

A legal opinion

1. – The disposition contained in the second paragraph of article 92 in the current Civil Code (section: *Marriage of the King Emperor and the Royal Princes*) – which should be read in the light of the complex of regulations taken not only from the first paragraph of the same article, and also from articles 105 and 114 – simply reproduces, quite literally, what had previously been stated in article 69, second paragraph of the Civil Code of 1865, except for one slight variation indicating the change in the King's title (after 1936 he had additionally assumed the title of Emperor of Ethiopia). Apart from this, the above mentioned articles 105 and 114 substantially correspond to articles 92 and 99 of the previous Code.

To understand the precise significance of the principle herein referred – according to which: «*The King's consent is a necessity for the validity of the marriages of Royal Princes and Princesses*» – we would do well to refer to the doctrine developed under the Civil Code of 1865, where a norm on similar lines made its first appearance in the Italian legal system. As we know, nothing of the sort existed in the previous Civil Code in force in the Kingdom of Sardinia («*Code for the States of H.M. the King of Sardinia*» issued by Carlo Alberto in 1837), neither did it appear in the two Codes by which the legislator of 1865 was largely inspired: the Code Napoléon and the Austrian General Code of 1811.

The reason which led to the introduction of these measures concerning the marriage of the Sovereign and members of the Royal Family – most of them derogatory in common law – is expounded with the utmost clarity in the Senatorial Report on the Code, where we read: «In free countries no one can be above the law or outside the law». That splendid sentence written in Law books: *digna vox est majestatis regnantis legibus alligatum se principem profiteri* is a truth common to all constitutional monarchies. Only in one case does our Statute exempt the King from Common Law, when article 20 states that the King is not bound to observe the regulations of the civil laws that limit the extent of his disposable property. Because of these considerations some measures were inserted under the heading *On Marriage* concerning the marriages of the King and Royal Family, and what norms are applied which are considered necessary owing to the quite special condition of such high ranking contractors». (BORSARI, *Commentario del Codice civile italiano*, Vol. I, Turin 1872, p. 324, § 224).

It is from this point of view – which was in fact intended to subject the Sovereign and His Family to the Laws of State – that the second paragraph of article 69 should be read. One of the foremost commentators on this Code, PACIFICI-MAZZONI, observed that «the King's consent is both necessary and sufficient, whatever his degree of kindred with the prince or princess, i.e. whether he be a father or ascendant in any collateral branch, or his degree of descent; and whether or no there exists a parent or another ascendant of the prince or princess closer than the King; therefore by reason of the eminence of his dignity he is Head of the Royal Family» – (*Istituzioni di diritto civile italiano*, Vol. VII, added to the 5th edition, Turin 1927, p. 61).

2. – The two principal aspects of this disposition merit our close attention. First of all in reference to the concept of «*Royal Prince and Princess*». No norm in the Italian legal system has expressly determined who should be qualified as such. Actually quite a number of articles in the Albertine Statutes mentioned «Princes» (articles 12 and 13), «Princes of the Royal Family» (article 34), «Members of the Royal Family» (article 38) as well as «Princes of the Family and the Blood Royal» (article 21), but in all these cases the qualifications of the subjects described in these terms were taken for granted. And this was governed by the reference made in regard to the measures of dynastic–customs of the House of

