

Gunnar Pettersson: Names Never Hurt You (BBC Radio 3, November 1992)

In a small Peruvian village high up in the Andes a man named Fleetfoot draws his last breath. In the same instant that his soul passes over to the other side an age-old taboo comes into effect. Not only must Fleetfoot's name never be pronounced again but every single word that bears the slightest phonetic resemblance to it must be replaced with circumlocutions and metaphors. A stillborn lamb, the particular colour of the January sky, the word for regret - a random series of everyday phenomena are suddenly dropped from the linguistic repertoire, to be gradually renamed, carefully, one by one.

Sigmund Freud thought that the taboo on naming the names of the dead, which of course occurs in a wide variety of cultures from Africa to Greenland, meant that these peoples possess no tradition and no historical memory. Debatable though that might be, there is no question that for Europeans - with the archaeological nature of our traditions and memories - one's identity is almost entirely dependent on the permanence of one's name, before as well as after death. Changing one's name with the seasons of one's life is a common practice in non-European cultures, but it seems profoundly alien to us.

The fact that the vast majority of us are born with the name we take to the grave, and beyond, has gradually produced a rather mysterious electricity or "psycho dynamism" between name and self. As the Latin tag has it, *bonum nomen bonum omen*. Studies among Americans have shown that people with surnames like Small, Short or Little are more likely than others to suffer from inferiority complexes. And how often have we not reflected on the perfect Nigel-ness of someone? Or the appropriate Margaretude of someone else. Our names have become the onomatopoeia of our selfhood. They are the adjectives that describe our separateness.

In that perspective it isn't surprising that practically every human culture associates personal names with secrecy and above all power, whether worldly or spiritual. "He who knows your true name possesses your soul" is an ancient and universal formulation. Perhaps the most telling instance of the tension between names and political power is also one of the few occasions when Europeans abruptly abandoned the tradition of permanence. This was in revolutionary France. On the 26th brumaire Year II a law was passed which gave every citizen the right to use whatever name he or she chose. A butcher changed his name to Death to the Aristocrats. A book-keeper called himself The Root of Liberty. A particularly charming lay-about took the name of his local, Café Billard. But a few months later, the 6th fructidor, things were deemed to have gone too far and everyone had to return to their old names.

The problem was that, meanwhile, a number of children had been born and

given names such as Robespierre, Marat and Voltaire. When they had grown up to be ten years old the authorities had become uneasy about the psychodynamism of names possibly turning into revolutionary dynamism. The Napoleonic name law of 1803 established that forenames may only be taken from the Christian calendar or "personages from antiquity" - Jean-Hippolyte and so on. And by 1900 the freedom of those brief revolutionary months had evaporated completely. At that time a prominent commentator on French civil law wrote that a personal name has nothing whatever to do with the rights of the individual but is entirely "an institution of the civil police".

At first glance it seems an odd omission that the proprietorship of one's name is not a fundamental human right, written into conventions and protocols. One might have thought that this is a strictly private or family matter far removed from the concerns of society, the law or the state. But this is not at all the case. In the Western world only Great Britain and - to almost the same extent - the United States retain the Roman custom of virtually complete freedom when choosing or changing one's name. The only exception is when it's done for fraudulent purposes. In the rest of Europe, and the Europeanised parts of South America for instance, there's a wide range of more or less restrictive legislation.

A majority of legal codes go no further than simply turning into law what are already established customs. By this I mean the use of the mother's maiden name as middle name in Spain and Russia, or the use of the father's forename to make up a patronymic in Iceland. Another feature most codes have in common is that they prohibit the use of "extravagant" or "offensive" or "improper" names, particularly when they're given to children who may suffer because of them in later life.

But some do go further. Iceland's concern with retaining its linguistic identity has meant that the patronymic is not only encoded in the law but made strictly compulsory. No newly-forged names are allowed, whether forenames or surnames. Argentinean law forbids the use of names that signify "ideological or political tendencies". Germans are not allowed to adopt family names that carry "previous historical, literary or political" connotations.

Why should society in its public role ascribe such importance, indeed power, to something so private and seemingly innocuous as a personal name? Why should it often go to such pedantic trouble and absurd lengths? The Swedish law is the perfect case in point. It is without doubt the most agonisingly detailed of European name laws, often to the point of unintended farce: so for instance it forbids the use of the names of railway stations and post offices as surnames. This is on the grounds that it may lead to confusion - after all the 8.27 from Luleå could pull up next to you, someone might try

and cash their giro's with you - and then where would we be? Not only that: when the law was rewritten in 1982 the government commission debated long and hard whether to drop that particular paragraph, bearing in mind that so many railway stations had closed down due to rationalisation and the use of postal codes had become so wide-spread. But no, confusion was still seen to be a real risk. The paragraph stands, in all its surreal glory.

