An Introduction to Luxembourg Heraldic Laws and Customs

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In early April 2019, Dr. René Klein, head of the Luxembourg heraldic commission, gave a one-hour presentation on heraldic law at the invitation of the Conférence Saint-Yves, the oldest law society in Luxembourg. Modest in his attitude but firm in his statements, the speaker was successful in convincing an audience mainly composed of judges, lawyers and persons interested by the subject.

When introducing the speaker and the subject, the President of the Conférence Saint-Yves questioned the existence of heraldic law as an autonomous set of norms, and if specific rules applied to heraldry in the Grand-Duchy of Luxembourg?

The first book on heraldic law attempted to base this discipline on roman law. Since mediaeval times, Sovereign States have developed an independent set of rules in relation to the registration and the use of coats of arms by individuals, groups and larger communities. Heraldic authorities are still active in various countries. In this respect, the Scottish heraldic authority, the Court of the Lord Lyon, was mentioned as a proactive enforcer of heraldic rules. Mention was also made of the Roman Catholic Church which has its own set of rules applicable to ecclesiastic heraldry encompassing heraldic, dogmatic, liturgy and canon law. The creation of a heraldic bureau by the Vatican was even considered by Pope John XXIII to monitor the creation of ecclesiastic arms. The presentation then moved to Intellectual Property law and legal cases before the EU courts in relation to the registration of EU trademarks and notably signs sharing similarities with State emblems. In a case before the Court of Justice of the EU relating to the use of a red maple leaf as a trademark, the EU Advocate General issued an opinion stating that he needed “to plumb the depths of heraldry” and to use “heraldic art to define the limits of the protection of a national emblem” (of Canada in this case). Finally, the applicable laws and regulations to heraldry in Luxembourg were identified: beside several secondary legislations (‘heraldry’ defined as a subject for State exams or the protection of heraldic devises on antique furniture), the crux of Luxembourg heraldic legislation is the 23 June 1972 law on national emblems. This law is twofold: it first defines criminal sanctions in the event of the unauthorized or misuse of State emblems (with an extended scope including the Luxembourg flag, arms of the State and of the Grand-Ducal House, arms of local entities, logo of administrations). Secondly, it creates a Luxembourg heraldic Commission - Commission heraldique de l’Etat - which advises the Prime Minister on any issue relating to “heraldry”. This Commission can also issue opinions on its own initiative.

A general presentation of heraldic rules and specific customs in Luxembourg was then provided by Dr. René Klein.

The speaker first introduced the basic rules of heraldry (colours and blazony) with illustrations relating to Luxembourg. He stressed that non-noble coats of arms are relatively rare in the Grand-Duchy (unlike in Austria or Switzerland where these are common in the peasantry for instance). This conference followed the fascinating but complicated history of Luxembourg as a nation which became an independent State in the mid XIXth century. Accordingly, the use of heraldry in Luxembourg mirrors the successive change of rulers: from the development of heraldry during the late Medieval times (and the Burgundian influence), to its “dégénérescence” as from the reign of Louis XIV, the ban of heraldry under the French Revolution and its re-establishment by the Dutch sovereigns in the XIXth century.

The speaker took the opportunity to retrace the Luxembourg emblem from its origins - the rampant red lion of the Count of Luxembourg - to today. It is noteworthy that the lion is different from other rampant lions to the extent it has a distinct tail (a forked tail crossed in saltaire). He then provided interesting comments on how the arms of the Grand-Duke Jean, the current Grand Duke Henri and his heir were successively designed, complicated to the extent the Grand Duke Jean is a Prince of the "Lys" from his paternal side (Bourbon-Parmé) and Duke of Nassau from his maternal side. This same figure of the red lion is currently used by the Luxembourg government for all its official
documents/letters issued by its different ministries and State administrations. The speaker stressed however that this representation of the lion was not reviewed by the heraldic Commission when designed and is not compliant with the Luxembourg heraldic lion (in particular some parts of the animal are prominent). On this issue, a judge in the audience clarified that for the judicial authority, this logo of the lion was not endorsed and that the Luxembourg courts and tribunal still use the traditional arms of the State. Beyond the symbol, the judge stressed that this illustrates the principle of the separation of powers in a democratic country (notably the independence of the judiciary from the executive).

The speaker noted several issues of concerns: the use of logo instead of arms by local boroughs and even by State entities like the police (logos are more expensive and considered less emblematic), the lack of interest of the Government in relation to the role of the Luxembourg heraldic Commission, and the absence of registration for individual arms. More generally, he highlighted the contradiction of living in a country which is a Monarchy but where the Luxembourgers have no interest in heraldry (contrary to the neighbouring German and French ‘Republics’).

The auditors certainly retained from Dr. Klein’s presentation that Luxembourg heraldic law touches the very core issue of the symbols of the State and that heraldic laws and customs in Luxembourg mirror its unique history.

Notes

1. Mr. René Klein is Member of the Grand Ducal Institute (which is the National academy of Luxembourg) and is member of the International Academy of Heraldry. The conference was organised at the Luxembourg Youth Hostel in the evening of the 2nd April 2019.

Grant of Arms to Rev. David Ackerman

In 2018 I received a grant of arms and am grateful to Rouge Croix Pursuivant for his help and advice.

The arms display various allusions to my faith and life, the castle from the seal of the Borough of Chipping Norton, the town in which I was born. Shells of a pilgrim, which also form part of the arms of Westminster College, Oxford where I read Theology. The Chevron wavy denoting a river, reminding me of Rome, Oxford and London, where I have lived. The Galero is a copy of a 16th century illustration from the College of Arms archives and the motto comes from Psalm 65, Thou visitest the earth, and waterest it: thou greatly enrichest it with the river of God’. The motto also celebrates the Incarnation and is a pun on ‘Ackerman’ – Man of the acre or land, which also signifies the inclusion of acorns.

Rev David Ackerman

8
The Hatchment of William David Hamilton Sellar, Bute Pursuivant and former Lord Lyon King of Arms from 2008-2014 who died recently.