Savoy, which clearly derive from the combined effect of articles 2 and 12 in the fundamental Statute of the Kingdom (the first referring to the principle of inheritance of the Throne according to the ‘Salic law’; the second referring to the King’s next of kin «in order of succession to the Throne»). A reference of this nature was certainly not eliminated by the Law of 2 July 1890, no. 6917, under the heading of «*Disposizioni sullo stato delle persone della Famiglia Reale*». Even in a legal text such as this, the legislator assumed – though it had no direct bearing on the case – the existence of «Princes and Princesses of the Royal Family» (article 2) as well as «Prince of the Blood Royal» (or simply «Royal Prince» employed as a synonym of the latter) (article 6). Moreover, ROMANO (*Corso di diritto costituzionale*, 6th edition, Padua 1941, p. 218) rightly drew attention to the fact that the expression «Royal Family» indicates a «complex of persons linked to the King by kindred (even beyond the sixth degree)» in that – apart from ties of civil kinship *in se* and *per se* – when determining the concept of Royal Family one is bound to take into consideration the capacity to assume the Crown in the persons who compose it.» No less precise in this matter is the point on which ORIGONE lays stress (item: *Famiglia Reale*, Nss. Dig. It., Vol. VII, Turin 1961, p. 79) namely that in this field it is not only civil principles that are involved, but that ample space must be left for the informants of public opinion in view of the fact that «family relations with the King are relevant in the entire extension within which they can claim title to the succession, and hence to the Regency.» «It should be bourn in mind» the Author continues, «that any succession to the Throne which is a legitimate succession, corresponds to a direct line of descent from the founder of the family. And should this be not be the case, the Crown then passes to the nearest collateral line, and so forth». It is well known that Carlo Alberto of Savoy-Carignano was connected in the 13th degree of consanguinity to his immediate predecessors, King Vittorio Emanuele I and King Carlo Felice, who both died without male issue. Later the situation indicated by RANELLETTI (*Istituzioni di diritto pubblico*, 9th ed., Padua 1942, p. 236) namely that the «Royal Family is composed of *Royal Princes and Princes of the Blood*» (terminology based on the above mentioned article 21 of the Statute) has no bearing on the case, as previously mentioned. In fact, as this famous constitutional lawyer establishes, «princes *royal* are descendents of the King and heirs to the throne; all other relations are Princes *of the Blood*». It is the use of this terminology that lays further emphasis on the existence of a reference to the dynastic provisions which constitute the framework supporting the State Laws on the question. Upon the promulgation of the Albertine Statute, the one and only Prince «*of the Blood*» existing (and to whom article 21 could not fail to refer when attributing his right to a civil list) was Prince Eugenio Ferdinando of Savoy, Count of Villafranca – with 6 degrees of consanguinity to King Carlo Alberto – declared by the Royal Decree of 28 April 1834 «a Prince of the Blood» and, at the same time, created Prince of Savoy-Carignano. This too serves as further proof (were there any need for it) of the dynastic continuity of the House of Savoy when it passed from the Kingdom of Sardinia to the Kingdom of Italy.

3. – In order to fully understand the above, when we come to explain how the «reference» under Italian Law applies to the «Dynastic Law of the Savoys» – especially in the identification of a Royal Prince – then clearly a much more detailed examination of the concept and the legal qualifications of the Royal Family (often indicated by such synonyms as «Royal House», «Reigning family» or «Dynasty») must be made. As ORIGONE reports (item: *Famiglia Reale*, cit., p. 78) here we are not dealing with a family – however illustrious – but one governed by «common law» (i.e. the Civil Code) and this, in spite of the fact that it presents an ‘entity’ based on public law to the point where RANELLETTI (*Istituzioni*, cit., loc. cit.) defines it as a «political unit» based on relations of kinship between the founder of the family and his descendents, as well as its relations with the King, who is its Head, exercising his supremacy over the entire Family.

In view of the basic stability of the Royal House or Family in its essence, which remains much

the same in spite of the succession throughout the years (and indeed throughout the centuries) of its Heads and individual members, in line with the teachings SANTI ROMANO (*L'ordinamento giuridico*, 3rd edition, Florence 1977, pp. 35 ff.) it may be regarded as an authentic institution, or «social body» endowed with «an objective and concrete existence» as well as an «outward and visible» individuality. It appears as the «manifestation of the social, and by no means a purely individual, nature of man» constituted by a number of individuals who can coexist or else succeed one another, united through their common or continual interests». Apart from being «a closed entity which may be taken into consideration *in se* and *per se* because it has an individuality of its own» it also constitutes «a unit that is set and permanent». What we particularly wish to stress – still in the light of a theory now shared by one and all and proclaimed by ROMANO (*L'ordinamento*, ct., p. 27) – is that «every legal system is an institution, and vice versa every institution is a legal system: the equating of the two concepts is necessary and absolute».

