

‘Till death do us part’: Names politics and women’s experiences following a change in marital status

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Abstract

There are a number of human rights gains that South Africa and the world at large can list with regard to the emancipation of women. A significant era for women was the 80s and the policies that emanated from the Beijing conference. Resulting from this landmark conference, a number of programmes aimed at improving women’s lives have been spearheaded by the UN and some sovereign countries. However, in the domestic sphere, specifically within the marriage institution, women’s rights are not recognised in the same manner as is the case in the public sphere. When a woman gets married and/or the marriage is dissolved, the woman’s identity can be a bone of contention. Empirical research and anecdotal evidence reveal that a change in marital status is not experienced in the same manner by men and women. Women are often treated unfavourable due to choices they make to retain, change and/or revert back to their birth names. Feminist scholars (e.g. Stanley & Wise, 1983; hooks, 2000; and Magwaza, 2003) assert that most processes involving women’s lives must be understood in terms of patriarchal social structures, which have traditionally given patriarchal institutions the right to control women. Employing feminist, auto-ethnographic and social reality theoretical approaches, this article presents experiences of 44 women who have had a change in marital status, either due to marriage, divorce, remarriage or widowhood. It details the experiences women go through due to the change - with the analysis seeking to interrogate these theoretical principles in relation to the experiences of the women selected for the study.

Introduction

In a persuasive 103 pages-long paper published in *The University of Chicago Law Review*, Elizabeth Emens (2007: 767), a law professor, aptly employs words of a US journalist from a 1974 newspaper column to argue for gender equity with regard to marital names. She uses this quote as she advocates for the law of marital names that will promote choices that favour both men and women who enter into marital contracts:

I guarantee you that the first generations of women who grow up without scribbling “Mrs. Paul Newman” all over their notebooks “just to see what it looks like” is going to think we [the feminists who fought against mandatory name change for women] were mad. It is a very odd and radical idea indeed that a woman would nominally disappear just because she got married. Ellen Goodman

In South Africa this kind of debate and a possibility of the existence of a law of marital names are yet to vigorously be a subject of either the mass media or academic scholarship. Unlike the situation in South Africa, where it is a social convention and acceptable for married women to replace her birth surname with her husband's, in other parts of the world, many women retain their birth names at marriage. Although it is no longer mandatory for married women to change their names, the US once required married women to take their husbands' names for basic taken-for-granted activities like getting a driving licence or voting (Emens, 2007: 761). Lucy Stone is mostly credited with turning the tide. In 1855 she decided against adopting her husband's name at marriage and stated “my name is the symbol of my identity and must not be lost” (Kramarae & Treichler, 1992: 292).

Michael Rosensaft (2002-2003) in an article *The Right of Men to Change their Names upon Marriage* notes that in the US the drive for women to strongly fight to keep their birth name upon marriage intensified in the 1960s and early 1970s. This partially explains why most literature on the subject is produced by North American and/or west European scholars and **is** also based on family issues in these regions. See, for example, the 1970s academic literature by Lamber, 1973 and Stannard, 1977.

Across the globe, from the 1980s onwards the debate has intensified over the years. To list a few, scholarly records include studies on the US by Stannard, 1984 and Scheuble & Johnson, 1993; on Spain by Stodder, 1998; on Japan by Arichi, 1999; on Russia by Plakans & Wetherell, 2000; on Canada and the US by Lillian, 2008 and on Norway by Noack & Aarskaug Wiik, 2008. Themes covered in these studies, amongst others, concern (a) reasons for name choices, (b) predominance of fathers' names, (c) traditional nature of the naming practice, (d) and perceptions of various groups on the practice. What transpires from the discussion about this body of work is that marital names form and reflect ideas held about personal identities, children's well-being, as well as underlying perceptions held by the general public about women.

Within South Africa, however, there is a dearth of literature and studies that examine women's names, let alone the contexts as discussed above. This article attempts to go beyond these themes by mainly focussing on the kinds of experiences women go through following the surname choices they make after a marital change. Although, in academic writing, it is often discouraged and found too subjective to conduct research that is informed by personal experiences, it is crucial that at the outset I mention the fact that personal challenges gave the impetus upon which the study for this article was based. Even though this was the case, and I could, at most, personally relate to the participants' responses, no data discussed in the article directly refer to any of my personal experiences. Consequently, given that names are highly personal, some of the theoretical influences for the study are autobiographical in nature.

