

The new Personal Names Act in Sweden – some possible consequences for the name usage

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1. Introduction

Different countries treat the matter of regulations of personal names various ways (see on this WALKOWIAK 2016). It can be agreed that some kind of structured registration of the country's citizens through their names is necessary for identifying reasons, but different states have very different views on the level of legislation needed for their inhabitants' personal names and naming. Some countries allow many names and name types, and it is easy to change to and adopt new official names, while in other countries, voluntary administrative surname changes are an exception. There can also be gender-based (or other types of) restrictions in the choice and number of first names. In this article, I will discuss the present situation in Sweden, where a new Personal Names Act has just taken effect. For many years, there has been, on the one hand, official encouragement to surname changes, while on the other hand, strict regulations of to what surnames you can change. From this new Personal Names Act I will outline some possible future consequences for the usage of personal names in Sweden.

2. Swedish naming regulations

The new Personal Names Act (hereafter, Names Act 2016) came in force in Sweden on July 1st, 2017. It succeeded an earlier Act, valid from 1983 (Names Act 1982). A short outline of naming regulations in Sweden shows that before 1901, almost no official naming rules were in place. Apart from the hereditary surnames of the nobility, and the naming of soldiers, you were free to adopt any surname you preferred. A majority of the population, especially in rural areas in the southern parts of Sweden, still used the patronymic system with no fixed or hereditary surnames. Most of the surnames used by urban dwellers, artisans

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and industrial workers all over the country, or settlers in the north of Sweden were of the compound type *Lindberg, Ekman, Boström*, modelled on the noble names, but often containing a part of a place-name from which the bearer originated. These surnames could be used or rejected at the bearer's own discretion. Your children could adopt your surname or choose another (BRYLLA 2007: 36-53). Married women could adopt their husband's surname or keep their maiden name or patronymic (ending in *-daughter*) (ENTZENBERG 2006: 47-48). The national registration of the inhabitants was in the main kept by the Swedish Lutheran Church, the official State Church in Sweden until 2000, and the local clergyman could decline or allow parents the use of certain first name(s) of children. (Förslag till namnlag 1960: 217-219.) During earlier centuries, the censure against e.g. heathen names had been harder, but in the 19th century, many newly coined first names, or names of foreign origin were introduced and accepted (GUSTAFSSON 2002: 243-247).

The Sweden of the late 19th century was a changing country. The emigration to North America and the progressing industrialization meant that many more people were socially mobile and that the former strict social order in small rural areas was disrupted. People who moved were inspired to adopt new surnames, or to discard them. It was more difficult than before to identify people, e.g. criminals, who changed names between serving prison sentences. This name instability was debated in the Swedish Parliament at several occasions during the 1880's and 1890's. A contributing issue to the official worry about names was the introduction of the Company Act from 1887 where a person had to be registered as owner under a certain surname. These factors, as well as others, lead to the first naming regulation on family names in 1901 (ENTZENBERG 2006: 11-17).

This regulation (SFS 1901:125) stated that all citizens should have a fixed family name that was to be entered in the parish records. All the still very frequent patronymics (e.g. *Andersson, Johansson*) were transformed into hereditary surnames. All existing surnames became protected, i.e. no one was allowed to adopt any of them unless you could prove that it had been used in your family. The result of this decree was that a large part of the Swedish population now shared a rather small number of secondary patronymics as surnames – as we still do. According to Statistics Sweden, in 2016, the 16 most common surnames in Sweden were all patronymics, and they were borne by ca 1.7 million people (ca 17% of the total population).

Soon after the first regulation, problems connected with the large number of namesakes having patronymic surnames resulted in calls for surname changes.

In 1920, the book “Sverges familjenamn 1920”, listing all existing surnames was published by Anders Grape, on the initiative by among others the famous linguist Adolf Noreen. This was followed the next year by a book by the same scholars containing suggestions of new suitable surnames, directed at people having patronymics (NOREEN/GRAPE 1921). According to them, a suitable new surname was to be Swedish in sound and preferably created from elements from nature or the existing name stock.