In these terms then, it seems clear that, as an institution consolidated in the course of centuries, the Royal House of Savoy (as is the case with the other Royal Houses) possesses a legal system of its own (commonly defined as *Dynastic law*) which, in the first place, determines – in a way that is autonomous in regard to any other system – who its members are (i.e. the members of the Royal family); when such a subjectivity is acquired and when it is lost; and what the position of its members is in relation to the Head of the House (i.e. the King), establishing for each of them their rights and obligations. According to certain constitutionalist doctrine stemming from Germany – mentioned by FERACIÙ (item: *Dinastia* in the «Enciclopedia Italiana», vol. XII, Rome 1950 p. 906) – it may be admitted that, even following the proclamation of the basic Charters, the transformation of the State from absolutist to constitutional ushered in no innovations to the title of Sovereign, which had, and retained, a family character». In other words (in accordance with its own doctrines at the end of the 18th and the beginning of the 19th century) the «objective norm by which the subjective right to the Throne arose for the Sovereign», had its place in the *Dynastic law*, which *per se* preceded the constitution, and which founded the «right to reign on the basis of the norms governing the succession of the members belonging» to the Royal Family.

With reference to the system instituted with the Albertine Statute (closer to the Belgian Constitution of 1813 than the *Charter* Louis XVIII granted the French), if it appears difficult to claim that succession to the Throne is founded solely on «a family law totally independent of any constitutional ruling» none the less – as we have seen above – the statutory Sardo-Piedmontese norms, and later the Italian legal system, here acts as a «reference» to *Dynastic law*. Without tackling the question – which has no bearing to our argument anyway – whether or not the dispositions of the foresaid Statute had any effect on the norms in the legal system of the Royal House, the point we would stress is that – even after the Statute of 1848 – the latter have never ceased to form part of their original system even when transformed into mere internal State laws. *Dynastic law* is the law of the institution (Royal House) and exists alongside it, entirely independent of the circumstance that in reference to such, the State system makes space for it, or for a number of its norms, within its body. In time, a State referral norm can be modified or even abrogated; but brings no influence to bear on the legal system of the Sovereign House which has survived unmodified, even in times of institutional change in the form of the State.

4. – Once the relation between the Italian legal system and the system of the Sovereign House has been clarified – both systems, it is worth repeating, existing in mutually independent forms even though the possibility of their coming in contact should not be excluded – it helps to throw light on the scope and meaning of article 69 Cod. Civ. 1865 (now article 92 Cod. Civ. 1942). Above all it should be emphasized that the first Civil Code of the Kingdom of Italy – which drew upon the Napoleonic Code for its principles – set regulations of its own on the «marriage contract»; a matter which, in the begin-

ning and in all the pre-unification Italian States, was left exclusively to the legislative competence of the Catholic Church. In other words, on introducing the concept of «civil» marriage (as distinct from and opposed to religious marriage) the liberal post-unification State consequently considered itself competent to set regulations for all aspects of this institution, including those relating to the so-called «contractual pathology» (its workability when it enters in a critical situation). It is from this point of view, on the technical-legal side, that the invalidity (without further clarification) of a marriage entered into by members of the Royal House without the consent of the Sovereign can be placed. The legislator considered it obligatory – though only from the point of view of the State legal system – to give negative sanction to marriages already forbidden under *Dynastic law*. In other words, a State sanction was added to the one provided in the current norms of the House of Savoy, making no claim to override or, worse, to substitute the latter.

