

A New Personal Names Act in Sweden?

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Abstract

Since 1983, official Swedish personal names have been governed by the Personal Names Act of 24 June 1982. The current Act has now been in force for just over thirty years. The government agency responsible for personal names has come under pressure from two directions: on the one hand, it has been accused of being too tolerant and allowing too much, and on the other it has been criticised for preventing progress by being too restrictive. There is now a significant problem with the 1982 Act, namely that it is out of step with the present-day situation and current practice.

In 2010 a committee of inquiry was set up by the Swedish Government to review the Personal Names Act, with terms of reference that stated that it was to look into ‘whether there is scope to take somewhat greater account of the interest of individuals in choosing their own names’.

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Introduction

Since 1983, official Swedish personal names have been governed by the Personal Names Act of 24 June 1982. This Act, which regulates official names – given names, middle names and surnames – has now been in force for just over thirty years. The government agency responsible for personal names, the Patent and Registration Office, has come under pressure from two directions: on the one hand, it has been accused of being too tolerant and allowing too much, and on the other it has been criticised for preventing progress by being too restrictive. There is now a significant problem with the 1982 Act, namely that it is out of step with the present-day situation and current practice (Andersson 1995: 33-46, 2013: 43-47; Brylla 2005: 73-75).

For this reason, a committee of inquiry was set up by the Swedish Government in 2009 to review the Personal Names Act. In its terms of reference (*Kommittédirektiv*), it was stated that the committee was to look into ‘whether there is scope to take somewhat greater account of the interest of individuals in choosing their own names’. The committee was also to consider whether linguists and name scholars should be involved to a greater extent in dealing with cases and matters arising under the personal names legislation. In May 2013 a report (*En ny lag om personnamn*) was published in which the committee proposed a wide range of changes. In this paper, I shall present and comment on the most important innovations in the report from a linguistic and language cultivation point of view.

Surnames

The ‘Suitability Requirement’

The 1982 Act is concerned with the individual’s freedom to choose his or her own names. The Patent and Registration Office and its linguistic expert have often come under pressure from two directions: on the one hand, they have been accused of being too tolerant and allowing too much, and on the other they have been criticised for preventing progress by being too restrictive. It is evident that the appeal body, the Court of Patent Appeals, and the Supreme Administrative Court, the final court of appeal in cases relating to personal names, have adopted quite a liberal attitude. The factor that has had the greatest impact on the surname stock as far as newly formed names are concerned is how the ‘suitability requirement’, which is extremely vaguely worded in the Act, is interpreted. Section 12, first paragraph, of the Act states that a newly formed surname ‘which in terms of formation, pronunciation and spelling has such a linguistic form that it is not suitable as a surname in this country is not to be accepted’. Invoking a more international outlook that is also expressed in the Act, the Court of Patent Appeals has gone to unusual lengths of tolerance, approving names such as *Beachman* – which in fact was an English translation of the applicant’s Swedish name *Strandman* – and *Mortaigne* as newly coined surnames. Of course, surnames that have been able to put down roots in the Swedish surname system and give rise to native formation in line with the development of the Swedish surname stock should be approved. This nomenclature, like other aspects of the language, has undergone considerable change over long periods of time. In the long run, the integration of foreign name elements is legitimate. But, like other linguistic developments, this should be a gradual process, and the result of a natural cultural influence. The court judgments mentioned have paved the way for the approval of similar coinages, i.e. surnames which are obviously formed from English and French elements, e.g. *Melkemichel*, *Bonfils*, *Swedenrose* and *Skywolf* (Andersson 1995: 40-43; Andersson and Brylla 1998: 109-111; Brylla 1998-1999: 165-166, 2005: 73-75, 2009: 62-64, 2013: 135-136).

In addition, newly coined surnames formed from unknown name elements have been approved for use by Swedes, including *Barnosho*, *Shahho*, *Shirazimohager* and *Bintkacimé* (*En ny lag om personnamn*, 314-316).

The 1982 Act can thus be said to be out of step with the present-day situation and current practice, and when practice changes, the relevant legislation also has to be amended. Provision needs to be made for immigrants wishing to adopt newly formed surnames connected with their own cultural circles. At the same time, Swedish name customs must be protected.

The Committee’s Proposal

To avoid unsuitable forms and spellings of surnames, the committee proposes that linguists and name scholars should be involved to a greater extent in dealing with applications relating to newly created surnames (*En ny lag om personnamn*, 492, 510-511).

Protection of Existing Surnames

In the 1982 Act there is a section (section 13) barring new surnames that are similar to existing ones. The Act stipulates that new surnames which could *easily* be confused with existing names are not to be approved. The kinds of resemblance that lead to rejections primarily concern pronunciation, and less often spelling. A name such as *Halgren*, for instance, is too similar to an existing name *Hallgren* or *Halegren*, and a name *Mineus* is too close to *Meneus*. In recent times the Court of Patent Appeals has shown a degree of tolerance which appreciably increases the risk of confusion, approving names like *Dekhil* (in relation to *Deckel*) and *Korske* (in relation to *Koschke*) (Andersson 1995: 38-40; Brylla 1998-1999: 164-165, 2009: 60-61).

The Committee's Proposal

The committee proposes that the wording of the Act should be made somewhat more restrictive by deleting the word 'easily'. Thus, newly created surnames should not be approved if they could be confused with existing names. This would strengthen the necessary restriction based on the risk of confusion (*En ny lag om personnamn*, 372).

