

ASSUMING ARMS: A MODEST PROPOSAL

by David F. Phillips SHA

[Footnotes marked in red contain text rather than just a reference or citation.]

When I was a small boy growing up in New York in the early 1950s, I taught myself the elements of heraldry from S. T. Aveling's 1898 revision of *Boutell's Heraldry*. When that got too dense to follow a point, I used J. B. O. Richards' primer *The Heraldic Vade-Mecum* (1936) to guide me through. Gradually, as I grew in knowledge, I came across other books, but just about all of them were British too (the occasional American titles were mostly about topics like arms of colonial families and American state seals). Almost nothing in this steady diet of British sources – that is, English sources with a leavening of Scottish – even suggested there was any such thing as heraldry outside the British Isles. (Woodward's *Treatise on Heraldry British and Foreign* (1892) was an honorable exception, but that was both an outlier and an advanced text – I did not come across it as a beginner).

So in my youth, although an American, I became a British-trained amateur heraldist, and accepted British heraldic attitudes as if they were laws of nature. A coat of arms required a crest; a crest sat on top of a helm and its point of joining was hidden by a torse (or maybe a crest-coronet). A bordure was for difference – it was undignified to charge it, and practically forbidden to put words on it (or indeed anywhere on a shield). Cadency was denoted in England by a set of nine brisures, from a label through an octofoil, piled up in as many layers as the generations of the armiger required, and in Scotland by an intricate system of bordures that served the same purpose. A bend sinister was, if not necessarily a mark of bastardy, at least disreputable. A composition tierced in three tinctures was tacky. Arms of women (except the sovereign) were borne on a lozenge. Thou shalt not lay metal on metal, or colour on colour.

Later, as I matured from a fan into a scholar, and began to explore the heraldry of earlier times



ARMS OF
TENGEN, FROM
WAPPENROLLE
VON ZÜRICH

and other provinces of Europe, and look into resources in other languages, I came to see that these were local preferences rather than laws of nature. Other countries, whose heraldry was not only respectable but intricate and beautiful and coherent and as deeply rooted in tradition as was British heraldry, sometimes did things differently, with lovely and often moving results. For example, the Germans used a crest that extended from the crest-figure out to where a lambrequin might have been, and eventually down into the mantling. This form went back to ancient usage – in the *Wappenrolle von Zürich* for example (left), and the *Armorial de Gelre* (both from the 14th century) – and is still used (right, a modern example).¹ It extends the graphic possibilities of the crest and makes for more organic, less fussy and less overgrown mantling. Who knew?



HOUND CREST
BY HEINRICH
HUSSMANN

¹ Arms of Tengen: from the facsimile edition of the *Wappenrolle von Zürich* published by the Antiquarischen Gesellschaft Zürich (1860), Plate VII, No. 149. Hound crest image: from Heinrich Hussmann, *Über Deutsche Wappenkunst* [On German Heraldic Art] (Stuttgart, 1972), 111.

Similarly, a charged border doesn't look all that bad, really, in Spanish or Portuguese usage. It augments the design field and allows for some striking effects. Maybe even an inscription could be all right if we hold our breath and look at it calmly.² From Italian examples we can see that arms tierced in bend can look quite handsome, as can a bend sinister.³ Canada has long made optional the constipating practice of squeezing women's arms onto a lozenge – in Canada women can now use a shield like other people, and it feels pretty good.⁴ The great Swiss heraldic artist and scholar Bruno Heim – a Roman Catholic archbishop comfortable with rules and orthodoxy – wrote a whole book (*Or and Argent* (1994)) demonstrating that outside the British sphere the supposed “rule” about metal and colour, while good practice, was not a commandment from Sinai as British practitioners seemed to regard it.



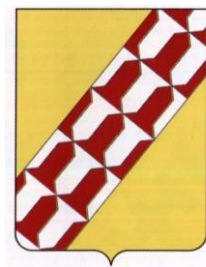
ELGUEZABAL



MENDOZA



CAMPO



TEBALDI

There would be a good essay in recommending each of these foreign practices to be tried out in British heraldry. But this essay focuses on just one hard-core British heraldic rule: that a coat of arms belongs not to a family but to *one individual person*, and must be differenced for use by another.