Principles influencing the study

Three conceptual ideologies informed the approach and analysis of this study; i.e., feminist, auto-ethnographic and social reality principles, following thoughts propounded by feminist analysts, Stanley & Wise (1983), Bozzoli (1991) and hooks (2000); auto-ethnography scholars, Taylor & Wallace (2007) and a philosopher, Searle's (2008) social theory. Although the feminist approach's main focus is on girls and women, its application in this study was with its exploit of allowing for learning and understanding women's lives and personal experiences in an overt manner. A South African sociologist, Belinda Bozzoli (1991), advising on the importance of the incorporation of lived experiences within research agendas emphasises the need to understand issues that are beyond raw research data. In turn, she says this ideal may be realised by asking the question: "What have the forces been that have shaped women's experiences, how have those experiences been expressed as consciousness and at what points has that consciousness coalesced into ideology?" (1991:03). From afar, it seems hooks (2000), a US feminist writer develops this idea when she argues that the forces that condition women's lives are related to social hierarchies which are linked to domination and control of the everyday realities of women's lives. Thus, although 'globally, women in many countries have already won the right to keep their own surnames upon marriage, the surname issue is still significant' (Arichi, 1999: 411) for many South African women whose personal identities are closely linked to their former or current husband's name. It is the social hierarchies within which they find

themselves that limit a taken-for-granted right of freely choosing their surname upon marriage as well as being respected for making non-conventional choices.

In this study women were required to critically self-reflect on their marital name choices by focusing on the experiences they have had due to those choices. This approach was informed by auto-ethnographic ideas propounded by Taylor & Wallace (2007: 04), which encourage autobiographical research 'meant to transform the consciousness of both the researcher and the reader'. Along with the feminist research methodologies' motto of *the personal is political* (Bowles & Klein, 1983), the study sought the use of Taylor & Wallace's (2007) autobiographical standpoint of *writing the self*.

To further understand women's life narratives related to the marital name choices they have made, the study employed Searle's (2008) theory of social reality. Although this theory relates to the problem of political power and the manner in which people create their political reality, it was found practical for the study as it offers an explanation of institutional social structures that classify, disempower and/or regulate women's lives. In particular, Searle's reference to the marriage and the government, as agents, that ensure collective acceptance of certain status quo positions better explained some respondents' sense of being sharply limited under current conventions, a limitation sanctioned by these two institutions despite the choices that women make.

