

Changing Times and Changing Names: Reasons, Regulations, and Rights*

LEONARD R. N. ASHLEY

... sous la considération des noms, je m'en voys
faire icy une galimafree de divers articles ...

– Michel Eyquem, Seigneur de
Montaigne, *Essais* (1580), I: 46

SOME PEOPLE'S NAMES ARE CHANGED for the worse: Tomasso Guidi (1401–1428 ?), though a pioneer of Renaissance painting and a genius who influenced Michelangelo and Raphael, has come down to posterity as Massacio, which means *Bad Tom*. Some people are born with unflattering names: Giovanni Boccaccio was handicapped from birth not only because he was a bastard but because his surname meant something like *Big Mouth*. Some people are given awkward appellations by their parents: Torquato Tasso, the genius crowned by Pope Clement VIII as poet laureate, went through life with a name that meant *The Tortured* (or perhaps *Twisted*) *Badger*. Some people are given names which lend them little distinction of any kind: the first child in Japan is often called *Ichiko* (which means simply "First Child") and in the Ashanti language the very common name *Wukuada* means simply "Born on a Wednesday."¹

It is easy to understand how some people might wish later in life to avoid such nicknames as *Massacio* and *Sodoma*, the painters, and to acquire, perhaps, new names more in keeping with their adult ambitions or achievements than the ones which they received as infants. I do not refer simply to the adolescent desire for individuality that causes *Eileen* to sign herself *Illeeyne* or *Jerry* to become *Jeri*, although that has given us *Barbra* Streisand and produced a couple of children, lately in the White House, who mixed up *i* and *y* (not to say me and you), called *Luci* and *Lynda*. I refer to the practice of quietly hiding an unwanted given name under an initial, or dropping it altogether, or corrupting it or

* Parts of this paper formed an address to the Seventh Annual Names Institute held at Fairleigh Dickinson University, Teaneck, New Jersey, on Saturday, May 4, 1968.

¹ The Ashanti (see R. A. Lystad's standard book of that title, 1958) also have more elaborate names: witness *Tawai* (the name for a child born after the first set of twins) and *Tuakosen* (for the child born after the second set of twins). These outstrip the simple Roman practice which created names like *Septimus*, *Octavius*, and *Decimus*.

transforming it into something else. When a Charles and a Lena call their offspring *Charlene* or a Louise and an Eugene combine to produce a *Lugene*, a child can be launched who may well grow up to seek something nicer. When illiterate parents take their little girl's name from the birth certificate and create *Female* out of "female," that is worse, as bad as the name *Usmail* (no connection with *Ishmael*) that some Puerto Rican parents got off a pretty red-white-and-blue truck that used to visit their village daily. No one could object to a child stuck with *Nudine*, *Jetro*, *Lurlene*, *Phillele*, *Manila*, *Okla*, or *Finale* (for the last child) wanting something better.² A boy given a surname like *Beverly* or *Evelyn* for a first name may wish to avoid its difficulties in later life, as may a girl called *Sidney* or *Leslie*. "Cute" names rapidly grow stale, and even peers and princes and popes select names consonant with their dignities.

At the very least a child might want a name whose ugliness is not very apparent, one whose original meaning has been forgotten (as with *Ichabod* = "Inglorious" or the striking given name of the late Tallulah Bankhead, which is said to have meant "Terrible" in an American Indian language). Many fail to realize that Marcus Licinius *Crassus* had a name something like "Fatso," that Marcus Tullius *Cicero* was "Mr. Chickpea," that *Agricola* was only "Mr. Farmer," that *Agrippina* was "Little Girl Born Feet First." Similarly no one broods over the fact that *Paul* means "small," or *Calvin* "bald," or *Cecil* "blind," or *Claude* "lame."³ One would rather be called *Barbara* ("foreigner") than *Beulah* ("married"), or *George* ("farmer") than *Cadwallader* ("battle-arranger"). The once-warlike names *Charncey*, *Bruce*, *Algernon*, and *Chester*, if they are unacceptable to some today, are merely unfashionable, rejected by those more conscious of modern taste than ancient origins.⁴ Fads put some names in disfavor and create a popularity for others, such as the spate of *Deborahs* we had not so long ago. "Old-fashioned" names are rejected: *Seth* ("appointed") and *Ephraim* ("fruitful"), selected from the Old Testament by Christian New Englanders in the past, are now rare even among the Jews, who have turned to "WASP" names like

² Mencken wrote (p. 475): "In late years there have been three curious tendencies in the naming of American children: (a) the growing popularity of nicknames as given names, (b) the bestowal of mere initials on boys instead of names, and (c) the fashion for inventing new and unprecedented names for girls, often of an unearthly and supercolossal character. All three tendencies are most marked among the evangelical tribesmen of the South and Southwest." Among the most "unusual" (to be euphemistic) are geographical forenames: Mencken cites *Manila* and *Sonora* among examples of those used unchanged and *Texana*, *Utahna*, *Arizonia*, *Denva*, *Melbourine*, and *Venezualia* among fanciful creations. Things have degenerated since the Nightingales decided to call their daughter after her birth-place, Florence. [H. L. Mencken, *The American Language*, Supplement II (New York, 1948).]

³ There are, of course, a great many works on the meanings of personal names. See Elsdon Smith's *Personal Names: A Bibliography* (1952), E. G. Withycombe's *Oxford Dictionary of English Christian Names* (1947) — which deals with forenames in general, not merely "Christian" names — and any of the "what to name the baby" popular books, as for example Eloise Lambert and Mario Pei's *Our Names: Where They Came From and What They Mean* (1960), which has the facts of this sentence.

⁴ See my article on "French Surnames and the English," originally a paper read at the Second Annual Names Institute (May 11, 1963), printed in *Names*, 11: 3 (September, 1963), 177—181.

Norman, Stuart, Seymour, and Sidney. Fashion even compels those who do not want to be dated (or to have the date of their birth too obvious) to abandon certain once-timely names.

So Harley Granville Barker becomes H. Granville Barker (and eventually, generally, Granville Barker), Homer Jervis Jones becomes Jerry Jones or Jervis Jones (depending on his station in life), and plain Harry Truman becomes Harry S. Truman (even though the *S.* stand only for *S*). Boys christened *Wilberforce* call themselves "Bill," "Rye" Richards is a secret *Montgomery*, and *Percival* shortens his name to *Percy* (if he does not abandon it altogether for *Yank*). Thus Alessandro Filipepi picks up his elder brother's name (*Botticelli*) and Jacopo Robusti becomes the "little painter" *Tintoretto*. Thus pompous *Charles* becomes friendly *Chuck* and helpful *Dionysius* calls himself simply *Dion* for the same reasons that Dion Boucicault spelled his complicated French surname that way (though it still remained somewhat difficult for the Irish to pronounce). Thus *Padraic* becomes *Patrick* and *Lajos* is altered to *Stephen* and *Tadeusz* becomes simply *Tad*. After a while we cannot remember the given names of humorist Ring Lardner and probably never wonder what the *Rock* of Rock Hudson or the *Tab* of Tab Hunter is supposed to be, if anything. Who would recognize the down-to-earth humor of "William Penn Adair Rogers" or pause to note that the silly *F* in F. Scott Fitzgerald's name, boasting of ancestors as clumsy names often do, was originally supposed to recall Francis Scott Key?