This principle, applied differently in England and Scotland but in the same restrictive spirit, seems completely natural to those trained in the British system. But it is actually very much a minority view in European heraldic practice (except for royalty and the very highest noble houses). Dutch family heraldry does not work this way, nor does French or Swiss or Danish or Italian, or that of most other countries. Even highly elite German noble families might vary their crests for difference, but keep the family shield. And the British principle we might call “one man, one shield” has had effects that have not worn well, and now exert a needlessly restrictive hold on British heraldry.

- A complex system of brisures, differencing and marshalling is needed to ensure that every (male) member of an armigerous family has separate arms.

² Arms of Elguezabal, by an uncredited artist, from “Heráldica de los apellidos: Letra E” on the Blogodisea blogsite, posted 27 November 2013, visible at tinyurl.com/chain112. Arms of Mendoza from Wikimedia Commons (Spanish Wikimedia), visible at tinyurl.com/mendoza112.

³ Arms from Giovanni Santi-Mazzini, *Araldica: Storia, Linguaggio, Simboli e Significati dei Blasoni e delle Armi* (Milan, 2003): Campo of Rovigo at 102, Tebaldi of Pistoia at 178.

⁴ See Kevin Greaves, *A Canadian Heraldic Primer* (Ottawa, 2d ed. 2000), 37.

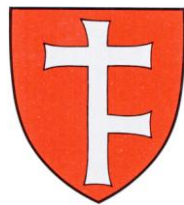
- Preserving every British shield as the exclusive emblem of a specific person requires an elaborate superstructure of authority to keep it in order, administered by established heraldic offices and undergirded with a heavy dose of genealogy.
- The unavoidable bureaucratic weight of this administrative structure, together with its cost, erects a formidable barrier that prevents most people from participating in the system at all.
- It prevents (actually legally forbids) use in Britain of what are thought of by the wider world of non-initiates as “family arms.”
- The barriers to entry, and the refusal to allow “family arms” (which is what many people trying to participate in the system really want), fosters bucket shop heraldry, which offers rigid but incorrect assignments of arms in derivative and often debased forms immune to artistic innovation.

All this derives from the limiting of all arms to those granted by authority. This might have been a good idea in earlier times when it was necessary to regulate their use by a small elite caste. But now it really gets in the way.

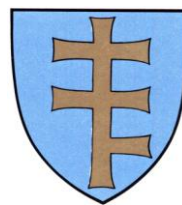
Compare (just for a moment!) the Polish heraldic system, which is as radical a variation away from general European practice as the British one-man-one-shield view, but in the opposite direction. In Poland coats of arms have proper names, and many families use the same arms, sometimes with slight variations. For example, the shield called *Ogon* (below left) is borne by 137 families; the shield called *Prus I* (center left) by 149, and the shield called *Pilawa* (center right) by 55.⁵ So it is not possible to identify a family by looking at its arms. But this has not kept the Polish system from flourishing, or Polish noble families from having pride in their arms, or carving them above the entrances to their palaces back when Polish nobles were still building palaces (below right).⁶



OGON



PRUS I



PILAWA



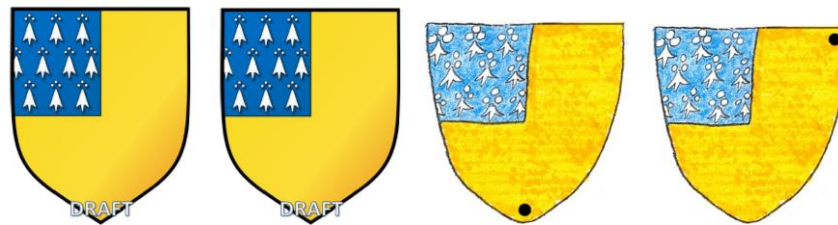
CARVING AT ŁAŃCUT CASTLE

⁵ Shield images from Józef Symański, *Herbarz Średniowiecznego Rycerstwa Polskiego* [Armorial of Medieval Polish Knighthood] (Warsaw, 1993): Ogon at 204, Prus I at 238, Pilawa at 219. The count of associated families is from D. Jelinska-Marchal, *Polish Armorial Polonais* (Château-Thierry, 1989): Ogon at 57, Prus I at 66, Pilawa at 59.

