

Personal names and human rights

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The issue

Names¹ are intensely individual and mark identity both of the unique person and of the person as a member of a group.² The family chooses a name for a newborn. But society may impose constraints on the choice. Constraints inhere in social organization. A group's naming custom is one constraint. Other constraints arise in contemporary society from processes of economic, political and cultural unification and integration and from institutionalized state control over individuals. These processes separate a private sphere of speaking and conduct from a public one. The two spheres may coincide or be separate, for example, individuals may call each other by any name out of the hearing of others, but may be constrained to use certain names only in public, especially in writing.

In regard to the public use of names, the state may recommend and more or less vigorously enforce that people register their children with names of a particular form in a language or with names only in certain languages. For example, a name law promulgated in 1985 in Thailand makes it illegal to register a name that resembles the King's name or that has more than 10 consonants. People may be forbidden registration of names in their group's language. For example, the Chinese in Indonesia must adopt names that sound Indonesian and follow Indonesian language rules because the state prohibits use of any Chinese language, especially written Chinese characters. (ed)

Other circumstances than public regulation may constrain people's naming, e.g. when people migrate from countryside to town for work or migrate for whatever reason into a new language environment. For example, I allowed interlocutors to adjust Björn to John in Australia; or a friend of mine is known as George in Australia and not as Jiří. The practice of women being forced to give up their own names to take on their husbands' surnames at marriage by law in some countries is eroding as these societies change (cf. Adler 1978: 131-); but meanwhile this practice is regarded by many, not the least by women's rights movements, as conflicting with women's rights.

during Suharto's "New Order" government,

What is the relationship between the individually private and the collectively public management of names? When is regulation of naming a violation of human rights? When and why would people agree to public constraint on private naming?

Cases

I shall review several cases involving name change which exemplify how socially inclusive decisions may affect people's use of names.

Bulgaria

The Bulgarian Communist Party decided to abandon decrees to oppress Turkish names in Bulgaria on December 29, 1989, and gave Turkish-language minorities in Bulgaria the right to regain their Turkish names (Konstantinov et al. 1990: 7, 12). Turkish names had been oppressed because minorities who were ethnically and linguistically associated with Turkish identity and language and culturally associated with Islam had been oppressed at different periods during this century, most recently since the 1980's in the government's "Process of Rebirth", a program which offered to minority citizens of Bulgaria the opportunity to regain her/his original Bulgarian identity (Konstantinov et al. 1990: 8). Enforced name change was accompanied by other measures of official and unofficial oppression, which reportedly included condemnation of use of Turkish at all. The result was a mass exodus of minority ethnic Turks to Turkey. The superordinate problem was group conflict aided and abetted by state power through a rhetoric focussing on original identity (the reasons for this conflict and the succession of programs of identity management are not discussed here); the larger language issue was other Bulgarians' reaction to the possession and use of Turkish by members of the Turkish, Islamic and other minority groups. A Bulgarian citizen of Turkish ethnicity could not use his/her Turkish-marked name even in Bulgarian language discourse. Ethnically Turkish people were obliged to change Turkish-sounding names.³

Indonesia was

There is a similar situation of oppression of an ethnolinguistic minority group in Indonesia. Very many Chinese in Indonesia have been made

stateless or are kept stateless (Thoolen 1987: 1) and tape-recordings cannot be published (at least partly in Chinese characters) in Chinese associations. There are other restrictions. The requirement of registration of names of Chinese individuals of Chinese descent is mentioned in an article in *The South China Sea* (Sindhunata, who represents the assimilation of ethnic Chinese).

... efforts at assimilation at grassroots levels and particularly among the young marriages. Indonesian government process through the public use of the Chinese names encouraged ethnic Chinese names and shed them

Adler (1978: 132) refers to a case where "one of the first Jews to carry the name of Sarah."

Japan

In Japan, a parent whose particular written character pleaded violation of the case as an example.

