

»Foreign» in the Icelandic name law debate

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1. Introduction

From the time that the possibility of legislation on personal names was first raised in Iceland in the late nineteenth century, comparison between the name rights of Icelanders and others has been a prominent part of the legal, scholarly and popular discourse surrounding Icelandic name law. This emerges both in discussions of how Icelandic name law and practice compares (and should compare) to corresponding policies in other countries (see e.g. Holger Wiehe 1917, Gils Guðmundsson 1952a, 1952b p. 265), and in comparing the name rights of immigrants in Iceland to those of the native population. These two discussions are interconnected.

Although Iceland is commonly regarded as culturally homogeneous, the proportion of people born abroad has increased rapidly since the 1990s, comprising 9% of the population as of January 1, 2015 (Páll Stefánsson 2015). At the same time, the puristic and assimilationist discourse of the early and mid-20th century has given way to more pluralistic attitudes. Linguistic purism is widely seen as an antiquated relic of a bygone era, and the Icelandic public regards the current name law as anachronistic and far too strict.

The present article focuses on popular discourse surrounding name law in Iceland. The approach is rooted in folklore studies and discourse analysis. Newspaper articles and web posts are taken as representative of attitudes and beliefs about name laws and practices in circulation in society, as corroborated by participant observation. Legal discourse (bills, laws, cases, and the debates and annotation connected to these) is considered as part of societal discourse.

2. Icelandic personal name law 1913–1996

The Icelandic onomasticon has traditionally been very conservative. Guðrún Kvaran (1996 pp. 368–369) points out that over half of the 20 most common Icelandic first names in 1982 were Nordic names with an unbroken tradition since the Middle Ages. Tomasson (1975 pp. 283–284) gives tables listing the most frequent male and female names in saga

times, 12th–13th c., 1703, 1855, 1910 and 1970, showing general stability (see also Otterbjörk 1963 pp. 28–29). One factor that contributes to conservatism is a strong tradition of naming children after relatives, which is one way of marking relatedness in the absence of fixed surnames. Ólöf Garðarsdóttir (1999) describes the tension between individualism and tradition in name choice. In the district she studied (Hruni), one-half of all children were named after a grandparent in the mid-19th c. (p. 304); in one lineage (Krákustaðætt), one-third of those born between 1930 and 1990 were named for grandparents (p. 302). However, recent decades have been characterized by a sharp increase in novel names (Nöfn í Þjóðskrá 2008). The current trend in name attitudes is toward individualism.

Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni (1991 pp. 70–81) trace the history of name law in Iceland. Discussion of the need for legislation on personal names began in the late 19th c., triggered in part by divided opinions about surnames (p. 70). The first law on personal names, set in 1913, included a procedure for adopting surnames (Lög um mannanöfn 1913, article 6). A committee was appointed to produce a report (*Íslenszk mannanöfn* 1915) with recommendations for suitable names and ways of forming Icelandic surnames. These recommendations were widely criticized (Baldur Jónsson 1976 pp. 35–37; Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 p. 73; Willson 2002 pp. 149–150). A significant number of surnames were adopted in the following decade (Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 pp. 73–77), but the surname opponents continued their campaign, and a new law was ratified in 1925 (Lög um mannanöfn 1925).

The law of 1925 specified that »Hver maður skal heita einu íslensku nafni eða tveim og kenna sig til föður, móður eða kjörföður og jafnan rita nafn og kenningarnafn með sama hætti alla ævi [...] Ekki mega menn bera önnur nöfn en þau, sem rjett eru að lögum íslenskrar tungu» [Each person shall have one or two Icelandic names and identify him- or herself by his or her father, mother or foster father and always write the name and identifying name (patro- or metronymic) in the same way throughout his or her life ... People may not have other names than those that are correct according to the laws of the Icelandic language] (articles 1 and 4). There was a ban on adopting surnames: »Ættarnafn má enginn taka sjer hér eftir» [No one may adopt a surname henceforth] (article 2). However, those who already had surnames could retain those surnames and pass them to their heirs (article 3). Pastors were supposed to make sure that the law was followed, and the humanities faculty (*heimspekideild*) of the University of Iceland was to resolve any disputes (article 4). There was a fine of 100 to 500 crowns for violation of the

name law (article 7) (Lög um mannanöfn 1925; Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 pp. 78–79).