From the 1920's onwards, many Swedes followed the authorities' advice and adopted new surnames. During the 1940's, it also became easier for those having one of the more common non-patronymic names, to change it. There was, however, still no proper Names Act, and there were recurrent calls for one. After a very thorough investigation by a public committee, a formal Names Act was proposed in 1960 and took effect from 1963. This Act was still adamant in its refusal to let people adopt existing surnames (excepting family acquisitions) and in insisting that new names were to be in accordance with the Swedish language. A bearing idea was that name stability is a major concern for the public interest (ENTZENBERG 2006: 21-33, BRYLLA 2005: 73).

As Sweden gradually became a society where gender equality was regarded as desirable, and, with the increasing immigration, a number of new names entered Sweden the 1963 Names Act began to be out of date. Debates in Parliament called for a reformed and more modern Act where new aspects and phenomena in the society (e.g. many unwed parents raising families were catered for (ENTZENBERG 2006: 33-34, 65-66).

3. The 1982 Act and its problems

The new Personal Names Act from 1982 (Names Act 1982), that gained legal force in 1983, did present new objectives, where some of the most important were “the individual's freedom to choose his or her own name” and “to establish the principle of equality between the sexes and between children born to married and unmarried parents” (BRYLLA 2005: 73).

One of the most debated and questioned issues in the Names Act 1982 has been the introduction of the category *mellannamn* (literal translation ‘middle name’), a term that did not get the same meaning as in Denmark, Norway or the United Kingdom. According to the Names Act 1982, the Swedish *mellannamn* is a name to be placed between the first names and the surname. It can consist either of the surname of your spouse or your own, if you choose to take your

spouse's surname at marriage, or it can be given to children if the parents had different surnames. The *mellannamn* was, however, not to be treated as a surname (only one surname was allowed under the 1982 Names Act); it was not hereditary and the bearer should not be positioned under the *mellannamn* in alphabetical lists.

In many official catalogues and digital registers, there was no column for the *mellannamn* and this category began to be treated sometimes as a first name, but most times as a surname. An adjoining problem was that only one person in a marriage could have a *mellannamn*; it was thus impossible to achieve total name unity in a marriage where both partners wished to keep their own surname as well as combine it with their partner's.

On the question of how newly coined surnames should be constructed, the 1982 Names Act (§ 12) prescribed that such names “which in terms of formation, pronunciation and spelling has such a linguistic form that it is not suitable as a surname in this country” were not to be accepted. All existing surnames were still protected, and new names were not to be “easily mistaken” (Names Act 1982 § 13:1) for already existing names, either phonetically or visually. During the first two decades of the Act, all new surname suggestions were vetted by a prominent onomastician (first Thorsten Andersson, then Eva Brylla), but as the number of appeals against refusals increased, and as the Court of Patent Appeals in most cases disregarded the advice of the linguistic expertise, this linguistic checking was discontinued. The Court's decisions opened for many new surname formations and the original intentions of the Act could be seen as distorted (BRYLLA 2005: 74).

Some examples of types of surnames, formerly regarded as unsuitable, that during the last decades have been accepted as new surnames are (NLU: 305; LEIBRING 2014:8-9, LEIBRING 2017: 137-138):

- extinct nobility names (*Sabelhierta*),
- names created of words from foreign languages (e.g. *Newgrayswan*),
- names hard to pronounce or spell in Swedish (e.g. *Mortaigne*),
- names with strange or odd semantic meanings (e.g. *Lyllos*, slang form of *lyckost* ‘lucky fellow’),
- names with unfamiliar linguistic structures (e.g. *Barakärlek*, a combination of the words *bara* ‘only’ and *kärlek* ‘love’, not common in Swedish surnames+),
- names combining two surnames (e.g. *Forsandree* from the surnames *Fors* and *Andree*).