This is the case with "names of children to be used". A minister registering names of children. Use, too, was approved in 1948 and in this set. The Ministry refused registration of the two characters

could not
stateless or are kept stateless as the intended result of Indonesian regulations (Thoolen 1987: 151-155). Chinese language books, papers, songs and tape-recordings ~~cannot~~ be imported. Chinese books and newspapers ~~cannot~~ be published (although there exists one Government newspaper partly in Chinese characters). The Chinese ~~are~~ ^{were} allowed only to form clan associations. There ~~are~~ ^{were} no Chinese schools or Chinese-language schools. The requirement of re-registration of foreigners serves to put pressure on individuals of Chinese ancestry to take Indonesian names. According to an article in *The Straits Times* (August 29, 1990) Mr. Kristoforus Sindhunata, who represents a government-backed group to promote the assimilation of ethnic Chinese, feels that

... efforts at assimilating ethnic Chinese should be made at the grassroots levels and in this regard, success could be seen particularly among the younger generation through mixed schooling and marriages. Indonesian authorities have encouraged the assimilation process through the single education system and by banning the public use of the Chinese language and characters. It has also encouraged ethnic Chinese to take on more Indonesia-sounding names and shed their Chinese names.

Adler (1978: 132) refers to the opposite practice in Hitler's Germany where "one of the first acts of his government was to compel every male Jew to carry the name of Isaac and every Jewish woman to register the name of Sarah."⁴

Japan

In Japan, a parent who was denied the right to register a child's name in particular written characters contested this decision in court. The plaintiff pleaded violation of his constitutional rights. Neustupný (1984) presents the case as an example of violation of human rights.

This is the case. A Family Registration Law of 1947 stipulates that for "names of children, common and easy (*jooyoo heii*) characters must be used". A ministerial order defined these characters for the purpose of registering names as the same as the set of 1850 Characters for General Use, *tooyoo kanji* (supplementing the syllabic writing, *kana*) already approved in 1946 and limited registration of names to characters included in this set. The Mayor of the City of Chigasaki (Kanagawa Prefecture) refused registration of two names in 1950 "on the grounds that the first of the two characters used for each of the two names was not a Character

or Indonesian sounding
(Bailey and Lie 2013)

for General Use" (Neustupný 1984: 68). I reproduce in full the arguments involved in the appeal before the Tokyo High Court (Neustupný 1984):

- 1) Restrictions on name-giving violate basic human rights and in particular article 21 of the Constitution which guarantees freedom of expression. Hence, article 50 of the Family Registration Law is unconstitutional.
- 2) Even should this not be the case, the use of the General Use Characters stipulated in article 60 of the Enforcement Regulations issued by the Ministry of Justice is inappropriate. The preamble of the List of General Use Characters states explicitly that "since many legal and other problems are connected with the writing of proper names, the question will be considered separately". Hence, the List should not be used to specify the range of approved characters.
- 3) Naming of children is decided by parents and only "reported" (todokeru) to the City office. Since the names 瑛美 and 玖美 have been decided upon by the parents, any other reporting would be a case of "false reporting" and should be punishable under article 157 of the Penal Code.

The judges agreed that freedom was indeed restricted by the limitation on use of characters but that public welfare interests may justify such a limitation. The judges were of the opinion that since names are given for social use, "the use of rare and difficult names negatively affects the interests of others" (Neustupný 1984: 69). The judgement was rendered at a time in the development of modern Japanese society when promulgation of a limited list of approved characters for use in writing was an acceptable act of standardization. Neustupný observes that although the father lost his case before the High Court, the National Language Council released and had a List of Given Name Characters with an additional 92 characters accepted by the Ministry of Justice only a month thereafter.

Hong Kong

T'sou (1988) draws attention to the romanization of Chinese surnames in Hong Kong as an issue that needs resolution in view of what is likely to happen in naming practices after Hong Kong is integrated into the People's Republic of China in 1997.

