM's interest forward in Congress, but left it to other states to decide over it (Ibid: 49). Secondly, the SMOM did not attempt the recovery of Malta during the Congress of Vienna and the question remained what territory they would be given as compensation. Furthermore, the SMOM did not demand monetary compensation for the loss of their buildings and territories.

By the end of the Congress, the SMOM had obtained nothing. In fact, they were even widely blamed for their ineffectiveness (Ibid: 52).

2.4. Until now: Rome

After the loss of the island Malta the SMOM remained without territory for a long time. They had temporary seats in Trieste, Messina, Catania and Ferrera, but in 1834 the SMOM finally established an extra-territoriality Palace in Rome: Malta Palace, where it is still located today. Pope Gregory XVI gave the SMOM a hospital, the hospice of Cento Preti. Hence, the SMOM could again dedicate themselves to the primary vocation: caring for the sick and poor (Nicholson, 2001: 142). In Rome, under protection of the Holy See, the SMOM could strengthen its position³ and gradually regained their possessions in Italy. Since the SMOM relocated to Rome, the original work became its mission again and the military mission was abandoned completely. Even during World Wars I and II the SMOM took only a hospitaller role. Nowadays, the SMOM has humanitarian missions all over the world.

There are certain differences with the SMOM's status now and in the Middle Ages (Nicholson, 2001: 145). The SMOM has lost its great estates and revenues. Hence, the members have to have an independent income and are not supported by the SMOM anymore. Secondly, the SMOM is no longer involved in holy war. Finally, the SMOM lost territory and their hospital care in the period 1789-1834, but the memberships continued. Hence, the SMOM is truly the survivor of a Medieval Order, although in reduced circumstances.

³ Only the Langues of Italy and Germany survived (Nicholson, 2001: 142). In the following periods, the Order rebuilt their relations with e.g. Britain and Rhodes (Ibid: 143).

3. LITERATURE REVIEW

It is of crucial importance to acknowledge what is already known in connection with the research area, to prevent reinventing the wheel or making the same mistakes that earlier scholars made (Bryman, 2008: 95). This thesis follows the deductive approach in social research. This means that findings follow from theory (Ibid). This chapter looks into the literature on diplomatic recognition that is already out there. It is important to understand what diplomatic recognition entails and why it matters in the world. This is to mark the relation between recognition and the theory on fringe players, to understand why there is a need to study the lacuna of the Sovereign Military Order of Malta.

In the first section I explain that recognition is the formal acknowledgement of an entity. Important to keep in mind is that diplomatic recognition was traditionally only given to states. A distinction is made between two kinds of recognition: political recognition and judicial recognition. I argue that recognition is a political decision, more than just checking the (judicial) boxes. This political recognition underlines the basis of the second section, that focuses on special players in the diplomatic world order: fringe players. I here show that a player does not need to fulfil all the criteria of a sovereign entity, hence, even non-territorial diplomatic actors can be recognized. Ultimately, I explore several variations of diplomatic recognition by using actual cases that illustrate the great diversity of types and processes of recognition by other diplomatic actors. The SMOM might be a special case, but it is definitely not the only odd one. I conclude this chapter by stating that the existing literature cannot explain the variation in recognition of entities and then formulate the research question for this thesis.

3.1. Diplomatic recognition

A tension exists in the international recognition of SMOM in the diplomatic order: some countries do not recognize SMOM, whilst the majority of the countries (107) hold diplomatic relations with the Order (Website Order of Malta b). The fact that not all countries recognize SMOM asks for explanation what diplomatic recognition is and why it matters greatly in the world. Recognition is traditionally only given to states. I follow the distinction made between political recognition and judicial recognition and focus mainly on recognition as a political process. Political recognition is the most important aspect for this thesis, as it shows that recognition is not only checking the boxes of the criteria to be a state entity, but that it entails a lot more than that. Another important aspect I show in this section, is that recognition is a necessity to be a sovereign entity.

Recognition is part of the institution of diplomacy. Diplomacy can be conceptualized as ‘the application of intelligence and tact, to the conduct of official relations between governments of independent states’

(Satow, 1932: 1). In order to become such an independent state, recognition is necessary. In public international law, recognition is 'the formal acknowledgement that an entity or situation exists, coupled with an assurance that the legal consequences of such an existence will be respected' (Peterson, 1982: 325). Another way to put it: recognition of a state is a juristic act through which a state denotes that they accept a new state as a member of the international community and accepts the consequences for this acceptance of this new state (Bossuyt & Wouters, 2005: 201). This means that in the legal distinction recognition and sovereignty lead to the right to enter into agreements on the diplomatic level.

In the traditional definition only states were subjects of international law: only states have rights and obligations that international law recognized (Burgenthal & Murphy, 2013: 1). Therefore, we also speak of 'the law of nations', as introduced by Hugo Grotius in his Rights of War and Peace (Currie, 2008: 1). In the more modern definition, not only states are seen as subject of international law, but sometimes international organizations (IOs) are too (Burgenthal & Murphy, 2013: 1).

Malcom Shaw argues that according to traditional legal theory each state is sovereign and equal. However, Shaw argues that not even the most powerful states are entirely sovereign in modern practice. This is due to new and growing means of communication and international consciousness (Shaw, 2008: 129). The international law is nowadays characterized as interdependent with a political society that has strong opinions on the actions by countries. Therefore, several fields, e.g. human rights, environment and international investments, are subject to international regulations at both the national as the international level (Ibid: 130). This is what Burgenthal and Murphy recall as international law exceeding national law (2013).

According to Bossuyt and Wouters, recognition is a *political decision*. This is supported by the idea of Ryngaert and Sobrie, who argue that recognition is a process in the sphere of law and politics that are closely intertwined (2011: 489). There exists a tension between recognition as legal act, to allow states onto the world stage, and as political act, advancing the interests of a state (Ibid).

The most significant form is the traditional form: state recognition, in which a state is an abstract entity or a human collective. Peterson argues that there are two categories of political use of recognition: (a) to express friendship or hostility towards one another and (b) recognition in exchange for another mean (Peterson, 1982: 328). Additionally, he argues that recognition is influenced by factors as ideology, more than change of government.

Diplomatic recognition itself is a reflection of state sovereignty (Krasner, 2009). State sovereignty, as will be discussed later in the theory-chapter, can be defined as a government that has exclusive control over a specific territory and with citizens accepting this rule (Montevideo Convention, 1933). However, to be internationally recognized a state needs more than only internal sovereignty. It needs also the acknowledgements of others. Nevertheless, while the conditions for statehood

recognition are broadly accepted in traditional international legal theory, the issue of who gets to decide if these conditions are met is less clear (Burgenthal & Murphy, 2013: 42).

Diplomatic recognition is crucial for the definition of state sovereignty, the defining character of the Westphalian system (Newnham, 2000: 260). This means that sovereignty is partially determined by the recognition of other states: the more states diplomatically recognize a country, the larger the external legitimacy of this country (Rich, 2009: 163). Oppenheim is even more blunt, he famously argued: “A state is and becomes, an International Person through recognition only and exclusively” (Oppenheim, 1955: 125). This means that whether or not an entity can be seen as a diplomatic actor depends on the actions of existing states. Nonrecognition points the entity to non-statehood (Grant, 1999: 2).

This shows the importance of diplomatic recognition for statehood. According to Waltz, recognition can almost be seen as an international norm: one must have sovereign equality in order to recognize one another (Waltz in Rich, 2009: 163). Sovereign equality can be seen as a normative concept that structures the international legal system. According to Stirk, who has been analysing sovereign equality since the Westphalian model, sovereign equality is nothing more than just the equality of sovereign states: all states are equal (Stirk, 2012: 642). However, Stirk argues that the 17th and 18th century were hierarchical, which means that not all states were equal, but some were more equal than others, i.e. we can see this in the Western imperialism. Only by the end of the 19th century sovereign equality became more as we know it now: that all states are actually equal.

According to Newnham there are two causes why states can be denied diplomatic recognition by others. First, he explains that a state might not be recognized as it might be a ‘pariah state’, whose ideologies or actions are abhorrent, which was the case in for example Rhodesia (Newnham, 2000: 260). The other reason is that a state might be a part of a divided nation, e.g. China and Korea. When not given the recognition, a state has no ability to perform in the diplomatic world order.

Furthermore, Kelsen argues that there is a distinction between legal recognition and political recognition (Borchard, 1942: 108). Legal recognition brings the state or an entity into existence in the international sense. Political recognition is more useful here: a declaratory of a pre-existing statehood that is followed by diplomatic relations, such as the exchange of ambassadors, treaties, etcetera (Ibid). Borchard argues that there might be some controversy in political recognition: if a new actor actually exists and promises continuity, it is its legal right to be recognized and another country cannot refuse (Ibid: 111).

This distinction between political and legal recognition can also be seen in light of the judiciary concepts of *de jure* and *de facto* recognition (Bossuyt & Wouters, 2005: 204). *De jure* recognition is definite, irrevocable, a complete recognition and works retroactively. Here, a country fully recognizes a

new state (from the beginning) and all the rights and obligations to that state, under which immunity of the state (Ibid: 204). One cannot withdraw its recognition, unless the recognized state ceases to exist. On the contrary, *de facto* recognition is temporary and revocable. The relations between the recognizing state and the recognized state are limited. This mostly happens for a new state that comes into being.

There seems to be a relation between the ideas of Kelsen on one hand and Bossuyt and Wouters on the other. Legal recognition is similar to *de jure* recognition: it is the legal, definite recognition of a state. Political recognition can be related to the idea of *de facto* recognition, as it helps a state come into being by political choice. This shows the different aspects of diplomatic recognition.

3.2. Fringe players

Bátora and Hynek introduced the new concept of fringe players, which has gained some influence in the past few years. According to these scholars, the SMOM is one of the three⁴ fringe players: *non-state entities with diplomatic privileges that are recognized as legitimate players within the diplomatic order on a par with states* (Bátora & Hynek, 2014: 1). Bátora and Hynek argue that modern diplomacy as an institution of the Westphalian state order is too narrow. Currently there is a co-existence of actors within the institutionalized core of diplomacy who work based on different types of sovereignty and thereby with various structural arrangements and practices (Ibid, 168). The crucial connecting mechanism for fringe players in the diplomatic order is the continued process of *diplomatic recognition*. The players from the core of the diplomatic order decide to recognize new players. Bátora and Hynek have shown that diplomatic recognition does not depend on territorial statehood (Ibid, 168). It takes formal recognition by the players within the institutional order of diplomacy to become accepted as a legitimate player within the diplomatic order (Ibid: 6).

Bátora and Hynek distinguish three fringe players: the Sovereign Military Order of Malta, the Holy See and the European Union. These non-state actors are on a par with states and commonly accepted. They enjoy diplomatic rights, privileges and immunities according to the Vienna Convention on Diplomatic Relations of 1961. This means that these three fringe players are significantly different from other non-governmental actors, such as NGOs, private enterprises, guerrilla groups.

Although the fringe players are not a homogenous group, they do share some characteristics. Firstly, there exists a contingent relationship between sovereignty and the diplomatic status (Ibid: 8). The SMOM, Holy See and the EU somewhat differ from one another in sovereign characteristics, but they all are different from other sovereign players: they are not states. Secondly, the fringe players all lack territory, although in different gradations and for different reasons. The Holy See, for instance, has

⁴ Sovereign Military Order of Malta, the Holy See and the European Union.

the immediate territory of the Vatican, but that is not enough to actually let a population live in it. The EU does not immediately possess any territory and can be seen more as a regional organization combined with intergovernmental and supranational institutions. Furthermore, the SMOM has to grapple with the acute lack of territory. They have compromised territory, that does not make up more than two buildings with extraterritorial status, but this means that SMOM is, for example, not able to practise passive right of legislation. Lastly, the lack of territory of fringe players is compensated for by focus on the integrity of norms, values and principles (Ibid: 9).

All fringe players engage in the delivery of global public goods and place emphasis on the fulfilment of broad milieu goals. Their perception of the international world differs from that of states, because fringe players can take alternative forms of intergovernmental organizations.

3.3. Variations of diplomatic recognition

Diplomatic recognition in the international diplomatic order is a subject that is richly studied. This is mostly the case for new and upcoming (small) states. After the Second World War and the decolonization the number of states increased drastically: in 1950 there were only 82 independent states, whilst in 2000 that number had increased to 191 states. Today the globe counts 196 sovereign states. Once granted, the recognition is traditionally very stable (Rich, 2009: 164). This shows the influence of path-dependent behaviour in recognition as will be discussed later in Chapter 8.

Recognition of sovereignty does not come naturally for all states. Some states were recognized immediately, while others fought years for recognition and are still not diplomatically recognized as a sovereign state. Currie argues that granting or withholding recognition of statehood is in essence a bilateral process, with sovereign discretion of each individual state (Currie, 2008: 33/34). This makes the case that recognition comes in a great variety. Hence, herebelow I demonstrate several types of recognition and their corresponding problems to show that the SMOM's recognition aspirations and issues are not one of a kind.

First, there are several examples of entities, that after years of trying, still no recognition is rewarded to the countries-into-being. Examples for this are Somaliland, Transnistria and Nagorno-Karabakh. For the case of Somaliland, which used to be a province of Somalia, recognition is still an issue. Somaliland falls under the first category: countries that are not internationally recognized, but have control over their own territory. Somalia has received the world's attention for over a decade to recover from its status as a 'failed state'. During that period, a specific region pulled away from its domestic government (Eggers, 2007: 211). Somaliland, which was once a British colony, argues it should be recognized as an independent state. It established its own government, kept the peace and managed

to flourish in a kind of stability that is only a faint memory to most Somalians outside that region (Ibid: 211). Even though Somaliland has been de-facto independent since 1991 and fulfils all the Montevideo-convention criteria, it is still not recognized by *any* country (Ibid: 218). The main obstacle for recognition of Somaliland is the fact that countries have decided in 1963 that the post-colonial borders stay as they are to prevent secession. If Somaliland becomes independent, the world community fears that the border-system in Africa fails (Ibid, 219). Hence, recognition is not only a process of checking the boxes of statehood of the Montevideo-convention.