5. – These concepts become all the clearer once we give closer attention to the measures governing marriage in the *Dynastic law* of the House of Savoy. As we have seen, in this sector we must return to the Royal Patents of 13 September 1780 and 16 July 1782 proclaimed by the King of Sardinia, Vittorio Amadeo III of Savoy (in *Raccolta per ordine di materie delle Leggi, Efiti, Manifesti ecc. pubblicati dall'anno 1681 sino agli 8 dicembre 1798*, ed. by F. Amato Duboin, Vol. VII, Vol. IX, Turin 1831, pp. 49–54). The first of these – which anticipated more generalized measures on the subject of marriage and issued two years later by means of the second – contained a series of dispositions exclusively for members of the Royal House. On the whole, it consisted of two basic principles: the first being the general regulations, while the second appeared to be a hypothetical special case termed «aggravating». Above all, it established the fundamental principle, according to which «*it is unlawful for Princes of the Blood to enter into marriage without first having obtained Our permission, or the permission of Our Royal successors, and should any of these fail in his imperative duty he shall be subject to proceedings which We or Our Royal successors consider fitting in his case*». In view of these terms – and it is self-evident that here we have the case of a marriage between «equals», if unauthorized – it likewise becomes evident that the Sovereign (Head of the House) has the right to deal with such proceedings case by case and to apply whatever sanctions he deems most appropriate. The second is that of a *marriage which has not only not been granted the royal consent, but which is moreover a marriage where the parties are «unequal»* – «*if in the fulfillment of this obligation there also exists the quality of marriage with a person of inferior condition and status, both contracting parties and the descendents of the said marriage must consider themselves dispossessed of all property and rights deriving from the Crown and any claim to succeed to same, and likewise all distinctions and prerogatives of the family*». In this case the sanction is not left to the King's discretion (who would also be able not to apply it in the case of marriage between peers) but it is expressly and unavoidably provided for in the norm and functions as a sort of «*latae sententiae*» penalty (as if the verdict of guilty was already pronounced) where, for the sole fact of having celebrated the marriage, the penalty is incurred without the necessity of any further provision to inflict it.

Nor should it be considered that norms of this kind are only to be found within the House of Savoy; such principles are common to all dynastic systems. Sufficient to mention the near-contemporary Pragmatic Sanction of 23–27 March 1776 issued in Spain by King Carlos III (in *Novissima Recopilación*, 1803–1805, Lib. X, Tit. II, Ley IX) whose § 11 established the obligation for the Infantes of Spain to obtain «*Real aprobación*» in order to enter into marriage, adding by way of sanction that «*si (lo que no es creible) omitiese alguno el cumplimiento de esta necesaria obligación, casándose sin Real permiso, así los contraventores como su descendencia, por este mero heco, queden inhàbilis para gozar los Titulos, honores y bienes dimandados de la Corona*». In Italy similar dispositions could be found in the Sovereign Acts of 7 April 1829 and 12 March 1836 (referred to and remaining in force by

means of article 70 of the Constitution granted on 10 February 1848 and confirmed by the Royal Proclamation of 28 July 1860) by which it was established that any marriage of members of the Royal House of Bourbon of the Two Sicilies, which had not obtained the Sovereign's consent, excluded the Prince from all rights of succession.