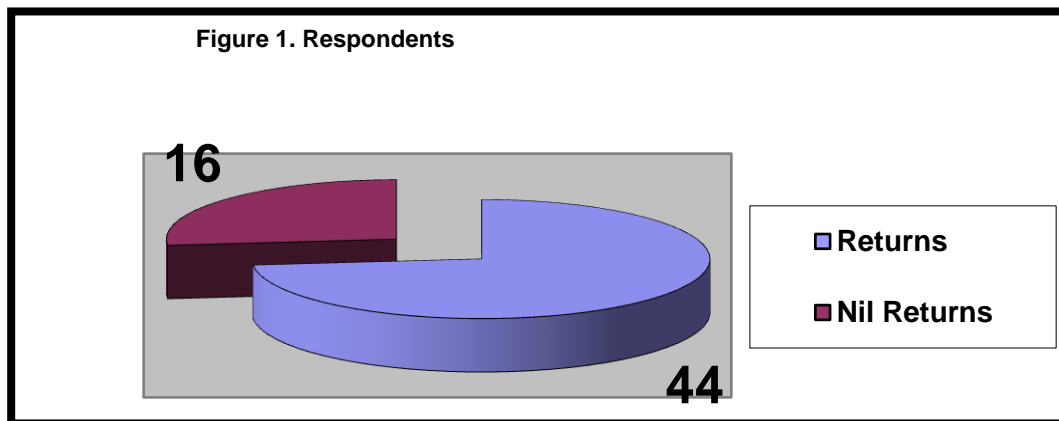
Method and responses

This study was conducted in South Africa over a six months period, between the months of May and October 2010, with a focus on heterosexual women who had had changed marital status. Although the target was broad, there was a limit on the educational status of women. The targeted group was women with at least a successfully completed undergraduate diploma or degree and who were, at first, willing to share their experiences on email. Some respondents availed themselves for face-to-face and/or telephone interviews for further data collection purposes. Eight women were identified as key respondents and interviewed in-depth and face-to-face for a minimum of 45 minutes. Though cognisant of the restricted nature of this study and, in turn, the applicability of the findings thereupon, the decision for the limited sample was made with the intention of creating a homogenous group to better respond to the aims of the study. The study sought to establish the kinds of experiences that women have had due to choices they made

to retain their birth names, change to their husband's name or revert back to their birth names following a change in marital status.

A total of 60 women were approached as possible respondents for the study, 37 of whom were affiliated to various institutions of higher learning. Three questions were posed to the respondents: (a) After a change in your marital status, what drove you to retain, change or revert back to your birth name? (b) What experiences have you had (good or unfavourable) following the change and choice? (c) In retrospect, if you had your way, would you rather use a different name, and why?

As Figure 1 indicates, out of the 60 respondents, 16 did not participate in the study. The discussion of data extrapolated from the study is thus from a total of 44 respondents, all resident in South Africa but from various nationalities and race groups.



The three questions posed to respondents were, as listed above, simple and unambiguous, or so I thought. Besides this fact, all the women respondents had a post-high-school qualification and thus these questions were easy to understand and respond to, and so was my assumption again. However, nine respondents gave responses that signify the interrelationship between the marital naming conventions in South Africa and regard for the marriage institution, in particular, a change there-in. The first two questions had the word *change* which I assume may have led to the nine respondents' disquiet and possibly made them think that the study mistook their unions as having had a marital dissolution. Responses generated from this group of respondents indicate fear of some *change* within one's marriage and somehow feed into the fact that naming patterns and the marriage itself is commonly expected to adhere to the traditional norm of women adopting her husband's name upon marriage and stay in the marriage 'till death do us part' irrespective of its dysfunctional nature. Some scholars, for example, Coltrane & Adams, (2003); Hill, (2003-2004) and Nugent, (2010) have provided reasons for this collective anxiety, which defines divorce as a "social problem". In particular, Coltrane & Adams (2003: 363) document the history of divorce and argue that "some organizations' promotion of conservative family values ... identify social contexts associated with cynical claims that divorce reflects a breakdown of the moral order". It is within the context of such panic that responses of such highly educated women should be understood. These were some of the responses that this group provided and which have been shortened by the author:

- *I will not respond to this because I am still married.*
- *I am lucky I am not divorced.*
- *Thanks God my children and I share the same name.*
- *This does not apply to me; find other participants for your study. Good luck!*
- *Please try these ladies (a list, with contact details of two-three names of divorced women was provided).*

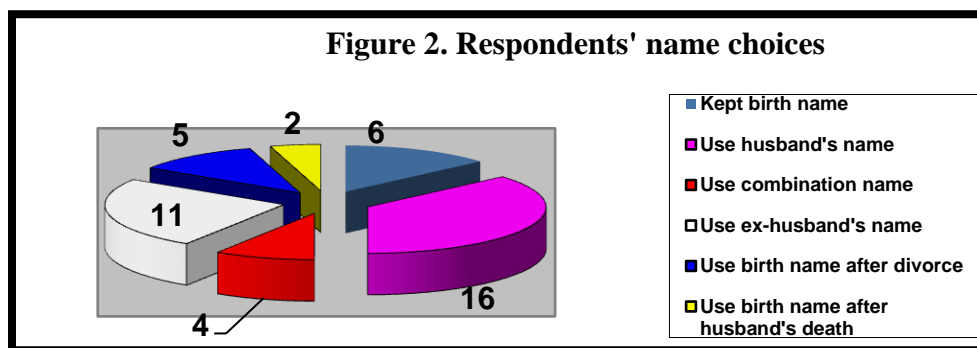
A number of studies, see for example, Fowler & Fuehrer (1997); Etaugh, et al. (1999); Forbes, et al. (2002); Lillian (2008) and Gooding & Kreider (2010) have found that the patriarchal practice of a married woman replacing her birth name with that of her husband's continues even in countries where choices that favour neither men nor women have been encouraged for a long time. Searle's (2008) theory of social reality would define this

phenomenon as an institutional social structure that inherently disempowers and regulates a person's life.