The Swedish people are very keen on changing to new names, especially surnames. During the last years, the annual number of applications for voluntary surname changes to the Patent and Registration Office (excepting changes at marriage) have reached 8.000 (LEIBRING 2016: 507). This urge for change can be (and has been) explained from different perspectives. Some of the more important background reasons are that, as presented earlier, hereditary surnames are a relatively recent phenomenon in Sweden, that many people still share the same surname and that changes have been encouraged for the last hundred years so that name change is an established custom. In addition, Sweden is an individualistic country where many younger people want to create their own image, including their names. The big immigration has also contributed to name changes, both from foreign-sounding names to more Swedish names, and to changes of forms in the foreign languages.

The creativity has been equally rich concerning given names. The urge for individuality in the post-modern society, among other described by BAUMAN (2002), can be a factor between the large number of new given names that we have seen introduced during the 21st century. Not only are children given hitherto unused names, adults change their names, either by adding new names or by erasing their former one. (Under the Names Act 1982 not more than one change was allowed without extraordinary reasons.) There is no upper limit of how many given names you can have in Sweden, though the large majority only have one, two or three given names. Many of the new given names have been chosen from semantic areas that until recently rarely have been in use as names, or only as unofficial nicknames. Some examples of requests for given names that were taken to the Law Courts in the late 1900's were: *Lingon* ('lingonberry') and *Rackartuss* ('rascal + wad'). Both were rejected, while names as *Lego* and *Månfare* ('moon traveller'), were accepted together with many other new creations. This more and more liberal and inconsistent judicial praxis led to an almost non-existent examination of given names by the Swedish Tax Agency, which in 1991 succeeded Svenska Kyrkan (the Swedish Lutheran Church) as national registration office (NLU 2013: 463, 622).

4. Preparations for a new Names Act

Already in the 1990's, proposals were made for a revision of the present Act. Several members of the Parliament posed questions in Parliament on this matter. The Institute for language and folklore (ISOF), which is a Swedish government

agency, whose role includes giving opinions on appropriate forms of place-names and in connection with the registration of personal names, made a formal appeal in 2004 (NLU 2013: 217-239).

In 2010, a parliamentary committee was installed, with the directions to investigate the status of the present Act, and if necessary, to outline and suggest new regulations. In the committee, with representatives from all parties in Parliament, Eva Brylla from ISOF and Sture Allén from the Swedish Academy, were appointed as onomastic and linguistic experts (NLU 2013: 43-46).

The committee made a thorough exposition of the 1982 Names Act and its practice, not least the uneven and unpredictable decisions from the Law Courts. Also, a statistical survey on attitudes to names was conducted in 2012. This survey showed, among other things, that a large majority of the Swedish people were against names that were hard to spell and pronounce, or names that diverged too much from established name patterns in Sweden. Only a minority found it acceptable for parents to give their children first names that did not conform to the child's gender.

In 2013, the committee presented their result; a new Act was outlined (NLU 2013: 23-33). Many items were preserved, but there were some major novelties, that I will present in more detail below. After several comments from authorities concerned, some changes by the juridical experts in Parliament, the government in 2016 (which had changed from right-wing to left-wing during these years) finally presented the bill to the Parliament. Because the proposed bill first had been worked upon and compiled by the all-Parliament group in the committee and presented in the NLU, little debate was held in the Parliament, and the new Names Act (hereafter, Names Act 2016) was accepted in November 2016 and came in force on July 1st, 2017.

5. The new Personal Names Act

The major novelties in the new Names Act 2016 are the following:

1. All surnames that have more than 2.000 bearers are free to take for anyone.
2. Double surnames are accepted.
3. A surname (unless a double surname) may only consist of one word.
4. No more *mellannamn* can be taken.
5. New surnames may not be confused with or mistaken for already existing ones.

6. It will be easier to change both first names and surnames several times.
7. Applications for new names will be subject to an examination of appropriateness and linguistic correctness.
8. The Institute for language and folklore (ISOF) is pointed out as advisory body for the Swedish Tax Agency, the single government agency now responsible for personal names.