This law remained on the books until 1991, but was not enforced at all consistently. Frequently children were given more than two names, and the second or third name was often a pseudosurname (Guðrún Kvaran 1988 p. 18). Halldór Halldórsson (1962 p. 329) characterizes the name law as the most frequently violated law in the country, along with the ban on importing nylon stockings. Proposals for revised name laws were proposed roughly every decade starting in the 1950s (Mannanöfn 1955; Frumvarp 1956, 1973, 1981), but none passed until 1991 (Lög nr. 37/1991 um mannanöfn). The 1991 law largely echoed the provisions of the 1925 law. The basic principle was »Nafn skal vera íslenskt eða hafa unnið sér hefð í íslensku máli. Það má ekki brjóta í bág við íslenskt málkerfi» [A name must be Icelandic or have established a tradition in the Icelandic language. It may not be contrary to the Icelandic language system] (article 2), and the ban on new surnames continued. However, the 1991 law introduced a means of enforcement, made possible by the centralized national register (*þjóðskrá*) introduced in 1952 (Watson 2010 p. 53). An official list of approved names (*mannanafnaskrá*) was to be compiled. Before a person can be registered in the national register with a name that is not on the list, the name must be approved by the personal name committee (*mannanafnanefnd*), which consists of two representatives selected by the humanities faculty of the University of Iceland (generally linguists) and one appointed by the faculty of law (article 17). The committee's decisions are published by the Ministry of Justice, and the name list is updated accordingly.

The personal name committee has been extremely unpopular; on two occasions (1995 and 2005) the members have resigned to protest what they felt was undue pressure regarding specific decisions (Eyrún Valsdóttir and Málfríður Gylfadóttir 2007 pp. 81–82; Egill Ólafsson 2005). When Baldur Sigurðsson of the Iceland University of Education agreed to join the committee in 2005 after the previous set of members resigned in protest over a protracted case involving the name *Eleanora* (Egill Ólafsson 2005), he was told, »You must love to be hated» (Baldur Sigurðsson, p.c.).

A revised name law passed in 1996 (Lög 45/1996 um mannanöfn). The 1996 name law represented a liberalization of the 1991 law in a number of respects. The stipulation that a name should be Icelandic or have established a tradition in the language was replaced by »Eiginnafn skal geta tekið íslenska eignarfallsendingu eða hafa unnið sér hefð í íslensku máli. Nafnið má ekki brjóta í bág við íslenskt málkerfi» [A given name shall be able to take an Icelandic genitive ending or have established a tra-

dition in the Icelandic language. It may not be contrary to the Icelandic language system] (article 5). The 1996 law also permits surname-like »middle names» (*millinöfn*) as a kind of non-inherited family name (article 6) and allows foreign-born citizens to retain their original names (article 11). However, the personal name committee and procedure for acceptance of new names remained the same. Aspects of the Icelandic name laws relating specifically to foreigners are discussed below.

3. Foreigners in Icelandic name law

Foreign-born persons have become increasingly visible in Iceland since the early 20th century. This is reflected iconically in the successive versions of the Icelandic name law. The 1913 name law specifies that the surname adoption procedure applies to »maður, sem fæddur er á Íslandi» [a person who is born in Iceland] (Lög um mannanöfn 1913 p. 94 article 6; Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 p. 72) and that »Útlendingum, sem hingað koma, er frjálst að rita löglegt heiti sitt á sinn vanahátt» [Foreigners who come here are free to write their legal name in the manner to which they are accustomed] (Lög um mannanöfn 1913 p. 95 article 13, cf. Frv 1913). Evidently they were few enough that this was not viewed as a problem. The name law of 1925 does not mention foreigners at all, although it does mention foreign names: »Nú hefir maður hloðið óþjóðlegt, klaufalegt eða erlent nafn áður en lög þessi voru sett, og getur hann þá breytt nafni með leyfi konungs» [If a person has received an un-Icelandic, clumsy or foreign name before this law was established, he can then change the name with the permission of the king] (article 5). The 1991 name law contains specific sections devoted to the name rights of foreign-born persons and their children (article I.8 on given names and II.11 and II.15 on last names (*kenninöfn*)) (Lög nr. 37/1991 um mannanöfn; Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 pp. 82–84). In the 1996 law, the clauses pertaining to Icelanders of foreign origin and their children are gathered (»ghettoized») into a separate section (V. kafli. Nafnréttur manna af erlendum uppruna = 10. – 12. grein [Chapter 5. Name rights of persons of foreign origin = articles 10 to 12]) (Lög 45/1996 um mannanöfn).