The new law of 1982 was an attempt to liberalise the much stricter law of 1963, particularly to reflect changes in attitudes towards women's rights and the institution of marriage. But it was a controversial attempt: the proposed changes, although not exceptionally far-reaching, became the subject of heated debate in Parliament. In the end there was a majority agreement across party lines that some of the proposals took liberalisation too far.

Now, even the partial dismantling of any restrictive system is of course a very delicate affair: it often accidentally exposes sections of the reinforcing bars that keep the structure standing. Here the Swedish lawmakers had to return to the classic dilemma between freedom and order that sits at the heart of the law: on the one hand the individual's right to call oneself what one likes and on the other what they described as "society's interest in maintaining name stability". Whatever that may mean, some of the arguments put forward on behalf of it are worth considering. Similar ideas probably lie at the heart of all name laws. And few if any of them stand up in the court of common sense.

First of all, the phrase "maintaining name stability" of course implies that the absence of a law would mean great instability. But in Britain there is little evidence to show that people change their names in greater numbers or more frequently simply because they have the freedom to do so. Not least, the inconvenience is far too great. The second implication is that a lack of stability would make it more difficult to keep tabs on individuals, particularly criminal suspects. Apart from the Orwellian overtones here, the argument doesn't seem to hold water on purely practical grounds. Again, the British example shows that the identification of individuals, and the tracing of criminal suspects, are made no more difficult because Britain lacks a name law. The argument would imply that, for instance, the British police have files upon files of unsolved cases where they've found themselves hopelessly lost in a maze of aliases - and of course, that's not so.

But the meat of the argument concerns what the legislators regard as the social disadvantages of complete freedom. Much of this is a matter of opinion and interpretation, though. Take the prohibition on "offensive" or "improper" names. First

of all, these are notoriously difficult terms to define in a legal context. When they're applied to social behaviour they have a tendency to lag behind average contemporary sensibilities. Then, were one to come across a person with the most offensive name imaginable the question is whether it would give rise to offence rather than ridicule or pity - and, if so, why it is that the law on, say, incitement to racial hatred wouldn't suffice as prohibition?

It might be worth contrasting these particular arguments with a brief glimpse at the United States, where an application to have one's name changed must be taken to a court. The decision is then up to the discretion of the judge. Now, there used be a judge in New York whose name was Peter Schmuck and who consistently turned down all applications put before him on the grounds that if he could live with a name like that there was no reason why the applicant could not live with his, no matter how offensive or inappropriate it was. No doubt, of Peter Schmuck the Swedish law would take a dim view...

The other important arguments are the ones meant to protect the psychological well-being of children. And of course research has shown that children with unique or unusual names do have a somewhat greater tendency to suffer psychological problems. But, as with many attempts at social engineering through the law, the borderline between cause and effect seems to have become somewhat blurred. Arguing that young Semolina Smith suffers because of her name does seem a little back-to-front. Surely the cause of poor little Semolina's problems isn't her name but the parents who gave it to her and the warped nature of their relationship with their child. The question at the root of arguments about the Nanny State, and so on, has always been whether one can or ought to expect adults to behave like adults - and social engineers the world over have always replied with an eerily echoing no.

Experts on the legal aspects of personal names have noted that name laws across the world have tended, during this century, to become increasingly restrictive. A partial explanation for this is that this tendency matches the increasing sophistication of modern, developed societies. In order for societies to be able to function reasonably smoothly, a reliable and stable method of identifying and locating individuals is a practical day-to-day necessity and need not necessarily be a dark Orwellian stratagem.

Nonetheless, there is clearly a subtext beneath the fussy interfering surface of these laws. Not least, of course, that because of their very fussiness they seem tacitly to confirm that names still retain their strange, mythical power. Beneath it all there is a series of unspoken assumptions on the part of the modern juridical state, specifically what I believe to be a peculiar fear of the unknown.

I'll have to return to the Swedish law because it provides not a few glimpses of the underlying structure. One would have thought that, with such a restrictive law, not many Swedes would go to the trouble of applying to have their names changed. Paradoxically, though, with about 4000 applications per year, and 90% of them granted, Swedes are by far the most enthusiastic name-changers in Europe. The main explanation for this is that quite a few of the vast number of Swedes who share one of the 18 most common surnames - all of them ending in -son - want to change to something more unusual. And, unlike Iceland, the Swedish law has always actively discouraged the use of the patronymic - in fact, it is the only country in the world allowing a change of surname because it is too common.