⁶ The photograph of Pilawa at Łańcut Castle in Poland is from Flickr, visible at [tinyurl.com/Lancut112](https://www.tinyurl.com/Lancut112), credited to magro_kr. There is a lively debate about the origin of the unusual schematic charges in the Polish system. Many of them include items like arrows and horseshoes that are thought to be rationalizations of pre-heraldic forms derived perhaps from the *tamga* emblems of Sarmatian clans.

I am not suggesting the Polish system be adopted in Britain. But it does show that a vigorous heraldic system can operate on a different principle. What would it look like if Britain allowed relatively unrestricted assumption of arms?

Let us suppose it became lawful for any person in Britain to adopt arms at will, provided he or she included a special small round mark indicating that the arms were *not borne by authority*. As an example I will use the arms I adopted for myself many years ago, in the United States where this is freely permitted (below). The blazon is *Or, a quarter azure ermined argent*, and the unusual tincturing of the fur was chosen in part to ensure that I was not infringing anyone else's arms.⁷



ARMS OF THE AUTHOR, AND VARIATIONS

If I wanted to use these arms in Britain, under my proposed new rule I would add a dot as a brisure. Usually, as I imagine the system working, this dot would be placed in the shieldfoot; it could also be in the extreme upper sinister corner, or in the top center, as long as it was on the periphery and not part of the main composition. It would ordinarily be black or white, but any colour would do, and ideally it would not repeat a tincture already on the shield. I show examples above of the dot in black, and another in red for variety. The dot would show that these arms are not borne by authority, and are therefore free of regulation by the Kings of Arms. We could think of it as a *brisure of assumption*, but it would be easier to call it informally a *not dot*, because it shows what the arms are *not*.

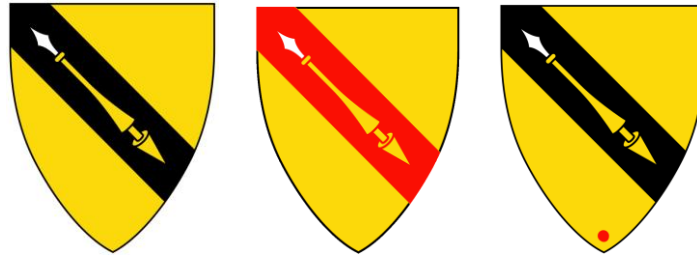
My arms are an easy case because, as noted, they don't duplicate anyone else's arms anywhere.⁸ For an intermediate case, imagine that I am so devoted to the works of Shakespeare that I want to adopt his arms (below left) as my own.⁹ No one bears Shakespeare's arms today – his only son died in childhood. But anyone wishing to use those arms should at the very least adopt a prominent difference, so let's change the colour of the bend to red (below center). Still it is very unlikely that the Kings of Arms would permit anyone to use those arms, even differenced, as they would suggest a family relation to Shakespeare. But in my system I could use the original arms, if I wanted to – but only with a not dot (below right). The not dot shows that they are *not actually Shakespeare's arms* (which were granted by authority), that there is no authority or

⁷ I have only encountered one other use of *azure ermined argent*, in a design that looked nothing like mine. I outlined the artistic and symbolic reasons behind my design in "Designing My Flag," in *Flag Bulletin* (No. 226, pp. 191-9), archived on my website at perma.cc/87nh-q53h.

⁸ Perhaps a case could be made that my arms, without colour (for example on a seal), could be taken for those of an imaginary medieval bastard of Brittany. The risk seems small.

⁹ The image is from Wikipedia Commons, visible at tinyurl.com/shakes112.

anything else supporting my use of them beyond my own fancy, that they do not imply any family connection to Shakespeare, and that the Kings of Arms have no responsibility for this eccentric display. With such a warning, does it do any harm to allow it?

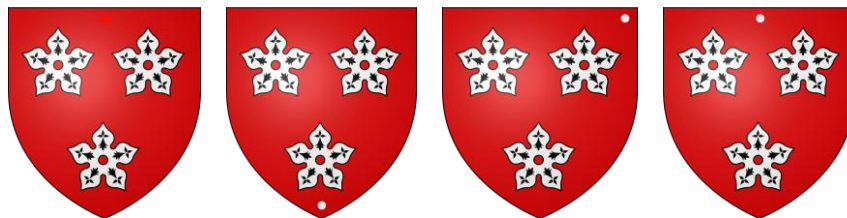


ARMS OF SHAKESPEARE, AND VARIATIONS



And now the hardest case. Imagine my name is not Phillips but Hamilton. I want to put my family arms over my mantelpiece, but I don't know what those family arms might be. I go onto the Internet, and Bucketshop Ltd. is glad to look up my surname in a database and issue me a faux-antique certificate with my "family arms": *Gules, three pierced cinquefoils ermine*. Indeed here (left) is a genuine example from allfamilycrests.com – it is headed HAMILTON FAMILY CREST (but omits the crest!).¹⁰