The notorious law that required those seeking Icelandic citizenship to adopt an Icelandic name was not originally part of the name law, but of a separate 1952 law on citizenship (Ríkisborgararéttur (veiting) 1952). However, the discussion of this law at the time made explicit reference to the name law and to the inequities which would ensue if immigrants were allowed to retain their surnames:

Á síðasta þingi var ríkisborgararéttur veittur útlendingum með því skilyrði, að þeir tækju upp íslensk nöfn, til þess að forða því, að útlend ættarnöfn ílentust hér og að fjöldi manna í landinu gengi eftir nokkur ár undir útlendum ættarnöfnum. Ef ætti að veita öllum þessum mönnum leyfi til þess að halda sínum ættarnöfnum, þá er þeim veittur allt annar og meiri réttur en Íslendingum sjálfum, sem bannað er að taka upp ættarnöfn. (Ríkisborgararéttur (veiting) 1952 pp. 1065–1066)

[At the last session, citizenship was granted to foreigners on the condition that they should adopt Icelandic names, in order to prevent a situation in which foreign surnames would take root here and numerous people in this country, after a few years, would go by foreign surnames. If one were to grant all these people permission to retain their surnames, then they are granted a completely different and greater right than the Icelanders themselves, who are forbidden from adopting surnames.]

Hence the argument against allowing immigrants to keep their surnames was that this would allow foreign names to proliferate and would discriminate against the native population.

The name law revisions of the 1990s relaxed the name requirements for naturalized citizens instituted with the law on citizenship of 1952. The 1991 law allowed naturalized citizens to retain foreign names as long as they had one name that fulfilled the criteria of the general name law (Lög nr. 37/1991 um mannanöfn, article 15). The 1996 name law eliminated the requirement of name changes for naturalized citizens (Lög 45/1996 um mannanöfn, article 11). Both laws also allowed those who had one foreign parent to bear one given name associated with that parent's culture of origin as long as they also had an Icelandic name (Lög nr. 37/1991 um mannanöfn, articles 8 and 10; Lög 45/1996 um mannanöfn, article 10).

A number of anecdotes circulate in oral tradition (and sometimes in print) about immigrants who have challenged or tried to subvert the name law. The pianist and conductor Vladimir Ashkenazy is widely believed to have obtained an exception to the name change requirement on the grounds of his fame; under other accounts, he officially became Valdimar Davíðsson (cf. Gylfi Þ. Gíslason 1972). The painter Baltasar Samper (father to the film director Baltasar Kormákur) is said to have tried to invoke the same argument but to have been told that he was not »famous enough.« He then reportedly applied to take the name Vladimir Ashkenazy, and when that was rejected, Egill Skallagrímsson, a 10th century viking and eponymous hero of *Egils saga*.

Eilífur Friður Edgarsson (né Jorge Ricardo Cabrero Hidalgo in Colombia) took the name *Eilífur Friður* [Eternal Peace] as a humorous protest to the name change requirement, after considering but rejecting the option *Ljótur Bolli* (both names are known from Old Icelandic sources and on the list of approved names, but in Modern Icelandic homophonous with »Ugly Mug») (Árni Sæberg 1996; Sveinn Guðjónsson 2000). Eilífur Friður believes that the media attention this caused helped contribute to getting the law changed in 1996 (Jón Svavarsson 1996; Eilífur Friður Edgarsson, interview taken by KJW 12 December 2006). These anecdotes generally show the immigrants in a positive light, as they display humor, resourcefulness and cultural knowledge in a coded peaceful objection to a law that is perceived as absurd.

4. Name cases in the European Court of Human Rights

The liberalization of the name law with respect to foreigners was widely regarded as correction of a long-standing injustice and as a human rights issue, cf. the European Convention of Human Rights' article 8 on the right to private life, including continuity of identity (Article 8 ECHR). The text of article 8 is very general and does not mention names:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. (Kilkelly 2001 p. 8)

Article 8 has been invoked in a number of cases pertaining to personal names in various European countries, having to do with, for instance, use of surnames after marriage and transgender persons' name changes, but also addressing conflicts between different countries' personal name legislation and complaints lodged by individuals whose desired name choices were rejected by national authorities (Identity – name and gender; Tirosh 2010). To date no Icelandic name case has gone before the European Court of Human Rights. However, reference has been made in discussion of the *Blær* case (see below) to decisions related to the name

laws of other European countries. Svavar Sigmundsson (1992 p. 86) reports that the ECHR was a consideration in the liberalization of the name law in relation to immigrants. In *Coeriel and Aurik v. The Netherlands* (1991), the Human Rights Committee had found that forbidding Dutch citizens to change their surnames to Hindi ones interfered with their right to private life: »If a State were to compel all foreigners to change their surnames, this would constitute interference in contravention of article 17» (quoted in *Identity – name and gender*).

Several cases have gone before the ECHR regarding Latvia's law on the orthography of foreign names. Latvia stipulates that names must be written according to Latvian orthographic rules, which are specified in *Noteikumi* (2004). Feminine names generally end in *-a* and masculine ones in *-s* in the nominative case. Names of foreign origin (of which the largest number are Russian) can in addition be written in the passport in the original form. The existence of a clearly delineated and detailed set of official orthographic rules may have »helped» Latvia to defend these cases.