The new Act also establishes that no first names are restricted to any specific gender (Prop.: 65) and that parentonyms (patronymics, metronymics) are free to adopt in common forms known from different languages (Names Act 2016 §9:4). The eight points listed above will now be discussed in more detail.

1. The decree that the most common surnames now are free to adopt for anyone, is in a way a return to the conditions applicable before 1901, when all surnames were unprotected. All existing surnames have since 1901 been legally protected against adoption by new bearers. The 530 surnames of today that have more than 2.000 bearers consist mainly of old patronymics (*Andersson, Johansson*, etc.), compound names with elements from nature or place-names (*Bergström, Lindberg*, etc.), simplex names from the same category (*Dahl, Lind*, etc.) and the most common names from some large immigrant groups (*Ali, Khan, Muhammad, Tran, Wang*).

2. There are certain restrictions in connection with the paragraph on double surnames; the most important of them is that a double surname may only consist of two names with a maximum of one hyphen. You are free to use or abstain from the hyphen, but you have to be consistent in your use. Triple-surnames are not permitted.

3. That a surname may only consist of one word is in a way an old concession to the House of Nobility (Riddarhuset) who are against the creating of “false” noble names with the prefixes *von, af* or *de*. The legislator argues that surnames consisting of a prefix + main word are not considered having a linguistic form that is appropriate for new surnames in Sweden (Prop.: 41).

4. Bearers of old *mellannamn* (“middle names”) can keep them as they are, albeit with an unclear status in the name phrase, or have them transformed to parts of double surnames, thus making it possible for spouses and families to have total name unity in a double surname. However, no new *mellannamn* can be taken.

5. This is a sharpening of the criterion of the 1982 Act where new surnames were accepted if they could not be *easily* confused with or mistaken for existing ones. The “right” to a certain surname (unless on the free list) is thus accen-

tuated through the new Act; if there is a risk that a suggested surname can be confused with an existing name that is grounds for denial (Prop.: 48).

6. Under the older Act, only one change of name (except at marriage) was allowed without special reasons. The extended rights to name change is motivated as a strengthening of the individual's right to choose his or her own name(s) at different times of life (Prop.: 21).

7. The need for more control of linguistic structures and appropriateness of new names was strongly recommended by the Committee behind the NLU. The legislator agrees that the individual's freedom sometimes must stand back in favour of the common good and that it is necessary to have a controlled development of name stock and name usage in the country (Prop.: 21-22).

8. The Institute for language and folklore (ISOF) will mostly give advise on linguistic matters and appropriateness regarding new names. Other advisory bodies on different aspects of names and name usage pointed out in the law commentary are e.g. Sametinget on matters concerning Saami names, the Swedish Academy, the House of Nobility and the Patent Registration Office (Prop.: 77-78).

6. The first reactions

The new Names Act was dubbed "a success" by Morgan Johansson, the Minister for Justice, at the opening of the Parliament in September this year. He probably alluded to the large number of applications (29.000 in two months) that already had reached the Tax agency twice as many as under the old Act for the same period. Many of these applications were from people wanting to change all their given names to new ones, something not permitted under the old Act (WIDELL 2017).

A substantial part of the new applications concern the transformation of the *mellannamn* to part of a double surname, an expected outcome, already anticipated in the law commentary (Prop.: 25). A rather unexpected outcome of the new Act is that several bearers of *mellannamn* want to keep this name, but not as a (part of) a surname, but rather as a given name to show kinship with a part of the family whose name is not borne. This will however, rarely happen, as, according the Act, names having a surname-like structure generally are refused as given names (Names Act 2016 §28:3, Prop.: 66).

7. Some potentially problematic consequences of the new Names Act

As the new Act only has been in force for a few months, there are still many interpretations, levels of acceptance etc. of the law paragraphs to establish. To perform solid practical and consequent decisions in accordance with the meaning in the Act, several trials of cases before court will have to be undertaken, thus creating practices that can be used as standards. The deciding body (the Swedish Tax Agency) will probably be rather restrictive in their acceptance of new name formations to incite some thwarted name applicants to appeal against their decisions. This can lead to debates in the media why certain names and name types now are refused, though they were accepted under the old Act.