The second series of norms ascribed to the Dynastic system of the House of Savoy, to which reference has already been made, is dated by the Regie Patenti at 16 July 1782; likewise issued by Vittorio Amedeo III, it contains a disposition to this effect in § 10, which concerns «*marriage of the Princes of Our House*». Here we find express confirmation of the principle in the very same interests: «*essentially the decorum of the Crown and the good of the State*», and for this reason it is claimed that «*they (the said Princes) cannot therefore enter into marriage without the permission of the Royal successors*» adding, with reference to the Patenti of 1780, the same sanction previously provided in this text. Here we have explicit reference both to «the good of the State» and to the «decorum of the Crown» which, in regard to the Patenti of 1782 (as we saw in those of two years before) allows us to differentiate the hypothetical case of a marriage between «peers» which must first have the Sovereign's previous approval since there may exist the possibility of causing «damage of a political nature» (e.g. marriage with a Prince or Princess of a Reigning House with which the country is at war), and also the case of an «unequal» marriage which might particularly jeopardize «the prestige and honour of the Dynasty». On the other hand, official disapproval of marriage with persons of inferior rank had remained linked to the mediaeval *Consuetudines feudorum*, where we find the principle that children procreated from a wife «*minus nobilis*» were considered unfit to succeed to feudal property: «*licet legitimi sint, tamen in beneficio nullatenus succedunt*» (cfr. VACCARI, item: *Matrimonio morganatico in Nuovissimo Digesto Italiano*. Dig. It., vol. X, Turin 1964, p. 439). The concept of a marriage which regards one of the contractors as «unworthy» (this has a much wider scope in respect to Dynastic law, but also applies here) was succinctly stated in the 17th century by Cardinal Gian Battista de Luca (*Theatrum veritatis et iustitiae*, Romae 1669–1677, lib. VI, disc. I, n. 24, p. 4, as well as disc. CXLII, n. 21, p. 216) when, as an illustration of the «*verior ac recepta*» view, he wrote that «*indignus dicatur ille cui mulier, attentata proge- nie, divitiis, moribus, aliisque circumstantiis, absque parentum ac parentelae dedecore copulare non potest*». This explains the intervention of many legislators, especially in the 18th century when «unequal» marriages were on the increase, in an attempt to put a stop to marriages between nobles and non-nobles by means of heavy sanctions. On this matter we may recall the law of the Duchy of Modena 12 July 1740 (included in the Modena *Costituzioni* of 1771) which provided for the deprivation of noble status and rights of succession for young nobles who married beneath them against their parents' wishes (cfr. LOMBARDI, *Matrimoni di antico regime*, Bologna 2001, p. 400, note 84). The same might be said of Spain where the above mentioned Pragmatic Sanction went so far as to extend this same disposition, originally intended as a warning for the Infantes, to «the Grandees of Spain»; in the Kingdom of Naples, legislation aimed at preventing «unequal» marriages was contained in the Pragmatic Sanction of 10 April – 26 June 1771, followed by another two in 1780 and 1783 (in *Nuova collezione delle prammatiche del Regno di Napoli*, ed. L.Giustiniani, Naples 1804, pp. 205–212); the same occurred in Austrian Lombardy where, in the edict of 17 September 1784 the *Costituzione* on marriages was published; this declared marriages between minors without the father's consent «*radically invalid but also of no effect*» (cfr. GUERCI, *La sposa obbediente. Donna e matrimonio nella discussione dell'Italia del Settecento*, Turin 1988, pp. 184 ff.). Nor should we overlook the situation in the German world, where «the peculiar tradition among the German nobility ... had severe punishments and social penalties in store for the marriage of a noble with the daughter of a bourgeois, and thus of inferior rank» (cfr. ELIAS, *La Società di corte* (Italian trans.) Bologna, Il Mulino, 2002, p. 228, note 27). In fact in Germany, as we learn from PADOA-SCHIOPPA (*Italia ed Europa nella storia del diritto*, Bologna, il Mulino, 2004, p. 424), from a more strictly legal point of view «marriage between a member of the high rank-

ing nobility and a woman of the middle classes (but sometimes even a woman of the lesser nobility) led to the exclusion of the son from his right of succession to the title».

