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Maiden Name Retention

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Introducing...

Mr. and Mrs. John Doe
Jane Smith and John Doe

Maiden Name Retention

How it all Began



Our names are the heart of our identity, yet nearly all women abandon their original surname and take their husband's. This change in women's identity emerged from patriarchal history, where wives had no surname except "wife of X". Why is it that a married woman can be addressed by her husband's name? Why do I, an independent person from my husband, with my own past, my own family history with who's name identifies me, my own career, accomplishments, failures and more still feels the need and pressures by our society to essentially erase my past and take my husband's last name? I have an answer for you, you do not have to and its ok if you don't. Yet within Western cultures, many woman in heterosexual relationships adopt their husband's surnames after marriage and women tend to encounter stereotypes when they break with tradition by retaining their own surnames after marriage. A complementary possibility is that stereotypes are also directed toward men whose wives violate the surname tradition.

The tradition of calling a woman by her husband's name comes from an old legal practice that erased a woman's identity, called "coverture" which literally means "covered by". This law is no longer around, but we can still see its effect today.



WIFE John! Where is the rest of your wages? How am I going to pay the landlord, and buy food for the children?
HUSBAND Shut up! What I do with my money is no business of yours.

"[c]overture... rests on the old common-law fiction that the husband and wife are one, [and] the one is the husband." Former Justice Abe Fortas of the United States Supreme Court in United States v. Yazell

During the ninth century, lawmakers began to consider the legalities surrounding personhood, families, and marriage. From this the doctrine of coverture emerged. Woman were thereafter considered "one" with their husbands and therefore required to assume the husband's surname as their own. Under this law women had no independent legal identity apart from their spouse. This law also prevented women from entering into contracts, engaging in litigation, participating in business, or exercising ownership over real estate or personal property. Husbands had complete control over their wives, legally and financially. More alarmingly, the law limited a woman's recourse in rape and domestic violence cases.

Her legal identity and rights were covered by her husband's, and her own legal identity was nonexistent. Because she was not a person legally, she could not...

- Own any property (including the clothes on her back)
- Own or control her own body
- Make decisions for her children against her husband's wishes
- Sign legal documents or enter into contracts
- Keep her own salary
- Get any education against her husband's wishes

Enough is Enough - The Feminist Movements



In the mid-1800s a much needed feminist uprising occurred concurrently with the passage of Married Women's Property Acts in several U.S. states. Under these acts, women gained individual legal status for purposes of signing contracts, engaging in business and commerce, and making purchases to acquire property. There was no expiration date of coverture laws per se. Instead, the laws fell to the wayside and faded away. The suffrage movement of the late 19th and early 20th century helped contribute to its demise. Feminists' past and present, will point out that a woman's name change was an irrefutable act of submission, and many argue that when women take their husband's last name, it simply laid bare their perceived inferiority to men. While women earned the right to vote in 1920, the fine print read that they can only do so using their husband's last name up until a half-century later when a Tennessee court upheld women's right to vote using their maiden name, courtesy of *Dunn v. Palermo*. Though the practice of women taking their husband's last name is not on any lawbook, common practices still forced their hands.

Movement Continued

Prior to the 1970s, women could not get passports, driver's licenses, or register to vote unless they adopted their husband's last name. In the 1970's the U.S. Supreme Court struck down a Tennessee law requiring a woman to assume the last name of her husband before registering to vote. During this time the prefix "Ms." Emerged, allowing women to assert their identify apart from their marital status.



“I simply want to bear the name I've chosen without judgment. I want to continue on this journey with the name I have so far traveled; the one that has won awards and made mistakes. If the women at the immigration office see this as an act of rebellion, so be it.”
-Aisha Salaudeen



Old-fashioned, Heteronormative, gender-based roles and Stereotyped

The moment for full marriage equality finally arrived on June 26, 2015, with the Supreme Court decision in Obergefell v. Hodges, and marriage equality became the law of the land and granted same-sex couples in all 50 states the right to full, equal recognition under the law. Some likened taking their married partner's name to being reduced to a piece of property, same sex couple could see taking their married partner's last name as heteronormative, patriarchal, traditional, archaic and old-fashioned. For many LGBTIQ+ couples, taking their partner's last name makes no sense to them. For some, having argued and fought for marriage equality for so long, they found it difficult to explain why they would want to suddenly follow heteronormative naming conventions. I find this to be very logical and as a heterosexual woman, in sense by taking their husband's last name you are dismissing much of the feminist movements that women have fought for before us and for us. You are complying with a stereotype by not even thinking or discussing the possibility that there can be another way and that it is ok to not follow tradition. Some also view taking the last name of their partners as taking on a subservient 'wifey' role where gender roles.

Keep Your Name Jane!

“I chose to keep my birth name because I like it. It is the name I've had my entire life. All of my career highs and lows are associated with my name; my achievements, failures, and experiences are all contained in this name.” -
-Aisha Salaudeen

Alternatives

Did you know that not all countries follow this old tradition of changing the woman's last name? Greece, France, Italy, Nederland's, Belgium, Malaysia, Korea, Spain, Chile (and many other Spanish speaking countries) -Woman keep their maiden name after they get married and it is completely normal, as it should be.



There is nothing wrong with taking your husband's last name, but this tradition is not for all. If you are debating this yourself and feel that this particular tradition of taking your husband's name after marriage is not for you or are in a same-sex relationship, here are a few alternatives.

Keep your last name! Remember there is no law in the U.S. that says you must change your name.

Hyphenate your last name, back in the day when marriages were more of an alliance between families, hyphenation was a common practice. This is a nice solution that offers equal representation of your family and your partners family.

Make your maiden name your middle name. This is something that both of my sisters did this.

Have your husband take you last name. If you really want to turn the tradition on its head, your husband can take your last name. Or create a new last name together, why not? Its legal to do so.



We do not have a say when we enter this world and we do not have a say when we leave this world, so we should have a say while we are in it. If he loves you, he will not care what your name is.
-Jennifer Kerr



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