Discussion and analyses

The chosen line of discussion and analysis adopted hereunder is categorised under thematic choices that the respondents made when their marital status changed. The main interest for this article is the women's experiences in relation to their choices and the inherent determining social forces or norms. The respondents' choices are statistically represented in Figure 2 below and can be summed up in four categories; i.e. women who,

- a. retained their birth name after marriage.
- b. used or kept husband's name after marriage or divorce.
- c. used combination (double-barrelled) names upon marriage or after a divorce.
- d. reverted back to birth name after divorce or after husband's death.



Keeping birth name at marriage

Only five out of the 44 women respondents said they kept their birth name upon marriage, an indication that the practice of adopting a man's name in South Africa is normative; hooks (2000) terms this condition a form of social hierarchy that is connected to the domination of everyday realities of women's lives. It is interesting to note that only one of the five women was a native South African. Despite the small sample of this study and thus having to be cautious in drawing conclusive correlations, it is worth pointing out that a study conducted by a psychologist, Jean Twenge (1997), makes mention of a tendency of immigrant women being more likely to keep their birth names or choosing to combine their name at marriage. Twenge (1997) attributes the tendency to the fact that in her study these women scored higher on agency

and displayed relatively more feminist inclinations. All the five name keepers said that irrespective of some of their family and society's attitudes and the repercussions of their choices, they were intent on retaining an important part of their identity. Reflecting on the day she informed her husband of the decision, one respondent said,

It was difficult to convince my husband-to-be that I needed to retain my surname, but probably realising that this was so important to me (almost a precondition for agreeing to marry him) he agreed. From that point onwards I had to 'deal with the consequences of my decision'.

Although all the respondents said their partners ultimately had no misgivings with their name-retaining decision, beyond the domestic sphere, more difficulties were experienced, either with public service providers (e.g. money lending institutions and medical aid schemes) who were unashamedly opposed to the personal choice, or at informal settings (e.g. holiday resorts and church gatherings). The accounts of this group of respondents demonstrate that the South African public is far from ready to accept a couple with different names, let alone accommodate a movement like the one formed by some feminists in the 1920s, known as the Lucy Stone League, which was named after the earliest known US woman, Lucy Stone, who retained her birth name upon marriage (Goldin & Shim; 2001, 2004). Two respondents expressed annoyance with being assumed to be 'cheating on their partners' and confided in the following responses collapsed into one:

If we go somewhere and they ask us our names, the first assumption made is that we are not married. At one hotel you could read the attendant's face that suggested that perhaps I was with someone else's husband. We were then refused a room we had booked long in advance and had to find a different hotel. The lame excuse was that we were late in checking in and that our room was already taken.

The respondents reported unease with the public's tendency to address them wrongly as a couple and did so employing the husband's name; this assumption, they said, was either based on people realising that they were wearing wedding bands or were in the company of the couple's children. In some instances where the woman was well known but not her partner nor his name, the husband would, on introduction and throughout their stay, be wrongly addressed by the

woman's birth name. Even with people who knew the couple very well and were fully aware that they used different names, there was always resistance to exercising their right to use and establish their own identities, according to the report. One of the women referred to an open fight she had with a male friend at a social gathering;

I remember correcting one of my husband's friends who visited us - on how he should address me and him. He immediately remarked, "I do not think I would like my wife-to-be to get very close to you, because it seems to me you are so westernized and will corrupt her mind". So I have come to accept being, at times, referred to as "Mrs. My Husband's Name", sick and wrong as it sounds.

One of the respondents reported running into the wrong hands of the law and nearly being jailed on the basis of her having a different name from her husband's. She was travelling **between two southern African countries' borders** in a car registered in her husband's name and did not have any official document or legal proof linking her identity to his. *"Since then, I never make a mistake of leaving the house without legal documents that unmistakably indicate I am married to my husband", stated this respondent with a firm voice.* This experience demonstrates that the patronymical nature of the conventional marital naming culture is a social practice that is further sanctioned by officials.