6. – To complete the discussion on dynastic marriages (this no longer extended to ordinary noble marriages after the decline of feudalism), we should not overlook the institution of «morganatic marriage». In the legal system of the Savoys we find it covered in the Regie Patenti of 1780, and referred to later in those of 1782. As we know, the so-called «*ad morganaticam*» marriage was originally governed by feudal law. Although regarded as a «legitimate» marriage, it still prevented a spouse of inferior rank from access to the position, title and coat of arms of the other; this was also reflected in the children of the marriage who, as we saw, were barred from succession (cfr. VACCARI, *item. It. loc. cit.*). This is certainly the institution referred to in article 3 of the Regie Patenti of 13 September 1780, where the law stated that «*when however the reflection of some particular circumstance might determine Us, or Our Royal successors, to allow an unequal marriage to be contracted, in this case We reserve the Sovereign authority to prescribe to this effect the restraints and conditions which must be observed.*» The application of this provision to the marriage, in France, of Prince Eugenio Ilarione di Carignano-Villafranca to Elisabetta Anna Magon Boisgarin enacted by way of the Regio Brevetto of 28 October 1780, presents a considerable clarification of the above situation: the Royal concession of «*being able to rehabilitate, for reasons of conscience or other, the marriage invalidly contracted by him,*» was limited to the sole person of the Prince, and to none other. He alone was allowed to «*retain and keep – but, be it noted, not to pass down to his children – the rights of succession, prerogatives and distinctions of the family.*» It is true that the son born of the marriage, Giuseppe Maria, was known as «Cavaliere di Savoia», but it was only to his young son, Eugenio – as we have already recalled – that the rank of «Prince of the Blood» was granted. Examples of morganatic marriages in the course of the 19th century are extremely numerous in the Royal Houses of Europe. In the House of Savoy we need only recall the marriage of Vittorio Emanuele II to Rosa Vercellana, created Countess di Mirafiori e Fontanafredda and, as mentioned above, that of Prince Eugenio of Savoy-Carignano to Felicita Crosio, who received the title of Countess of Villafranca-Soisson; in both cases these titles passed to the children.

7. – Having clarified the norms of *Dynastic Law* on questions of marriage, we will now have no difficulty in comparing them to the corresponding ones provided by Italian Civil Law. First of all it should be stressed how, in Vittorio Amedeo III's Regie Patenti, the canonic regulation of marriage was assumed as still being in force and applicable, in respect to which a Catholic Sovereign had no power to interfere. If – according to Tridentine procedure – the sacrament of marriage, from a canonist's point of view, was perfectly valid and independent of the consent of any third party, the Head of the Royal House was obliged to impose sanctions which, although powerless to nullify the validity of the union, could bring influence to bear (in a negative sense) on the personal position of the Prince contracting the marriage. Confronted with an «unequal» marriage, in special cases the King could concede the celebration of the marriage in «morganatic» form (but, as we have seen, only in an express and formal way). But if the Sovereign refused his consent the sanction resulted in the removal of the Prince from the Royal Family, with attendant loss of every right and prerogative he had enjoyed as a Member.

It is worth repeating that the Civil Code acts on a different level regarding the validity of the marriage contract and has no bearing whatever on the legal position of the contracting Prince. Even were it possible to resort to the question of an incompatibility of the norms of two distinct systems – already an absurdity *per se* – it becomes clear that article 69 § 20 of the Code of 1865 (and article 92 § 2 of the Civil Code of 1942) are perfectly in accordance with what Vittorio Amedeo III had originally established. At the very most it may be claimed that the «Civil law» was added to the «dynastic sanction», but it certainly does not eliminate the first one. However without considering the Regie Patenti of 1780

and 1782 as being directly absorbed into the Italian system, even in indirect form they are perfectly appropriate for exerting their effect on State law. In fact it has already been pointed out that the latter «presupposed» the status of Royal Prince as referring to those persons as such under Dynastic law. So obviously if, on the basis of the norms of the House of Savoy, a person has lost this qualification, it can no longer exist, even under the State system. ORIGONE is right (item: *Famiglia Reale* cit, p. 79) when he observes that «the Prince who marries without Royal consent loses his quality as Prince of the Royal Family with the relative *ius singulare*; and this because the Royal family is the family of possible successors to the Throne, so that the marriage of every Prince will influences its composition.

