

Married to the Name?

The institution of marriage—a widespread and enduring practice across many cultures—retains traditions that some people consider sexist, such as the expectation that women assume their husband’s last name. About 70% of women who are married to men in the US take their husband’s surname; in Britain, the number is around 90%.¹ In Japan, where married couples are legally required to share the same name, the wife takes the husband’s name 96% of the time.

In 1981, Quebec adopted a new policy: when applying for a driver’s license or signing a contract, married women must use their surnames they were given at birth. In other words, women cannot use their husbands’ last names. In social situations, however, women are free to use whichever last name they prefer.² Still enforced today, this statute was originally enacted to eliminate the social pressure women felt to take their husbands’ last names. Proponents of the statute argue that it protects women’s identities and furthers gender equality. One woman said: “It is for me an indication that I belong to myself.”³ Others saw this law as important because it underscored Quebec’s dedication to protecting women’s rights as a matter of law.

However, some argue that not allowing women to decide their name for themselves is just as paternalistic as requiring it. On this view, empowering women means letting them decide whether or not they want to participate in this tradition. Other women are offended by the state’s implication that if they take their husband’s last name, they lose some facet of their personal identity. Indeed, many women want to be able to identify as part of a single family unit with their spouses—and with their children, who are often given their father’s last name by default. Others are upset that the government is regulating such a personal part of their life.

Contemporary trends show that married couples increasingly use both of their surnames using hyphenation, double names, or new combined names in order to express their new status as a family unit. There are also complex naming dynamics related to cross-cultural and religious marriages.

DISCUSSION QUESTIONS

1. Can a law that primarily affects women be considered an equal protection of rights?
2. On an international scale, because practices vary so much from culture to culture, is it permissible for governments to codify their cultural practices?
3. Is there any moral difference between *requiring* the practice of one spouse taking their partner’s last name and *prohibiting* it?

¹ <https://www.bbc.com/worklife/article/20200921-why-do-women-still-change-their-names>

² <https://www.justice.gouv.qc.ca/en/couples-and-families/marriage-civil-union-and-de-facto-union/marriage/married-name/>

³ <https://globalnews.ca/news/2404384/does-quebecs-ban-on-married-names-infringe-on-womens-rights/>