Today in Hong Kong, romanization is based on Cantonese pronunciation. If the PRC policy of romanizing names according to their equivalent forms in Mandarin based on Mandarin pronunciation and pinyin

romanization is adopted, "more than three million people in their records and in their records of difficulties, (a) difficulties with romanized names" of "romanization" (c) difficulties with and criminal records names according to

Singapore

In 1982, the Singapore families in Singapore pinyin romanization pronounce their names in dialects should register family's name in Mandarin Chinese Singapore and Ha. Literation system a limited number names is pronounced written with the same pinyin transliteration characters can be rendered pronunciation. However family name is not Mandarin Chinese fore neither can family's non-standard uniquely identify standard transliteration there is considerable an individual's untransliteration are ciation of the name probably Hokkien Cantonese. In Ha

yet

romanization is also followed in the future in incorporated Hong Kong "more than three quarters of the population will need to have the names in their records changed" (T'sou 1988: 12-13, 17). T'sou identifies three difficulties, (a) violation of individual attachment to their "traditional romanized names"; (b) difficulties with individual identification because of "romanization according to a different and unfamiliar dialect"; and (c) difficulties with the legal basis for identification (e.g. for inheritance and criminal records purposes). T'sou foresees resistance if romanizing names according to only Mandarin pronunciation were to be required.

Singapore

In 1982, the Singaporean government began recommending that Chinese families in Singapore adjust to Mandarin pronunciation and Hanyu pinyin romanization of names. Those Chinese parents who now pronounce their names in Hokkien, Cantonese, Teochew or other Chinese dialects should register their children with the equivalent rendering of the family's name in Mandarin Chinese in Hanyu pinyin transliteration. Mandarin Chinese is designated as the language of the ethnic Chinese in Singapore and Hanyu pinyin has been designated as the standard transliteration system and reflects Mandarin Chinese pronunciation. There is a limited number of family names in Chinese and each of these family names is pronounced differently in different dialects. They are normally written with the same Chinese characters regardless of dialect. The Hanyu pinyin transliteration of a family name that is written in Chinese characters can be rendered on the basis of its corresponding Mandarin Chinese pronunciation. However, as is common practice in Singapore, when the family name is not written in Chinese characters, the corresponding Mandarin Chinese pronunciation cannot easily be determined and therefore neither can the accompanying Hanyu pinyin transliteration. The family's non-standard romanization of the name will normally but not uniquely identify the equivalent Mandarin pronunciation (and therefore standard transliteration) of the name.⁵ For the individual's unique name, there is considerable variation. However, if characters are used to write an individual's unique name, the Mandarin Chinese pronunciation and transliteration are known regardless of the individual's dialect pronunciation of the name. For example, a person with the family name Teo is probably Hokkien and one with the family name Cheong is probably Cantonese. In Hanyu pinyin, both are Zhang [张]. The same name can

also be spelt Chang, Cheung, Chong, Teoh, Thio, Tioe, Tiong, and Tiu, depending in the main on the dialect group.⁶

There is unease among the Chinese about having to give children Mandarin-based pinyin names. By giving up the dialect-based transliteration of the family name, the person may feel s/he is giving up continuity of kinship, a very serious matter for Chinese families. Also, individuals may understandably be upset when, as is known to happen, civil servants make difficulties over the rendering of a name when they register a child. The civil servant's behavior, and the regulation of registration of names, are closely related to, perhaps even a direct result of, the Speak Mandarin Campaign. The campaign was launched on September 7, 1979, by then Prime Minister Lee Kuan Yew. The government felt that the use of pinyin would go a long way in popularising the use of Mandarin. In conjunction with the campaign, the government in 1982 began persuading Chinese Singaporeans to register their children's names in Hanyu pinyin. The Ministry of Education also announced that all Chinese students from pre-primary up to pre-university classes would be known in school by their Mandarin names (in Hanyu pinyin when written) from 1982. Unlike the registration of names in birth certificates which was to be voluntary, adoption of pinyin names in school was obligatory. Pupils' names in school certificates are standardized to Mandarin Chinese. All Chinese pupils who take the Primary School Leaving Examination (PSLE) and General Certificate of Education (GCE) O and A level examinations have to use their Hanyu pinyin equivalent names with their registered (birth certificate) names in brackets when different. Those with names in Chinese characters will also have them included in the certificates.

In September 1984, opening the annual Speak Mandarin campaign month, then Prime Minister Lee Kuan Yew gave the figures for the types of names that were registered during a two year period in Chinese children's birth certificates (see figure 1).