People may not be able to do much about it at the time when their parents "stick them with a queer moniker" at the font or the registry, but later amelioration is fairly easy. There was a pronouncement by the British Commonwealth Relations Secretary over the desire to name a baby *Not Wanted*, but the parents' wishes are generally respected by governments and churches.⁵

A change of name can readily be effected to match a change in social status or to facilitate one. "Neither shall thy name be any more called Abram, but thy name shall be Abraham" (*Genesis*, xvii, 5). Anti-Semitism may force Jews in self-defense to the ultimate weapon: the *Greenbaums* will drop the "baum." The Germans shed their umlauts in America. The Poles become pronounceable. It is an old story.⁶ For every *Bacquepuis*

⁵ I once had a student at the University of Utah called Kay (a boy) and in the same class a La Rue Walker (her parents knew no French). For typical Brooklyn College names I have elsewhere suggested Scarlet Schwartz (the Stendhal influence) and Genghis Cohen (which has since appeared in a novel). When a college official pointed out that not all Brooklyn College students are Jewish, I agreed but informed him that a Negro Protestant student of mine was called Schwartz. "Schwartz!," he said, "so what kind of name is that for a *Negro*?" Many Christians are now receiving surnames instead of saint's names at baptism and Jewish boys often are called *Sherman* or *Seymour* instead of *Solomon*, while government registrars are even more liberal than ministers, priests, and rabbis and in Britain have been instructed that they "have no right to interfere when parents choose a name for a child unless the name is distinctly objectionable" (Lambert and Pei, *op. cit.*, p. 60).

⁶ In the third century Roman citizens were permitted to change *nomen*, *praenomen*, or *cognomen* as they wished (unless fraud or deceit was involved) according to the *Codex de mutatione nominis. Impm. Diocletianus et Maximianus A. A. et C. C. Juliano* (see *Corpus Juris Civili*, ed. P. Krüger, 1888, II, viiii, tit. 25). On Roman names see also Carl Meister, *Lateinisch-Griechische Eigennamen* (1916); Wilhelm Schulze, "Zur Geschichte lateinischer Eigennamen," *Königliche Gesellschaft der Wissenschaften* (1904), *Abhandlungen*. Philol. hist. Klasse. N.F. Band 5, No. 5, Göttingen.

degraded to *Bagpuz* some *Battenburg* has become a *Mountbatten*, some *Blumberg* has been metamorphosed into a *Montefiore*, some *Vinceguerra* has triumphed as a *Winwar*. The title of a film (*Arab Death*), they say, was anagramatized into *Theda Bara*, and Bernard Schwartz has become *Tony Curtis*. The priestly families of the Levis and the Cohens have disguised their ancient honor in modern names, as two Levis became *Halévy* and *Offenbach*.

Common practice permits easy alteration of given names and the Common Law gives every American (and even aliens)⁷ the right to change of name (except for a criminal or fraudulent purpose). A man may change his name to whatever he likes and, presumably, as often as he likes, without applying to any court or government bureau for permission. If he wishes, however, to go to the trouble of making it a matter of legal record, most states have a statutory procedure which enables a citizen to petition an appropriate court for a decree changing his name. In some states a hearing is required so that interested persons may voice objections (most often, it is assumed, to sharing their name with a stranger) and presumably the court will entertain these objections, if they are serious. Anyone anticipating objections or surprised with them, of course, might just abandon the idea of using the courts and go ahead and change his name to whatever he likes without the legal assistance or record. Generally there are no objections and the procedure is *pro forma*, especially since interested parties might have a good deal of difficulty of learning about upcoming cases to which they might wish to raise an objection. Refusals, which are rare, can be appealed to a higher court. Change of name on adoption, or abrogation of adoption, occasionally raises a problem,⁸ but ordinarily name changing in the courts is a simple business. What it does do that the less expensive, simpler method of adopting a new name without court procedure does not do is to cover those cases where there is nearly what I think Lord Coke long ago defined as "a distinction which is non-existent in fact but clear in law." In California, for instance, a legal, out-of-court change of name got a citizen in trouble when he was subsequently charged with signing a "wrong" name on an affidavit of registration as an elector. He was charged with perjury.⁹

⁷ For changes before naturalization see 32 NYS (2) 264. For changes concurrent with naturalization, Title 8, U.S. Code, Section 734 (e) applies.

⁸ In New York State regulations 114, 116 (Domestic Relations) pertain. Parents petitioning for a change of their own child's name are governed by the law on Civil Rights, chapters 60, 61, 62. Chiefly the courts are concerned not with people who want to change their names but with those who wish to call oysters "Bluepoints," or who wish to use the word *Court* or the words *United Nations* in some business name (forbidden), or who are guilty of taking a name off a milk can or compelled to put a name on a tap or faucet dispensing draft beer in a bar, etc.

⁹ 59 California App. (2) 342, 139 P. (2) 118.

Each court procedure to change a name turns, of course, on its own merits. It involves a judge and the community. If one does not desire to tangle with these awesome forces, one merely stays out of court. In Pennsylvania the courts have refused to change names for "trivial or capricious or vainglorious reasons,"¹⁰ which seems to be claiming for the bench more power than it could win in appeal to the highest courts. New York courts have ruled against changing common names to less common ones (and it is interesting to consider what is implied in this) and delivered themselves of the notable opinion that a euphonious name could not be argued as essential to business success.¹¹ Liberalism has been noted in New York courts which have permitted certain names to be changed to defeat "discrimination and religious intolerance." This enraged some who objected to sharing their names with strangers and (as one law book tactfully put it) "non-co-religionists," but their objections, though "serious," were not entertained. It appears that no one can successfully object to anyone else's change of name. There seems to be no property claim in names — unless one is smart enough to register his name as a trade mark!¹²

In Britain, custom and Common Law, the people and Parliament, the official and the personal interests in names have interacted to produce an interesting history. At certain times in Britain the names *Ruthven*, *McGregor*, and *O'Neill*, for instance, have been abolished by law, though no action has ever been taken against the legal use of any given name.¹³ Oddly enough, the petitions of Jews there who have wanted to change their names seem to have arisen not from anti-Semitism (as in America) — though there was much anti-Semitism in Britain from the earliest times, leading to the expulsion of the Jews on more than one occasion — but from ancient orthodox custom, which called for a name change in case of serious illness.¹⁴ Few hold this ancient superstition any more, and most

¹⁰ 355 Pennsylvania 588, 50 A. (2) 200.

¹¹ 297 NYS [New York State] 905.

¹² "Mark Twain" did this and is still protected, which is why the writer's real name (Samuel L. Clemens) and not the protected *nom de plume* often appears on cheap reprints of *Tom Sawyer* and *Huckleberry Finn* (which are in the public domain). Even nicknames ("Coke" for *Coca-Cola*) have been registered as trademarks and are jealously guarded. But there is no way of preventing Imogene Coca (for instance) from changing her name to Imogene Coca-Cola.

¹³ See the Statutes of Kilkenny (1366), Act of 1465 (Ireland) abolishing the O'Neills, II Elizabeth I (1568—1569), the Ruthven Act (1600), the McGregor Act (1603), and the Alien's Restriction (Amendment) Act 1919, chapter 92, section 7. Now the name O'Neill is not only restored but even adopted. Captain Terence O'Neill, present premier of Northern Ireland, is very often described as a descendant of the royal O'Neills of Ireland, but he is an Englishman in disguise: his forebear, the Rev. W. Chichester, adopted the name *O'Neill* in the last century after acquiring some of the estates of the ancient O'Neill.

¹⁴ Rev. H. P. Stokes, *Studies in Anglo-Jewish History* (1913), p. 71 n. *Plea Rolls of the Exchequer of the Jews* (ed. J. M. Rigg), II: 19, lists one Abraham Motun paying a bezant that his cognomen be changed in the Middle Ages. Today Jews going to Israel

name changes among Jews today on both sides of the Atlantic arise from a desire for a more pronounceable or prestigious name in Britain or a more "American" one in the United States, or because of anti-Semitism (either in the country itself or among certain groups of Jews themselves). One family I know has chosen to alter their children's noses and also to give them a particularly appropriate new name: *Courtenay*.¹⁵ Persecution and "progress" have combined to alter many names. Adam, Abraham, Sarah, Israel, John, and Jesus, *The Bible* tells us, were all named by God, but others have named themselves, both long before and long after Naomi became *Mara*.

