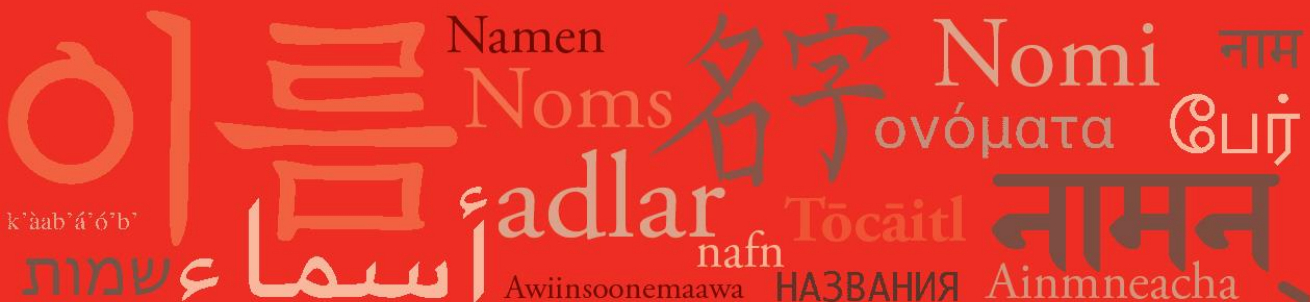


# Names | A Journal of Onomastics



## Book Review

**Names, Naming, and the Law: Onomastics, Identity, Power, and Policy.** EDITED BY I. M. NICK. New York: Routledge. 2023. Pp. 226 (Hardback). \$199.00. ISBN 13: 987-1-032-55641-3.

If you are intrigued by names, as most readers of this journal are, you will find much to spark your intellectual interest in the new text *Names, Naming, and the Law: Onomastics, Identity, Power, and Policy*, edited by I. M. Nick. You might already be aware of the problematic choices on census forms or the inequities of name-changing upon marriage. For those with an interest in the law, this text offers new viewpoints and a chance to examine current problems and controversies through an onomastic lens. No matter your interest and expertise, however, you are invited to delve more deeply. In fact, everyone—no matter their connection to naming—will find hidden gems in every chapter.

In service to the primary focus of the book, each chapter is motivated by a need to explore issues of equality and social justice in ways that hinge on naming. After all, we are talking about respect for people's identities. When inequities are created and perpetuated by laws, the mission is even more urgent. A transgender or gender-diverse individual can lead a happier, safer life with a gender-concordant government ID. A medical practitioner would want to know the correct name of the snake that bit someone seeking immediate help; the wrong name could lead to misdiagnosis and overdoses. Names reflect society, and society can be very unjust, with or without legal guardrails. Accurate names help “record and protect” (5).

This text illustrates numerous ways that legal and naming issues intersect. Both top-down and bottom-up forces are in play, in an “onomastic dynamism” (Faure, 148). As I. M. Nick states: “The acrimony and longevity of disputes fought over official names are indicative of their power. Our namescapes represent emotionally laden cognitive maps of the world in which we live and the ways in which we see ourselves in that world” (11).

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Chapter 1, “Names, Naming, Identity and the Law: A Basic Introduction”, by Nick, lays out the book’s premise as well as the urgency of the issues covered. Chapters 1 through 5 focus on anthroponymy, names of people. Chapters 6 through 11 shift the focus to toponyms, as well as to names of foods and pharmaceuticals, naming in the health sciences, and names of biological species. The text ends with two chapters on trademark laws, branding, and names of companies.

Chapter 2, “Patrilineal Bias in the Adoption of Surnames following Marriage in the United Kingdom and the United States”, by Eleanor Peters, examines ways that naming in the institution of marriage continues to reflect societal inequities. Focusing on the US and the UK, Peters finds that heterosexual couples obtaining a marriage license are not always given the same onomastic choices. Name change is largely placed on the woman. Currently 90% of British women surveyed changed their surnames upon marriage. With greater acceptance and spread of marriage equality, onomasticians are looking at how trends will evolve, perhaps opening up more true choice for all.