States in the international community choose to recognize or deny recognition on the basis of political reasons. According to Ryngaert and Sobrie this becomes increasingly important (2011: 471). This brings me to the second variety: countries that have control over their territory and are partially recognized. This is the case for Kosovo, South Ossetia and Abkhazia. In 2008 a 'small, badly governed community surrounded by potentially hostile neighbours', Kosovo, unilaterally declared its independence from Serbia in 2008. Within a year Kosovo had been formally recognized by 54 countries, including most EU-members (amongst which the Netherlands) and its immediate neighbours, but not Serbia (Krasner, 2009). Why countries have recognized Kosovo is barely motivated, if countries gave a reason at all. Mostly they justified the recognition of Kosovo by referring to political considerations, e.g. need for stability, peace and security in the region (Ryngaert & Sobrie, 2011: 480). Other states that did not recognize Kosovo referred to the principles of the Westphalian Order, e.g. state sovereignty and territorial integrity of Serbia (Ibid: 480). Therefore, nonrecognition is based on both international law and domestic politics. For the case of secession, as shown for both Somaliland and Kosovo, there are no international rules. Again, it comes to domestic political choices for recognizing a new state.

The case for Taiwan is comparable to the case for Kosovo, where a country is only partially recognized, but has control over its own territory. In Taiwan "two Chinas" claim Taiwan's status: as a province of China or as an independent state. The Republic of China (ROC) and the People's Republic of China (PRC) both claim to be the sole legitimate government in China (Kaczorowska, 2010: 200). The ROC was the government by the founding of the Republic China on 1 October 1949. The PRC claims that the ROC has failed to be a legitimate government. Therefore, the PRC claims to be the successor of the ROC as legitimate government of China (Bray, 2011: 121). On the contrary, the ROC claims that it is still a legitimate government and fulfils all Montevideo-criteria and therefore still is the legitimate government. The issue for Taiwan is that the ROC sees Taiwan as independent state, whilst the PRC considers Taiwan as province of China. The ROC has put effort in diplomatic relations and has recognition of 23 states, mainly focused on established economic relations. The PRC is the overall 'winner' with 169 countries that recognize the PRC (Rich, 2009: 160).

The third and last variety I mention in this paragraph is a religious conflict of recognition. An example is the case of Israel and Palestine. This is a difficult territorial and religious conflict. Both states

have been recognized by many countries, i.e. Israel 159 countries (as of March 2017, Website Times of Israel) and Palestine by 137 countries (Website Palestinian UN-mission). At first sight it is a territorial conflict, but when one looks closer it is a worldwide religious conflict; a battle that goes on for decades. Since there are two states around the same territory, the politics of recognition has begun. Countries support Israel, as a support for the Jews, or Palestinians, which are mostly Muslims. These cases of religious conflict might touch upon the case for the SMOM, as it is in essence a religious order. Hence, there might be something to learn from this case.

In all these variations of diplomatic recognition, we can see a pattern: that of political arguments. I stated in the beginning of this chapter that recognition has two elements: legal aspects and political aspects. For all these cases, including the case study in this thesis, the focus is mainly on the political aspects. The legal aspects are mostly clear. Political arguments are not so clear and therefore more interesting to study.

3.4. A gap in the literature

Ultimately, the gap in the existing literature lies in the exploration and the explanation of recognition of the SMOM. As seen above, there is a significant amount of information on the importance of recognition as part of the international world order. Even non-territorial diplomatic actors can be recognized. The issue is that the existing literature cannot explain why some countries do and why some countries do not get recognized. The main answer to that issue from the current literature, is that it is a political decision of existing countries. However, this does not explain the variety as mentioned in this chapter. It does not answer why the choice to recognize a (new) entity is made by some but not by all. This is also the case for the recognition of the SMOM. The diplomatic relations and recognition of this subject is already very scarce, but the literature that exists does not put the finger on why 107 countries recognize SMOM and why 88 countries do not.

This brings us to a gap in the literature and an interesting subject to explore further. My aim is not to explain why 88 countries do not recognize the SMOM. I performed a research in the specific case of the Netherlands, of which almost no literature exists. With this thesis, I aim to contribute to the literature on diplomatic recognition of the SMOM, by explaining the bilateral case of the Netherlands and SMOM, or to be more specific: the absence of it. The research question that addresses this literature gap is as follows:

Why is the Sovereign Military Order of Malta not recognized by the Netherlands as a full diplomatic actor in the international order?

The answer to the research question of this thesis gives an understanding of the absence of the relation between the SMOM and the Netherlands and why the Netherlands has still not recognized the SMOM, even though the SMOM is a diplomatic player that *is* present in partnerships of which the Netherlands is a member, e.g. the European Union and the United Nations.

By answering this gap in the literature, the aim is not to use only scientific literature, as I have shown in this chapter that the current literature fails to explain this issue. I therefore also use interviews and archival sources from the Dutch national archives, in order to gain a more complete understanding of this literature gap. Especially archival sources complement existing literature, as it opens a new angle to this issue. In the coming theory chapter, I explain the three theories that I expect to be useful in explaining the nonrecognition.

4. THEORETICAL FRAMEWORK

This chapter discusses the theoretical framework that is used to grasp the understanding for this research. Theory is the view from which you perceive the world: it is the lens we look through to explain concepts and it is the mechanism why X causes Y. It is an explanation of observed regularities (Bryman, 2008: 6).

In this chapter I explore possible theories that might explain the empirical situation as it is nowadays. In this chapter I will come to three expectations that are deducted from the three theories that are to be discussed here below. These expectations are derived from theoretical implications. In the analytical chapters, these three theories will be tested in three different analyses.

The theories that are worked out in this chapter are (1) theory on recognition and sovereignty, (2) social constructivist theory on recognition and (3) historical institutionalism. All theories have their own specialties and characteristics that are set out to possibly explain a part of why the Netherlands has not recognized the Sovereign Military Order of Malta. I have chosen these three theories for their likeliness to explain the nonrecognition of the SMOM. To understand the world in which these theories are developed, I start this chapter with a short explanation of the three traditional dominant international relations theories (IR-theories).

4.1. International Diplomatic Order and International Relations

The international diplomatic order and therefore diplomacy can be conceptualized in several social scientific conducts. As argued in the literature review, most IR (international relations) theorists agree that diplomacy can be seen as one of the core institutions of the state order, or at least as a set of rules that regularize interactions between actors in the international system (Bátora & Hynek, 2014: 19). In short: as an institutional order. However, the international diplomatic order and therefore the core of diplomacy and their players can be looked upon differently from the three IR-theories that dominate the field: realism, liberalism and social constructivism.

Realist theorists focus on states as the leading diplomatic actors and on the interactions between states. The diplomatic world order is to be seen from a state-centric lens (Ibid: 3). Therefore, fringe players as the Holy See and the SMOM would be seen as non-state actors, comparable to other NGOs, because they lack hard power resources and have a non-state nature. The EU can be seen as an alliance of states (Mearsheimer, 1994) or as an international organization (IO).

Liberalist scholars see the diplomatic world order as an open playing field. This approach is very open to all kinds of actors. Therefore, fringe players 'swim' in a broad pool of diplomatic actors

encompassing partially recognized territorial states, NGOs, guerrillas and so on: organizations that compete with states for power and resources (Bátora & Hynek, 2014: 4). However, the relation between recognized diplomatic actors and others is blurred and fringe players, such as the SMOM, would therefore not have a special position according to liberalists.

Lastly, social constructivist theorists argue the importance of the role of rules, norms and socialization processes in the international diplomatic order. Fringe players face a challenge within the diplomatic order. Although they conform to the core beliefs of the classical Westphalian diplomatic community, some of the fringe players' practices, structures and patterns of interactions with their environments, move away from these Westphalian core beliefs (Ibid: 4). The focus on fringe players within the diplomatic order helps scholars to capture the nature of the international community in a more complex way. Social constructivist theory is therefore very valuable for this research. I will elaborate on this in paragraph 4.3.

Ultimately, I follow the idea from Wouters and Duquet that combines these three traditional theories into a more modern conception. The core of diplomacy is mostly a state-centric sphere and a closed system regulated by diplomatic law, which has the character of constituting a separate sphere in public international law (Wouters & Duquet, 2012). Around that hard core, there is a soft shell of various actors, that are somehow involved in diplomatic interactions, e.g. NGOs, enterprises, regions and so on. However, I add the concept of fringe players to this idea. I place fringe players within the hard core, as they are a subject of diplomatic/international public law. I have put this in a diagrammatic representation in figure 1.

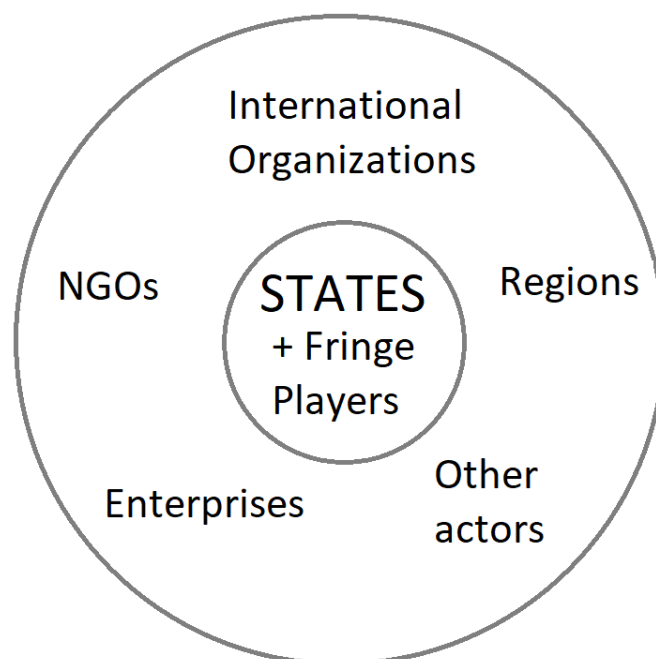


Figure 1 Adjusted model of Wouters and Duquet (2012)

4.2. Recognition and Sovereignty

Recognition and sovereignty are closely linked: in order to be diplomatically recognized, an entity must be independent or sovereign. Historically, to have sovereignty, a state must have (a) permanent population, (b) a defined territory, (c) it must have a government and (d) the capacity to enter into diplomatic relations (Montevideo Convention, art. 1, 1933). Earlier scholars have argued for parts of this definition, but it was put together in one document at the Montevideo Convention in 1933; the most widely accepted definition of statehood (Grant, 1991: 403). The third article of the Montevideo Convention states: “The political existence of the state is independent of recognition by the other states” (Montevideo Convention, art. 3, 1933). Hence, recognition is a political choice and the political existence of a country is defined by these choices.

The SMOM, although it may have had once, does not fulfil all criteria from the Montevideo Convention now (Cox, forthcoming: 2). Cox argues that this concept of state sovereignty has declined in relevance and that it was inevitable that traditional states lose ground. Newer types of international entities emerged, that enjoy the power and privileges in the international community, e.g. power to enter into agreements (Ibid: 21). This can be related to the international organizations, but I see this as an advocacy for the acceptance of fringe players.

Rosenau argues that the Westphalian order has left a legacy of state-centeredness which is very difficult to remove (Williams, 1996: 154). State sovereignty is the principle that each state has sovereignty over their own territory and their domestic affairs (Kissinger, 2014). This idea comes mostly from the Westphalian ideas, that is based in the dominant European-centric world in the seventeenth century. These are now central ideas in international law (Ibid). Hence, political theory is still largely state-centred, where the nature of one sovereign order is closely examined. Rosenau argues that the modern world is better informed and more mobile, which causes citizens to be far less tied to their states than before (Jackson & Sorensen, 2010: 104). Hence, Rosenau sees a transformation of the international system: a new multi-centric world has emerged, that is composed of sovereignty-free collectivities which exist apart from and in competition with the state-centric world of sovereignty-bound actors (Jackson & Sorensen, 2010: 104). This can be connected to the idea of a liberalist world view, as we have seen in paragraph 4.1., where fringe players are just one of the many players in the world order.

This is in contrast with what the most prominent scholar of the English School, Hedley Bull, has stated: the international anarchical structure forms a ‘society of states’, where the main actors are states (1977). Although this is a grand theory of importance, in light of fringe players as new actors, this theory must be revised. But even in Bull’s work, recognition is of importance. To be a (great) power in the international system, a state must be recognized as such by fellow states (Ibid, 196). Hence, Bull

emphasizes the importance of recognition: to be a power, one must be recognized by others. Otherwise one can never be a power in the diplomatic world order.

Krasner identifies four meanings of sovereignty⁵ (Krasner, 1999a: 9). Most important for SMOM is international legal sovereignty: mutual recognition of states or other entities. Krasner emphasizes the importance of mutual recognition in the international spectrum, as it gives a state the presumptive right to join international organizations and to make agreements with other states (Krasner, 1999b: 47). Even entities that lack either formal juridical autonomy or territory have been recognized, e.g. the SMOM is recognized as sovereign for decades and had signed accords with other states (Ibid: 48). He argues that sovereignty can be conceived as a ticket of general admission to the international arena: all recognized states are equal and international law is based on consent (1999a: 16). Nonrecognition can be used as a political instrument and can lead to elements of uncertainty. Therefore, recognition is always better than nonrecognition (Ibid).

In the literature on the sovereignty of the SMOM there exists a division. The SMOM is universally regarded as a subject of international law (Karski, 2012: 19). Its particular status in this world order is more difficult. Scholars disagree on the SMOM's specific status and sovereignty under international law.

D'Olivier Farran argues that the SMOM was seen as an international person by earlier scholars (1954: 222). International persons are conceptualized by Lawrence as 'other political bodies which, though lacking many of the attributes of sovereign states, possess some to such an extent as to make them real, but imperfect, international persons' (Lawrence, 1923: 69). However, the loss of the island Malta did not change the position of the Grandmaster. Hence, it did not end its status as head of the SMOM. D'Olivier Farran argues that SMOM is sovereign as a subject of international law, regardless of the former territorial connection⁶. Cox, however, argues that the SMOM is recognized as quasi-sovereign (Cox, forthcoming: 1). Cox treats the SMOM as an international legal personality.

D'Olivier Farran argues that the SMOM was an international entity of unusual kind and not just a state: it had cosmopolitan membership and widely spread of their property (1954: 224). Hence, the SMOM is one of a kind. As mentioned before, I follow the conceptualization of Hynek and Bátorá, that the SMOM indeed is one of a kind, but can be categorized and has similarities with other fringe players.

In 1953, Pope Pius XII determined the nature of the SMOM and concluded that it is '*a sovereign order, inasmuch as it enjoys certain prerogatives which, according to the principles of international law, are proper to sovereignty. These rights have been recognized by the Holy See and a number of states. However, these rights do not comprise all the powers and prerogatives that belong to sovereign states*

⁵ Domestic sovereignty, interdependence sovereignty, international legal sovereignty and Westphalian sovereignty (Krasner, 1999: 9).