In Britain the Crown has generally concerned itself with name changes chiefly in the creation of new peers, though it has acted over the centuries in other onomastic matters. The earliest permission on record to use a specific surname (their use developed in Britain in the later Middle Ages)¹⁶ was the "Royal Licence and Authority" involving the teenage Henry Cavendish, Earl of Ogle. Strangely enough, this son of the Duke of Newcastle did not want to change his title (which was probably impossible anyway) but his family name. On marrying the heiress of the celebrated *Percys* (descendants of Guillaume de Percey of Percé, St. Lô) young Henry was allowed "to assume and take the surname of Percie and to bear the arms of Percie quarterly with his own paternal arms." Here the Crown appears to have been poaching on the preserves of the college of heralds, but in English law "the King can do no wrong."¹⁷ The College of Arms, the heralds, to this day controls

sometimes adopt forenames as Hebrew as *Yaaquov* and *Yigoel*, but those in America favor Scottish names like *Stuart*, *Murray*, and *Douglas* or aristocratic English names (*i.e.* Norman French) such as *Maurice*, *Mortimer*, *Seymour*, and *Sidney*, even *Norman*, and these are never changed on serious illness for they are unorthodox in the first place.

¹⁵ This is sometimes spelled *Courteney*; both come from the epithet *court nez* of the shortnosed Guillaume d'Orange. As the Old French epic has it:

*Mais que mon nés ai un poi acorcié
Bien sai mes nons en sera alongié.*

— *Li Coronemenz Looïs*, line 1159.

[But though my nose be a little shortened
Well know I that my name will be lengthened.]

¹⁶ "English surnames developed in the late Middle Ages," claims *The Columbia Encyclopedia*. William Camden in his *Remains Concerning Britain* (1586) writes: "The French and we termed them *Surnames*, not because they are the names of the *Sire*, or the father, but because they are *super-added* to Christian names." It seems the Normans first adopted surnames and the Anglo-Saxons followed the custom, corrupting the French out of all recognition: *Boffin* = *bon* + *fin*, *Boffey* = *bonne foy*, *Brassy* = *de Bracy* (as in *Ivanhoe*), *Bumble* = *bon* + *bel*, *Bunker* = *bon cœur*, and so on. See Ernest Weekly, *The Romance of Names* (4th edn., 1928); John Mitchell Campbell, *The Names, Surnames, and Nicknames of the Anglo-Saxons* (1846); and William George Searle, *Onomasticon Anglo-Saxonicum* (1897). The prefixes of the Scots (*Mac*), the Irish (*O'* and *Mc* and *Fitz*) the Welsh (*ap*, etc., making *Bryce* and *Rice* out of *Rhys*), the Manx (prefixing *C*, *K*, and *Q* to create patronymics like *Cubbin*, *Kissack*, and *Quail*), etc., further complicate British surnames, though about half of them are traceable to place-names, the commonest method of creating early surnames being the "X of Y" formula: Geoffrey of Monmouth, George [of the] Green, etc.

¹⁷ See the Earl of Halsbury's *The Laws of England* (1912), XXXII: 352 t; Cockayne's *Peerage*; Noble's *History of the College of Arms*; and W. P. W. Phillimore's *An Index to*

the grants of arms in Britain (which were once used for many of the purposes now served by surnames) but it does not seem that they have exercised control at any time over anything other than heraldry.¹⁸

Change of name is a right of all British subjects and citizens, men and women (though husbands can change their names without their wives' permission, while wives cannot do so without their husbands' legal consent). Names can be changed by Royal Licence, by Act of Parliament, by Deed Poll, and (as in America) by an individual without recourse to any official body, under the Common Law. Ewen¹⁹ tells us that C. J. Abbot (a barber's son raised to the peerage as first Baron Tenterden, 1827) as chief justice of the Court of the King's Bench in 1822 delivered the opinion in *Luscombe v. Yates* that "A name assumed by a voluntary act of a young man at his outset in life, adopted by all who knew him [the Court means "recognized"], and by which he is constantly called, becomes . . . as much and effectively his name as if he had obtained an Act of Parliament to confer it on him." In 1863 the Solicitor-General told the Commons that "while everyone was at liberty to change his surname, no one else was obliged to recognize the change unless he pleased."²⁰ Thus the author Frederick William S. A. L. M. Rolfe could call himself "Baron Corvo" — if he could get away with it. It is another question as to the legality of his calling himself "Father" Rolfe if he was not a priest, or of giving the impression that "Baron Corvo" meant that he was a baron.

In 1912 Sir Horatio Hale Shephard, LL. D., summarized modern British practice regarding names:

A man may assume any name he pleases in addition to or in substitution for his original name; and in adopting the name or even the combination of names by which another person is already known he does not commit a legal wrong against that person. The law concerns itself only with the question whether he has, in fact, assumed and has come to be known by a name different from that by which he was originally known.

In America, in some cases, regulations are tighter. An acquaintance of mine whose real name was and always had been Kendall Kelly ran afoul of the Actors' Equity regulation that explicitly and explicably forbids any member from performing under a name under which a member is already registered — and there was a "Kendall Kelly" already enrolled in Equity, though that was an assumed stage name. In Britain, there is no reason why anyone cannot call himself Winston Spencer Churchill or even Laurence (but not, presumably, Sir Laurence) Olivier.²¹

Change of Name under authority of Act of Parliament or Royal Licence, etc., 1760—1901 (1905), p. xxiv. (The latter has a useful "Introduction on the Law of Change of Name.")

¹⁸ Mr. Roebuck asserted in the Commons (1862) that heralds held control over the grants of surnames after 1783 (Phillimore, *op. cit.*, p. xxiv). Scholars dispute this; the evidence (or the lack of it) seems to contradict the statement.

¹⁹ Cecil Henry L'Estrange Ewen, *A History of Surnames of the British Isles* (1931), to which I am much indebted for details of British practice outlined here.

²⁰ *Herald and Genealogist* (1863), I: 463. This periodical and others listed in Elsdon Smith (*op. cit.*) proffer many interesting details, as do such standard works as A. C. Fox-Davies and P. W. P. Carlyon-Britton, *A Treatise on the Law concerning Names and Changes of Name* (1906). (For a review of this book see *The Academy*, LXXII (May 4, 1907), 433—434, and for corrections see Ewen, *op. cit.*)

²¹ An actor named James Stewart in England voluntarily changed his name to *Stewart Granger* for the stage and film, because there was already an established American actor

Name changing in Britain can be of many sorts. Here are Ewen's examples:²²

- (i) Addition of a name finally, as Henry Cavendish changed to Henry Cavendish Percy.
- (ii) Addition of a name medially, as W. S. Adams changed to W. S. Stanley Adams, by deed poll (*Times*, 31st Oct., 1888). James Macdonald changed to James Cumming Raff Macdonald, authorized by the Keepers of the Signet (*Scotsman*, 30th May, 1882).
- (iii) Omission of the final name: In 1850 an attorney named Thomas James Moses applied to the Court of the Queen's Bench to have the last name erased from the rolls, as he wished to be known as Thomas James; and although no sanction of the change had been obtained by Royal Licence Mr. Justice Coleridge thought that the change ought to be permitted. Mr. Justice Earle (1849) granted a similar application in the case of William Duggett Ingledew, who, for a family reason, desired to abandon his third name.
- (iv) Omission of a medial name: Edmund Jonathan Watkins Hornblower Clarke, an attorney, became Edmund Hornblower Clarke, upon an application before the Lord Chief Justice (*Herald and Genealogist*, vol. i, p. 355).
- (v) Change of final name totally: Rump gives way to Ward (*Times*, 25th Dec., 1880); Weatherhog becomes Travers (*Times*, 9th May, 1888).
- (vi) Change of final name partially: Pig is improved to Pegge (*Times*, 21st June, 1896); Vice is spelt Vyse (*Times*, 22nd Nov., 1876); Twaddle becomes Tweeddale (*Times*, 4th Jan., 1890); and a deed poll converts Uren into Wren (*Times*, 13th June 1896).
- (vii) Change of a medial name totally: J. W. Nicholl Carne became J. W. Stradling-Carne by deed poll (*Times*, 4th Sept., 1877); George Jonathan Carley became George Leyburn Carley by deed poll, 4th Nov., 1879 (*Times*). This latter is a change of christian name.
- (viii) Change in the sequence of the names: Maitland-Makgill-Crichton [a compound surname] became Makgill-Crichton-Maitland (*Times*, 14th June, 1884).