In the cases *Mentzen alias Mencena v. Latvia* (2004) and *Kuharec alias Kuhareca v. Latvia* (2004), the court found that it was not an unreasonable imposition for the government to insist on a standardized orthography, and understandable in the light of the small number of speakers of Latvian and the language's status as barely a majority language in the country. (At the time of independence in 1991, 55% of the population spoke Latvian as a native language; two decades later, the figure was 70%.)

However, in the later case of *Raihman v. Latvia* (Human Rights Committee 2007), the decision went in the opposite direction, using violent language about the »forceful» inflection of names:

the forceful addition of a declinable ending to a surname, which has been used in its original form for decades, and which modifies its phonic pronunciation, is an intrusive measure, which is not proportionate to the aim of protecting the official State language. (Human Rights Committee 2007)

The outcomes of other name cases taken to ECHR have varied; for instance, in *Stjerna v. Finland* (Case of *Stjerna v. Finland* 1994) the court upheld the Finnish state's denial of a requested surname change from *Stjerna* to *Tavaststjerna*, whereas in *Johansson v. Finland* (Case of *Johansson v. Finland* 2007) it was found that in forbidding the given name *Axl* the Finnish authorities had encroached on the plaintiffs' right to private life. The cases differ in some other respects, but the differing outcomes in similar Latvian cases suggest a possible trend toward a more favorable

view of plaintiffs in such cases. It is also possible that Raihman's identity as a Jew, a member of a group that has historically suffered discrimination, influenced the outcome of the case. Tirosh (2010) suggests as well that men's surnames are often regarded as more immutable than women's in ECHR cases.

5. Surnames and unequal rights

The new inequality that was created through the liberalization of the Icelandic name law with respect to foreign-born citizens and their children interacts with the long-standing issue of surnames. One of the main motivations for legislation on personal names in the early 20th century was to try to regulate and discourage the adoption of fixed surnames and protect the patronymic system.

The first fixed surnames borne by Icelanders originated in Latinized forms of patronymics used by Icelandic students in Copenhagen, such as *Thorlacius*, which stems from the 17th c. (Svavar Sigmundsson 2004 p. 59). From the 18th to the early 20th century, surnames were increasingly adopted by the upper and upwardly mobile classes (those who had spent time abroad, merchants, Danish officials). Linguistic purists regarded surnames as a threat to the Icelandic language and »erlend sníkjumening» [foreign parasitic culture] (Frumvarp 1923 p. 246, cf. Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 p. 77), but many viewed them as socially desirable. While the other Nordic countries passed legislation that required fixed surnames (Denmark in 1828, Sweden in 1901, Finland in 1920, Norway in 1923), Iceland decided, after much debate (see Willson 2002), to go the opposite direction and forbid new surnames.

The forms of surnames frequently imitated Danish or other Continental models. The inflection of surnames was an issue and the difficulty of declining names used for both sexes was used as an argument (or excuse) by those who opposed surnames (Willson 2002). Foreign names and surnames are treated together from the point of view of declension (Ingólfur Pálmason 1987).

The stipulation in the 1925 law that »Ættarnafn má enginn taka sér hér eftir» [Henceforth no one may take a surname] (Lög um mannanöfn 1925, article 2) restricted the right to bear inherited surnames to those whose families had adopted such before 1925, who tended to have higher social status. The social status of a surname in Iceland has been somewhat analogous to that of an aristocratic name in the mainland Scandinavian countries (Kristján Jónsson 1998; Benný Sif Ísleifsdóttir 2013, 2015; Ættarnöfn 2013). Surnames are viewed as desirable precisely because they

are a limited good. The surname question remained contentious enough to kill several proposals for revised name laws in Iceland before 1991 (Mannanöfn 1955; Frumvarp 1956, 1973, 1981; cf. Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 pp. 79–80). The fact that the inequality persists in the laws of the 1990s was criticized by the Icelandic language commission (*Íslensk málnefnd*).