⁶ This was also confirmed by Charles V in 1530, when he and the SMOM's Grandmaster signed an agreement whilst the Order was without territory (d'Olivier Farran, 1954: 228)

in full sense of the word’ (*Acta Apostolicae Sedis* (1953) vol 20, 765-767, as cited in Cox, forthcoming: 13). The SMOM confirms this in its own statutes: “The Order is a subject of international law and exercises sovereign functions” (Constitutional Charter, article 3 par 1; 1997: 11). Hence, the SMOM has *functional* sovereignty, and is recognized by others as such. This was also described by the Dutch Ambassador to the Holy See Marc van Weede in 1954. In a letter to the Minister of Foreign Affairs the Dutch Ambassador Van Weede writes that the verdict from the Cardinal’s tribunal proves that the sovereignty of the SMOM is seen as limited sovereignty: an international person with extra-territorial rights (Letter to M, 14-01-1954).

Cox puts emphasis on the matter that the SMOM has no territory anymore. Hence, the importance of the territory criterium of the Montevideo Convention is emphasized (Cox, forthcoming: 20). Karski is even more critical: he argues that the SMOM cannot be sovereign in the meaning that it is independent from any external power (Karski, 2012: 32). However, even for him, it would be going too far to say the SMOM is considered a non-governmental organization (Ibid). Hence, the SMOM’s specific diplomatic status stays debateable. Therefore, I keep it more general and see the SMOM as a subject of international law and do not try to specify it even further.

In this paragraph I put emphasis on the importance of recognition and sovereignty. I showed the objective criteria as set out by the Montevideo Convention and the ideas since the Westphalian peace and ultimately, I have shown the debate of scholars on the position of the SMOM concerning sovereignty.

The above gives enough evidence to formulate an expectation for this research. If a country strictly complies to the idea of the Westphalian sovereignty and state-centeredness, hence, holds on to the Montevideo Convention criteria, it is less likely to recognize the SMOM. In other words: *if legal criteria, such as the Montevideo Convention, play an important role in the recognition policy of the Netherlands, i.e. if it applies a strict legal recognition policy, it shall not recognize the SMOM, due to legal reasons and not solely political reasons.*

Hence, if this theory is applicable to the case of the Netherlands and the SMOM, I shall find evidence for this in the analysis. I expect to find legal fundamentals to not recognize the SMOM, as seen from the Dutch perspective.

4.3. Social constructivism

The second theory I use is social constructivist theory. As mentioned in 4.1, social constructivists emphasize the importance of the role of rules, norms and socialization processes or some other interpretive filter through which people perceive the world (Parsons in Marsh & Stoker, 2010: 80). Social

constructivists argue that people undertake actions based on certain 'social constructs' to interpret their world (Ibid: 97). This landscape of social constructs is made by actors themselves.

Social constructivism (SC) differs from non-constructivist theories, such as behaviourism, rational choice theory and Marxism, that suggests that our interpretive filters do not affect the way we act (Parsons in Marsh & Stoker, 2010: 80). I follow the distinction of Parsons, that an approach is only social constructivist if it argues that subjective interpretations affect people's behaviour (Ibid).

Social constructivism roots in the sociologic discipline. It originated in the late nineteenth century, when Durkheim argued that human societies were held together by social facts of culture and that they do not objectively rationally respond to facts (Durkheim, 1983). Max Weber argued that ideas and culture shaped actions (Weber, 1930).

Both Durkheim's and Weber's research of socially constructed ideas entered the discipline of political science in the 1950s and 1960s. This line of reasoning was highly criticized in the 1970s; political culture⁷ was especially seen as a tautological line of reasoning (Barry, 1970: 75). This circular line of reasoning on political values (values shape the political culture, but also the other way round) made SC drop out the discipline in the 1970s.

In the late 1980s social constructivist concepts were reintroduced and social constructivist works increased enormously. This was because the non-constructivist approaches in international relations failed to explain the outcomes of the Cold War (Parsons in Marsh & Stoker, 2010: 82). Scholars argued that changing domestic policies and institutions could be better explained with attention to new ideas (Ibid). Since the beginning of this century SC was better established in political science than ever before. At the same time, this led to a thriving variety of SC: a wide range of tools and logics, but also fierce fights over what SC really is.

Though no-one contests the idea of social constructs shaping actions, the distinction in SC lies in the modern and post-modern variations. The division affects both political actors and academic observers. Modern constructivists tend to argue that we can detect social construction among actors, but that we can still manage to make acceptable claims about how the socially constructed world *really* works (Parsons in Marsh & Stoker, 2010: 90). Just being aware of our tendency to interpretive bias solves the issue of it: we can document it. On the contrary, post-modern constructivists argue that this social construction means that science itself is a part of this and that even science is a political, power-focused clash of interpretive agendas. They connect social constructs to an interpretivist epistemology.

The research methods that are used by social constructivists vary as much as the arguments they make. Usually constructivist scholars tend to use the methods they were trained with in their discipline

⁷ What people value politically or people's political actions.

(Parsons in Marsh & Stoker, 2010: 91). Once a researcher has found plausibility for a social construction, he or she tries to find evidence of rhetoric, discourse or decision-making through fine attention of the case. This is especially so for case studies or small-N analysis. Although the overall-research method is congruence analysis, I use scientific literature for historical outlines and more explicit data from the national archive and the interviews to better grasp social constructs.

A last point of importance, social constructivists base their arguments in contingency. Where non-constructivists cannot explain accidents, social constructivists argue that when people face a set of 'real' conditions, they arrive at a course of action only when they adopt certain social constructs (Parsons in Marsh & Stoker, 2010: 88). Hence, in the analysis I might find some contingencies or accidents in real life that cannot be explained by the determined approaches.

Social constructivists also vary in the arguments they make in how social construction works. Neumeyer argues that diplomatic recognition is a reflection of a world of nation-states that is dominated by geographic distance, unequal power and ideological division (Neumeyer, 2008: 236). Especially the latter is interesting for this research. He stresses the influence of geography (more likely to exchange diplomatic ambassadors with countries that are geographically close) and of power (more powerful countries send and receive more diplomatic representations) (Ibid: 229). But most importantly, Neumeyer argues that countries that are ideologically close to each other, are more likely to enjoy diplomatic exchange, i.e. officially recognize each other (Ibid: 229). Ideological affinity makes diplomatic recognition more likely, as they share a particular view of the world (Ibid: 234). Hence, they feel as if they belong to the same group.

Neumann argues that diplomacy is culturally biased; it is a Western euro-centric practice. The practices within diplomacy are mostly European and therefore making diplomacy easier to practise for Europeans than others (Neumann, 2011: 316). Diplomacy itself is a social construct and this can (dis)advantage certain groups. Neumann argues that diplomatic practice roots in a myth, which was outlined by Der Derian: the entire world consists of polities united in Christ (Der Derian, 1987, in Neumann, 2011: 302). This myth has shaped modern diplomacy. Neumann even argues that in the modern definition of diplomacy⁸, with concepts as 'government' and 'independent state', is inherently a European phenomenon as it points to specific historical concepts (Ibid: 315).

Jönsson and Hall argue that diplomacy contributed to the international society of states via recognition and socialization (Jönsson & Hall, 2005: 125). Jönsson and Hocking argue that political and legal recognition cannot be disentangled and that the main influence is political (Ibid). According to them, recognition is the willingness to deal with a new state as a member of the international society

⁸ As mentioned in Chapter 3.

and that once given this recognition, it carries significant political advantages⁹. During the 19th century diplomacy had the character of a 'European club', where other states were admitted only if they were chosen by the other 'members' (Ibid: 127). To add to this Eurocentric view: at the Congress of Vienna, it was decided that polities would not be recognized as sovereign unless they were recognized by other (great) powers (Ibid: 128).

Duran builds further on the ideas of Jönsson and Hall and focuses on diplomacy as a set of practices: diplomacy as a mechanism of representation, communication and negotiation, through which states act (Ibid: 126; Duran, 2015: 83). He also emphasizes the importance of recognition and socialization, following the conceptualization of Jönsson and Hall. Socialization is the adoption or adaption to customary diplomatic norms, rules and practices (Ibid: 86). Similar to Neumann, Duran argues that these norms, rules and practices developed in West-Europe in the last 500 years. These old traditions affect all newcomers to the diplomatic world and vice versa (Ibid: 87).

Hocking and Bátora argue that there are two characters of diplomatic representation: the modern state-based Westphalian order of national diplomatic systems and the post-modern environment (Báтора & Hocking, 2007: 4). The modern idea is recognizable as the earlier scholars mentioned: they fit in the same euro-centric tradition. The post-modern character of diplomacy contains increasingly complex patterns of interaction, between states and a variety of other actors in the public and the private arenas (Ibid). This post-modern world leaves space open for fringe players.

The above suggests that states use diplomatic recognition to enforce normative goals. Normally when we think about normative goals shaping recognition, we think of difficult cases, such as Kosovo or South-Ossetia, where not all criteria are met of the normative framework of an effective government (Ryngaert & Sobrie, 2011: 478-483). Normative goals can play an important role also for the case of the SMOM. The SMOM has a humanitarian character now, but earlier discourse has proven that the SMOM also had an active military character in history. Furthermore, the SMOM is in essence a religious order, which may lead to a clash of interests with countries with another religious nature.

In this section, I have argued that social constructivists use social constructs to explain real world events or processes. This theory is especially relevant, because there might be normative factors that influence the diplomatic relation between the Netherlands and the SMOM, such as norms and practices. I emphasized the importance of recognition and the factor to keep in mind that recognition is a traditionally Western phenomenon.

The above gives enough evidence to formulate an expectation for this research. *If the social constructivist approach is correct, it is likely to find evidence for the influence of social constructs, in*

⁹ prestige, exclusive domestic jurisdiction, the right to enter into international treaties, and so on (Ibid: 126)

particular ideology, normative interests or religion as part of the discourse of nonrecognition. I expect to find evidence that one or all of these social constructs inhibited diplomatic relations as such or troubled the existing relations between both parties.

These expectations are likely to be found in historical documents, in the discourse, or in official contacts between both parties. It might also be the case here that not alone normative interests play a role, but also personal contacts might influence diplomatic relations, as similar ideology eases relationships.

4.4. Historical institutionalism

The last theory of this research is historical institutionalism (HI). HI is part of the (new) institutionalist tradition in international relations. To understand the idea of HI, I first elaborate on the traditional ideals of institutionalism and then continue to explain how HI differs from traditional institutionalism.

Institutionalism is nowadays one of the most rapidly growing areas of social sciences: it flourished to become the dominant frame of research guiding organizational studies (Scott, 2014: vii, xi). Traditional institutionalists start from the recognition that current actors and events are greatly shaped by past efforts and their enduring products (Scott, 2014: 1). They put special emphasis on the role of institutions in structuring behaviour (Steinmo, 2008: 159). Institutions can be conceptualized most commonly as ‘rules’, but also as informal rules and norms.

Institutionalism originated in the 1850s until the 1920s, but it was rediscovered in the 1970s causing all sorts of new institutionalist traditions to come into existence. New institutionalists focus on linking past and present processes and events (Ibid, xii). They understand institutions more broadly, as a ‘stable recurring pattern of behaviour’ (Goodin, 1996: 22). Furthermore, new institutionalism (NI) focuses on the interaction between institutions and individuals and not only with the impact of institutions upon individuals (Lowndes in Marsh & Stoker, 2010: 61).

NI entails three schools: historical institutionalism, rational choice institutionalism and sociological institutionalism¹⁰ (Hall & Taylor, 1996: 936). They all agree that institutions as rules structure behaviour. They differ in understanding the nature of the actors who are being structured (Steinmo, 2008: 162). Sociological institutionalists argue the importance of culturally-specific practices in institutions (Ibid: 946). Rational choice institutionalists argue that political institutions are systems of rules, where individuals attempt to maximize their functions (Lowndes in Marsh & Stoker, 2010: 65). Lastly, and most important, historical institutionalists look at how choices about the institutional designs

¹⁰ Some scholars argue that there are more than three schools: Guy Peters (1999) distinguished seven variants and Lowndes discerns nine strains of new institutionalism (in: Marsh & Stoker, 2010: 65)

of governments influence future decision-making of individuals (Ibid).

HI developed against the background of political scientists who were interested in real world outcomes: scientists should not be only looking at grand theories, but they should actually try to explain important real-world events rather than only variables (Steinmo, 2008: 158).

Contemporary theoretical political scientists argue that institutions and behaviour evolve through some form of efficient historical process (March and Olsen, 1984: 737). Such a historical process moves quickly to a unique outcome, but is conditional on environmental circumstances (Ibid). Hall and Taylor emphasize the importance of contextual features that were inherited from the past of a specific situation (Hall & Taylor, 1996: 941). Constitutions, laws, contracts and customary rules of politics develop within the context of political institutions, i.e. norms and values (March & Olsen, 1984: 740). This means that historical processes are not only shaped by former events, but also by their current environment and the political institutions.

According to Rixen, Viola and Zürn, HI focuses on promising insights in three areas when connected to international relations theory. Firstly, institutional development is difficult to grasp and the historical pattern helps understanding this from within (Rixen et al, 2016: 4). Secondly, the origin of HI lies in domestic politics, which makes it easier to perceive the national and international interaction on the level of politics in a new way. This is interesting, as the practice of recognition is interwoven in domestic and international politics. Lastly, and most importantly, historical institutionalism concentrates on the dynamics of institutional development and theorizes the role of history. This means that HI pays attention to *when* and *how* historical processes shape institutional outcomes, by giving tools to assess crucial moments in time (Rixen et al, 2016: 3). This can explain historical paths.

Furthermore, Steinmo argues that researching the historical context matters in three ways. Firstly, political events happen in a historical context that directly influences the events or decisions made (Steinmo, 2008: 164). Secondly, actors learn from experience and adjust their behaviour. Lastly, expectations are shaped by the past (Ibid: 165). Hence, historical institutionalists look at patterns to understand why actors did what they did. Historical context matters, because history is not a chain of independent variables: they must be understood in their own context.