It will be noted that unless one is an attorney (and can handle the matter without legal fees), the Deed Poll appears to be the preferred method of obtaining a legal record of change of name. Recourse to such officials as the Keeper of the Signet for Scotland is self-indulgent or archaic, though the peculiar regulations of Scottish heraldry (in Scotland, for instance, only the *eldest* daughter can transmit her father's arms to her husband, for impaling, or her children, for quartering) cause practices to differ there.

called *James Stewart*, but legally he did not have to do so. The *locus classicus* in British law is the opinion of Sir Joseph Jekyll, Master of the Rolls, *in re* the case of *Barlow v. Bateman et al.*: "I am satisfied the usage of passing Acts of Parliament for taking upon one a surname is but modern; and that any may take upon him what surname, *and as many surnames as he pleases*, without an Act of Parliament" (1730). See Peere Williams, *Reports, Chancery and King's Bench*, III: 65. Moreover, the Act of Parliament (as in "Clifton's Name," 22 Victoria, chapter 1, 1859) "is not imperative in its terms; it merely permits the assumption of a new name" (*Halsbury's Laws, op. cit.*, XXI: 352), so that Parliament cannot compel a man to change his name or to take or retain one he has petitioned for. Even Parliamentary action abolishing a name (*Ruthven, O'Neill*, etc.) does not compel a man to take a name, for though he could not then use the forbidden old name he need not assume a new one: he is not by law compelled to have any at all.

²² *Op. cit.*, pp. 411-412.

The use of arms may help to explain some features which are unusual in America, such as the compound surnames and men who take their wives' surnames (instead of *vice versa*) on marriage as well. The little handbook by Charles MacKinnon of Dunakin which simplifies the ancient art and science of heraldry for the modern amateur remarks,

When a man has daughters and no sons, he sometimes puts a "name and arms" clause in his will. This stipulates that no one can inherit his arms who does not also accept his name. Sometimes this leads to interesting situations where a husband, on marriage, changes his name to his wife's, so that the arms can descend to their children [this is not permitted in Scottish heraldry unless the wife is the last of the line and only to prevent the arms from disappearing entirely; in England children can quarter their mother's arms as a right]. There is nothing unnatural in this. There is no law which states that on marriage a woman must take a man's name. It is merely the common custom. What it signifies is that she enters his family. It is equally possible for him to enter her family if it serves any purpose. If she represents an ancient and distinguished house and he does not, it is logical and proper for him to keep her family name going. If he does not think so, the children may still do so by taking the name of their grandfather [on their mother's side].²³

In England this sometimes happens, as when the bibliophile Frederick Locker (1821–1895), son of the commissioner of Greenwich Hospital, Edward Hawke Locker (1777–1849), married Hannah, only daughter of Sir Curtis Lampson and thenceforward called himself Frederick Locker-Lampson. Another book collector, James Orchard Halliwell (1820–1889) in 1842 married Henrietta, daughter of the stupendous bibliophile Sir Thomas Phillips, Bart. (1792–1872) – to get the old man's incomparable library, it was alleged – and afterwards called himself J. O. Halliwell-Phillips. Most elaborate combinations (such as *Milborne-Swinnerton-Pilkington*, originally merely *Swinnerton*) disappear not very long after the first bearer; some (such as that of a Miss Parnell-Parnell, with whom I attended McGill University) seem quite unnecessary. Few of us can criticize a man who wants to add to his name (for the benefit of his children) some of the lustre of his wife's, or even the many *Hills* and *Bones* and *Smiths* who seek a distinction or differentiation, whether achieved by hyphenation or merely an unusual spelling or odd pronunciation.²⁴ It is difficult to alter *Hill* to anything else by mispronouncing it,

²³ *The Observer's Book of Heraldry* (1966), pp. 108–109. In Finland, under Swedish and Czarist rule, when a woman of high class married a man of lower class he often took her name rather than she his. In America professional women sometimes retain maiden names.

²⁴ The Reverend (and witty) Sydney Smith (1771–1845), "The Smith of Smiths" as H. Allen Smith the humorist called him, had an unusual spelling of his forename for distinction. Other Smiths make use of distinctive first or middle names. Sydney Smith called his daughter *Saba*. There was an American humorist named Seba Smith, author of *The Letters of Jack Downing* (1830). One reason there are so many Smiths is that all kinds of "makers," not simply blacksmiths, acquired the name, while for cloth cleaners there was the name *Fuller* in East Anglia and the South, *Walker* in the North and West of England, and *Tucker* in the Southwest, for example.

and we must be charitable to the *Twaddles* and *Waddles*, and the *Smythes* (who at least did not resort to the Latin translation of *Smith, Faber*). (The *Smythe* pronunciation and the emphasis on the second syllable of *Twaddle* might be considered almost a "total" change of name.)

In Britain a Royal Licence, drawn up by a herald of the College of Arms and submitted to the Sovereign through the Home Secretary, offers an opportunity for conspicuous consumption in altering a name that could be changed simply through assumption in Common Law. What would happen if the Sovereign then refused to grant the license is an interesting question: can the Sovereign abrogate the Common Law? An Act of Parliament can also be obtained to alter a name, but it is a lot of fuss and expense, much more than a Deed Poll, the commonest way of formally achieving a change of name.²⁵ Duly executed and attested, a Deed Poll is enrolled in the Central Office by the Court. Advertisement is not essential; many social climbers among those who resort to its use do not seek public attention in this matter.

Legally, one does not have to have a name in Britain. Christians are given their "given" names (as opposed to inherited, family or surnames) at the font, when they are baptised, which is usually (but not necessarily) in infancy. Other religions have regulations governing the naming of children. Though the Church requires that a child be named, the law does not, though were he to live along without a forename being given by the parents a child would experience difficulties and in one way or another acquire some appellative.²⁶ The Roman Catholic Church requires that a baby be given a saint's name, though this is not always done and as early as 1281 (says Ewen) Archbishop Peccham warned priests not to bestow at baptism "nyse and wanton names." Confirmation offers every Christian who subscribes to the practice a second chance at naming: Anglicans sometimes alter their given names; Roman Catholics frequently add the name of another saint to them. Anyone wishing to shed a "nyse or wanton name," or simply a worn or worrisome one, may do so at Confirmation, unless the presiding bishop objects and refuses to confer the name chosen.²⁷

In Britain the law, which since 1836 (6 & 7 William IV, chap. 86 and after) has required that births, marriages, and deaths be registered in a central office, does not require that a child be baptised or given a name, merely that its birth should be a matter of official

²⁵ See Sir A. Underhill, *Encyclopaedia of Forms and Precedents* (1925), II: 2-6.

²⁶ Eleanor ("Nell") Gwynne (c. 1650-1687) is said to have forced King Charles II to give their illegitimate child a title (Duke of St. Albans, created 1684) by refusing for 14 years to call him by his name (Charles Beauclerk).

²⁷ "I may not change usuall or comen names at confirmacion," wrote Edmund Scambler, Bishop of Peterborough (1567), "but onlie strange and not comen: and further if the name be changed at confirmacion, it taketh effect but from the confirmacion." Quoted by the Rev. H. J. Blunt, *The Book of Church Law* (1921), p. 60. Generally priests do not care to alter a name given at baptism but will add to it. The addition of something other than an apostle or a saint's name is not impossible but not encouraged. The names given by a priest (at baptism) and a bishop (at confirmation) are supposed to be retained by the faithful, though parents can and do alter them if displeased with them. Also, persons can and do change their names by common repute. All Mohammedan boys in Muslim law must be called *Mohammed* (with additions) and Orthodox Jews cannot be named after living relatives, though frequently called after deceased grandfathers. For religious customs, etc., see *Ecclesiastical Law of the Church of England* (Sir R. Phillimore), the Roman Catholic Canon Law, *The Jewish Encyclopedia*, etc.

record. The name that the Registrar records is not binding on the child and, as we have noted above, the Registrar may not without great difficulty refuse to enter whatever name the child has been given. If a Registrar refuses, say, to enter a child with a four-letter forename he thinks obscene or vulgar, one could presumably seek out another Registrar or make a *cause célèbre* in the courts — or just ignore the substitute name the Registrar insisted on putting in the record. British babies have been given long strings of names (one for each letter of the alphabet is a common way to attract attention without talent) and some very odd ones. The Registrars have usually succumbed to adamant parents. What the squalling infants have to say is of no consequence, at least not until they grow up and are able to regret their parents' whim of iron.