Mr. Lee was reported (*The Straits Times* 22 Sept 1984) to have said the following:

When parents registered their children's names between August 1982 and July 1984, 1/5 registered only their dialect names, a total rejection [of Hanyu Pinyin]. Over 1/3 registered their dialect names, with full pinyin in brackets, a concession to their identification with other Chinese of different dialects, a tentative and reluctant acceptance. Nearly 1/4 registered their surnames in dialect and their personal names in pinyin, a partial acceptance, i. e. they will not

Aug to Dec 1982
Jan to Dec 1983
Jan to Jul 1984
Aug 82 to Jul 84

* Pin = entire name in
name in dialect with
Hanyu pinyin

Figure 1. Types of Chinese names
per period.

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dialect surnames
Chinese of other
names. 1/5 did not

He also noted that
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The use of Chinese
was, in 1964, 7.6%.
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	Pin	Dia	Bra	mix*
Aug to Dec 1982	18	21	44	17
Jan to Dec 1983	22	22	32	24
Jan to Jul 1984	21	18	35	26
Aug 82 to Jul 84	21	21	35	23

* Pin = entire name in full Hanyu pinyin; Dia = entire name in dialect; Bra = entire name in dialect with Hanyu pinyin in brackets; Mix = surname in dialect and name in Hanyu pinyin

Figure 1. Types of Chinese names in the birth certificates of Chinese children (% of total per period)

give up their total identification with their fathers' and grandfathers' dialect surnames but are prepared to concede an identification with Chinese of other dialects through using pinyin for their personal names. 1/5 did so in pinyin, a full acceptance.

He also noted that on another place in the birth certificate, over 1/3 of Chinese parents registered additional Western names for their children. 20 years earlier, in 1964, only 1/15 registered Christian personal names. The use of Christian names in the birth certificates for Chinese children was, in 1964, 7.6% of all registrations, and from August 1982 to July 1984, 35% of all registrations. Western influence, Mr. Lee inferred, has increased by 5 times. But he also noted that loyalties to dialect names are emotional and strong. This means, Mr. Lee was quoted to have said, that we have to accept that the home language will remain dialect for some time.

Three years later in August 1987, Mr. Lee again quoted figures to show that many Chinese Singaporeans still preferred to register their children's names in dialect.⁷ Though displeased, he agreed that the dialect surnames held a great significance for Chinese Singaporeans.

In letters to the editor of *The Straits Times* (e.g. 7, 9 June, 24 July, 1982) quite unsurprisingly more people argue against the use of Hanyu pinyin for names than for it.⁸ These are some examples of concerns. Because only pinyinized names should be used at school, problems of communication arose in schools, according to letters to *The Straits Times'* editor. Teo Geok Boey, a 6-year-old school girl, missed drinking her school milk. Her parents called her only by her dialect name. She did not recognise her Hanyu pinyin name, Zhang Yu Mei, on the milk carton at school. Another girl, Jenny Lim, was given a Chinese name by her

The Mandarin vs. dialect issue remains
contentious in Singapore (Phneah
2014).

school teacher who then used this Chinese name and not Jenny which her Catholic parents had given her. Another parent was unhappy that her son was addressed in his given Christian name in school because she preferred her child to be called by his dialect name. Perhaps some teachers are not sufficiently familiar with Hanyu pinyin to make reasonable decisions about what to call the children? There are teachers who struggle over pronunciation⁹ and who find that they can not put faces to Hanyu pinyin names (*The Straits Times* 23 Feb 1986). Some Chinese teachers who had to convert their pupils' names to Hanyu pinyin experienced difficulties in the task for which they sought help from the Ministry of Education.

Some parents were not happy that the name tags and certificates which their children were issued at school did not bear the children's actual, official, names, i. e. the names in the children's birth certificates. One letter-writer considered his son's report card "useless" because it does not bear his son's registered name.