Path-dependency is the most basic concept that is used by historical institutionalists. It finds its basis in determinism: the idea that all events are determined by previously existing causes. Skocpol and Pierson argue that path-dependency refers to the dynamics of self-reinforcing or positive feedback processes in a political system (Skocpol & Pierson, 2002: 6). Path-dependency expresses the idea that outcomes at 'critical junctures'¹¹ trigger feedback mechanisms, that in their turn lead to recurrence of a specific

¹¹ a period of significant change (Collier & Collier, 1991: 29).

pattern in the future (Skocpol & Pierson, 2002: 6). These critical junctures create a 'branching point' from which historical development moves to a new path (Hall & Taylor, 1996: 941). Thus, once you go down a particular path, this has consequences for the choices in the future. Paul David called it bluntly: "one damn thing follows another" (David, 1985: 332). In economic theory, they call it 'increasing returns' processes and organizational theorists also refer to it as the 'shadow of the past' (Skocpol & Pierson, 2002: 6; Poppo et al, 2008: 39).

Furthermore, according to the concept of path-dependency, it is likely to find it very difficult to reverse this path (Skocpol & Pierson, 2002: 6). Political alternatives that once seemed plausible, may suddenly become permanently lost. Arthur Stinchcombe has conceptualized this as historical causation: dynamics that are triggered by a particular event or by a process reproduces itself at one point in time, even if the original event is not present anymore (Stinchcombe, 1968; Skocpol & Pierson, 2002: 8).

There is little but clear evidence that there exists a relationship between path-dependency and diplomatic recognition: once a country is recognized as such, it has not happened that that had been withdrawn by their recognizers¹². The same path-dependency works the other way round: when a country has tried to deepen the political ties with another country and it failed, this troubles the relationship in the future and makes it more difficult to get the recognition a country might be looking for¹³.

Derecognition can be used by a state to withdraw its recognition to a specific regime when a country decides to withdraw recognition when the regime collapses. Or by not recognizing territorial changes due to an immoral act, e.g. annexation¹⁴. Others argue that derecognition is a way to resolve the problems of failed states and promote order and stability (Delany, 2008: 10/11). Failed states are states where the basic functions of the state are no longer performed (Zartman, 1995: 2). Delany argues that derecognition is a political tool and gives the possibility that the international order could deal with troubled regions on the basis of their governance structure (Delany, 2008: 11). Lauterpecht argues that a state is allowed to lose its sovereignty when the basis of recognition disappears (1945: 180). This basis is the reversed factor of statehood and according to Lauterpecht it can be seen as an objective fact. However, this theory is not yet accepted in general. The diplomatic world order has the tendency to claim that when a country is recognized, it stays that way. Even when a new government rises which might not fulfil the criteria of an effective government, it is not usual that recognition is withdrawn

¹² Only one case has once lost their *de jure* recognition by the League of Nations: China, when it could not fulfil all the criteria. This was a pretense for Japanese invasion (Delany, 2008 :15)

¹³ For example, the United States and Cuba opened diplomatic relations only recently. A lot of situations in the past have caused the difficulties in the relation between the two (Ryan, 2017).

¹⁴ For example the Stimson doctrine in 1932, where American Secretary of State Stimson decided nonrecognition as a political tool. The United States of America would not recognize the seizure of Manchuria (in China) by the Japanese. Stimson used moral persuasion, stating that the USA would not recognize territory taken by force and in violation with the Kellogg-Briand Pact (Herring, 2008: 489/490). This was again used in 1940, when the Soviet Union annexed three Baltic states.

(Burgenthal & Murphy, 2013: 42)

Important to note is that there is a conceptual difference between derecognition and that of state death. State death, as conceptualized by Fazal, means the formal loss of foreign policymaking power to another state (Fazal, 2004: 312). State death therefore means that a state disappears from the international system. When a country withdraws recognition, that does not mean that the state may disappear from the world order.

In this section I put emphasis on the historical institutionalist theory. HI has opened new doors to scrutinize political theory and cases, as it placed a new emphasis on institutional research. I explained the importance of path-dependency, self-reinforcing processes and connected this with recognition. This works two ways: former attempts influence new attempts and when a country is recognized, there is no evidence that a country withdrew their recognition. The fact that the Netherlands doesn't recognize SMOM is at least explanation-worthy.

The above gives enough evidence to formulate an expectation for this research: *Historical institutionalism and in particular the concept of path-dependency is of crucial importance for recognition policy. I expect to find evidence for previous relationships between the Netherlands and SMOM and I expect to find 'critical junctures' in time, that interfered recognition between the Netherlands and SMOM and led to nonrecognition.*

5. RESEARCH DESIGN AND METHODS

In the previous chapters I have shown the history of the Sovereign Military Order of Malta, the literature review which pointed out the gap in the literature that led to the research question of this thesis and lastly, I have elaborated upon three possible theories that might explain the current status of the relationship between the SMOM and the Netherlands. In this chapter I explain how I am going to set forth this research. I explain the method and data that will be used to conduct the congruence analysis in the chapters following this one.

This research is a case study research. The first section explains what a case study is and why I have chosen a case study research. This research plan is shortly underlined by the examples of previous research on which I build further. The second section entails why I have chosen this particular case: case selection. After this, I elaborate on the method of this case study research, namely: theory testing. In the fourth section I mention the data I use and how I am going to process this desk research and the in-depth interviews in the analyses in Chapters 6 to 8. I close this chapter by a small summarization of the research design and what to expect in the following chapters.

5.1. Case Study

This section explains the positive and negative aspects of a case study in specific and social research in general. I have chosen for a case study, as it is the best way to research my specific case of the Dutch nonrecognition. This case demands a very thorough research in explaining the current situation. A quantitative research would not be appropriate here. I am not trying to generalize this particular case to other countries or other recognition dilemmas. I have chosen particularly to *explain* the events in this case and find the theory that might be the principle cause of nonrecognition. Quantitative research cannot give such an in-depth understanding and therefore qualitative research is the only solid option.

5.1.1. Pros and cons of a case study

For this thesis I use a case study research method. A case study research entails the detailed and intensive analysis of a single case (Bryman, 2008: 52). A case study deals with the complexity and specific nature of the particular case (Stake in Bryman, 2008: 52). The goal of a case study is contextual and generates detailed knowledge of a specific case (Yin, 2009). Furthermore, a case study is relevant when the research seeks to explain the present circumstances, i.e. how and why a phenomenon works or an in-depth description of this phenomenon (Ibid). According to Yin, a case study arises out of the desire

to understand complex social phenomena because the case-study method allows investigators to retain the meaningful characteristics of real-life events.

Case studies have several advantages. Compared to large-N analysis, small-N analysis allows for richer and greater depth of data that can be collected. Moreover, the ecological validity (the approximation of the real world) of this case study is also high, as I am researching a case in the actual world, not an experiment. A detailed case study can help to explain the complexities of real-life situations, which may not be captured through survey or experimental research (Zainal, 2007:4).

Although the literature review has shown that the diplomatic recognition of the SMOM is a very understudied topic, there are similarities in other works on which I can build my research design. Most studies on diplomatic recognition are case studies: it explains a specific case for recognition. Similar to this design, most researchers pick one bilateral case in relation to recognition, e.g. America and the Holy See (Coriden, 1988) and the Somalia-US (ARB, 2013). Another way of looking at diplomatic recognition is picking one country (or in my case: a fringe player) and then look at its status in the world, as is done for the case of Kosovo (Brentin & Tregoures, 2016), Somalia and South Korea.

The method used generally for this type of research is a historical overview: tracing the historical paths through which diplomatic relations have developed. However, I do not only trace a historical path, but I also aim to give implications of something that did *not* happen, by consulting the Dutch national archive. Only here one can find the underlying reasons of decisions made. Then I incorporate the findings in the congruence analysis, in order to give a more complete overview. Opposite to what one would expect, this is rarely done by scholars.

5.1.2. Criteria for Social Research

Three criteria are most prominent for the evaluation of social scientific research: validity, reliability and replicability. This paragraph briefly illustrates the weaknesses of a case study, supplemented with the strengths of a case study in relation to the standard criteria for a good social research.

Case studies suffer from several standard criticisms concerning the validity. The validity of a research is concerned with the integrity of the conclusions (Bryman, 2008: 32). Validity can point to measurement validity (do you measure what you want to measure), internal validity (can you find a legitimate causal relationship), external validity (can you generalize outcomes to other cases) and ecological validity (are findings applicable to everyday settings) (Ibid). Internal and external validity are especially relevant for case studies. Findings derived from a case study cannot be generalized. Therefore, external validity is quite low, as the evidence for generalizing is limited. However, generalizing is mostly not the goal of a case study research (Bryman, 2008: 57). Case study researchers

aim for an intense examination of a single case in relation with theoretical analysis. This means that the internal validity of a case study is typically quite high, as the understanding of a single case is being deeply researched. Therefore, this particular case study cannot explain for other countries why they have not recognized the SMOM, but it can give theoretical implications for further research in cases as Finland, Sweden, Iceland and Greece, which also have not recognized the SMOM.

Reliability is another criterium. It is concerned with the idea that results of a study are repeatable with the focus on the consistency of concepts (Ibid: 31).

Lastly, replicability is closely linked to reliability. In order to evaluate a 'good' social research, researchers can choose to replicate findings of others. For a study to be replicable, a researcher must elaborate upon the steps he followed to work out his research (Ibid: 32).

A side note to validity, reliability and replicability in qualitative research, i.e. a case study, is that they largely depend on the researcher's feeling of appropriateness for the evaluation of a case study research. Even though a large group of scholars downplays the importance of these criteria, I feel the need to emphasize these criteria here and depict it as more significant.

5.2. Case selection

This thesis explores the topic of recognition of a diplomatic fringe player, as conceptualized in the literature review. As I have shown in previous chapters, the SMOM is a special player in the world order with its diplomatic status. It is beyond the time and scope of this thesis to scrutinize recognition of the SMOM by all countries. Therefore, I focus on the case of the Netherlands.

A case study tries to grasp the causal relation within a specific case. There are several types of relations in case studies on the basis of which a specific case can be chosen, e.g. revelatory case, longitudinal case, typical case and so on (Bryman, 2008: 55). I have selected the case of the absence of relation of the SMOM and the Netherlands, because I treat it as a unique or 'extreme case' (Ibid). This means that I see the nonrecognition by the Netherlands as a unique phenomenon: it is strange that the Netherlands does not recognize the SMOM. For this I have set out several reasons. Firstly, the majority of countries in the world *has* relations with the SMOM, i.e. 107 countries. Secondly, it is a strange phenomenon, because the Dutch *do* recognize the Holy See and they are a member of the European Union, the other two fringe players. Hence, it seems that the issue of nonrecognition is not caused by the SMOM's characterization as a fringe player. Lastly, but connected to the second, the Netherlands apparently also has no issue with recognizing religious-oriented diplomatic players. Again, I refer to the Holy See. The SMOM is linked to the Holy See. Hence, it is one of the reasons why it is out of the ordinary that the Netherlands recognize the HS but not the SMOM.

The Netherlands, however, is not unique in that way that it is the only country that does not recognize the SMOM. The fact that I have chosen this country over others, such as Finland, Sweden or Greece – other European countries – is mostly because of practical reasons. One of the most crucial reasons is access to the Dutch national archive and the language of the archival pieces. Access to the archives is of great importance to this thesis, as it gives a better understanding of critical junctures that happened *within* the Dutch government that were decisive to not recognize the SMOM. The practical impossibility of consulting the national archives in other countries, was decisive in the case selection. Also, to find respondents within the state department would be easier in the Netherlands.

Ultimately, I have selected a case study with a missing relationship between the countries, because it seems interesting to scrutinize this specific case where direct relations are absent, but where the Netherlands and SMOM have had verifiable indirect interactions with each other in international collaborations, such as the European Union and the United Nations.

5.3. Congruence Analysis: theory testing

This research uses theory testing as the main research method. Blatter and Haverland conceptualize this method as congruence analysis (Blatter & Haverland, 2012: 144). I deduced my expectations from the theories in the previous chapter; hence, I use deductive theory. Deductive theory is the commonest view of the nature of the relationship between theory and social research (Bryman, 2008: 9). A researcher deduces a hypothesis on the basis of what is known and theoretical considerations in a specific domain (Ibid). The social scientist skilfully deduces a hypothesis from theory and translates it into something operational. I have done so in the previous chapter: I worked out the theories I tested on the specific topic and deduced expectations I expect to find when the theory explains the processes best.

Some scholars argue that the study of a single case is more about variables than data points (Lee, 1989: 35). They use a comparison of patterns that were deduced from expected values. These values were deduced from theories and of observed outcomes: it is a pattern-matching technique (Campbell, 1996). This allows observations to be compared from different dimensions that are available. In order to do so, this requires a theoretical pattern of expected outcomes (Chapter 4), an observed pattern or findings (the nonrecognition) and an attempt to match the two (analyses I, II and III) (Trochim, 1989: 360).

The name of this deductive theory testing is congruence analysis. Blatter and Haverland explained this as ‘a small-N research, where the researcher uses a case study to provide evidence for the explanatory relevance of a theoretical approach compared to other approaches’ (Blatter &

Haverland, 2012: 144). To be more specific, through congruence analysis, a researcher tries to explain which theory explains the case outcomes best or gives more or new insights (Ibid: 27). This is performed through comparing the descriptive and explanatory merits of the theories in question. This can be done in two ways, namely a competing theories approach and a complementing theories approach (Ibid: 145). A competing theories approach implies that a researcher can compare empirical information with the expectations deduced from a certain theory, with the expectations from another theory and hence judge the explanatory power of a theory. Typical for a competing theories approach is that it assumes that different theories lead to contradictory implications and the goal is to find the best or most important theory (Ibid: 145). A complementing theories approach does practically the same, but implies that theories lead to complementary implications in the real world: a plurality of theories does not mean confusion, but opens the door for more comprehensive explanations and conceptual innovations. Hence, this approach legitimizes the idea to search for theories that provide new explanatory insights (Ibid:146).

In this research I use the complementing theories approach. I formulated an explaining research question: *Why is the Sovereign Military Order of Malta not recognized by the Netherlands as a full diplomatic actor in the international order?* Therefore, I am looking for the best explanation of this pattern. The competing theories approach might limit my ability as a researcher to find the best possible explanation. I move away from the positivist epistemological idea that only one theory can explain the case best. Hence, my approach is a more social-constructivist complementing theories approach, as I expect that a combination of different theories may give a broader insight in this case study.