By contrast, the Germans regulate which forenames can be chosen and which cannot, and they insist that a name entered in the official record be retained through adult life. They insist that a wife adopt her husband's surname at marriage (thus giving official weight to what is elsewhere only a custom) and relinquish it on divorce (if she is adjudged the exclusively guilty party).²⁸

Changing circumstances also involve the changing of names. As people have lost estates of which they might boast, or even lost sight of their ancestral and geographical origins, the prefix *de* has died out. With anti-Semitism, the Jews were first forced to take names foreign to their customs, later to change their names. Now some are going back to more Jewish-sounding names, in pride rather than fear,²⁹ as the Gaelic League and the Irish literary renaissance and the Irish Republican Army itself led sons of Erin to change their names, out of patriotism (or to confound the Sassenach at the time of "The Troubles"). To mention only a few well-known literary men, John Cassidy became *Séan O'Casey* and John Phelan *Séan O'Faöldáin*, while Michael O'Donovan took his mother's maiden name to write under the pen name of *Frank O'Connor*. For a while Irish nationalism was reflected in Gaelic names, but now the names are becoming Anglicized again and, though Gaelic is compulsory

²⁸ On German names there are numerous studies, for example Sigmund Levi, *Vorname und Familiennamen im Recht* (1888) on changes. The habit of retaining a deceased husband's name led a lady named Alma (who "in her lifetime managed to acquire as lovers practically all the top creative men in Central Europe," says comedian Tom Lehrer — *That Was the Year That Was*, Reprise record #R-6179, recorded July, 1965 — and who "went so far as to marry" composer Gustav Mahler, architect Walter Gropius, and novelist Franz Werfel) to become Alma Mahler Gropius Werfel, surely some kind of a record in itself.

²⁹ In London now, as in New York for some time, some think "Jewish names are better for business." While Mr. Isaacs thinks he will do better in the fashion business as something "Italian" (so he spells his name backwards and gets *Scassi*), "WASP" Washington Irving Mortimer becomes *Mortimer Irving* — also for business reasons. Marian Engel, reviewing (in the *New York Times Book Review*, May 5, 1968, p. 37) Mordecai Richler's London-set novel *Cocksure*, writes of the book's hero: "But what worries him most is his racial status: he's not Jewish. So when his wife starts sleeping with Ziggy Spicehandler (born Gerald Spencer, but Jewish names are IN), and a little man from Jewish Thought trails him around accusing him of having changed his own name" — it's Mortimer Lucas Griffin — "(when he denies it his best friends say he's anti-Semitic) . . . he wants to weep. . . ."

in the Irish schools and signs everywhere in Eire are bilingual, there is even some popular resistance to Gaelic.

Those who are interested in names may know of the customs of other lands. Italy publishes official lists of acceptable, legal forenames; no others are allowed. In Catholic Spain, though the custom of bearing the names of saints obtains, there are other religious forenames in common use, especially epithets of the Blessed Virgin: *Dolores*, "Sorrows"; *Mercedes*, "Mercies"; *Concepción*, etc. Moreover both a patronymic and a matronymic are used: e.g., *José Ortega y Gasset* and *Miguel de Cervantes [y] Saavedra*. Hawaiian and Thai names are immensely long and constructed on their own principles. The Chinese have only about 100 family names, all monosyllabic, all put first: e.g., *Sun Yat-sen*. Arabs and some other peoples use a formula such as "X son of Y," though surnames are now compulsory in Turkey, for example. (There, however, the first name is most often used with the prefix equivalent to *Mr.*) In Iceland, directories have to list people by the first names (and occupations) for the second is a true patronymic: *Olafur Halldorsson* is the child of *Halldor Olafsson*, perhaps. In Iceland women never take their husbands' names, though naturalized Icelanders of both sexes are compelled by law to alter their names to Icelandic equivalents. The Russian system, which has proved such a bane to English-speaking readers of Russian novels, is really basically simple when compared to some of the naming, and change of name on marriage, customs and laws elsewhere in the world.

From ancient times Catholic France used as forenames the names of the apostles and saints of the Christian calendar. When surnames were introduced they were formed on common European patterns: *de Meune*, *Ferrier*, *Bonhomme*, *Le Grand*, and so on. When Liberty became the religion of France, a law of "11 *germinal an XI*" (April 1, 1804) not only made changes in abolishing "ennobling" name changes but even altered the forenames of the font (or, if preferred, the *prénoms* of the *préfecture* or registry). A change of name in the past had always signified a change of condition: a new noble, for example, or *chevalier* added to his family name the particle *de* and the name of his estate. This dated from the thirteenth century in France. François I promulgated regulations regarding the changes of surnames (1556) and there had been other royal decrees. The Revolution swept all this away.

Title II of 11 *germinal* year XI was in time succeeded by a decree of January 10, 1872. This allowed citizens to apply to the *Procureur de la République* to accomplish legally what had often been done by stealth before: to change an unpleasant or unacceptable, common or vulgar, ridiculous or plain unwanted name, embarrassing or out of keeping with the person's status or ambitions. The *Procureur's* judgment was final. If favorably heard by him, however, a petition for change of name was acted upon by the *Conseil d'État* and a decree was granted. C. de Saint-Marc gives us in the four volumes of *État des personnes qui ont fait modifier leur patronymique* (1904–1907) the story of what occurred in France as about "une quinquantaine par an" rushed to change names legally between 1870 and 1900.

When Albert Dauzat presented the fourth edition of his useful *Les Noms des personnes: origine et évolution* (1934), his section "Substitutions. Les Changements de nom" explained what had been done. Name changes chiefly — and, he thought, with the least justice — attempted to "faire noble" the families that kings had neglected or the Revolution had prevented from growing vain. Despite Republicanism, Frenchmen were even making legal in France titles (such as papal count) obtained abroad. In the light of this, one could hardly criticize a family that wanted to shed *Cocu* for *Cossu*, *Vachier* for *Vacheer*, etc., or to Gallicize *Fiebelmann* into *Belman*, *Zweigbaum* into *Zébaume*, or *Dedominici* into *Domenique*. So *Cochon* became *Cochois* or *Zénon*. Some revived the old custom of Normandy of adding the wife's name to the husband's (e.g., *Crémieu-Foa*, *Cruchon-Dupeyrat*, *Durand-Daubin*) or created a fairly new custom by adding an illustrious ancestor's name to their own (*Casimir Perier*). *Fuchs* had his chance to become *Joli*, *Assassin* to become *Bergé*, and *M. Caroline* was more masculine as *M. Armandat*. When the war of 1870 made German names unattractive, the law was there to allow the patriotic or the frightened to express their feelings for France, though even Italian names at that time were changed in a move toward greater "assimilation au milieu."