ADD E

Sweden

Swedish name law builds on two principles, namely, that names are a public concern in that they distinguish and identify one individual in relation to another in society, and that the individual has a private right to her/his name because it is a unique identifier (SOU 1979: 25; Sandgren 1987: 355). Consequently, the Swedish government has been suggesting, since early this century, that individuals discard surnames of the type father's-first-name followed by -son which do not effectively distinguish and identify individuals and adopt unique surnames which then become the registered property of the individual (Person 1967). A name law upholds the individual's right to this unique surname and relates this right to children's names, spouse's name, name change, and so on.¹⁰ For example, my father and uncle discarded the all too common Pettersson name which simply reflected son of Petter and invented Jernudd in response to this continuing government campaign to register unique family names in Sweden.¹¹ Their action was their voluntary adjustment.

Discussion

In what situations of adjustment of personal names are rights involved? We may claim in accord with work in the ethnography of speaking (from Goffman 1955 via Schegloff et al. 1977) that discourse situations in which

one person, the Other, evaluates Self's utterance as inadequate are inherently unstable situations. We assume that self-adjustment (self-correction) is given preference in discourse by all people in all communication unless an exception has been specifically granted (such as for a teacher towards the student)¹². If an exception has not been granted and if Other corrects Self, there is confrontation which may be overtly expressed unless mitigated or covertly suppressed.

It follows that if Other takes issue with Self's name, a unique identifier of Self¹³, thus marking it as inadequate, then Other invites confrontation. There is potential conflict when Other demands or suggests a change of name by Self wholly or in part, or blocks registration of Self's chosen name. Other-initiated name change or refusal to register a name are impositions on Self, both by reason of violation of the discursial preference given to Self for adjustment (correction) in communication, and by reason of identity of Self with a name. These impositions can be construed as violations of a human right.

My reasoning now implies that all language policy implementation is a violation of an individual's right unless the individual has ceded to Other the initiation of adjustment to which Self has a right.¹⁴ Under what conditions will an individual do that?

Suggestions for adjustment that originate in State policies could perhaps be seen as mitigated by an implied public interest, an interest which includes Self together with all Others. Some aspects of the balance between Self's rights and collective rights are the individual's perception of the strength of community of interest, his or her own stake in the public interest, degree of knowledge about the relationship between policy and individual behavior and outcome, individuals' perception of compatibility of behavior in one aspect of life with other co-terminous aspects. These aspects all play a role in the unfolding of actual individual practices within the realm of the State.

Conclusion

State policy on language selection and language standardization (of character inventory, script, and transcription, and of morphology of name formation¹⁵ may have consequences for naming and naming regulations, and naming may itself be regulated. In cases of people voluntarily complying with recommendations from the state, public debate of naming recommendations and experience with its implementation by state agen-

cies and educational authorities will inevitably refer to problems of both principle and practice, but what is generally at issue here is not any human rights violation.

In a multilingual society, intensive state promotion of one variety over other ethnically marked varieties for a given ethnic group (such as of Mandarin over dialects for the ethnic Chinese in Singapore) may well have popular acceptance, yet the consequences of this repertoire adjustment may have been unforeseen and may engender conflicts of interest. Conflict in regard to naming consists in the clash between the linguistic form that the name already has (based in dialect) and the form that the standard variety would prescribe. Such conflict rests on identity of family with identity of form of name. It is reasonable to expect that unless the state seeks to circumvent the conflict by imposing adjustment, use will resolve it over time. Meanwhile, the conflict requires management by public information, discussion and flexibility of use, especially in schools and other public contexts of language use. Such conflict is potentially serious when a relatively homogeneous language community such as Cantonese-using Hong Kong becomes incorporated in China with Mandarin as the mandated public language to be required in registration of names.

The modernization process may paradoxically require a greater degree of distinctiveness of name forms when people come to participate in wider networks than the local rural one, as the Swedish case exemplifies. Since individual identity is enhanced by the individual's voluntary adjustment of name, within certain broad parameters of standard language form, people do not feel that rights are violated, rather, they gain a new right to a unique name.