Sumum er skylt að kenna sig við föður eða móður; aðrir mega ráða hvort þeir gera það eða bera ættarnafn. Þannig er þegnum þjóðfélagsins mismunað. Einn af höfundum frumvarpsins, Ármann Snævarr prófessor, gerði fyrirvara um þetta atriði, og Íslensk málnefnd taldi það megingalla frumvarpsins. Ætla mætti að hér væri um að ræða grundvallaratriði sem varðaði almenn mannréttindi. Engin umræða varð þó um það á Alþingi. Þar var aðeins drepit á athugasemd Ármanns Snævarr, en ekki minnst einu orði á umsögn og afstöðu Íslenskrar málnefndar. Erfitt er að trúa því að Alþingi skuli standa að svo frumstæðri löggjöf á ofanverðri 20. öld. (Baldur Jónsson 1991a p. 2)

[Some are obliged to identify themselves by their father or mother; others can choose whether they do so or bear surnames. In this way there is discrimination among citizens. One of the authors of the proposal, Professor Ármann Snævarr, expressed reservations on this issue, and the Icelandic language commission regarded it as the main flaw of the proposal. One would think that this was a fundamental issue pertaining to general human rights. However, there was no discussion of this in Parliament. Ármann Snævarr's comment was briefly mentioned, but not one word was said about the statement and position of the Icelandic language commission. It is hard to believe that Parliament would be behind such primitive legislation in the late 20th century.]

Naturalized citizens were also subject to the surname ban before 1991. It is widely reported that the official letter telling Baltasar Kampar that he could not retain his surname was signed by three Icelanders, all with surnames (Kristján Jónsson 1998).

6. Surnames proliferate after 1991

Consequences of the changes to the name law in the 1990s included a rapid increase in the number of fixed (inherited) surnames in Iceland (from 3.5% to 7% of the population within a decade, Ellen Dröfn Gunnarsdót-

tir 2005). Mixed marriages between Icelanders and others were a contributing factor:

Mange nye navne vil også komme ind med islændinge, som bor i udlandet og senere flytter til landet sammen med deres udenlandske ægtefæller, som bliver islandske statsborgere. I 1994 bar omkring 5% af alle indbyggere på Island (13 000 mennesker) slægtsnavn. Nye navne kommer ind i landet, for det meste med udenlandske fædres børn, som har islandske mødre. Børnene bærer færens slægtsnavn, og dette slægtsnavn giver de til sin tid videre til deres egne børn. Af 108 slægtsnavne, der blev båret af 3 personer eller flere, var kun 19 islandske. (Svavar Sigmundsson 2004 pp. 67–68)

Svavar Sigmundsson (1992 p. 86) reports that it was not regarded as possible to prevent an increase in foreign surnames, citing the European Convention of Human Rights, as mentioned above.

Með þessum nýju lögum er afstaða tekin gegn því [=the adoption of new Icelandic surnames] og þar með lögð áhersla á hið sérstaka íslenska kerfi föður- og móðurnafna. [...] Hinsvegar þótti ekki fært að hamla gegn því að opnað yrði nokkuð fyrir erlend ættarnöfn. [...] Var m.a. talið vafasamt að bann gegn því að barn erlends manns fengi að bera ættarnafn hans fengi staðist gagnvart mannréttindasáttmála Evrópu. (Svavar Sigmundsson 1992 p. 86)

[The new law takes a stand against it [=the adoption of new Icelandic surnames] and thereby emphasizes the distinctive Icelandic system of patro- and metronymics. ... On the other hand it did not seem possible to avoid opening the way for foreign surnames to some extent. ... Among other things, it was regarded as doubtful that prohibiting the child of a foreign person from bearing that person's surname would be consistent with the European Convention on Human Rights.]

An additional factor contributing to an increase in surnames was the 1991 innovation to allow surnames to be inherited matri- as well as patrilineally (Svavar Sigmundsson 1992 p. 6) in the interests of gender equity, and to permit anyone who had one grandparent who had borne a fixed surname to adopt that name. Svavar Sigmundsson (2004 p. 67) reports that the frequency of existing surnames increased sharply following the change:

Efter den nye navnelov om brugen af slægtsnavne skete der i perioden 1991–94 de ændringer som fremgår af tabel 1. Af tabellen kan man se, at det at tage et slægtsnavn til sig er ni gange

mere almindeligt end at nedlægge et slægtsnavn. Navnene gives nu videre både i den mandlige og den kvindelige linie. I løbet af de første to måneder efter at loven trådte i kraft, blev 38 slægtsnavne på kvindesiden taget op i forhold til 254 i hele perioden frem til slutningen af 1994 [...] Frekvensen af de eksisterende slægtsnavne steg derfor kraftigt. (Svavar Sigmundsson 2004 p. 67)

Baldur Jónsson (1991b p. 2) noted at the time of the adoption of the 1991 law that it was strange to allow expansion of existing surnames but not the adoption of new ones.