The law of names in France has occupied many scholars, in Dauzat's time including M. d'Harcourt (in a law thesis *De la Propriété du nom civil et commercial* at Rennes, 1891) and M. Perreau (*Le Droit du nom en matière civil*, 1910), largely lawyers. The law's intention has been consistent and conspicuous: the registration and regulation of forenames and surnames and the changing of names (admitted by French jurists to be "une procédure complexe et sévère") has consistently attempted to make the names of French citizens (a) more regular and (b) more French. To this effect it has been much more concerned with the question of names than the British, more strict in the courts than the Americans; it has forbidden certain forenames (like the Italians) by publishing approved lists (or guides); it has placed matters in the hands of registrars and judges elsewhere left freer in Common Law; it has (like the Germans) given more weight to names recorded on birth registrations than has been the case in some other countries; it has legislated on the names of married and divorced women; it has encouraged people with "foreign-sounding" names to adopt something more French, not discriminating against the Jews or any other group and attempting to assimilate all citizens; it has welcomed the revival of old French names and naming customs in a nationalist spirit; it has attempted to introduce order at the expense even of freedom. Briefly, what is not expressly forbidden has been made more or less obligatory. Fundamentally, the name recorded with the police (or other official bureau) three days after birth was expected to remain for life with men and to be surrendered in exchange for a husband's name by women who married.

On May 3, 1966, the latest modification of the French law on name ("interpreting" a minor modification of the law of September 21, 1955) was published in the *Journal officiel*. It concentrated on legally-acceptable forenames and tried to juggle *liberté*, *égalité*, and *fantasie* (for *outrés* confections, as in America, had been creeping in), to keep French names French,³⁰ to keep up with the times (Algeria, and all that), and to relax

³⁰ In the same issue of *Le Monde* which reported this news under the heading "Modification de la Réglementation de l'état civil: Les prénoms choisis par les parents doivent être acceptés sauf ceux de pure fantaisie" (which, by the way, is misleading in the light of the strict government regulations which are determined to interfere with a lot of names that are in no way fantastic), that is in the *Dernière édition. Mercredi, 4 Mai, 1966*, p. 24, one Robert Le Bidouis ("La Défense de la langue française") was debating whether the plural of *banal* should be *banals* or *banaux*. Shades of the august members of the Academy who

a little the regulations which governed given names while retaining strict control over patronymics. The Ministry announced:

En fait, on voit mal les officiers de l'état civil, en tant que juges immédiates de la recevabilité des prénoms, chercher à inventorier les ressources exactes des calendriers et de l'histoire ancienne afin de déterminer si tel prénom figure ou non parmi ceux de ce patrimoine du passé. Il leur appartient, en réalité, d'exercer leur pouvoir d'appréciation avec bon sens afin d'apporter à l'application de la loi un certain réalisme et un certain libéralisme, autrement dit de façon, d'une part, à ne pas méconnaître l'évolution des mœurs lorsque celle-ci a notoirement consacré certains usages, d'autre part, à respecter les particularismes locaux vivaces et même les traditions familiales dont il peut être justifié.

There was a clear contrast here with the *laissez-faire* attitude of British and American Common Law. The Ministry went on to speak of Arab names and customs and the assimilation of the Algerians:

Ces considérations militent en faveur de l'admission des prénoms coraniques pour les enfants de Français musulmans. Il y aurait d'ailleurs intérêt, dans ce dernier cas, à ce que l'officier de l'état civil conseille discrètement aux parents d'adjoindre un prénom français au prénom coranique de leur enfant. Cette pratique serait en effet de nature à permettre ultérieurement une meilleure assimilation de l'intéressé à la communauté française.

Since all male muslims must be given the name of The Prophet as a forename, perhaps this law permitting Algerians to have one "*prénom coranique*" and one "*prénom français*" was not as generous as at first appears. In the choice of the second forename, the French followers of Islam were as restricted as any other citizens of "*la communauté française*." Though officials were reminded that the choice of forenames belongs to the parents and that the desires of parents ought to be followed "*dans toute la mesure du possible*" (in the light of the government's strong determination to restrict the possible to the preferred, it must be added), regulations were specific in many cases. Old names from myth-

stressed that the signs advertising "*Buvez Coca-Cola*" in France should read "*Buvez du Coca-Cola*"! French laws on names appear to be part of a general battle against *français*, the corruption of the French language which has already gone well beyond borrowing the British *weekend* and *smoking* and *rosbif* and the American *le jazz hot* and *cowboy* and *drug-store*. The Americanization of French names in states bordering on Eastern Canada and elsewhere (especially among the *Creoles* and *Cajuns* of Louisiana) has been the subject of some very interesting studies in social psychology and onomastics; it may now be the time to investigate what is happening to the English and American languages in France, and the French language.

ology and ancient history were allowed; so, while the Greek Orthodox could not bear such names, the Frenchman might be called *Achille* and girls *Diane*.

Certain concessions had to be made to the Basques, the Brétons, the inhabitants of Provence, and so on, in regard to "*prénoms propres à des idiomes locaux du territoire national.*" (It was no use legislating against the customs of these people anyway: they would continue to do as they liked.) Oddly enough — it is not logical to be *too* logical, a Frenchman would say — in the Gallicization movement certain foreign names were allowed: *Ivan*, *James*, *Manfred*, and so on, even though French forms of many of these exist. *Olive* and *Violette* and similar names were permitted (though no one required to have a saint's name could take one of them alone). Some old family names — the basis of selection seems difficult to determine and the regulation was hazardous to enact — were allowed: *Gonzague*, *Régis*, *Chantal*, and *Xavier*, for instance (though the latter seems to be half of a saint's name, that of St. Francis Xavier). French bureaucracy was relied upon to find ways to avoid lengthening this list of surnames acceptable as forenames, as well as to keep down hyphenated forenames, which are not uncommon in France. The new rule here was as neat as it was arbitrary: two syllables were acceptable (*Jean-Paul*, *Jean-Jacques*, *Jean-Pierre*) and three were not (no *Jean-Paul-Yves*, they said). Now — what about, say, *Régis-Chantal*, or *Diane-Violette*? As before the law, made-up names in which the hyphen was not used to combine were prohibited.³¹

One can readily see that these regulations were asking for trouble, especially when it was added that officials should exercise a certain prudence with diminutives (*Ginette* for *Geneviève*, *Line* for *Angeline*, *Annie*, etc.) and with certain contractions (*Marianne* for *Marie-Anne*, *Marlène* for *Marie-Hélène*, even such ugly — to our ears — inventions as *Maité* for *Marie-Thérèse*). Why should not *Clairève* serve for *Claire-Ève*, then? It was assumed that arrogant officialdom could browbeat parents into submission in questionable cases. In a nation in which one is assumed to be guilty until one succeeds in proving oneself innocent, where the *concièrge* has ceased to be a convenience to anyone but the police, where debate is considered a sport rather than an imposition, the system may work fairly well. Elsewhere, perhaps, the public would not countenance such regulations, and would object violently to the fact that to the taste or judgment of a petty official was to be left the spelling variations that were to be "acceptable." The Ministry, for example, was ready to entertain either *Michèle* or *Michèlle*, *Ghislaine* or *Guislaine*, *Madeleine* or *Magdeleine*, even *Henri* or *Henry* (which might creep in under the *Ivan-James-Manfred* rule, above).

The intention of the French government here to keep a firm rein and at the same time exhibit a broader mind may be laudable but it is fraught with perils. Nothing short of complete freedom (which would permit outrages) or an official list of the *only* names permitted under French

³¹ A lady I know whose name is *Clairève* has had for some time to carry a passport on which it appears as *Claire-Ève*. As a combination of a saint's name and a Biblical name, *Claire-Ève* is permitted by French law; without the hyphen, it is not.

law (which might arouse outrage) will enable anyone to be as definite as the French desire or pretend to be. The Alsatian who wishes to call his child *Franz* will not go as far in Gallicization as *François*; the Algerian who greets his son as *Alladin* ("beloved by God") will not accept *Aimé* or be content with a generous exception like *Dieudonné*. The parent who wishes to call the boy *Charles* (the name of eleven rulers of France, ten of them kings) is on safe grounds. Suppose he wanted to make his preference clearer: could there be a *De Gaulle Bonhomme* or a *Charlemagne Petit*? Can no one call his triplets *Liberté*, *Égalité*, and *Fraternité* or (perhaps more modern) *Santé*, *Sauveté*, *Sobriété*? What of the Parisian music teacher, if traditions are to be preserved, who long ago had eight children who bore the names *Doh*, *Ray*, *Me*, *Fah*, *Sol*, *La*, *Ti* and *Octave*?³²