Adopting or keeping a husband's name at marriage or after a divorce

This category had the biggest number of respondents and accounted for more than half of the total number of the respondents. Some respondents cited professional identity and avoiding confusion as some of the reasons for keeping the marital name. **In a study on lesbian and gay men in committed relationships, Clarke, et al. (2008), list similar reasons. Although South Africa does not have any formal and overt legal requirements that bind women to replace their birth names with their husband's when they marry, the study found that this was the most popular choice. ← [mention how this relates, gay vs. straight]?** Nevertheless, the fact that this is a common 'choice' is questionable as the study found that only two women expressed satisfaction with using their husband's name. The rest said they did not fully identify, with unequivocal pride, with their former or present husband's name.

Intons-Peterson and Crawford (1985), reporting on a study that sought to establish what marital surnames meant for college and university students and staff, found that, for both men and women, surnames inherently expressed an exceedingly high sense of identity. Their findings, however, revealed that women's articulation of the fact that they identified with their birth names was undervalued. It is in this vein that some feminist-inclined scholars (for example, Johnson & Scheuble, 1993 & 2002 and Emens, 2007) assert that choosing a marital name is not innocent at all, as social conventions strongly influence decisions. Thus, Johnson & Scheuble (2002: 419) submit that 'there is an effect on gender role traditionalism on marital name choices'. Accounts of some respondents within this category somehow concur with these scholars and with Suzzane Kim's (2010) argument that naming practices within the marriage construct and reflect the institution as inherently gendered. Most respondents expressed misgiving for failing to 'choose accordingly by sticking to her birth name' and some respondents expressed their emotions thus (collapsed response):

On getting married I changed to my husband's name. The reason really was not truly thought through, (it was) more the hype of a new marriage and the infatuation of being a newlywed. What was I thinking? With this change you kind of lose your identity, because your husband's name is actually not yours; you are not even related; you could still get married to the same surname or even to his brother if you wished. By agreeing to take my husband's name I often feel as if I am somewhat of a possession. His surname stamps his ownership on me. So, if anything, I would love to have no last name and just go by my two first names as I find my 'lived' identity in those names.

In relation to the other categories, this group of women were found to be the most highly regarded by society, and, relatively, had the least number of unfavourable experiences related to their marital name. According to Lebell, cited in Fowler & Fuehrer (1997), most women's adherence to the patronymical system is largely for convenience purposes, some of which is for personal gain, as expressed by a woman married to a man highly regarded in their community,

Using the marital surname has been good because of my husband's profession. For example, booking for car services; once I call and say, 'Eh, I am Mrs. (the husband's name) I need a service on such and such a day', even if the booking is full, they are able

to book me in. Again, I am able to be attended to, in a flash and without pre-booking, by any medical practitioner if I use my husband's surname.

The conventional naming practice is considered beneficial to marriage and family; in particular, children; this is a factor that most respondents cited as the reason for choosing to retain their marital name even upon a divorce. Note, for example, these two distinctly different testimonies of women who are now single after the dissolution of their marriages:

A: I took my husband's name because of convention, and in the sincere belief that the marriage would last. When it collapsed after exactly four years to the day, I retained my married name because I did not want my son to have to spend his life explaining why he and his mother had different names. This was silly in the extreme. Children very quickly discover who does not have a father or a mother at home and the child suffers that discrimination anyway.

B: I retained my married surname for two reasons: So that my children would not feel I had abandoned them and because I had earned it, starting with my ex-husband having begged me, when he proposed, to take the surname; therefore I felt I had a right to keep it.