5.4. Data

The specific methods I use in this thesis are literature studies and policy/archival studies (desk research) combined with semi-structured in-depth interviews. This combination of methods can give a better, more detailed insight. I aim to grasp the whole explanation of the nonrecognition, instead of just basing my conclusions on one method. The strength of this research is especially in the different types of data: the combination of scientific literature and archival pieces, complemented by interviews.

5.4.1. Desk Research

This research aims for a detailed understanding why the SMOM is not recognized by the Netherlands. The best way to grasp the historical context of the current situation is to perform an in-depth study of historical and more recent documents. I consulted documents from the national archives, in order to

explain why earlier explorations for recognitions failed. Moreover, I consulted (more recent) parliamentary papers, in order to check if the SMOM was recently discussed or if there might be a case for recognition now.

The aim of archival research and scrutinizing parliamentary papers is to find evidence for previous relations and earlier attempts for recognition. Once this is found, I can look into the tones that are used in the relations and find reasons why earlier attempts failed. This is of crucial importance, because, as I will explain later in the analyses, no event stands on its own. It is a sum of patterns that brings us to the contemporary situation. Therefore, using only scientific literature is not enough.

The archival pieces and parliamentary papers (unpublished documents) can be seen in light of the theory (published documents). After all, theory is the glasses through which we perceive the world and the past. Therefore, I use these documents in the analyses to scrutinize them to possibly find any evidence of the expectations as come up with in the previous chapter.

5.4.2. Interviews

An interview is a prominent data-collection strategy in social research, both qualitative and quantitative (Bryman, 2008: 193). Qualitative and quantitative interviews differ in size and questions: quantitative research mostly uses questionnaires, generating data to be statistically analysed, whilst qualitative research makes use of in-depth interviews to give a more detailed idea of the questioned (Ibid).

To add to the literature study, I shed a light on the situation by performing in-depth interviews. I made use of purposive sampling and snowball-sampling in particular, to find interviewees for this research. Purposive sampling is a way of finding respondents in a strategic way, so that those sampled are relevant to the research question (Bryman, 2008: 415). Purposive sampling differs from non-probability sampling or random sampling, because respondents are not found on a random basis, but there is an explicit target group (Ibid). Purposive sampling also differs from convenience sampling, where respondents are simply available by chance to the researcher. With purposive sampling, the researcher has a specific goal in mind (Ibid). An example of purposive sampling is snowball-sampling, which is used for this research. The snowball-sampling method is a sample through referrals made by people who know others who possess some characteristics of the research interest (Biernacki & Waldorf, 1981: 141). This method is especially applicable to studies which focus on a sensitive issue or concerns a private matter, as it requires the knowledge of insiders to locate people for study (Ibid). This is why this type of sampling is used to uncover diplomatic issues. It is the only way to find interviewees in a secretive organization, such as the SMOM. Coleman even argued that snowball-sampling is almost uniquely designed for social research, as it allows for sampling of interactional units (Coleman, 1958).

For this thesis I interviewed the Dutch Ambassador to the Holy See Prince Jaime de Bourbon de Parme. The SMOM is in essence the most comparable to the HS and therefore the ambassador to the HS also involved in matters which connect with the SMOM. On behalf of the SMOM I interviewed Director of Communications Eugenio Ajroldi di Robbiate for the Sovereign Military Order of Malta. Communications Director Ajroldi di Robbiate knows in general a lot of the diplomatic relations of the SMOM and is experienced in explaining this to external parties.

The interviews are semi-structured interviews. Semi-structured interviews differ from structured interviews, as they leave more space for new ideas during the interview, but they keep within the boundaries of the questions that the researcher asks (Bryman, 2008: 195). This means that I have a set of predefined questions that are of importance to my research and are of practical use in my congruence analysis. By using semi-structured interviews, I tried to find answers to questions I asked the interviewees, but left space open for their own reflections. These might give a new insight, one that is missing in a structured interview. A semi-structured interview also leaves space for continuing to ask questions about the answers that are given by the respondent. I have chosen to use some structure in the interviews. This encourages standardization questions and answers. It is an advantage that is similar to structured interviews, e.g. to better compare the answers from the two respondents from different organizations (ibid: 194). This means that I used predefined themes and questions, but I had more open space for details or personal experiences and therefore also have the possibility to change the order of the predefined questions.

5.5. Analysis of data

In this chapter I argued that a case study is the best research design for this research. For the understanding of this particular case, it is the most logical option, accepting thereby the disadvantages

The research method of this thesis is deductive theory testing. It is the most common view of theory and social research and fits perfectly with the expectations of this research. By performing desk research and interviews, the findings can be integrated into one analytical method: congruence analysis. Both interviews and (historical) documents can help our understanding of the case in practice. Combining different sources helps to thoroughly scrutinize the relation between both diplomatic players and correct for possible biases, such as misunderstanding of literature or interview biases.

In the following three chapters, three analyses are being performed. These three analyses follow the idea of congruence analysis and each chapter tests another theory.

6. ANALYSIS I: IMPLICATIONS OF RECOGNITION POLICY

In the first theory (4.2) I emphasized the importance of the theories on recognition and sovereignty. I have also emphasized the importance of the Montevideo criteria: four criteria an entity must fulfil in order to get recognized by other diplomatic entities. I also showed that not all diplomatic actors have fulfilled these criteria and I go further into this in this analysis, regarding the status of fringe players.

In 4.2. I formulated an expectation. If this theory holds in light of the practical case, then I expect to find the following: 'if legal criteria, such as the Montevideo Convention, play an important role in the recognition policy of the Netherlands, i.e. if it applies a strict recognition policy, it shall not recognize the SMOM, due to legal reasons and not solely political reasons'.

There is evidence that the SMOM and the Netherlands explored the possibility of recognition three times in the past hundred years. This was in 1955, in 1967 and the latest exploration was in 2009. All three of these explorations ended without success. I assess this in section 6.1. I will elaborate on other dubious cases, e.g. the recognition of Kosovo, and other fringe player Holy See in 6.2. I conclude this first analysis by emphasizing the importance of the Montevideo criteria and that the lack of territory is really an issue for the Dutch, but that this theory does not explain the nonrecognition of the SMOM.

6.1. The Dutch and the SMOM

Earlier diplomatic explorations failed. Here I put emphasis on the factors based on legal reasons that led to nonrecognition. The other, more political factors, shall be elaborated upon in Chapter 7 and 8.

In 1955 was the earliest exploration to enter into bilateral diplomatic relations. In order to explore the possibilities the Department of Cabinet and Protocol (DCP) within the Dutch Ministry of Foreign Affairs (MFA) asked for intelligence from 15 of their diplomatic posts¹⁵ (DKP Memorandum, 10-05-1954). In the Memorandum of 7th June 1955 the DCP argued not to recognize the SMOM for several reasons (DKP Memorandum, 07-06-1955: 1). I separate this in two factors: legal and political reasons. On the basis of legal reasons, the Dutch department mentioned the difficulties between the SMOM and the HS¹⁶ (around 1953), where the latter restricted the sovereignty of the SMOM. The Netherlands thought that this dispute on sovereignty might have the possible outcome that the SMOM would lose or restrict its sovereignty, the Dutch argued that then the question for Dutch recognition would disappear (Ibid). Therefore, the DCP argued in the Memorandum, that thinking about sending a

¹⁵ The case has many facets and a possible establishment of a diplomatic mission could raise a lot of critique. Hence, the Dutch department did not want to rush into things (DKP Memorandum, 10-05-1954).

¹⁶ I mentioned the new *Acta Apostolicae Sedis* in 1953 in section 4.3, where the HS determined the nature of SMOM.

diplomatic representation to the SMOM, with its restricted sovereignty¹⁷, would make 'little sense' (Ibid). Dutch Ambassador to the Holy See Marc van Weede confirmed this earlier in a letter to the Minister of Foreign Affairs Johan Beyen, that the Cardinal's Tribunal regards the SMOM's sovereignty as limited (Letter to M, 14-01-1954). Other nations¹⁸ accepted representatives from SMOM, as '*Ministre Délégué*', who do not enjoy diplomatic privileges and are not on the list of the *Corps Diplomatique*. However, even these 'official relations' would be hard to defend for the Dutch (Ibid: 2).

In 1967, there was a new proposal to enter into diplomatic relations with SMOM by Mario de Visser, on behalf of the SMOM (Letter and proposal 21-03-1967). The chief DCP argued in a Memorandum in 1967, that the same considerations to not enter into bilateral diplomatic relations still indisputably hold true (DKP Memorandum, 05-06-1967). The DCP argued that he could not find any important changes of other official diplomatic relations with the SMOM in the situation since 1955. In a letter to the Dutch Ambassador to the Holy See the chief DCP writes that due to 'fear' of political and practical difficulties no diplomatic relations were opened (DKP letter to HS Ambassador, 16-08-1967).

Over forty years later, the Dutch Ambassador to the Holy See Monique Frank conducted a research about the special relations of several European countries with the SMOM and came to a suggestion for the Dutch government: a negative advice to enter into official diplomatic relations with SMOM (Memorandum 23-01-2009). Ambassador Frank argues the importance of diplomatic relations between the SMOM and other European countries, but concludes that the Netherlands (just as other countries) always applies the principle of territory, when entering into diplomatic relations¹⁹ (Ibid). Therefore, diplomatic relations with the SMOM would be infeasible in 2009.

6.2. Other dubious recognition cases

In order to analyse the nonrecognition, it is helpful to assess other recognition cases of the Dutch and look for evidence of legal arguments they have raised in order to recognize (or not) other entities. In the following section I compare the SMOM with the HS, as it is the most similar player in the diplomatic world order and another fringe player. In the second section I discuss other recent cases.

6.2.1. The Holy See

The Holy See might be the diplomatic entity best comparable to the SMOM. They are quite similar on several levels, e.g. constitutional ties, religion and no population on their territory. The HS and the

¹⁷ i.e. limited sovereignty, as an international person with extraterritorial rights.

¹⁸ E.g. Germany, Belgium, Italy and France.

¹⁹ Even though these countries apply the same rules, this led to different conclusions due to political reasons.

SMOM were both recognized as a subject of international law by the Vienna Convention of 1815, even though the SMOM had no territory and the HS temporarily had no pope (Kunz, 1952: 310).

The Holy See is the ecclesiastical jurisdiction of the Catholic Church. The HS is a permanent subject of general customary international law, on the level of all states, Catholic or not (Kunz, 1952: 310). Even though the Netherlands has recognized the Holy See, that does not mean that it was an easy case. Diplomatically seen, the last two-hundred years were a turbulent time, as I will discuss further in Chapter 7 in the analysis of social constructivism.

Important to note here, is that the Dutch established official diplomatic relations with the Holy See in 1866, but when the HS lost its territory²⁰ in 1870, the Netherlands was the first to retreat its mission (De Meyere, 1968). In the years after, when the HS maintained an important position in the world order, apparently the issue of non-territory was not that important anymore for the Dutch. Ultimately, for the case of the HS, the lack of territory, and therefore the legal conditions, were less important than the political reasons and role of the Holy See in the world order.

6.2.2. Recent and ongoing cases

In March 2008, the Dutch Minister of Foreign Affairs Maxime Verhagen sent a letter to the House of Parliament: the Dutch government recognizes Kosovo. This was a rather difficult situation, as I explained in Chapter 3, because Kosovo unilaterally declared its independence from Serbia. In this letter, Minister Verhagen argues that the independence is an irreversible reality and deserves formal recognition (Verhagen, 2008). To leave Kosovo in uncertainty would lead to instability and further risks.

In the Letter to Parliament, Minister Verhagen stated that Kosovo fulfils the standard criteria of international law, i.e. Kosovo has a permanent population, a defined territory, an effective government and the capacity to enter into diplomatic relations. Minister Verhagen also argues a fifth criterium: there are no unlawful acts in the establishments of Kosovo. The specific attention to fulfilling the Montevideo criteria here, gives evidence that the Dutch use the Montevideo criteria to test a country's status in order to be recognized.

As an answer to questions of the House of Parliament about the situation in the Kurdish Autonomic Region in 2017, the Minister of Foreign Affairs Bert Koenders and the Minister of Defence Klaas Dijkhoff argued that it is not even the case here to consider the status of Syria and analyse them according to the Montevideo criteria, as the Kurds have not even declared independence. Minister Koenders and Minister Dijkhoff argue that once an entity declared its independence, the Dutch

²⁰ The Holy See was incorporated in the Italian state and lost the Vatican. This was in conflict with the Dutch secularization: the pope was now only the representative as the head of church instead of a head of state (De Meyere, 1968)

government shall look into possible diplomatic relations. Similar to Minister Verhagen, almost ten years earlier, Minister Koenders and Minister Dijkhoff argue the five criteria a country needs to fulfil in order to get recognized.

The state of Palestine is another different matter. In 2016, the Dutch House of Parliament voted against the recognition of Palestine. Several political parties have opted the recognition of Palestine, but the majority was against. The only western EU member state that recognized Palestine is Sweden. The French, British and Spanish parliaments have recognized it symbolically. This means that they only officially recognize it when peace is established in the region. The main arguments to recognize Palestine would be to improve the peace negotiations the region. Opponents of the Dutch recognition of Palestine argue that the Palestinian territories are not a real country (Website NOS, 2016; House of Parliament Plenary debate 23-11-2016).

Lastly, Minister Verhagen argued in the letter to the House of Parliament that the independence of Kosovo is a case of '*sui generis*' (Verhagen, 2008). Being a *sui generis* actor in the diplomatic order means that you are a special case, one of a kind, a subject under international law. However, this explains the type of actor an entity is, but it is not a reason to perceive an actor in a different way concerning recognition, e.g. Kosovo is *sui generis*, but the HS, the EU and the SMOM are too (Bátora & Hynek, 2008: 113). Of all these entities, the SMOM is the only one that is not recognized by the Netherlands. Hence, being a special case, does not mean that a country takes precedence in recognition cases.

6.3. Montevideo Convention criteria, recognition and the issue of no territory

In the above sections, I argued that the Dutch use the Montevideo criteria to test the status of countries in order to be recognized. Minister Koenders and Minister Dijkhoff argued in October 2017 that a state needs to fulfil five criteria, in order to make a claim on statehood. The first four are the Montevideo criteria²¹ and the last one is a justifiability criterium developed on the basis of practice of states since the interbellum (Koenders & Dijkhoff, 2017). The fifth criterium entails that there are no unlawful acts in the establishment of a country.