The French attempt to cope with the problems of regulating names, and the long history of the desire to change names, raise interesting questions. Clearly, if people are left free to choose the forenames they please, awkward and unpleasant names may well result. If they are permitted to change any or all of their names whenever and however they wish (short of criminal or fraudulent action) there will be misunderstandings, objections, and battles over property rights in names, real or supposed. There may be a need for registration numbers, given at birth, to be carried through life for positive identification. As the number of *John Smiths* and even *John P. Smiths* increases, identification problems grow and directories and files get less useful. As women become more independent of their husbands, and even of marriage, present customs of naming may change. As political movements within a nation come and go governments may strive harder for a national policy and national regulation of names, or constituent groups may show their assimilation (or the distaste for it) by their choice of names. *Malcolm X* may have set a fad in surnames, or the lack of them. Cassius Clay has become *Muhammed Ali*. In America the "WASPS," the Negroes, the Jews, and many other groups may make a battlefield of onomastics as they have done with other things — or we may all end up equally provided with numbers instead of names (which could also serve on IBM cards, as telephone numbers, as car license numbers, and in many other ways) — "007" might yet turn out to be a forename, familiarly used with affection!

A pronouncement like this from the French government may appear soon as prophetic rather than old-fashioned:

En définitive, il apparaît que les officiers de l'état civil ne doivent se refuser à inscrire, parmi les vocables choisis par les parents, que ceux qu'un usage suffisamment répandu n'aurait pas manifestement consacrés comme prénoms en France. C'est ainsi notamment que devraient être systématiquement rejetés les prénoms de pure fantaisie ou les vocables qui, à raison de leur nature, de leur sens ou de leur forme, ne peuvent normalement constituer les prénoms (noms de famille, de choses, d'animaux ou de qualités, vocables utilisés comme noms ou prénoms de théâtre ou pseudonymes, vocables constituant une onomatopée ou un rappel de faits politiques).

Certainly among the younger generation now, both among the names of the "pop" groups who entertain them and the more "far-out" hippies themselves, there is a lot of "pure

³² Lambert and Pei, *op. cit.*, p. 62. There are more odd French names in A. Dauzat and A. J. E. Baconnière-Salverte, etc.

fantaisie," and a rejection of "square" rules about the names of persons, places, and things. A youngster can hang around the East Village in New York or the Arts Lab in London and be known as *Buffalo Bill* or *One* and nothing else. It is an interesting question what the authorities are going to do if he or she insists on registering for the draft or voting under that name. Can a government tell you what you can and cannot call your child, or yourself? Can you reasonably object when someone takes *your* name? Can credit bureaus, for their own convenience, dictate how and when names may be changed? Can any authorities refuse to "accept" a name? What, fundamentally, is in a name?³³

People like the Earl of Dundonald have been horrified at the thought of onomastic anarchy. The surname inherited at birth must be retained, he argued, lest *Cohens* and *Grzeszczyszyns* pose as, say, *Cochrans* (which happened to be his family name). The earl called for stringent laws for "The Protection of Surnames."³⁵ Frederick Dwight thought that at the least the permission of the state ought to be sought for a change of name, though he was dim about what to advise if the state then refused.³⁶ D. C. Campbell (who would have firmly rejected any suggestion he change the spelling of his name to match the pronunciation) said "Doe means Dough"; he called on the National Association of Credit Managers and other interested businessmen to lobby for laws that would make it difficult and, ideally for this vested group, impossible, for name changes to permit debtors to slip away.³⁷ William Seton Gordon called for a tougher policy for name changing in Canada³⁸ and in South Africa a license was urged before a name change.³⁹ At various times various groups have demanded laws that would naturalize the names of foreigners or prevent them (especially if Jews) from having names like the rest of the citizens. Dozens of articles, large and small, have been devoted to arguments for and against name changing, in fact or in law, aesthetically, historically, or legally motivated.

³³ The quotation is from the same issue of *Le Monde* (see note 30). I am indebted to M. Jean Béliard, Ministre Plenipotentiaire, and director of information of the French Embassy in New York, for advice and for copies of the *Code Civil* 1967–1968, Article 55, chapter II and following, dealing with the registration of births and the recording of names, etc. Of special interest here is "*Loi du 11 germinal an XI, Relative aux prénoms et changements de noms*" of Article 57, which also includes laws of 2 July 1923, 10 February 1942, 25 July 1952 ("*relative au nom des enfants naturels*"), and 3 July 1965. With the law of 3 May, 1966 (which claimed to offer "*un rempart aux officiers de l'état civil contre des innovations qui leur paraîtraient de nature à nuire plus tard aux intérêts des enfants et seraient dès lors inadmissibles*") and attempted to stamp out "*pure fantaisie*" and also non-French names, to a certain extent) this constitutes the main body of relevant law of the French Republic. For details on some of the other matters raised in this paragraph, see Elsdon Smith's bibliography, *op. cit.* It includes the items mentioned in the next few footnotes.

³⁴ In *Nineteenth Century*, XXXV (January, 1894), 132–140.

³⁵ "Proper Names," *Yale Law Journal*, XX (March, 1911), 387–392.

³⁶ See *Credit and Financial Management*, XXXVI (February, 1934) and (August, 1934).

³⁷ "Change of Patronymic," *The Canada Law Journal*, LX (January, 1920), 1–9.

³⁸ "The Violation of Surnames," *The South African Law Journal*, LX (February, 1943), 58–59.

³⁹ In New Jersey and elsewhere the court can instruct a divorcée to refrain from using her husband's surname. But Common Law then allows her to change her maiden name (briefly reclaimed) to *anything* she likes — and this presumably would include her former married name. She can do this by simply using the name she pleases, so it is difficult to see how a New Jersey (or other) court could restrain her in law. A divorcée in New York has no right in law to change the names of her children by a former marriage, not even to the name of her present husband; they are not his children and are not entitled to his name.

There are some laws about name changing. They will have to change too, for they are far from perfect as they stand. Let us review some of them. In New York, for example, whose Constitution prohibits local or private bills for changing names, you can call an infant pretty much what you like as far as forenames are concerned – though “pretty much” is too loose a concept for good law. With this, however, the court reserves the right (where did it get it in the light of Common Law?) to change the name(s) given, in the interest of the child. Why is this necessary when we consider that the citizens of New York State may change their surnames and/or their forenames in whole or in part when they feel like it (as often as they feel like it?), provided that no criminal intent can be proved? A citizen may do this by simply assuming and using a name; it becomes his (after how long?) under the Common Law. Or he can petition a court to do it for him. He must state in his petition whether he has been convicted of a crime or adjudicated a bankrupt or involved in any judgments or leins against him. (Suppose he has – what the court is to do then is not crystal-clear. Is it to refuse him what remains his right under the Common Law? Is the petitioner expected to lie to avoid this, and then to risk prosecution for perjury?) Though his present name is clearly of no further interest to him, the petitioner must prove he really is named what he no longer wishes to be named. (A birth certificate must be presented, if one is available.) The judge then considers the merits of the petition. If he permits the change of name, notice of the fact must be published in a designated newspaper within ten days and the change of name takes effect not less than 30 days following a court order. The court cannot forbid anyone to change his name,⁴⁰ though a judge is at liberty to reject any particular petition on reasonable grounds, which amounts to withholding the privilege of a legal record of the name change. In New York this involves the County Court (or the Supreme Court of the County) of which one is a resident. Since no time of residence is specified – in North Dakota, for instance, a six-month minimum is stipulated – there might be legal difficulties here. In some states one deals with the District Court or the Court of Domestic Relations. To a Frenchman, it would seem that a number of legal loopholes ought to be eliminated and a more regular system adopted.