Chapter 3, “Naming, Expressive Interests, and the Law: The Implications of Governmental Form Design”, by Laura A. Heymann, explores how the programming design choices of government forms create an unreal sort of reality. A form asks for your name and gender, but is your identity reflected in the choices given? For example, an intersex individual in the US could not be accurately identified by a US passport, a problem which was the basis of a lawsuit in 2014. As of 2021, US passport holders can now specify M, F, or X for gender. Too often, a form determines the “truth”, a theme found in other chapters.

Chapter 4, “Laws and Policies Regulating Personal Names and Transgender and Gender Diverse Identities in the US and Canada”, by Sharon N. Obasi and I. M. Nick, examines names and legal issues surrounding transgender or gender-diverse (TGD) populations in the US and Canada. The TGD adult population is reported to be 1.3 million in the US and over 100,000 in Canada. How does the law identify these individuals? The authors bemoan: “How little progress has been made in the legal understanding and recognition of gender” (60). Situations in which one cannot “control their own onomastic identity” (59) are “assaults to [. . .] dignity” (57). Basic human rights are at risk.

Chapter 5 gives us “Both And vs. Either Or: The Challenge of Official Names and Naming for the US Census in Multicultural America” by I. M. Nick. A government needs to keep track of, and accurately name, the dimensions of a multicultural country. Yet on US Census forms, are you allowed to check more than one box if you identify as multicultural? Can the forms handle your complexities? Currently, between 7 and 10% of US residents identify as multicultural. However, the system of counting race and ethnicity is too rigid. Any government’s counting and naming of the many cultural identities embraced by the people of a country need to “make the measure fit the people, not the reverse” (83).

Chapter 6 gives us “Applied Toponymy in the United States: A Compendium of the History and Policy Development of Geographic Names and Naming” by Roger L. Payne. Geographic names “are how we describe and understand the landscape by naming landmarks in this undifferentiated spatial environment” (90). Any reader of this journal knows that place names matter. The processes involved in the US, however, are not ruled by any overarching official policies. The urgency is not simply to have accurate maps; emergency response, environmental studies, and planning of transport systems are all at stake. Offensive names have been challenged. *Squaw* as a name component is being systematically replaced. And indigenous names are more and more recognized, as in 2015 when *Mount McKinley* officially became the original local name *Denali*.

Chapter 7, “Toponymy and Law: Neighborhood Names in Legal Perspective”, by Nestor M. Davidson and David Fagundes, focuses on urban areas and the “underappreciated role of the law in neighborhood-naming controversies” (107). The authors start with a case study of a real estate company’s attempt to onomastically and psychologically cordon off a section of Harlem, in New York City, by marketing it as *SoHa*, short for “southern Harlem”. The local condemnation was swift and mighty: less Harlem, more SoHo; less Black, more white, as locals saw it. This relabeling segregates a geographic area from the onomastic associations of a “bad” area. Renaming can also be to celebrate, as in the case of *Little Haiti* in Miami, an informal name that local community groups tried to make official in 2013. What seems like an honorific, however, conflicts with another informal name for the area, *Lemon City*, recognizing residents with African American and Bahamian origins. We see again that onomastic decisions go beyond labels. They raise a sequence of questions asked throughout this text: Who is included? Who is excluded? Who is in control and of whom?

Chapter 8 offers “The Law on Geographical Indications and Traditional Food Names: Protecting Local and Regional Interests in a Global Arena” by Caoimhín MacMaoláin. This chapter looks at Geographical Indications for food names, especially through the complexities of the European Union. The EU prides itself on “the free movement of goods” (125). So why protect food names? MacMaoláin cites “custom, tradition, and heritage. Without [protection], foods and drinks would be threatened by market-forced homogenization” (124). And of course, money is in play: “Registration as a geographical name is also lucrative” (124). For example, legal actions were taken when the name *Cambozola* was challenged as being too similar to *Gorgonzola*, especially since both are names for soft blue cheese products. If you buy food, you will forever look twice at product names.