Íslenskir ríkisborgarar, sem bera ættarnöfn samkvæmt Þjóðskrá við gildistöku laganna, mega bera þau áfram, hvort sem þau eru löglega eða ólöglega fengin, og sama gildir um niðja þeirra í karlegg og kvenlegg, en óheimilt er að taka upp ný ættarnöfn svk. 9. gr. Í 14. gr. segir svo að maður, sem hefir ekki borið ættarnafn en hefir rétt til þess, geti tekið það upp. Allar líkur eru því til að eftir fáeinar kynslóðir geti flestir tekið upp ættarnafn, en þá einungis nafn sem nú er í notkun. – Var stefnt að þeirri niðurstöðu? (Baldur Jónsson 1991b p. 2)

[Icelandic citizens who have surnames according to the national register at the time the law takes effect may retain them, whether they were obtained legally or illegally, and the same holds for their descendants along paternal and maternal lines, but it is forbidden to take up a new surname according to article 9. Article 14 states that a person who has not had a surname but has the right to do so can take it up. It is thus most likely that after a few generations most people will be able to adopt a surname, but only a name that is currently in use. – Was this the intended outcome?]

In an interview, Guðrún Kvaran describes the rush to adopt surnames from maternal lineages after the law change:

Nú var það leyft að ef amma þess sem bað um nafnið hefði haft rétt til þess að bera ættarnafn samkvæmt núgildandi lögum, mátti taka nafnið upp sem millinafn. Þetta hafði þau áhrif að þáð fóru að koma höktandi gamalmenni til Þjóðskrár og segja: Hún amma mín hafði leyfi til að bera ættarnafn og nú vil ég taka það upp. Þá tekur amman það upp af því að amma hennar hefði haft rétt til þess og þá hafa barnabörnin rétt á að nota nafnið. Þetta er miklu algengara en menn vita um. Þannig að nýjustu lögin sem áttu að ganga af ættarnöfnum dauðum hafa alveg verkað í þveröfuga átt. (Eyrún Valsdóttir and Málfríður Gylfadóttir 2007 p. 82)

[Now it was permitted that if the grandmother of the one who requested the name would have had the right to bear a surname under the current law, that name could be taken up as a »middle name.« This had the effect that hobbling old people started to come to the national register and say: My grandmother had permission to bear a surname and I would like to take it up now. Then the grandmother takes it up because her grandmother would have had the right to do so, and then the grandchildren have the right to use the name. This is much more common than people know. So that the most recent law which was supposed to see the end of surnames has had exactly the opposite effect.]

Both these changes to the system motivated by a desire for fairness lead to a proliferation of surnames.

7. Foreign given names »establish tradition«

Given names borne by foreigners can legally enter the Icelandic onomasticon on the basis of frequency. The personal name committee's working rules (established prior to and in conjunction with the preparation of the 1996 law, see Halldór Ármann Sigurðsson 1993) aim for a uniform standard by defining whether a name has »unnið sér hefð í íslensku máli« [established a tradition in the Icelandic language] based on numerical criteria from census data. The algorithm considers both the number of name bearers in the current population and the first census in which the name appears; the longer the name has been in use in Iceland, the fewer current bearers are required for a name to have »established a tradition.« This rubric was intended to create objective and transparent criteria for the subjective notion of »tradition« that could be applied uniformly (Halldór Ármann Sigurðsson 1993 pp. 16–20).

1. Ungt tökunafn telst hafa unnið sér hefð í íslensku máli ef það fullnægir einhverju eftirfarandi skilyrða:
 - a. Það er nú borið af a.m.k. 15 Íslendingum;
 - b. Það er nú borið af 10–14 Íslendingum og hinn elsti þeirra hefur náð a.m.k. 30 ára aldri;
 - c. Það er nú borið af 5–9 Íslendingum og hinn elsti þeirra hefur náð a.m.k. 60 ára aldri;
 - d. Það er nú borið af 1–4 Íslendingum og kemur þegar fyrir í manntalinu 1910;
 - e. Það er ekki borið af neinum Íslendingi nú en kemur a.m.k. fyrir í tveimur manntölum frá 1703–1910.

2. Með Íslendingum er átt við þá sem öðlast hafa íslenskan ríkisborgararétt án umsóknar og eiga eða hafa átt lögheimili á Íslandi. (Guðrún Kvaran 2010)

[1. A new borrowed name is regarded as having established a tradition in the Icelandic language if it fulfills any of the following criteria:

- a. It is now borne by at least 15 Icelanders;
- b. It is now borne by 10–14 Icelanders and the oldest of them has reached an age of at least 30 years;
- c. It is now borne by 5–9 Icelanders and the oldest of them has reached an age of at least 60 years;
- d. It is now borne by 1–4 Icelanders and occurs in the census of 1910;
- e. It is not borne by any Icelandic currently but occurs in at least two censuses from 1703–1910.

2. By Icelanders is meant those who have obtained Icelandic citizenship without application and have or have had legal residence in Iceland.]