The law of the State of New York is uncertain on more points than are outlined above. Can a non-citizen, let alone a non-resident, apply to the courts of the state for a legal change of name by decree? In matters such as this, as in questions about precisely what constitutes an effective protest, and what is meant by the proviso “unless some startling result will be effected” (*in re Kastenbaum*, 1943, 44 NYS 2d. 2), further clarification is necessary. The court on various occasions in New York has rejected petitions based on

⁴⁰ N. d. [1954]. This is #34 in the *Legal Almanac Series*. I am indebted to it for citations of NYS (New York State) cases and decisions. *In re Cohen* is from p. 94.

such things as “merely . . . sentimental reasons and convenience” (*in re Epstein*, 1923, 121 Misc. 151, 200 NYS 897) and “to save embarrassment from dual name in household and necessity of explanation therefor” (rejected application of Wittlin, 1946, Misc., 61 NYS 2d. 726), both of which appear to the layman at least as reasonable grounds for wanting and obtaining a favorable judgment.

Lawrence G. Greene’s *How to Change Your Name and the Law of Names*⁴¹ lists this interesting judgment under “Petitions denied”:

Petition to change traditionally old and honored name on ground of its commonness and frequency of occurrence in telephone directory and that the new name desired would materially aid in contemplated practice of podiatry was denied. Petition of Cohen, 1936, 163 Misc. 795, 297 N.Y.S. 905.

Whether Mr. Cohen went on to change his name not by decree (described as “speedy, definite and a matter of record” and as not repealing the Common Law “by implication or otherwise” in another judgment) but by the simple expedient of assuming the name he desired, and whether this would constitute defiance of the court, is not known. It would seem that Mr. Cohen might well have triumphed in court had he submitted that:

Application for leave to change name should be granted as a general rule, as a person has a right to adopt and use any name he pleases, without an order of the court authorizing it. *In re Slobody*, 1918, 173 N.Y.S. 514. ⁴²

Arguing such a case before a judge named Cohen, however, might have peculiar disadvantages! It is arguable that it is to the detriment of the law of the change of names that the discretion (or bias) of the judge is permitted play and that making the change a matter of record transforms it into a subject of debate or decision. On the other hand, it can be argued that the judge represents what the French law calls the “*communauté*” and that the wishes of the society are to be weighed with those of the individual. The discretionary powers of the judge in America and the “*officiels de l’état civil*” in France may well be compared, even reconsidered.

To sum up, there are certain remarks that can be made about name giving and name changing. Names have far greater significance than many people realize – just try forgetting a person’s name, or even mispronouncing or misspelling it, and note the importance of it to him – and psychologists, our modern medicine men, should delve deeper into the affects of naming on the growth of personality and the conduct of social intercourse, for it is not only among primitive peoples that names have “magic.”⁴³ The good or the harm that parents can do by bestowing the

⁴² Greene, *op. cit.*, p. 93.

⁴³ On the magic in names more work needs to be done in African studies. “Secret” and “unspoken” names are very interesting. On what I might call “prayers in names” or names as incantations, I have noted this passage in Chinua Achebe, *Things Fall Apart* (1958), p. 68:

Ekwefi had suffered a good deal in her life. She had borne ten children and nine of them had died in infancy, usually before the age of three. As she buried one child after another, her sorrow gave way to despair and then to grim resignation. The birth of her children, which should be a woman’s crowning glory, became for Ekwefi mere physical agony devoid of promise. The naming ceremony, after seven market weeks, became an empty ritual. Her deepening despair found ex-

forenames and surnames that children are given or inherit needs further investigation and, some think, more control. When children burdened with awkward, unusual, or unpleasant names grow up, if the parents do not relent before that, the children themselves may understandably wish to shed such names, and the courts, it appears, ought not to make this impossible (as in Germany) or difficult (as in France) or unpredictable (as in America).

Even perfectly acceptable names may have to undergo changes as a man's status or condition changes through life. For instance, a child christened Hardinge Stanley Giffard in the United States — though I take the first Earl of Halsbury's name for my example — might call himself "Stan Giffard" as a boy, "Giff Giffard" as a professional baseball player, "H. Stanley Giffard" as a businessman, and "Hardinge S. Giffard" as a college president. An Englishman might be called "Giffard Minor" at school (if his elder brother is in attendance too) and "H. S. Giffard" or "Hardinge Giffard" later on. It is not likely that he would suppress "Hardinge" under the initial "H." in favor of his other given surname, for "Stanley" is so common as to have lost its family connections now. Most Englishmen would not be "Hardinge S. Giffard," for as a group they staunchly remain what the United States Army insists on calling *NMI* — "No Middle Initial." (Many of them use two or more middle initials; seldom do they use one.) On the other hand, there is nothing on either side of the Atlantic to prevent "Hardinge Stanley Giffard" from calling himself "John Giffard" or "Giffard Gascoigne Giffard" — or even "Bill Sykes" or "St.-John Perse," if he likes. One "Giffard" has shown considerable ingenuity in transforming his name into "Guelph-Forde," with almost as much wit as (in the United States) Nathaniel Blumenthal (the leading disciple of novelist Ayn Rand's "Objectivist" philosophy) has become *Nathaniel Branden* (from *Rand* — also adopted — and the Hebrew *ben*, "son of").

Freedom with forenames in Britain and the United States ought to make parents less apprehensive as they approach the font or the registry office than they might be in France (where their choice may meet opposition) or Germany (where the efficiency that has been described as "the Teutonic Plague" will make the choices stick for life). Distinctiveness without disastrous consequences for the child, something fitting and not fantastic, something balancing the interests of the family tradi-

pression in the names she gave her children. One of them was a pathetic cry: Onwumbiko: 'Death, I implore you.' But death took no notice. Onwumbiko died in his fifteenth month. The next child was a girl: Ozoemena: 'May it not happen again.' [What a touching difference from the thinking behind names like *Finale* and *Not Wanted!*] She died in her eleventh month and two others after her. Ekwefi then became defiant and called her next child: Onwuma: 'Death may please himself.' And he did.

It is not too much to say that in our "more civilized" societies many name changes are expected to perform almost "magical" feats, to change one's luck, to give one a new life, to alter one's character or the impression it makes, to bespeak a rebirth of the individual, the superficial alteration of an outward and visible sign betokening or invoking an inward and fundamental change. So long as there is any belief that a name has "power," name changing will go on, especially in a world of opportunity and progress in which men are not content to rest with what they start with in life.

tion with the future interests of the child, ought to be the goal. It would be useful if lawyers could clarify for us whether the choices made are permanent or not, or to what degree, and if psychologists could tell us of the possible influence of certain choices on personality development. Roger Price may be right: there may be a "Eustace" type, and all girls called "Lois" may have something more than a name in common. The choice of forenames is wide and may be more important than has been thought.

Surnames bring greater problems: they are not as easily altered and cannot be hidden by the use of diminutives or other nicknames. Many fathers want their children to bear their names; the State of New York says that this is their inalienable right. As women become more emancipated, may they not demand the same privilege with their daughters that men have traditionally had with their sons and daughters? Some parents, having suffered with their surnames, want something better for their children. Though people may have objections to sharing their surnames with strangers, though relationships and other important facts may be disguised under new names, there does not seem to be any benefit (or any future as the laws now stand) in attempting to compel people to bear or give their offspring names they do not want — unless they are disciplined by nature, nationality, or necessity. English eccentricity and American egalitarianism, among other causes, will lead people in Britain and the United States to change their names when they like.

The London *Times* has aptly called the United States "the greatest data-generating society in history" and the threats to personal freedom posed by the Computer Society, already looming, may affect names and name changes. Today our births, school records, marriage records, bank accounts, census data, military and police records, passport information, government and private employment reports, public health and doctors' records, loyalty and security-clearance records, income tax returns (at city, state, and national levels), social security returns, real estate and housing records, even credit status (locally and nationally), are all in the hands of the computer or, more frighteningly, the computer-minded. ("Technology itself is inert and its threat is the threat of the user alone," remarks B. J. A. Hargreavens, the British PRO for IBM. "It is the despotic tendencies of the human mind that are to be feared and not its tools.") What is the future of personal names and personal name changes in the America of tomorrow?

Brooklyn College, The City University of New York