As under the old Act, there is still the opportunity to change the spelling of your surname if there is no phonetical difference. One can change a surname from e.g. *Ekdal* to *Ekdahl*, or from *Andersson* to *Anderzon*. (This change costs less than a change to a new surname, and is popular among those wanting to have a more uncommon spelling of a frequent name, or those who want to correct some old misspelling.) If the suggested change differs too much from the old name, and the new name form already is in use, the proposed change will be rejected. With the introduction of the “free surnames” category, i.e. names that anyone can adopt, will there be an increase in the applications for changes towards more unorthodox spellings of the most frequent names, and how will that affect the name stock?

In a longer perspective, a question that might lead to discussions and perhaps family disagreements is which surnames will be transferred to the next generation. If two spouses bearing different double surnames (e.g. after their respective parents) get a child, only two of these four names can be passed on (Names Act 2016 § 20). On what grounds will these names be chosen? Which names are seen as less worthy of transmission? Which grandparents will be offended? The Names Act 2016 is gender neutral, but how will the ordinary Swedish family act? Is the patriarchal system where the father’s surname is regarded as superior, still active, or will it be the most uncommon surnames that survive? Maybe the new possibility of giving full siblings different surnames, will be a mode for preserving more names?

One issue pointed out by some of the institutions to which the new Names Act was referred for consideration, was that it takes very little notice of the fact that Sweden is a multilingual and multicultural society where many naming traditions now meet and interact. The focus in the Names Act 2016 is on names and name elements that originate from the Swedish language or at least have a

long standing in the country. Some statements in the Act relate to names from cultures with other traditions, and that such traditions can be upheld, but there is no consistent holding (e.g. Prop.: 54). One example of potential clashing is that in many countries, one surname can consist of two separate words, something not allowed according to the Names Act. There is also the latent problem of defining for how long time (or for how many generations) a family living in Sweden can allude to other naming traditions not compatible with the Names Act.

8. Concluding words

The new Names Act contains several items for which there have been calls for from different parts of society as well as many for which the Swedish people in general have no interest in or seldom even notice. The Names Act 2016 is a modernized and innovative update of the Names Act 1982. The individual's right to choose what names they want to bear is still in focus, but, as a reaction to the increasingly lax and variable handling of name applications under the Names Act 1982, it is also an attempt to guide applications for new names into accepted patterns and structures. This is a not very easily managed middle way.

It is in my opinion a certainty that the Names Act 2016 will cause discussion and perhaps some discontent. There will be some testing of the Act's outer limits – the same was seen in Norway after a new, very liberal Names Act was introduced in 2003 (UTNE 2012: 86) – but most of the provocative name proposals will probably cease after some years. In Norway, the practice has become somewhat stricter after the first years, UTNE concludes (2012: 118).

Family discussions and agreements on names might become more frequent as the possibilities of surname choice for spouses and children have increased. It remains to be seen whether parents will choose different surnames to siblings in order to show kinship with different branches of the family tree.

It is far too early to speculate over how the novelty of having “free surnames” will affect the Swedish' people yearning to create new surnames – whether the result will be that more or fewer surnames are in use in the future is an open question.

From a name scholar's perspective, the implementation of the Names Act 2016 and its future influence on the Swedish anthroponomastic landscape presents many interesting study objects. At the moment, one of the most positive features is, however, the fact that the Swedish Tax Agency in their ambition to

fulfil the new Names Act's intentions of getting more structured name planning, do take the cooperation with onomastic expertise seriously.