Significantly this process was once described as "meeting society's demand for practical order". Now, take that idea to its logical conclusion and it turns out that it isn't in the interest of societal order that the registers show page up and page down of Johanssons and Anderssons and Petterssons but that, ultimately, the name of each individual citizen should be unique, just like his national registration number, or finger prints, or genetic signature.

The lawmakers keep stressing the danger that too great a freedom to change one's name could enable an individual to "change completely his or her identity." Over and over again they mention the very real risk of "losing" individuals into the great anonymous, unregistered Beyond.

As it happens there has developed a kind of welfare legend in Sweden about the The Citizen Who Disappeared and now inhabits the remote forests beyond the reach of ordered society. He has managed to avoid all points of contact with the state in all its manifestations. He appears in no registers and, like Odysseus before the Cyclops, he has taken the name of Nobody. The important thing about the legend isn't really the nostalgic fantasy of Nobody's pre-industrial self-sufficiency but the implicit danger to society his solitary life involves. The point of the legend is that Nobody has escaped and constantly risks being traced, caught and identified as an enemy of the social order.

On the other hand, where there are enemies there are also friends, and the law provides for them in a particular way. Since 1982 Swedes are expressly forbidden to create hyphenated surnames. The ostensible reason for this is that they are "unwieldy and cumbersome" - presumably for the computer registers rather than the individuals concerned. However, and this the point, exceptions can be made - although not for just anyone, but for people who have become "well-known in public life". In other words, if you are already "a name" the name law need not apply. This is the post-industrial version of the class society: one law for the famous and one for the unknown.

When Nobody is the enemy of the social order, the Celebrity is its privileged upholder.

It is in this distinction between the "name" and the nameless that the law reveals its mythological face, where one begins to hear the echoes of age-old fears and superstitions. In fact, could it be that name laws are yet another version of that ancient formula about names revealed and souls possessed? Is anonymity itself a danger to society, even if it's only the relative anonymity of being one Johansson among thousands of other Johanssons - or indeed one Pettersson among thousands of my namesakes?

Despite the amount of information the state is able to gather about it, the citizenry remains frustratingly invisible. Some would go so far as to say that that's because "the masses" no longer exist as a social reality: they only appear, nebulously, in the form of statistical surveys. Certainly, no matter how impressive the array of sophisticated telescopes and radars trained on them - statistics, sociology, opinion polls, and so on - no one still seems to have anything like a clear idea of who exactly the people are, much less what they want or what they're going to do next. The British election result in April was a particularly striking glimpse of the mysterious ways in which the people tend to move.

One of the many by-products of that mystery is the demonization of the silent majority - the dogs that never bark. And demonization is an expression of fear: of the darkness that envelops the nameless many, of the unpredictable movements of the urban crowd, of the stubborn inscrutable populace who won't pay attention to the public agenda, who return society's vigilance with the intimidating indifference of Nobody in general. The People - the unknown, the unknowable - have become the forest-dwellers.

The mythical power of names is in this sense still a reality, nowhere better expressed than in the laws written to limit their use. Underneath all the tinkering with hyphens and railway stations, they tell a strangely familiar story. Remember how the new Queen in desperation goes through her list of names and how the ugly dwarf always answers, "No, that's not it!". Finally, two minutes before midnight, the Queen's messenger returns from the remote forests. He has found out Nobody's real name. It's Rumpelstiltskin - rider of the wooden spoon, enemy of the social order.

However, if name laws are meant to alleviate the fear of the unknown there is unfortunately one fundamental flaw in them. It's something so obvious one sometimes overlooks it. For name laws are no more than a restriction on the use of language. Stripped of its mythological ornaments, a name is merely a specific type of noun. But unlike other legal limitations on verbal expression - slander and libel and so on - name laws are practically impossible to apply generally in any meaningful way. They

are, as it were, only restrictions in name.

This is clearly demonstrated by the British example where of course the right to one's name is part of Common Law. "Usage" is the only criterion. A name, in the eyes of the law, is simply "what you are known as". This means that in practice - and apart from fraudulent intent - the only limitation on complete freedom is also the definition of it: namely the temporary inconvenience of having to persuade one's family, friends and community that one no longer wants to be called Tom Dixon-Harrison but Moonbase Alpha III.

This is where one enters the daylight in which civil society is bathed and in which all name laws, and most social engineers, become blind and helpless. Simply to begin to call oneself something else is an act which not even the most draconian of name laws can do anything about. Regardless of the claims a name law might stake on one's soul there is always, everywhere, an unencroachable freedom to become - metaphorically speaking - a Peruvian corpse, defying the memories and traditions of the politics of permanence.

Of course, the social engineer would argue that the price to be paid for that absolute liberty is that Semolina Smith has to suffer. Semolina Smith, on the other hand, would point out that, anyway, all her friends have long since begun to call her Charlotte.