Today that would be a problem – although the Duke of Hamilton now bears quartered arms, there can be no doubt that these undifferenced arms carried in his first quarter belong to him. I would have no right to use them in Britain, both because they are his, and because I have no right to bear *any arms at all* in Britain without authority.¹¹ But the not dot avoids these problems. The dot means I am *not* claiming to be the Duke of Hamilton, or chief of the name, or proclaiming any right beyond my own more or less human right to make a sign for myself. It isn't the same as the Duke's sign because it is differenced by the mighty dot.¹²



ARMS OF HAMILTON, AND VARIATIONS

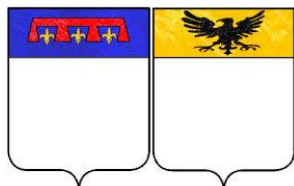
Now suppose another Hamilton, not known to be related to me or the Duke, logs onto the same website and decides he wants those Hamilton cinquefoils for *his* family arms. He orders a plaque

¹⁰ Archived at perma.cc/eh3q-5yw4.

¹¹ I suppose I could try to matriculate my American arms, assumed in America under the ancient law of arms, as a foreign "grant," but I don't think I would get very far with that.

¹² Image of Hamilton arms from Wikimedia Commons, archived at perma.cc/hrs4-y28n, where it represents the civic arms of the town of Ancenis in France.

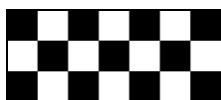
with them painted on, complete with a not dot. Just as the Duke has no right to stop me, I have no right to stop this other Hamilton. The dot deprives this bearing of all prescriptive or proscriptive authority. As many Hamiltons as feel like using it, *with a dot for difference*, may do so – and not only Hamiltons, either, although it seems less than likely that anyone else would want arms associated with the family, even marked to prevent misrepresentation.



LEFT: CAPO D'ANGIÒ;
RIGHT: CAPO DELL'IMPERO

Since arms are being assumed, there is scope for more improvisation. In medieval Italy contending factions developed chiefs of party – blue with a red label surrounding three gold fleurs-de-lys for the Guelfs, a black eagle on gold for the Ghibillines.¹³ Similarly today (but one hopes with somewhat less ferocity) people could adopt chiefs of party – red for Labour, for example, blue for Conservative, green for Green. These would of course just be personal, and would not change the “family arms.” No other family member would need to follow. Chiefs could be

fashioned for other associations too. Below are three examples of patterns that would make handsome chiefs to reflect an institutional connection (taken from police livery, an army tactical recognition flash, and a university scarf).



METROPOLITAN POLICE



ROYAL SCOTS DRAGOON GUARDS



UNIVERSITY OF LEEDS

While it is possible that people could raise false colours, and display patterns they are not entitled to, social sanctions (especially among people inclined toward heraldry anyway) should discourage this, just as people generally avoid wearing club or regimental ties they do not have a right to.

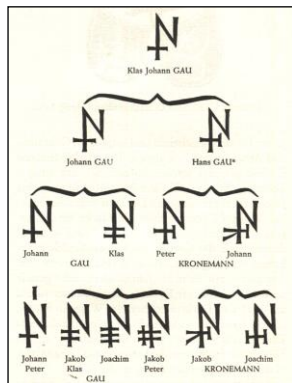
People with dotted arms should be able to give themselves other augmentations or ornaments as they wish. Authority now allows only a few, for certain high offices and awards or by special grant, but the dot is empowering. If a person can hang an OBE from authorized arms, why not hang a sports or long-service medal, or a Masonic jewel, from unauthorized ones? Why should people not display instruments of office, accomplishment or avocation they find personally meaningful behind their shields: ice-axes for a mountain-climber, crossed bows for a violist? These harmless entitlements would unleash creativity, foster pride in the chosen arms and identification with them, encourage ramification, and further differentiate dotted “family arms” from arms assigned by authority to someone else. Dots could also be worn on badges and banners. Supporters could still be restricted to corporations and peers; coronets would still require authority, and of course marks of honours not actually held could not lawfully be displayed.