To make it easier for people who wish to adopt a common name, the committee proposes the introduction of what it calls 'free' surnames, i.e. all surnames that have more than 2,000 bearers (at present there are around 470 such names) would be freely available for adoption by anyone (*En ny lag om personnamn*, 373). This could facilitate integration and could be useful for people who have been given a protected identity. Such a change would also be in line with existing legislation in Norway and Denmark.

Middle Names

The term *mellannamn* (middle name) was introduced in the 1982 Act, and was in fact a concept based on Danish and Norwegian naming patterns. A middle name in this sense consists of what was originally a surname, placed between the given name and the surname proper, e.g. Kristina *Lindman* Karlsson.

A middle name is written without a hyphen before the surname. It is thus to be distinguished from old double names consisting of two surnames, which are usually combined with a hyphen, e.g. *Ask-Upmark*.

The purpose of middle names is to show kinship in the case of spouses and between parents and children. But such names are not inherited and they are surrounded by quite strict restrictions.

A major problem here is that most people in Sweden cannot distinguish between middle names and real surnames. The situation is not made any easier by the fact that middle names and surnames are usually placed together in the registers of different authorities under the heading of *efternamn* (surnames) (Brylla 2002: 61-65, 2013: 130-132).

The Committee's Proposal

Owing to the problems mentioned, the committee proposes that the term and the concept of *mellannamn* should be abolished. Instead, it should be possible to bear double surnames. The relative order of these names will be freely determined by the name bearer, and it will be possible to write them with or without a hyphen. However, only two names will be able to be included in a double surname (*En ny lag om personnamn*, 431-432, 446-451).

Given Names

Under section 34 of the Personal Names Act of 1982, the authorities are not to approve as a first name any name which might cause offence, or lead to unpleasantness for the person who is to bear it, or which for any other reason is obviously not suitable as a first name. This wording in the Names Act does not offer precise guidance. As a result, judicial evaluation of names has been fairly subjective and, in many cases, arbitrary. The authorities and courts responsible have hitherto varied in their application of the Act (Andersson 2013: 43-59, Brylla 2015).

On occasion, given names diverging from the norm have been allowed. For instance, names with a (to Swedish eyes) strange orthography have been accepted, e.g. *Axl*, *AnnaCarin*. Names consisting of only one letter, e.g. *Q*, and abbreviations of names, e.g. *A-C*, have been allowed. Also, pet names and names with pet-like forms, e.g. *Bebben*, *Ummis*, have been approved. Even more startling perhaps are given names that are not in keeping with the normal structure of Swedish names, such as *Mig*, *Summercloud* and *Twilight* (Andersson 2013: 51-56, Brylla 2015: 44-45).

The Committee's Proposal

The committee proposes a more standardised procedure with fewer courts. Moreover, all new names should be subject to linguistic examination 'if it is not evidently unnecessary', in order to prevent unsuitable names (*En ny lag om personnamn*, 464-466).

Gender-Neutral and Cross-Gender Given Names

The common pattern of given names in the Germanic world involves a pronounced difference between female and male names. We also have some gender-neutral names in our onomasticon, designating both girls and boys. Often, these are imported names like Arabic *Ahmad* and *Mahamed*, Asian names such as *Li* and *Noor*, and other names with endings that have been wrongly interpreted in the Swedish system, such as *Andrea* and *Nicola*, which in Romance languages are masculine, but have been seen as feminine owing to the *-a* ending.

Recently, certain political parties in Sweden have wished to eliminate the existing sex-typed naming practice, an aim that could have a radical impact on the name system. One function of given names is to individualise – they serve a practical purpose. Gender-neutral names may, for obvious reasons, cause problems.

Until recently, the established practice was to reject male given names for women and girls, and vice versa, on the grounds that such names were considered unsuitable. The courts and authorities were more restrictive than they have now become. (Brylla 2007: 191-197, 2001: 11-29, 2013: 148-150.)

A major change in this regard came in 2009 when the Supreme Administrative Court gave an adult man permission to take the name *Madeleine* as an additional given name. This judgment can be applied to an adult who wishes to add to his or her existing given name(s) a name that is normally borne by the opposite sex. The question is whether it can also be applied to parents' choices of given names for their children. The Swedish Tax Agency has chosen to 'err on the side of leniency' (my translation) in interpreting the judgment (Brylla 2010: 151-154, Andersson 2013: 48-51).

The Committee's Proposal

Following the 2009 judgment of the Supreme Administrative Court, cross-gender given names for adults must be considered acceptable. In 2012 the committee carried out an attitude survey, which showed, among other things, that an overwhelming majority of Swedish citizens were against cross-gender given names (69%, *En ny lag om personnamn*, 568). The committee attached great importance to this survey, which established that attitudes on this matter among the Swedish population are predominantly conservative (*En ny lag om personnamn*, 458, 464-466).

Judicial Procedure in Name Cases

In its report, the committee clearly shows that judicial evaluation of personal names has been fairly subjective and, in many cases, arbitrary. It proposes changes to the judicial procedure for appeals: the procedure should be simplified and the Swedish Tax Agency should be the responsible authority for all matters concerning names (*En ny lag om personnamn*, 492).

Stricter linguistic requirements should also apply. Onomastic expertise should be involved in the process, and this should be explicitly required in the Act (*En ny lag om personnamn*, 502, 510).

Conclusion

From a linguistic point of view, this committee report is mostly to be welcomed. The proposal to bring personal name matters within the remit of a single authority is also satisfactory, since the handling of such matters by the authorities has been both arbitrary and inconsistent. Particularly gratifying is the fact that the review focuses on the linguistic aspects of choosing and forming new personal names.

The report is currently under consideration following a consultation process. Most of the comments received on the proposals are positive, and hopefully new legislation in line with the committee's recommendations will come into force as soon as possible.

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