As a result of this interpretation and the relaxation of name requirements for the Icelandic children of current or former foreign nationals, foreign names »establish a tradition» if the numbers are high enough, without undergoing the review of orthography and morphology to which other new names are subjected (Eyrún Valsdóttir and Málfríður Gylfadóttir 2007 p. 82; Baldur Sigurðsson 2008a p. 72; Einar Falur Ingólfsson 2008).

8. Harriet and Duncan Cardew

Public opinion as seen in comments on news sites and social media seem to side overwhelmingly with those who challenge the law or feel oppressed by it. For instance, in 2014, the Cardews, a British-Icelandic family were unable to obtain passports for their children because their names (*Harriet* and *Duncan*) had been rejected by the personal name committee several years prior, so that the children at ages 10 and 12 had no official names. As the children's father was a foreign national, giving the children additional Icelandic names while keeping the English ones would have resolved the issue, but the father was quoted as finding this »way too silly» (Henley 2014). Public anger in that case, as in general in the popular name law discourse, focused on the personal names committee that enforces the law, not, say, on the passport office, which had ceased to issue passports with placeholder names *Stúlka* ('girl') and

Drengur ('boy') following the widely publicized case of Blær Bjarkardóttir Rúnarsdóttir, who lived for fifteen years with no official name because her name was only accepted as a male name.

9. Blær Bjarkardóttir Rúnarsdóttir

The 1996 name law specifies that »Stúlku skal gefa kvenmannsnafn og dreng skal gefa karlmannsnafn.« [a girl shall be given a woman's name and a boy a man's name] (Lög 45/1996 um mannanöfn, article 5). The justification specifies that this entails that the reverse is not allowed (73. mál. Frumvarp til laga 1995, cf. Svavar Sigmundsson 1992 pp. 83–84). The 1991 law explicitly specified »Hvorki má gefa stúlku karlmannsnafn né dreng kvenmannsnafn« [Neither may a girl be given a man's name nor a boy a woman's name] (article 2). A name can only be used for both genders if it has a tradition of being used in that way.

The name *Blær* was given to one boy in Iceland as a second name in the 1920s (Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 p. 161 sv. *Blær*) but became more widely known in Icelandic through a female character in the novel *Brekkukotsannáll* (*The fish can sing*) by Nobel laureate Halldór Kiljan Laxness (1957). One female Blær was born in 1973 (before the creation of the personal name committee) but the name was more often given to boys as a second name (five in the national register as of 1989 (Guðrún Kvaran and Sigurður Jónsson frá Arnarvatni 1991 p. 161 sv. *Blær*). In the codification of the name register in 1991, the name was established as a masculine name, in part because it was more frequent in boys, but especially because of its grammatical declension.

The name is said to be derived from the masculine noun *blær* 'breeze; shade or hue'; in English-language coverage of the case it was consistently glossed as 'gentle breeze'. Another homonym is also masculine, a word for 'ram'. It is possible that the name of the character in *Brekkukotsannáll* is also influenced by the name *Blair(e)*, of Celtic origin ('plain' or 'field') and in use in Anglophone countries as a surname and (based on the surname) a given name used for both men and women.

Björk Eiðsdóttir (editor of the gossip magazine *Séð og heyrt*) had had her daughter baptized as Blær in 1997. The pastor subsequently contacted Björk to explain that he had made a mistake – the name was listed only as a masculine name in the official register (*mannanafnaskrá*), so Björk would have to submit a petition to the personal name committee to have it approved as a feminine. The petition was refused on the grounds that the name was already registered as a masculine name and the law specified that a name must be one or the other. Björk contacted the parliament

ombudsman, the Prime Minister, and the bishop. Linguists wrote articles debating the declension of the word as a feminine name (Margrét Jónsdóttir 2001; Baldur Sigurðsson 2006; Eyrún Valsdóttir and Málfríður Gylfadóttir 2007 p. 86). Then, evidently, Björk refused to give her daughter another name, but put the case on hold until her daughter was old enough to make a public face for a renewed media effort. The story was covered internationally (Geir Sigurðsson 2013) by, inter alia, Fox News, as an example of the extreme social control practiced in Scandinavian countries (Icelandic teen suing 2013).

Blær was listed as *Stúlka* ('girl') in all official documents until the age of 15. This was in violation of the law, which specifies that a child must be given a name within six months of its birth and allows for a fine of up to ISK 100 per day for failure to register a name. In 2012, Björk and Blær successfully sued Ögmundur Jónsson, the Minister of Justice, for the hardship of having been without a name for all this time. In 2013, Blær was awarded the name and ISK 500,000 in damages (Blær vann 2013; Gudjon Helgason 2013) – close to the sum that could have been exacted from Björk had the 100 kr/day fine for failure to register a name been imposed.