- A suite of academic distinctions could be devised, too, to hang beneath the shield as medals do now. They could be based on the colors of the hood (to show the

¹³ Image from “Guelphs and Ghibillines” on the Amici Arcae Musarithmicæ blogsite, posted 25 April 2015, archived at perma.cc/3x35-d2hh. The artist is uncredited.

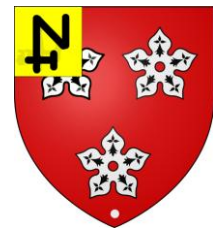
school) and the number and colours of transverse stripes (to show the degree and field). The materials for such a system are well documented.¹⁴

Finally there is cadency. The new concept of “family arms” makes cadency marks unnecessary. Many members of newly (dotted) armigerous families – siblings, children – may wish to bear the undifferenced “family arms.” Wives could do so too, or keep their fathers’ arms, or adopt their own arms, and impale or quarter their husbands’ arms or not as they chose, sheltering beneath the individual freedom of the not dot. But in some families siblings or children might wish to difference the “family arms” without changing their underlying design. The present methods of cadency marking, in England and Scotland, are more complex and rigid than would be needed or useful in the freer system I am proposing.¹⁵



But fortunately a parallel system has existed for centuries elsewhere in Europe in the form of merchants’ marks.¹⁶ These relatively simple marks were varied, typically by a single stroke, to identify brothers, and were then varied again to show generations, so each family member had his own mark in a coordinated system. The marks were not armorial, although in many parts of Europe, notably Germany and Switzerland, they became armorial charges. At left is a typical system; the marks need not follow that pattern, but could have any graphic basis.¹⁷ Naturally women would have the same right to cadency marks as men.

I suggest that those wishing to difference “family arms” place marks of this kind on a canton, a different but related mark for each family member who wants to have one. The canton would ordinarily be in dexter chief, but that could be varied as best suited the main composition. Of course cadets or scions (or scionesses – all would be permitted equally to all genders) could vary or difference their arms otherwise as pleased them, or adopt new ones – but always with the dot. The continued use of the dot means there is no need to define cadet arms either as differenced or as a new assumption – they would be



DOTTED HAMILTON
ARMS WITH
CADENCY MARK

¹⁴ Plentiful Internet resources supplement and correct such venerable works as Frank W. Haycraft, *The Degrees and Hoods of the World’s Universities and Colleges* (London, 3d ed. 1927) and Kevin Sheard, *Academic Heraldry in America* (Marquette, Michigan, 1962).

¹⁵ Robert Gayre of Gayre and Nigg, in his clear and learned book *Heraldic Cadency* (London, 1961), 120-135, cogently explains why it is not quite correct to call these two systems *English* and *Scottish*, as they really represent two aspects of the same system of major and minor brisures that diverged in the two kingdoms for historical reasons.

¹⁶ And in Britain too. See F. A. Girling, *English Merchants’ Marks* (Oxford, 1964).

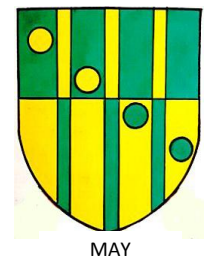
¹⁷ The chart is from Konrad F. Bauer, *Das Bürgerwappen: Ein Buch von den Wappen und Eigenmarken der deutschen Bürger und Bauern* [Burgher Arms: A Book of the Arms and Distinctive Marks of German Burghers and Peasants] (Frankfurt, 1935), 13 [fig. 11]. The same chart, naming the same people, appears in Bernhard Koerner, *Handbuch der Heroldskunst* [Handbook of Heraldic Art] (Görlitz, 1920), 1:84.

both, and either way they would be borne without authority

Certainly the not dot program would require legislation, or at least the approval of the Crown or the Kings of Arms. It seems worth proposing, though, even though official sanction seems unlikely at the moment. For while this reform may seem radical, really it is quite conservative. It does not dislodge or disturb existing systems for granting arms by authority, but only allows a parallel system to distinguish arms assumed *without* authority. Those whose arms are borne *with* authority, now or in the future, would lose none of their privileges – they could still defend their exclusive rights. Royal arms, military emblems, and arms of public and quasi-public corporations – towns, universities, local authorities, dioceses and church foundations, guilds – would be exempt from this reform. A dot would not excuse unofficial use of public corporate arms – here authority *should* be required, and also requiring it would keep the heraldic offices in work.¹⁸ But for individuals, and dare I say it for families, suddenly the whole system would breathe easier, without interfering with entitlements established under the present structure.