The cases suggest that human rights are likely to be violated when the state intervenes in the relationship between individuals' names and group identity. Mandatory adjustment of name is a means to deny a group's existence *qua* group, as formerly with the Turks in Bulgaria, or to erode for significant numbers of individuals their ability to manifest their identity as members of a group, as with the Chinese in Indonesia. States wishing to forcibly assimilate visible ethnic groups require names to be changed. In a worst case, the state provides the new names and the individuals merely have to comply in use. Denial of name denies the identity, i. e. the particular existence of, the individual, and of all individuals who share characteristics of name. Name rights proclamations (cf. Alfredsson 1989 on indigenous peoples' rights, and Türk 1990 on minority rights) seem to aim at preventing rights violations along this

dimension. See justified to pr expression of

Notes

1. I am grateful in names. I get newspaper clippings in a language. I am also grateful for improving.
2. There are two. For networked contact by e-mail: FREDONIA, SNYFREBA.
3. Anthroponym Bulgarian Soc behavior of the studies to other in anthropol names.
4. Adler also pol They had the to Christianity.
5. The identification that there exist offer different available names.
6. The uniform support Man Singapore also individuals in Singapore also.
7. Mr. Lee point babies born in surnames), or retain surnames.
8. Those who do the paper.
9. This was common in 1990.
10. The name has change in 198

dimension. Separate mention of name rights in rights proclamations is justified to prevent the state from threatening or denying individual expression of group identity.

Notes

1. I am grateful to Professor Edwin D. Lawson for his enthusiastic support of my interest in names. I gratefully acknowledge that I have made use of data from interviews and newspaper clippings that Ms. Tan Ai-lan gathered when she participated as a student in a language planning course that I conducted at the National University of Singapore. I am also grateful to Dr. Robert Stecker and Ms. Sharon Mann for making suggestions for improving the paper.
2. There are two fine bibliographies on names and naming, Smith 1965 and Lawson 1987. ~~For networking and professional exchanges, Professor Edwin D. Lawson is easy to contact by e-mail per LAWSON FREDONIA or LAWSON SNYFREBA. BITNET.~~
3. Anthroponymic onomastic work is being done by members and associates of the Bulgarian Society for Regional Cultural Studies (Konstantinov et al. 1990) on the name behavior of the Pomaks in the region of Zlataritsa. The Society intends to extend its studies to other minorities in Bulgaria. The field study investigates compromise behavior in anthroponymic realization, as a result of the oppression of Turkish (and Muslim) names.
4. Adler also points to the fate of the Spanish Jews in Catholic Spain of the 15th century. They had the choice of either being burnt at the stake—to save their souls—or to convert to Christianity and be baptised with Christian names.
5. The identification of the Mandarin form of the name is made a little easier by the fact that there exists only a limited number of family names among the Chinese. Dialects offer differentiation of names when Mandarin-based names reduce the inventory of available names radically.
6. The uniformisation of family names which is an outcome of the language policy to support Mandarin Chinese as the community language for the ethnic Chinese in Singapore clearly conflicts with the modern state's needs for unique identifiers of individuals in a standard format. Uniformisation may be allowed to win out because Singapore also issues identity cards with unique person numbers to all Singaporeans.
7. Mr. Lee pointed out (*The Straits Times* 17 Aug 1987) that only 12% of all Chinese babies born in January to June 1987 were registered with full pinyin names (including surnames), compared to 22% in 1983. But the number who insisted that their children retain surnames in dialect with personal names in pinyin had gone up to 50%.
8. Those who do not have a grievance or a problem do not have any reason to write to the paper.
9. This was confirmed in a small study undertaken for my language planning class at NUS in 1990/91 by Ms. Lee Chen.
10. The name law currently in force was promulgated in 1982 (SFS 1982: 1134) with a change in 1988 (SFS 1988: 261) and replaced the law of 1963 (SFS 1963: 521).

11. Of course, as a Swedish citizen I have a "personnummer" [personal number], too! My number is unique because the particular number as a whole refers to me only but it is not unique because it is constructed to reveal some civic facts about me. For example, the number tells how old I am, where I was born, my citizenship status. But isn't that a different matter? A numerical identification system takes the pressure off standardization of form of name in the state's system of record keeping.
12. Which constitutes this relationship!
13. I shall assume that the newborn are extensions of parents' Selves.
14. I suggest for consideration that the initiation of adjustment by Self is a so-called natural right.
15. Language standardization and uniformisation are typical of modern contemporary societies.

II COUN TOWAI