Chapter 9, by Pascaline Faure, is titled “From Fluoxetine to Prozac®: How the Pharmaceutical Industry Builds Brand Identity through Prescription Drug Naming”. Faure tells us, “A memorable name can make or break a pharmaceutical product” (140). Two crucial criteria for a successful name are to be attractive to a

customer and to be distinctive enough from other products. In the US, the Food and Drug Administration (FDA) issues recommendations for prescription drug names. The FDA develops best practices over proprietary names, trying to ward off confusion when spelling and pronunciations are too similar or when names would be hard to read in a doctor's handwriting or when heard over a noisy phone line. For example, *Celebra*® (a new drug) was considered too close to *Celexa*® (already on the market); *Celebra*® was forced to rename, and it is now called *Celebrex*®. With more and more advertising urging potential customers to "ask your doctor if X is right for you", the consumer is being targeted as much as the medical establishment by drug manufacturers. Here, then, is another reason to be more onomastically informed.

Chapter 10 gives us "Naming Unnamed Diseases: Governmental Policies, Historical Practices, and Identity Repercussions" by I. M. Nick. What is the problem related to unnamed diseases? If you are suffering from a condition not yet named by the medical world, you may be stigmatized or misdiagnosed, or you may develop complications from being left untreated. In the US, 25 million people live with a disease that has no name. The consequential risks are especially felt by society's marginalized, vulnerable populations. As with so much covered in this book, the issues of unnamed diseases "reflect long-standing social inequities across individual and group demographic identities" (157). If you can say the name of your illness, you are more likely to receive treatment and to be properly cared for and supported. End results might not be a cure, alas, but a name benefits those with undiagnosed diseases in so many other ways.

Chapter 11, by Stephen B. Heard, is titled "The Name of the Rose (and Everything Else): How Codes and Practices in Naming Biological Species Reflect Cultural Identities". The author tells us that "[n]aming Earth's species is a gargantuan task" (186) and proceeds to offer a convincing argument (if a reader still needs convincing) that names should be precise, unambiguous, and globally accessible. Species have both common names and scientific names. The former might vary by region—for example, *cougar* vs. *puma* or *mountain lion*. Scientific names are more precise and standard, although not always used in daily life. And unfortunately, there are no restrictions on the use of names that can be offensive and derogatory. So, while the world contains a spider named *Thunberga greta*, it also houses a beetle named *Anophthalmus hitleri*, named in 1937.

Chapter 12, "Names, Identity Interests, US American Trademark Law, and Collective Face", by Michael Adams, focuses on names used in branding and marketing, especially in the world of sports. The US loves sports, an emotional attachment which feeds a need for a feeling of "we-ness" (209), claims the author, who also asks: At what cost (and to whom)? Who is excluded? Problematic team names might originally have been chosen to honor a group of people. The *Atlanta Braves* name reflects bravery, after all. Still, reminds the author, such names rely on tropes and are derogatory. Other names cannot even be defended by excuses of original intent. Names like the *Washington Redskins* stem from insulting terms for a group of people. And it is outsiders who are wielding the onomastic control. When faced with the challenge to change, given the argument that it's "just a name of the team" and to chill, Adams reminds us that "one is complicit in the slur when one affiliates with the brand perspective" (211). What the law will not do, corporate pressure, clout, and dollars will; that football team in Washington changed its name to the *Commanders* when sponsors threatened to defect. As Adams concludes: "One can only hope the rules continue to change and that, someday, they change permanently, so names no longer function as brand-approved instruments of racism. We-ness can be served by any name" (218).

Chapter 13 follows the discussion of sports teams and ends the text with a discussion of names related to commerce, with examples from the UK. "What's in a Name? Linguistic and Legal Aspects of Company Names, Product and Service Names, Trademarks, and Brands", by Alan Durant and Jennifer Davis, discusses trademarks as "name-like signs" (231). So, if the worth of a company and its products depreciates in the consumers' minds, the company can resort to onomastic fancy footwork, such as when Facebook, slapped on the wrist for various privacy infringements, became *Meta*.

*At Whose Cost?* could be an alternative title for this volume. Uninformed and unchallenged naming practices do have a cost, usually at the expense of those already burdened and marginalized by society. The more informed we are, the better. The "onomastic dynamism" (Faure, 148) on display in this text is fascinating. Each issue is carefully explored and explained so that readers will see the world with more linguistic resources and clarity.

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