According to the Netherlands, an entity does not come into being as a state as a consequence of recognition, but they state that recognition is only the establishment of an already existing situation under international law (Koenders & Dijkhoff, 2017). This means that an entity must already have declared its independence. For the Netherlands, recognition implies only the *willingness* to enter into diplomatic relations. Minister Koenders and Minister Dijkhoff also argue that not all states are obliged to enter into diplomatic relations when all five criteria of international law are met (Ibid). Hence, they

²¹ A permanent population, a defined territory, an effective government and the capacity to enter into diplomatic relations.

claim that legal foundations alone are not always enough for recognition: they emphasize the importance of political choice. Most importantly, the Dutch government states that when an entity does not fulfil all five criteria of international law, recognition of that entity would be in violation with international law, especially the non-intervention principle.

The Dutch Ambassador to the Holy See Prince Jaime de Bourbon de Parme argued in the interview that legal recognition policy plays a role and that the factor of territory is the most delicate criterium within the Montevideo criteria. However, he also pointed to the fact, that a (political) exception was already made for the HS, as I explained in 6.2.2 (Interview Dutch Government, 27-06-2017). Ambassador De Bourbon de Parme questioned if one could make the same case for the SMOM, as the SMOM is of significantly less importance than the HS. At the same time, the fact that 107 countries have already recognized the SMOM is the best argument to say that it is possible to recognize the SMOM. That is exactly the reason why Communications Director Eugenio Ajroldi di Robbiate argued that the lack of territory is no issue at all for the SMOM. He stated that the Montevideo criteria do not play any role for the SMOM, otherwise 107 countries would not have recognized SMOM (interview SMOM, 16-06-2017).

6.4. Answer to the expectation

Following from this I argue that there is actual evidence of the Dutch applying the legal criteria of statehood. Hence, I argue that the fact that the SMOM has no territory is a real issue.

However, the legal foundations can only partially explain nonrecognition of SMOM. The Dutch government critically assesses the Montevideo criteria, plus one more (no unlawful acts in the establishment of a country) in order to test the status of sovereignty of a country. At the same time, the Netherlands has recognized the HS. For this case study, this means that the evidence for this theory of strict recognition is not watertight. Otherwise, the Netherlands would not have recognized the HS.

When critically applying the criteria, the SMOM does not fulfil them. However, this is not an explanation why the Netherlands recognizes the HS, that does not fulfil the same criteria.

Thus, when I assess the expectation, as formulated in 4.2:

‘if legal criteria, such as the Montevideo Convention, play an important role in the recognition policy of the Netherlands, i.e. if it applies a strict recognition policy, it shall not recognize the SMOM, due to legal reasons and not solely political reasons’,

I conclude that there is evidence for the application of legal criteria and a strict recognition policy. However, other than I expected, this does not explain the nonrecognition of the SMOM.

7. ANALYSIS II: SOCIAL CONSTRUCTIVISM

In the second theory (section 4.2) I argued the importance of social constructivist theory for this research. I have explained that social constructivists emphasize the importance of social constructs, such as norms, rules and socialization processes. These social constructs can also have a great deal of influence on diplomatic processes, such as recognition.

Hence, I came to the expectation that if the social constructivist approach is correct, it is likely to find evidence for the influence of social constructs, in particular ideology, normative interests or religion as part of the discourse of nonrecognition. I expect to find evidence that one or all of these social constructs inhibited diplomatic relations as such or troubled the existing relations between both parties.

In this chapter I analyse the influence of social constructs on the relation between the Netherlands and the SMOM. I argue that religion plays an important role in the case for nonrecognition. I explain the role of ideology: SMOM is a rather conservative actor. I put emphasis on factors that could have influenced or troubled the relationship. I conclude this chapter by stating that social constructivist theory can explain some of the assumptions of nonrecognition, but that it must be seen as complementary to other, e.g. legal assumptions.

7.1. The role of religion

Religion is an important social construct, especially for a diplomatic entity that finds its basis in the Catholic Church and which still has an important influence on the character and works of the SMOM. The SMOM is in essence a religious entity. The Netherlands, on the contrary strives towards secularism: a separation of church and state. Dutch secularism is not incorporated in the constitution, but it is a general accepted principle, by the state and churches (website Nederlandse grondwet, 2017). For a secular nation as the Netherlands, the connection between religion and diplomacy is not that obvious. However, on the government website the Netherlands argues that sometimes the realisation of societal goals can be better achieved through working with religious organisations (website Nederland wereldwijd). That is one of the motivations to have diplomatic relations with the Holy See. However, apparently, that is not an argument to enter diplomatic relations with the SMOM.

This section argues the impact of religion on diplomatic relations. I scrutinize arguments based on religion and I scrutinize the diplomatic relation between the Netherlands and the HS, to compare why diplomatic relations were established.

7.1.1. Impact of religion in previous relations SMOM and the Netherlands

As I demonstrated in Chapter 6, the Netherlands and the SMOM have explored diplomatic relations three times in the last hundred years. Besides the legal assumptions for nonrecognition, there were also other motives. Religion is one of these.

Especially the cases during the 20th century argue the religious basis of the SMOM. The Dutch government argues in 1955 that they see little reason for diplomatic relations (DKP Memorandum, 07-06-1955: 2). The Director of Cabinet and Protocol argues that countries that have these relations, are of little importance (i.e. they are not West-Europe) or are dominantly Catholic. The DCP emphasizes the importance of other not-predominantly Catholic countries, e.g. Great Britain and the United States, would not even think of such relations (Ibid). Hence, from this I extract the idea that the Netherlands perceives itself as a not-Catholic country. This is in line with the dominant aristocratic culture within the MFA in the late 19th and early 20th century (De Graaff & Locher-Scholten, 2007: 69-71). This was, according to the MFA Historical Unit, almost anti-papist, more Protestant Christian oriented (Van der Zwan, 10-11-2014). Furthermore, in 1967, the Dutch argued the same reasons for nonrecognition still applied.

In the research for diplomatic relations in 2009, there is no evidence for nonrecognition on religious grounds. However, Ambassador to the Holy See Prince Jaime de Bourbon de Parme argued that religion might work against the SMOM, as it not always has a good reputation (Interview Dutch Government, 27-06-2017). More importantly, he argued that recognizing a purely Catholic actor might be difficult within a liberal House of Parliament, where (secular) parties as D66 argue neutrality of religion (Ibid). Therefore, recognizing an entity as the SMOM might still be very difficult to defend in the House of Parliament.

On the contrary, Communications Director Eugenio Ajroldi di Robbiate on behalf of the SMOM argued that religion plays no role for them at all, because they maintain diplomatic relations with non-Catholic countries, such as e.g. Islamic countries (Interview SMOM, 16-06-2017). He argues that they want to 'help' anyone. Communications Director Ajroldi di Robbiate did mention that it might be a factor for other countries, to not want diplomatic relations with SMOM, but emphasized that it was not an issue for SMOM itself (Ibid).

7.1.2. The on-off relationship between the Netherlands and the HS: the issue of Catholicism

The Dutch government argues the importance of the relationship with the Holy See for the interreligious dialogue (website Nederland wereldwijd). Hence, the Dutch have an interest in working together and address societal challenges together (Ibid). At the same time, the diplomatic relations between the

Netherlands and the HS might be referred to as rather troubling.

The Netherlands and the HS opened diplomatic relations in 1866, even after the constitutional reform of 1848 which introduced secularisation. However, already in 1870 the Dutch retreated their mission to the HS, as described in 6.2.1. The HS was indignant, as they saw themselves not as a secular sovereign, but as on the Seat of Holy Petrus.

In 1915, during the first World War the Dutch government thought it to be useful to have an ambassador close to the information platform of cardinals and the nuncios and in order to foster peace in Europe. Only ten years later, in 1925, the Dutch government falls over the issue of removing the budget for the mission to the Holy See when four Catholic ministers resigned²². It was not until 1944, again during a World War, that the Dutch sent an ambassador to the Holy See. Although it was difficult, the relations were re-established.

The difficulties in the relationship between the Netherlands and the HS, were of both legal (loss of territory) and of religious nature. Especially the latter was important to withdraw the diplomatic representative several times, i.e. as in 1925. At the same time, strengthening the ties was mostly a political decision, due to the international position of the HS. Hence, religion was one of the factors that troubled the relationship between the Netherlands and the HS, but it was not the factor that made the Netherlands decide to restore the diplomatic relations.

7.2. Ideology and normative interests

I argued before that ideology and normative interests play a role in social constructivist theory. One's ideology defines how someone perceives the world and what group he or she feels membership of. Therefore, this section analyses two characteristics of the SMOM, which are in contrast with the Netherlands and might inhibit diplomatic relations.

7.2.1. Elite character of the SMOM

Already since the 12th century, with the ascension of Grandmaster Du Puy, the membership of the SMOM's community is preferably of noble background (Stevens, 2008: 46). The top officials have been exclusively male since SMOM's foundation. Since the 20th century, women could also become a member. SMOM-membership is divided in three classes. Women (so-called 'dames') could only be a member of the second or third class (Constitutional Charter, Art. 8, Par. 1).

The SMOM's associations regulate the admission of new members. When becoming a member

²² Often referred to as 'the night of Kersten'.

of SMOM, one had to show at least sixteen noble quarters. For the Dutch association that was not possible, as the amount of catholic noble Dutchmen is not that large. The SMOM made an exception: new members had to be noble in the paternal line for at least 150 years (website Order of Malta d). In the 1950s, the SMOM decided to add the possibility for membership without noble proof²³. The Dutch association was the last one to accept members without noble proofs, only in 2003. This late acceptance might influence the Dutch perception of the SMOM.

To become a member nowadays, one has to be practising catholic, at least 21 years old, have the Dutch nationality and has to be nominated by at least five members. Then a committee decides about admission (Ibid).

Hence, it is still relatively difficult to become a member of SMOM, although not as difficult as before. Even though the SMOM accepts members without noble proof now, it is still a dominated noble Order, with only 13.000 knights and dames worldwide. The fact that there are few catholic noble Dutchmen is in contrast with the late acceptance of non-noble members. Hence, this characteristic might influence the perception of the relationship.

7.2.2. Conservative character of the SMOM

The SMOM is usually known for its conservative character, especially on ethical subjects. This is in contrast with the liberal Netherlands. Striking here is the issue in the beginning of 2017. The SMOM distributed condoms during one of its humanitarian projects and when the Magistrate found out the SMOM fired its Grand Chancellor, who was held responsible for this project and therefore the distribution of contraceptives. Although the distribution of condoms is against the beliefs of the Catholic Church, the HS set up an investigation into the dismissal of the Grand Chancellor, which ended with the resignation of the Grandmaster of the SMOM (Reuters, 28-01-2017). This issue on contraceptives (and the dismissal of the responsible) is a good example of the conservative character of the SMOM.

Other subjects that perfectly show the conservative character of the SMOM, are euthanasia and abortion. In a news article on their website, the SMOM argues that the current legislation on abortion and euthanasia are only the tip of the iceberg of the 'real threat for the world', especially for so-called Christian Europe (Website Order of Malta c).

These conservative ethics are against the Dutch progressive liberalist ideas. The Dutch were the first to allow gay marriage (in 2001), abortion is legal (since 1984) and euthanasia is allowed under certain circumstances (since 2002). Furthermore, the Dutch can buy contraceptives since 1969 already.

²³ In the category 'magistral grace'. Hence, people assigned to important positions in public and socioeconomic life without noble background could become a member too (website Order of Malta d).

Hence, I argue that the conservative character of the SMOM clashes with the dominant Western liberalist ideology.

7.3. Difficulties in the relationship

The last social construct I analyse in this chapter are the personal difficulties between the SMOM and the Netherlands that might inhibit the relationship. Although the interviewees did not recall any difficult factors, I came across several archival pieces which contained a few small factors that could have influenced the relationship (in)directly between the Netherlands and the SMOM. It has to be noted that the Dutch government repeatedly messaged their foreign ambassadors that the Netherlands does not recognize the SMOM and that therefore no official correspondence is possible (Code messages from MFA, 1968, 1968 and 1971).

The proposition for opening diplomatic relations between SMOM and the Netherlands was suggested by Prince de Polignac²⁴ on 15 March 1954. He asked if the Netherlands would be willing to allow a diplomatic representative of the SMOM (DKP Memorandum, 07-06-1955: 1). Afterwards, it appeared that the case that Prince de Polignac drafted was far from correct and was probably based on 'wishful thinking' (Ibid). Furthermore, the Dutch Department of Cabinet and Protocol argued in the Memorandum, that Prince de Polignac was not the appropriate person to bring this issue up and that this situation was 'very doubtful'. Two members from the Dutch Kapittel (association), with whom Mr. Daniëls from the Dutch MFA spoke to about this subject responded with "*waar bemoeit die vent zich mede*"²⁵ (Ibid). This shows the indignation on the Dutch side to this case. Later, one of the high officials of the SMOM declared to the ambassador of the HS that Prince de Polignac acted without authorisation of the SMOM.

Furthermore, during the research to open diplomatic relations with the SMOM in 2009, the Dutch Ambassador to the Holy See Monique Frank argued the Irish case: the (Catholic) Irish proposed to open official relations with SMOM, but the latter declined, because they didn't want the half-hearted special status of official relations, when there was no concrete perspective towards full diplomatic relations (Memorandum, 23-01-2009). In light of this issue, Ambassador Frank decided that it was pointless to propose diplomatic relations with the SMOM, as it was not feasible (Ibid). Hence, the difficult relations between SMOM and Ireland, caused the Netherlands to rethink their own position and they decided to stay with nonrecognition.

Lastly, as the SMOM is closely linked to the HS, the relationship between SMOM and the HS is also of influence in this matter. Already in 1955 the Dutch wrote about 'major difficulties' between the

²⁴ President of the French association.

²⁵ 'why is this guy interfering?'

HS and SMOM. Because of the fragile relations with the HS at the time, the Netherlands probably did not want this hot potato. According to Ambassador to the Holy see Prince Jaime de Bourbon de Parme, the relationship between the SMOM and the HS would definitely be taken into consideration, although it might not be the main reason for nonrecognition. A good relationship would definitely help the situation (Interview Dutch Government, 27-06-2017).

These examples are not determining factors for the nonrecognition, but are still enough to keep in mind that small issues can help shape circumstances for recognition.

7.4. Answer to the expectation

In this analysis I scrutinized the importance of social constructivist influence on the nonrecognition. I argued that the elite and conservative characteristics clash with the Dutch ideology. However, I did not find explicit evidence that these factors troubled diplomatic relations. Hence, I cannot directly prove that these were important factors, but my expectation is that these are implicit factors that might influence the perception of each other.