In both the Blær and Harriet/Duncan cases, the parents' refusal to register another name for their children was widely applauded as civil disobedience. I have not encountered in the discourse any suggestion that failure to have any official name, in addition to violating the law, might be a greater inconvenience to the children than having different official names than their parents' first choices would have been.

10. Jón Gnarr

The attempt to eliminate perceived discrimination against foreigners in name practices has led to complaints of reverse discrimination. It has brought about *de facto* pluralization of the name system and elimination of some of the uniformities e.g. in orthographic practice that the name law was intended to protect. This has led to a destabilization of the system which is likely to result in a radical liberalization of the name law in the near future. While these consequences were predictable from the liberalization, the larger consequences for the system were not part of the popular discourse surrounding the change to the law, which was framed in terms of respect for individual identity and ethnic diversity.

Since the revision of the law, some Icelanders have complained that Icelandic citizens of foreign background have greater freedom in name choice than others. The comedian turned politician Jón Gnarr complained repeatedly that he had only been allowed to adopt Gnarr as a

middle name (*millinafn*), a pseudosurname that can be used by either gender and is not necessarily inherited (a category introduced in the 1996 law, article 6), not to make it a surname and officially drop the patronymic he rarely uses. Jón pointed out that if he were foreign he would be able to take a surname.

The newer Icelandic law that grants »exceptions» to generally strict policies for foreign-born citizens or their children opens the door to accusations of reverse discrimination. The comedian-actor-cum-politician Jón Gnarr (né Jón Gunnar Kristinsson), who became mayor of Reykjavík on the joke/protest »besti flokkurinn» [best party] and served 2010–2014, publicly criticized the name law by making comparisons between the names permitted to immigrants and to native-born Icelanders (Fontaine 2014a, 2014b).

“In Iceland, you can be named Jesus,” Jón Gnarr posted on his Facebook, *Vísir* reports. “The Name Committee can’t stop that. It doesn’t matter if you spell it with an ú or a u. You can also be named Muhamed or Muhammed. The naming laws pertain mostly to only a fraction of Icelanders. What kind of law discriminates against people in this way? Why, for example, may [Independence Party MP] Elín Hirst have the surname Hirst but I can’t have Gnarr? Is Hirst cooler? More Icelandic? Are all animals equal, but some are more equal than others? In Jesus’ name, answer me!” (Fontaine 2014b)

Jón’s examples have undertones of xenophobia. He likens (implicitly) Hispanic and Muslim immigrants to the traditional »aristocratic» class of Iceland as the beneficiaries of special name privileges.

Jón took the name *Gnarr* (from *Gunnar*) as a middle name (*millinafn*) in 2005 (Baldur Sigurðsson 2008b p. 33) but had not been allowed to make *Gnarr* an official surname or to drop his patronymic. He talked about seeking a different citizenship in order to be able to change his name. In March 2015, Jón made an official name change in Texas. However, this was not accepted by the Icelandic national register (*Þjóðskrá*) (Kolbeinn Tumi Daðason 2015a). On October 20, 2015, Jón Gnarr’s case was finally resolved in his favor. The ministry of the interior found that the national register did not have the authority to override the authorities in the place of (temporary) residence where the name change had been approved (Fontaine 2015; Jón lagði Þjóðskrá 2015). This verdict does not bear directly on the Icelandic name law, as the name change was made abroad, but it is regarded in popular discourse as a victory in finding a way to circumvent the law.

11. Conclusion

The name laws in other Nordic countries have undergone significant liberalizations in recent years. Although the Icelandic law has been liberalized considerably since 1991, it remains more restrictive than those in other Nordic countries and arouses popular outrage and ridicule.

After centuries of stability and continuity in name choices, novel names have rapidly come to compete with *Jón* and *Guðrún* in popularity. In the tension between individualism and tradition in name choice (cf. Ólöf Garðarsdóttir 1999), individualism appears currently to be winning.

The attempt to respect name rights of immigrants while maintaining the generally strict framework of the law has created a situation in which not all Icelandic citizens have the same name rights. This becomes connected to the already existing discrimination and source of popular resentment in the surname policy inherited from the early 20th century.

The Icelandic situation is unstable. In the past few years there have been widely publicized attacks on the policy, such as the cases of Blær Bjarkardóttir and Jón Gnarr. In 2015 there were calls to eliminate the personal name committee by, among others, Minister of the Interior Ólöf Nordal (Kolbeinn Tumi Daðason 2015b). I predict a significant revision of the Icelandic name law within the next few years.

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