References

- BAUMAN, Zygmunt (2002): Det individualiserade samhället, Göteborg.
- BRYLLA, Eva (2005): The Swedish Personal Names Act 1982 and the impact of its interpretation on the surname stock, in: *Studia anthroponymica Scandinavica* 23, 71-77.
- (2007): *Andersson, Pettersson, Lundström och ... Beachman*. Om nordiska efternamn i sin europeiska omgivning, Uppsala.
- (2010). Han får heta *Madeleine*, in: *Studia anthroponymica Scandinavica* 28, 151-154.
- ENTZENBERG, Sonja (2006): "Det får ju vara någon ordning på torpet!" Svenska personnamnsregler i ett historiskt perspektiv (= Småskrifter 2), Uppsala.
- Förslag till namnlag. Betänkande avgivet av Namnrättskommittén (= Statens offentliga utredningar 1960:5), Stockholm 1960.
- GUSTAFSSON, Linnea (2002): Novation i norr. Nya dopnamn och namngivningsmönster i Skelleftebygden 1791-1890 (= *Anthroponymica Suecana* 12), Umeå.
- LEIBRING, Katharina (2014): *Nova-Li och Odesnö* – om det nya förslaget till personnamnslag och om nya personnamn i Sverige, in: *Namn og Nemne* 31, 80-91.
- (2016): Från *Svensson* till *Svedjedal*. Ett namnbyte i tiden, in: FURULAND, Gunnel et al. (eds.): *Spänning och nyfikenhet*. Festskrift till Johan Svedjedal, Hedemora, 503-511.
- (2017): Namn och nutidskänsla. Semantiska fält i nybildade efternamn, in: SCHMIDT, Tom / SÆRHEIM, Inge (red.): *Namn som kjelder*. Den sekstende nordiske namnegranskarkongressen. Kleppe 8.-11. juni 2016, Oslo, 131-143.
- Names Act 1982 = Namnlag (1982:670) utfärdad den 24 juni 1982; utfärdad den 16 december 1982. Justitiedepartementet, Stockholm (= *Svensk författningssamling* 1982:1134).
- Names Act 2016 = Lag (2016:1013) om personnamn. Utfärdad 2016-11-17. Justitiedepartementet, Stockholm (= *Svensk författningssamling* 2016:1013).
- NLU = En ny lag om personnamn. Betänkande av namnlagskommittén. Stockholm 2013.
- NOREEN, Adolf / GRAPE, Anders (1921): *Svensk namnbok till vägledning vid val av nya släktnamn*, Uppsala.
- Prop. = Regeringens proposition 2015/16:180. En ny lag om personnamn, Stockholm 2016.
- SFS 1901:125 = Förordning angående antagande af släktnamn; gifven Stockholms slott den 5 december 1901, Stockholm.
- Statistics Sweden. <http://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/arnesovergripande-statistik/namnstatistik/pong/tabell-och-diagram/samtliga-folkbokforda--efternamn-topplistor/efternamn-topp-100/>
- UTNE, Ivar (2012): Ti år med den norske navneloven, in: *Studia anthroponymica Scandinavica* 30, 71-121.

WALKOWIAK, Justyna (2016): Personal Name Policy. From Theory to Practice (= Dysertacje Wydziału Neofilologii UAM w Poznaniu 4), Poznan.

WIDELL, Jenny (2017): Efter nya lagen – dubbelt så många vill byta namn, SVT Nyheter 2017-10-02.

[**Zusammenfassung:** Das neue Personennamengesetz in Schweden – einige mögliche Konsequenzen für den Namensgebrauch. Der Ausgangspunkt des Beitrages ist die ambivalente Relation zwischen einer relativ strikten Namensgesetzgebung und den offiziellen Aufforderungen zur Namensänderung, die seit der ersten Namenverordnung im Jahre 1901 in Schweden vorliegen. Es werden im Beitrag einige problematische Bereiche des neuen Personennamengesetzes vom 01.07.2017 aufgegriffen, unter anderem wie gut das Gesetz an die multilinguale Gesellschaft des heutigen Schwedens angepasst ist und wie die beiden Möglichkeiten, Doppelnamen als Familienname zu benutzen und bei einer Namensänderung von den gewöhnlichsten Familiennamen frei wählen zu dürfen, auf den künftigen Familiennamenbestand einwirken wird.]