Furthermore, I showed that there were some unpleasant factors in the relationship. However, the interviewees both stated that they have no knowledge of difficulties in the relationship. Hence, the found examples might not be of great influence on the nonrecognition.

Thus, when I assess the expectation, as formulated in 4.3:

‘if the social constructivist approach is correct, it is likely to find evidence for the influence of social constructs, in particular ideology, normative interests or religion as part of the discourse of nonrecognition. I expect to find evidence that one or all of these social constructs inhibited diplomatic relations as such or troubled the existing relations between both parties,’

I conclude that there is actual evidence of the influence of social constructivist factors in the relationship between the Netherlands and the SMOM.

Especially religion is a factor that was explicitly mentioned in reasons for nonrecognition in internal government documents. Furthermore, I argued that religion is an important factor that troubles the diplomatic relationship, but that for the case of the HS, it was not enough to inhibit diplomatic relations. Hence, religion might be a factor that troubles the relationship and makes it harder to open diplomatic relations, but it is not a factor that cannot be overcome for political reasons. Therefore, social constructivist factors are of importance and must be seen as an impediment. Ultimately, social constructivist factors are complementary to other factors.

8. ANALYSIS III: HISTORICAL INSTITUTIONALIST IMPLICATIONS

In Chapter 4 I argued the importance of historical factors that influence future relations. Current events are greatly shaped by past efforts and their enduring products. Hence, the role of history might be a determining factor for today and the future. I argued that historical institutionalists conceptualize institutions as ‘rules’ and also as informal rules and norms.²⁶

In section 4.4., I formulated an expectation. If this theory holds in light of the practical case, I expect to find the following: Historical institutionalism and in particular the concept of path-dependency is of crucial importance for recognition policy. When there is no evidence of previous relations between the SMOM and the Netherlands, path-dependency has led to the nonrecognition. Hence, I expect to find evidence for previous relationships between the Netherlands and SMOM and I expect to find ‘critical junctures’ in time, which interfered with recognition between the Netherlands and SMOM.

In this chapter I explore if the nonrecognition can be explained in a deterministic way, by historical patterns that are formed by path-dependency. I assess critical junctures in time with specific attention to the loss of territory.

8.1. Critical junctures concerning SMOM’s territorial issues

The loss of Malta was one of the most critical junctures for the SMOM’s diplomatic status. From a sovereign order on a well-situated island in the Mediterranean, they suddenly had lost all territory. In 1798, the SMOM had to leave Malta, because of their neutral character: they were not allowed to fight other Christians, such as the French. The loss of Malta in 1798 can also be seen as a consequence of path-dependency: in 1585 Pope Sixtus V issued bulls which forced the SMOM to not attack any Christians and thus stay neutral²⁷ (Nicholson, 2001: 127/128). Hence, the bulls of Pope Sixtus V were an essential moment in reshaping the character of the SMOM and caused the SMOM over two hundred years later to leave their own territory. The SMOM never regained the kind of territory they had had, i.e. Jerusalem, Acre, Rhodes and Malta. Especially on Rhodes and Malta the SMOM could strengthen its diplomatic position. Then they fulfilled the statehood criteria as we know it now. If the SMOM had held its territory or regained other territory, the legal issues of non-territory would not have existed now and the chances for an official diplomatic relation between the Netherlands and the SMOM would be much

²⁶ Informal rules and norms can also be interpreted from the social constructivist perspective. Therefore, there might be some similarities between this chapter and the previous chapter, but the focus of this chapter is to explain this in its historical context.

²⁷ This can be seen in light of the historical context: Pope Sixtus V was afraid that the Christian trade with Turkish or Jewish ports was attacked by the Hospitallers. The injunctions prevented the SMOM from carrying on its war against the infidel at sea, but kept the possibility to continue their corsairs against military Turks, an enemy of the pope as well (Nicholson, 2001: 127).

larger than today.

Another critical juncture was the Congress of Vienna in 1815. As explained in Chapter 2, the SMOM made some critical mistakes at the Congress. The SMOM was present at this 'gathering of sovereigns', but the SMOM did not send its head, the Grandmaster (Sire, 2016: 48). Furthermore, the chief envoy that was sent acted not as an equal partner for sovereigns, but as if the decision was in the hands of other sovereigns. Therefore, he acted more like a lobbyist (Ibid: 49). In a time of state-dominance, acting like an equal instead of a subordinate could have made the difference between territory and no territory. These two factors are of crucial importance to understand why the SMOM had obtained nothing at the Congress of Vienna: the SMOM had not demanded new territory, nor had the SMOM asked for financial compensation for their losses. This critical juncture shaped the future patterns for the SMOM without territory.

Almost twenty years later, in 1834, the SMOM relocated to Rome. Pope Gregory XVI instructed the SMOM to move to an extraterritorial palace (Nicholson, 2001: 142). This was a third critical juncture concerning SMOM's territory: after a period without a permanent location to stay, the SMOM was finally appointed a new location from where to rebuild their lost relations. Furthermore, Pope Gregory XVI gave the SMOM a hospital and a hospice (Ibid). This moment also marks the reform of the SMOM: the military function was now completely abandoned. Hence, this moment marks the beginning of the 'new' character of the SMOM, focusing on their primary vocation of caring for the sick and poor and restoring their diplomatic relations from here.

8.2. Other critical junctures

I argued in the previous section that the loss of Malta was one of the most important critical junctures. If the SMOM had not lost its territory, their diplomatic status would probably be very different now. However, the territorial critical junctures were of importance, but not the only category. This paragraph describes two other critical junctures that influenced the Dutch to not open diplomatic relations with the SMOM.

In the early 1950s there was an issue between the HS and the SMOM, concerning the sovereignty of the SMOM. This was just shortly before the Netherlands had explored the possibility to open diplomatic relations with the SMOM. The Netherlands decided not to open diplomatic relations with SMOM due to the factors I already mentioned in the two analyses before, but also because of the insecure sovereign status of the SMOM (Letter to M, 14-01-1953). Pope Pius XII determined the nature of SMOM already in 1953 and the issue was resolved (Cox, forthcoming: 13). However, according to the Dutch MFA this was published much later (DKP Memorandum, 07-06-1955). The Netherlands still saw

this as an unstable issue in 1955, especially since the HS had explicitly limited the SMOM's sovereignty: "However, these rights do not comprise all the powers and prerogatives that belong to sovereign states in full sense of the word" (*Acta Apostolicae Sedis*, 1953, vol 20, 765-767, as cited in Cox, forthcoming: 13). Hence, this redefined status of sovereignty of the SMOM, after a dispute between the HS and SMOM, was a critical juncture, whereafter the Dutch decided not to open diplomatic relations (DKP Memorandum, 07-06-1955). The Dutch government used the same arguments in 1967 to not open diplomatic relations (DKP Memorandum, 05-06-1967).

The most recent critical juncture that inhibited the exploration of diplomatic relations between the Netherlands and the SMOM was the moment that the SMOM decided to decline the proposal of the Irish government to open official relations²⁸ between Ireland and the SMOM. The Irish had offered to open official relations, as the Irish saw themselves as a Catholic nation and they have good relations with SMOM. The Grand-magistrate refused, because the SMOM wanted to end the special status of official relations and only wants diplomatic relations (Memorandum, 23-01-2009). This decision to only enter diplomatic relations and not official relations and therefore the declination of the offer, was a critical juncture. It led to the conclusion for the Dutch that there is no need to explore the opening of diplomatic relations.

8.3. Path-dependency

The critical junctures, as defined in the previous two sections, can also be seen in light of path-dependency when looking at the bigger picture. I argued that these critical junctures were crucial moments in time, but they do not stand on themselves. Historical institutionalists look at patterns of history. This section tries to connect the moments.

Concerning SMOM's territory, there were three critical junctures. Most importantly was the loss of Malta, which had the biggest consequences for the future. Therefore, the SMOM had to gain a lot at the Congress of Vienna, but it did not. SMOM kept its status as a diplomatic entity, but it did not regain territory until they were offered a palace, a hospital and a hospice in Rome. The consequences of this new territory were that they abandoned the military character and focused on their humanitarian branch, which is still present today. This shows path-dependency, as one thing led to another.

Also, the relationship between the Netherlands and the SMOM can be seen as a path-dependent story. In 1911, an association of the SMOM was established and recognized per Dutch royal decree, but this

²⁸ Official relations differ from diplomatic relations: countries allow representatives from SMOM, as '*Ministre Délégué*', who do not enjoy diplomatic privileges and are not on the list of the *Corps Diplomatique*. Official relations are often seen as a prelude for diplomatic relations, but this has not happened very often in practice in the case for SMOM's relations.

did not open any doors to diplomatic relations, they continued the status-quo (DKP Memorandum, 07-06-1955). Since then the Dutch government and the Dutch association of SMOM had been in contact, but not within the frame of a diplomatic relation, but as confirmation that the SMOM is a well-functioning international organization (Interview Dutch Government, 27-06-2017).

In the previous chapter, I argued that the relationship between the Netherlands and the HS was tumultuous. In the first half of the 20th century, that relationship was already difficult, hence, it was not feasible for the Netherlands to open diplomatic relations with another Catholic entity, the SMOM, as well. Only in the 1950s and 1960s the possibilities for diplomatic relations were explored for the SMOM, but these both failed. Consequently, in the next fifty years no proposition was initiated to open a research for diplomatic relations.

In 2009 the Dutch Ambassador to the Holy See Monique Frank wanted to explore the possibilities, after she was asked repeatedly why the Netherlands had no diplomatic relations with SMOM, whilst other West-European countries had (Memorandum, 23-01-2009). Hence, in 2009 Ambassador Frank studied the possibilities and advised not to enter diplomatic relations.

This short historic overview of explorations of diplomacy shows evidence of path-dependency. Firstly, there were only three moments where the Netherlands explored possibilities to open diplomatic relations, all with negative outcomes. This shows that there was no momentum to enter diplomatic relations, as there were still too many obstructing factors. It shows that the Netherlands considers the status quo (the indirect relation²⁹) as good enough: after three explorations, there is still no need to change it. There is no necessity. After each of the three attempts, the Netherlands chose in favour of path-dependent behaviour.

Comparable, in the case of the HS, the Dutch chose to act in contrast with path-dependency. In the case for the HS, the diplomatic relations were opened, because the HS was of higher importance and higher impact, especially in peace negotiations during the World Wars (Interview Dutch Government, 27-06-2017). It was therefore necessary to re-establish the diplomatic relations.

The SMOM had no such important role in the world order and is in its role more insecure. In 1954 the then Ambassador Van Weede wrote to the Minister of Foreign Affairs Van Beyen that he experienced in the Vatican a 'sympathy to the SMOM, on the contrary of what some Order-members might believe, and that no-one intentions to remove the SMOM' (Letter to M, 14-04-1954: 2).

Ambassador De Bourbon de Parme argued that it is important to look at what we miss when not having diplomatic relations and he reasoned that the SMOM is too small to not allow actors at their meetings who have not recognized SMOM (Ibid). The SMOM needs the Netherlands more than vice

²⁹ Via the Holy See and the Dutch ambassadors to the Holy See, who have historically always monitored the relationship between the Netherlands and the SMOM.

versa. Communications Director Ajroldi di Robbiate, confirms this by stating that the SMOM would be 'extremely grateful' if they could open diplomatic relations with the Netherlands one day, instead of arguing the necessity for recognition (Interview SMOM, 16-06-2017).

Hence, the critical junctures were only critical to shape path-dependency towards nonrecognition, i.e. the loss of territory and their limited sovereignty. The size of the SMOM influenced path-dependent behaviour: the SMOM is a too small actor to play a large role in the world order. Hence, there is no necessity to change the status-quo and act in contrast with path-dependency to recognize SMOM.

8.4. Answer to the expectation

In this analysis I argued the importance of historical institutionalist implications. I argued that critical junctures shaped the status of the SMOM and therefore the relationship between the Netherlands and SMOM. I argued the importance of the loss of territory, which shaped the future for the SMOM and caused two other critical junctures concerning its territory.

I have also argued the importance of the size and impact of the SMOM. Furthermore, I argued the importance of path-dependency in this case. Path-dependency explains why the exploration of diplomatic relations failed several times. With this analysis I have shown that historical context is important to understand what happened and that historical patterns shape future outcomes.

Thus, when I assess the expectation:

'Historical institutionalism and in particular the concept of path-dependency is of crucial importance for recognition policy. I expect to find evidence for previous relationships between the Netherlands and SMOM and I expect to find 'critical junctures' in time, that interfered recognition between the Netherlands and SMOM and led to nonrecognition',

I conclude that I found critical junctures that inhibited diplomatic relations between the SMOM and the Netherlands and that these critical junctures shaped path-dependency for nonrecognition.

The SMOM, although it provides good humanitarian help, is still of little importance in the world order and not to be compared with the size of the HS. There is no evidence that there were reasons for the Netherlands to act in contrast with path-dependency. Therefore, there is no necessity for the Netherlands to recognize the SMOM and the Dutch stayed within the status-quo of nonrecognition.

9. CONCLUSIONS

9.1. Answer to the research question

The aim of this thesis was to scrutinize why the Netherlands has no diplomatic relations with the Sovereign Military Order of Malta. In order to scrutinize the absence of a diplomatic relation, I performed a congruence analysis, using three different theories: legal recognition theory, social constructivism and historical institutionalism. I argued in the literature review, that I treat these theories as complementary to each other and not as contesting each other. From each theory, I derived an expectation that I tested in one of the analyses to assess the implications of the theories. The research question for this thesis is:

Why is the Sovereign Military Order of Malta not recognized by the Netherlands as a full diplomatic actor in the international order?

The answer to this question contains several different factors, which had come to light during the congruence analysis. I demonstrated that there is not one reason why the Netherlands has not recognized the SMOM, but that it is a combination of path-dependency, legal arguments and religion that influenced this decision.

Firstly, the Netherlands stresses the importance of a defined territory. It is one of the five criteria that the Dutch government applies when exploring the option for diplomatic relations. The SMOM has no territory since the loss of Malta. Hence, this is an important factor that complicates the possibility for recognition. At the same time, I showed that legal factors can be overcome, as is so in the case of the Holy See. Therefore, legal factors are not the only determining factor.