8. – For proof of the exactness of what is here maintained – or, to repeat: Italian civil norms have not had the slightest influence on the force and efficacy of the dynastic norms – we need to return to the legislation of the Concordat of 1929. As we know, article 34 of the Lateran Pact and the resulting Law 847/1929 (the so-called marriage law) introduced «canonic» marriage into the Italian legal system with civil effect. Consequently, ever since 1929, every Prince and Princess has had the option of choosing between the civil rite or the so-called «Concordatory» rite which is exclusively governed by the norms of the Church. In article 12 of the Italian system the marriage law was limited to regulating the (mandatory) hypothetical cases under which registration of the marriage could find no place in the registry office of the civil State. Moreover no legal disposition of the law declared a Prince's marriage performed without royal consent as unregistrable. It would have been absurd to suppose that any sanction of «invalidity» could be connected to the civil ceremony, since nothing would have prevented it from taking civil effect after a canonic ceremony was duly followed by registration. This proves how the effective sanction was looked upon; not so much as a civil invalidity (and not a dynastic one) but rather as a provision of «dynastic» law: namely the disqualification of a member of the Royal family. From this point of view it may seem superfluous to advance the problem (as a certain doctrine does) of whether article 92 of the current Civil Code is still to be considered in effect; or whether it should be implicitly regarded as abrogated. This, we repeat, is owing to the above mentioned sanction (invalidity) which would, at the very most, act upon the efficacy of the matrimonial contract and not on the «subjective qualification» of the contracting party.

9. – In applying the foregoing considerations to the concrete case of the «unequal» marriage of Prince Vittorio Emanuele of Savoy, we may draw the following conclusions:

A) As we conclude from authoritative, though journalistic, information (cfr. L. BARZINI in *Corriere della Sera*, 5 August 2002) King Umberto II, in a letter to his son, laid emphasis on the fact that: «*The law of our House has remained in force through twenty-nine generations and been respected by 43 Heads of the Family, my predecessors, succeeding according to the Salic Law through marriages contracted with the families of Sovereigns. As the 44th Head of the Family, I do not intend to change this law, nor have I the right to do so, notwithstanding my affection for you.*» Except for closer verification of the authenticity of this royal document, it expresses quite clearly that **the King had not granted his consent** to his son's marriage; a consent which, as we have seen, was a necessity even in the case of a simple «morganatic» marriage. Consequently, in entering into this marriage, Prince Vittorio Emanuele **left the Royal House**, thereby losing not only his titles but, in addition, his position in the succession, which then devolved *ipso iure* upon the King's closest blood relative immediately following him in order of succession to the Throne, namely **Prince Amedeo, Duke of Aosta**, without the necessity of any *ad hoc* provision on the part of the Sovereign.

B) By now it almost seems superfluous to state that none of the children born of this marriage lacking Royal consent belong to the Royal House, since they do not even enjoy the status of children born of a «morganatic marriage». Indeed, in the absence of a previous explicit and formal Royal con-

sent to the marriage, then at the very instant the wedding ceremony was performed the new husband lost his qualification of «Prince Royal», and for this reason his son or children – bereft of the proper procedure for the bestowal of «sovereign grace» formally emanated *ad hoc* (RR.LL.PP) – can make no claim to any position, not only on a dynastic level but even at the level of nobility.

Such is my opinion.

July 2005

(signed)

Franco Edoardo Adami

Ordinary Professor at the University of Ferrara

We
Vittorio Emanuele IV
King of Italy

By virtue of art. 79 of the Statute of the Kingdom

Decree:

Single article.

Upon Marina Doria Ricolfi the title of Duchessa di S. Anna di Valdieri
has been conferred.

Signed in Geneva
On the 16 December
in the year 1969

Royal Edict n. 2

Vittorio Emanuele di Savoia

[entirely written by hand]