If people were left free to assume whatever arms they wanted, would there not be a certain amount of crossed golf clubs between four pints of lager, and purple dragons on black, and imagery more suited to tattoos than to armory? Well, yes, probably, but we have that now anyway, largely because real heraldry based on proper artistic and heraldic principles is closed to most people. Let them in, and the good may supplant the bad. If such arms and augmentations became lawful, they might start to be designed by competent heraldic craftspeople. I believe (although I cannot prove it) that the present low standard of amateur pub-style heraldry is at least partly due to its illicit, underground nature. If legitimated by the not dot, the standard would improve. And a middle market might develop, above the beer mat but below the full-dress bespoke illuminated scroll, that would provide both work and range for heraldic artists.

And even the bad – well, who's to say what's bad?¹⁹ The Prime Minister (through her husband) bears a cricket stump and four cricket balls (right) – perhaps golf clubs are not so awful.²⁰ And because of the not dot, the Kings of Arms would bear no responsibility for golf clubs or fishing poles – the dot would operate as a sort of disclaimer. Moreover, if corporations were allowed dotted arms, football associations and primary schools would be able to wear unauthorized dotted armorial patches on their blazers without the Lord Lyon being forced, however reluctantly, to defend his plenary authority.²¹



¹⁸ Perhaps business corporations without public functions could be allowed to assume dotted arms without authority, but still defend their exclusive use as trademarks.

¹⁹ As the painter James MacNeill Whistler said, “You shouldn’t say it is not good. You should say you don’t like it; and then, you know, you’re perfectly safe.” Quoted in Don Carlos Seitz, *Whistler Stories* (New York, 1913).

²⁰ See Ned Donovan, “‘Brexitus est Brexitus’: How Theresa May has her own heraldic coat of arms,” *Mail on Sunday*, 18 February 18, 2017, visible at tinyurl.com/dailymail112. On her right to bear her husband’s arms, see College of Arms Newsletter No. 47 (July 2016), visible at tinyurl.com/coanews47.

²¹ See, e.g., Findlay Mair, “Ayr United faces legal action over team badge,” *The Scotsman*, 19 November 2015, visible at tinyurl.com/ayr112; Stephen Wilkie, “Primary pupils refuse to stand down

Because the existence of dotted arms will inevitably enhance the prestige of undotted ones, perhaps after some years the bearers of these arms may wish to regularize them. But no visitation will ever permit dotted arms to be borne with authority due to long use, or allow bearers to drop the mark without a grant. If future bearers want authority they must ask for it, as they do now, and allow the heralds to do the research and impose suitable differences and charge fees as they do now, before the little dots can be removed. But in the meantime the British heraldic tradition will have had a useful and creative revival, and heraldic artists may see a design boom as people who never had arms before can now use them, and commission bookplates and plaques and windows and illuminations and (yes) blazers, and in the process perhaps elevate standards of taste and even design, and broaden appreciation and understanding of the beautiful art of heraldry. ♦



David F. Phillips SHA is a heraldic scholar in San Francisco. Having retired from careers as a lawyer and a librarian, since 2008 he has occupied himself as a writer on heraldic subjects. His books include *Emblems of the Indian States* (2011), *The Double Eagle* (2014), and *Japanese Heraldry and Heraldic Flags* (2018). Further works on heraldic subjects can be found, or are linked to, on his website www.radbash.com, along with an autobiography and writing on many other topics. He has contributed to *The Heraldic Craftsman* and other publications.

in battle with Lord Lyon over school crest,” *Daily Express*, 15 May 2018, visible at tinyurl.com/craigie112. Lord Lyon’s reluctance to be involved in issues of this kind is plain from his statement settling the Craigie School question: “the matter has been dealt with disproportionately in relation to the issue at stake but I am clear that this does not start in my office.” Rachel Clark, “Perth school’s heraldic dispute is all over,” *Daily Record*, May 29, 2018, visible at tinyurl.com/perth112.