Secondly, religion seriously inhibited the establishment of diplomatic recognition in the previous century. During the 20th century, the culture at Dutch Ministry of Foreign Affairs was rather anti-Catholic. Therefore, it was difficult to make a case in opening full diplomatic relations with an actor that is in essence Catholic. I have demonstrated the difficult relationship between the Netherlands and another Catholic entity, the HS. Hence, in 1953, it was a bridge too far for the Dutch government to open diplomatic relations with another Catholic entity as well. Religion is an important factor, as it inhibited the earlier explorations, but it was not a determining factor in the later explorations. Hence, religion is an important factor, but it is not the determining one: otherwise the Netherlands would not have recognized the HS.

Lastly, the strongest argument for nonrecognition is path-dependency. I assessed the three attempts between the Netherlands and the SMOM, to open diplomatic relations and they all failed. This is due to path-dependent behaviour. The status-quo is nonrecognition, hence, a critical juncture could

produce incentives to recognize the SMOM. However, there have been no such critical moments which motivated the Netherlands to open diplomatic relations with the SMOM. Therefore, the relation between the Netherlands and the SMOM is perceived as good enough, because they chose in favour of path-dependency three times.

In order to change the status quo, there must be motivation to change path-dependent behaviour. Therefore, I refer to the theory of Kingdon (2011). In order to open diplomatic relations, a *window of opportunity* is needed. This means that there needs to be a policy entrepreneur who will vouch for diplomatically recognizing a small, religious order. The latter will be a difficult case in a liberal House of Parliament, where some political parties emphasize the importance of religious neutrality. This emphasizes the importance of a real motivation to change path-dependent behaviour and overcome barriers as religion and the lack of territory. Once there is a (Dutch) policy entrepreneur, that really wants to create a window of opportunity to address this issue, the political will can be created to recognize the SMOM.

In Chapter 3 I argued that recognition consists of two factors: legal factors and political factors. I already argued that the legal factors are essential for the Netherlands, however, how to apply these legal factors is a political choice. I therefore conclude that:

the Netherlands has not recognized the SMOM as a full diplomatic actor in the international order due to path-dependent behaviour, that was exacerbated through legal arguments and difficulties of religion.

However, I see a possibility for recognition in the future, when a policy entrepreneur wants to break the path-dependent behaviour. Hence, if the Netherlands has the *political will* to overcome the mentioned factors, the SMOM can be recognized by the Netherlands as a symbolic gesture.

9.2. Reflections on this research and implications for future research

This thesis provided an answer to why the Netherlands has not recognized the SMOM. However, it is a specific case study research. Therefore, the conclusions of this thesis are restricted to this case. In order to grasp an overview of the SMOM's special position in the diplomatic world order, further research is necessary.

Another restriction of this research is that I only had the possibility to interview one person at the Dutch government and at the SMOM. Although both interviews were very helpful and gave new insights, it would have been more helpful to speak to more people that were related to this case. For example, I could think of previous ambassadors to the Holy See or from within the SMOM, but I also

think of more cooperation with the Dutch association of the SMOM, that in this case declined to cooperate with me for this research.

As I explained in the introduction, the special position of the SMOM (and other fringe players for that matter) is a very understudied topic. This research is one of the first studies to the SMOM and a specific diplomatic relations. Therefore, there is almost no scientific literature to compare this study to or to build further on. With this thesis I tried to shed light in the darkness in this research field and I hope I motivated other researchers to look further into this research field, as it is rather interesting.

This case study research showed that the historical background, especially critical junctures, shape future relations. I would therefore carefully say that each case of diplomatic relations is unique and uniquely shaped by past efforts. It is therefore important for future research to not only look at present (diplomatic) relations, but also place it in the historical context, as it might tell us a lot about the present circumstances.

The important role of critical junctures made me rethink other studies I have read or performed in my short scientific career. I certainly underestimated the role of critical events in life and had not given it that much thought. It was an important lesson for me to trace the historical path of a diplomatic relation, to only find out that there were more critical junctures in time than I expected. Also, the fact that we, humans, choose in favour of the status quo when there are no reasons to change behaviour was striking. I think this happens in a lot of cases in diplomacy and also in public administration. When there are no incentives to change our behaviour, we act according to our path-dependent 'automatic pilot'. I think that policy makers should be more aware of this, than we are now.

Furthermore, during this research I came across the dominant theories of International Relations, that perceived the position of fringe players very differently. This made me think of the way I perceive the world. Not only the IR-theories, but also the theories in the congruence analysis made me think that for me there is not one truth. There is not one dominant world view on the state system. Especially the combination of these worldly perceptions I find interesting. But it also makes me wonder how the future of the interstate system and its diplomatic relations will look like in, let us say, a hundred years from now? I am curious about the critical junctures of the times to come.

I would like to give some implications for future research, as there is still a lot to research in this field of literature.

The SMOM is a topic that is mostly studied in a descriptive way. I would like to make a case for more studies that are more analytical of the SMOM's diplomatic position, their role in the world and their say on international policies. I think that these kinds of researches can give us more understanding of why the SMOM is still different from international organizations and why we should categorize it as a *sui generis* actor, not only based on their history but also on what we know of it.

Furthermore, more research can be done that follows on the works of Hynek and Bátorá, who introduced the concept of 'fringe players'. I, too, based my research on that conceptualization. I think more research can be done to explain why we have these three fringe players and what their position is. I would like to see a research that builds further on this research: an in-depth case study on the relationship between the Netherlands and all three fringe players. I referred to the relations between the Netherlands and the HS several times in this research, but I have only looked at it from the perspective of this research. Hence, a more thorough investigation of not only the SMOM, but all three fringe players, would seem interesting to me.

Lastly, this research was a qualitative research. Other researchers might use quantitative methods for a large multi-country research on the diplomatic position of the SMOM or the perception of Catholic inhabitants towards the SMOM. Because this field is so understudied, I see tons of possibilities to study this lacuna even further. It is almost unfortunate that I cannot perform these researches myself.

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11. APPENDIX

11.1. List of interviewees

11.2. Pre-defined interview questions for the SMOM

11.3. Pre-defined interview questions for the Dutch government

11.1. List of interviewees

On behalf of the Sovereign Military Order of Malta:

Mr. Eugenio Ajroldi di Robbiate.

Director of the Communication Office of the Government of the Sovereign Military Order of Malta.

On behalf of the Dutch government:

Prince Jaime de Bourbon de Parme.

Dutch Ambassador to the Holy See

11.2. pre-defined interview questions for the SMOM

Questions:

- Mr. Ajroldi, can you shortly introduce yourself and explain your role within the Order of Malta?
- The Order holds diplomatic relations with over a hundred countries. How do you see the status of the Order of Malta in the world? Or can you explain how the Order consider itself?
- I conceptualized the Order as a 'fringe player', a definition that is earlier stated by Batóra and Hynek as: "*non-state entities with diplomatic privileges that are recognized as legitimate players within the diplomatic order on a par with states*". Do you think that the diplomatic position of the Order is well captured in this definition? Why so or why not?
- As told, my thesis scrutinizes a diplomatic relation between a country and the Order. Is diplomatic recognition something that is high on the agenda for the Order? (Is the Order actively looking for recognition by other states or does it emphasize more on improving existing relations?)
- Do you think that the Order is diplomatically recognized worldwide as it should be? Or do you think that there are some improvements to make and what kind?
- Why do you think that the Netherlands has not recognized the SMOM? (Personal opinion versus official statement of the Order?)
- Do you think the Netherlands *should* recognize the Order? And why is it wrong/right that they haven't done so?
- In Of what importance do you estimate the Vienna convention for the international role of the Order? (diplomatic rights)

Recognition, discuss the influence of the factors below in the relation between SMOM-NL.

- Recognition policies of other countries (Montevideo convention criteria / legal reasons)
 - Have you seen, or do you think that, there are large differences in the recognition policies of countries when recognizing the Order?
i.e. was it more difficult or easier to be recognized by some countries?
 - Do you think the known Montevideo convention criteria for statehood makes it more difficult to be recognized by more or even all states?
(i.e. (a) permanent population, (b) a defined territory, (c) a government and (d) the capacity to enter into diplomatic relations)
 - Do you think that the Dutch have a strict recognition policy or do you see it as a political choice for not recognizing the Order?

- Previous relations between the Netherlands and SMOM: Influence of path-dependency
 - Do you think that the absence of close relations in the past between the Netherlands and the Order is a possible cause of the non-recognition? And why (not)?
 - Have there been any unpleasant factors in the relationship between the Netherlands and the Order that might hinder an official recognition?
 - Even though there are no official relations, several courtesies between the Netherlands and the Order are to be found in the archives, e.g. grand crosses. Do you think it is a strange thing that there is no official recognition?
 - Can you describe the relationship with intergovernmental organizations, such as the EU and the UN, where both the Order and the Netherlands are involved? How do you interact with each other there?

- Social and normative factors

Distance and wealth

- Some scholars argue that the distance plays a role for recognition. Do you think that distance plays a role for the Order? i.e. countries farther away are more/less likely to recognize the Order?
- Some scholars argue that wealth plays a role for recognition: when a player has more resources, it is more likely to be recognized. Do you think this might be the case for the Order? Can this be an obstruction?

Ideology and normative goals

- With the Order having a clear relation with Catholicism: Do you think that religion plays an important role in the recognition of the Order?
- Do you think that the relations that the Order holds with the Holy See influences recognition?
- Do you think that the historical background (religious wars) of the Order can be of influence of contemporary recognitions?
- Have there ever been personal relations that have caused difficulties in diplomatic relations between the Netherlands and the Order?

11.3. pre-defined interview questions for the Dutch government

Questions:

- Meneer de Bourbon, kunt u zichzelf kort voorstellen en uw functie namens de Nederlandse overheid uitleggen?
(U bent ambassadeur naar de Heilige Stoel, bent u dan ook de persoon die zogenaamd het meest te maken heeft met de Orde?)
- Volgens de website van de rijksoverheid heeft Nederland contacten met 185 landen en gebieden. Waarom denkt u dat de Orde van Malta ontbreekt in dit rijtje?
- Ofwel: Waarom denkt u dat Nederland de Orde van Malta niet erkend heeft?
- Denkt u dat de afwezigheid van diplomatieke relaties tussen Nederland en de Orde van Malta gevolgen heeft? (voor internationale verhoudingen? Anders?)
- Denkt u dat Nederland de Orde van Malta *zou moeten* erkennen?
En waarom is het goed/slecht dat dit nog niet gebeurd is?
(de Orde heeft bilaterale diplomatieke relaties met 106 landen)
- In mijn scriptie benoem ik dat de orde een speciale diplomatieke positie inneemt. Hoe zou u de diplomatieke positie van de Orde van Malta definiëren binnen de wereldorde?
- Kunt u deze diplomatieke positie vergelijken met die van de Heilige Stoel?
- Ziet u (grote) overeenkomsten of verschillen tussen het diplomatieke karakter van de Heilige Stoel en de Orde van Malta?
- Nederland heeft de Heilige Stoel wel erkend als diplomatieke speler. Waarom denkt u dat Nederland de Heilige Stoel wel erkend heeft en de Orde niet?
- De Orde heeft haar diplomatieke status te danken aan de Weense Conferentie in 1815, waar Nederland ook aanwezig was en dus indirect wel de Orde erkend heeft. Is er een vergelijkbare situatie waarin zoiets is voorgevallen in Nederlandse buitenlandse betrekkingen?
- Verwacht u dat er in de toekomst wel een officiële diplomatieke relatie zal ontstaan tussen Nederland en de Orde?

Recognition, discuss the influence of the factors below in the relation between SMOM-NL.

- Erkenningsbeleid (Montevideo conventie criteria / wettelijke regels)
 - Welke criteria denkt u dat een rol spelen voor de erkenning van de Orde van Malta?
 - Denkt u dat de Montevideo conventie criteria voor statelijkheid de erkenning voor de Orde van Malta beperken?

(Dus: (a) permanente bevolking, (b) duidelijk gedefinieerd territorium, (c) een openbaar bestuur (d) de capaciteit tot diplomatieke relaties te voeren)

- Denkt u dat het een politieke keuze is geweest om de Orde van Malta niet te erkennen of is er een 'streng' erkenningsbeleid?

- Eerdere relaties tussen Nederland en de SMOM: invloed van pad-afhankelijkheid

- Denkt u dat de afwezigheid van nauwe banden tussen Nederland en de Orde een oorzaak kan zijn van de afwezigheid van erkenning? En waarom (niet)?
- Na de Tweede Wereldoorlog is de KVP regelmatig onderdeel geweest van de regering. Is er ooit een poging gedaan om deze banden aan te halen? (Waarom denkt u dat zij (niet) geprobeerd hebben de banden tussen Nederland en de Orde aan te halen?)
- Denkt u dat de afwezigheid van erkenning veroorzaakt kan zijn door de afwezigheid van de noodzaak tot nauwe banden?
- Ondanks dat er geen officiële relaties zijn tussen Nederland en de Orde, zijn er wel gunsten en beleefdheden uitgewisseld, zoals grootkruisen. Hoe zou u deze relaties kenmerken? Dat deze zaken uitgewisseld worden maar dat er geen officiële erkenningen volgen?
- Heeft u kennis van enige onaanname factoren in de relatie tussen Nederland en de Orde die erkenning kunnen hinderen?
- Nederland is een lid van zowel de EU als de VN. Ook de Orde is actief in deze intergouvernementele organisaties. Hoe gaat u met elkaar om op dat niveau?

- Sociale en normatieve factoren

Afstand en rijkdom

- Sommige onderzoekers hebben onderzocht dat afstand een rol speelt in diplomatieke erkenning. Denkt u dat afstand een rol speelt in de erkenning van de Orde?
- Sommige onderzoekers benoemen dat rijkdom (*wealth*) een rol speelt in erkenning: dus wanneer een speler meer bronnen heeft, dat het waarschijnlijker is om erkend te worden. Heeft de materiële positie van de Orde ooit een rol gespeeld in de relatie tussen Nederland en de Orde?

Ideologie en normatieve doelen

- Denkt u dat het verschil in geloof een rol speelt bij de afwezigheid van een officiële diplomatieke relatie? Denk aan katholicisme versus protestantisme?
- Denkt u dat de relaties tussen de Orde en de Heilige Stoel van invloed zijn op erkenning?
- Denkt u dat de historische achtergrond van de Orde (zoals de heilige oorlogen) van invloed kunnen zijn op de hedendaagse relaties?
- Zijn er ooit persoonlijke relaties geweest die problemen hebben veroorzaakt in de diplomatieke relatie tussen Nederland en de Orde?