Adopting a combination name

In South Africa, post-1994 saw a steady increase in the use of combination names, with female politicians taking a lead in publicising this marital name system. Despite the growing use of double-barrelled surnames (as it is commonly known in South Africa), relatively fewer women opt for this marital naming practice. This study recorded only four out of the 44 cases presented in the discussion of this article. Relative to the other categories, choosing a marital combination name proved one of the least encouraged decisions to make in South Africa. Along with the women who kept their birth names at marriage, respondents within this category reported more unpleasant incidents with individual members of the public and service providers' interactions. The South African government department's Home Affairs officials were listed as the worst officials. Some of what the respondents say they were told was presented as the law rather than the conventional norm. The officials are reported to have responded to queries and provided information later found to be incorrect. In a law review, Emens (2007: 765) makes

reference to similar practices in the US by desk-clerk law officers, who “effectively make the rules for many government-citizens in the realm of marital names and beyond”. The following accounts of this study’s respondents demonstrate how government officials have determined which name should appear on their identity documents:

*A: I double-barreled my surname at the collapse of my marriage but Home Affairs people do not get it and are still giving me the run-around with countless motivation forms I have had to fill out. I had wanted to do this for some time, even whilst married, as I felt my own identity was important to reclaim and retain. It is also a statement to both me and others to indicate **that I was** back.*

B: When I went to Home Affairs to apply for my new ID I discovered that they had just changed my name to my husband's despite my having indicated on the marriage form that I wanted a combination surname. It took considerable time and effort for me to find out who at the Home Affairs office could change my name to the combination surname and to persuade Home Affairs that, (a) it was my legal right to take this combination surname and that (b) it did matter as to whether or not I took this surname.

These accounts, along with those of **birth** name-keepers indicate that government systems and officials find marital name choices that defy social conventions confusing and thus insist on directing women’s choices.

Reverting to birth name after divorce or husband’s death

This practice was found to be the least favoured by women who have gone through these experiences. As these accounts indicate, some respondents in this category reported reverting back to their birth names beyond marriage for various reasons, which range from an ex-husband’s criminality to reclaiming an identity that was lost at marriage;

A: Being identified with this name feels like carrying a stigma, that is, that I am also a murderer (the respondent’s ex-husband had raped and murdered a girl-child).

B: After marriage the department of Home Affairs (HA) changed my name into my ex-husband’s without my permission. I let that go. But when I got divorced I insisted on my birth name and got an identity document reflecting my true identity. I was shocked when voting one year – to discover that I was recorded under my ex-husband’s name. This

*experience necessitated another HA visit. Furious and all the way I was thinking **siyoba yizingane zamadoda kuze kube nini kanti?** (Nguni language, meaning, at what point will women cease from being a man's child?). This name is like a bad rash that does not want to go away. I hate having to explain myself to people who have no reason to know about my personal life and that 'actually the man I once married, does not own me'.*

Children's schools were listed by one of the respondents within this category as "somehow having long made up their minds about which name options are normatively expected rather than others, i.e. the name of the father". Most schools' forms, some of which are crucial for admission purposes, seem to have been created to encourage the use of the father's name or assume all mothers readily identify as *Mrs. Some Man's Name*. One of the respondents said,

I am yet to give up on repeatedly correcting my children's school on their use of the designation Mrs., when they address me. I have come to a point where I regard the school's staff as my students by offering a quick lecture each time they make this grave mistake.

These women report that bearing a different name from that of their children has either attracted lengthy questions, an uncomfortable stare, led to being pulled out of a line or being attended to last by various officials; this ranges from their **own** employers to customs officials when travelling. All these experiences reveal that men and women are not only treated differently but woman's experiences can turn sour due to a change of marital status she once went through on some day in her life. Such experiences are reported to include (a) being quoted a relatively higher car insurance rate due to an identity history that reflects having had more than one **marital** name, (b) in cases where the ex-husband is the paying member of a medical aid scheme, health care service providers insisting on using on all records and identifying the woman patient as *Mrs. Her Ex-husband's Name*, despite having been informed differently and (c) financial institutions that always reissue credit cards and cheque books in the wrong name.

Concluding remarks

The marital name is an issue found to be meaningful and closely tied to women's identity. Whilst on one hand the study found that some women who had chosen to assume their

husband's name at marriage were content with the decision, for most respondents, Arichi's (1999:411) argument was invariably reiterated, i.e., "to change the surname does not only cause enormous inconveniences, but also indicates the alteration of the person's identification, which may give rise to the infringement of human rights". This indicates that many of the so-called 'choices' that married women make signify the prevalence of women's traditional position within the family and a reflection of the wider society's regard for women. Although globally a number of women's human rights gains can be listed, it is a fallacy that these rights are fully extended into the domestic sphere, hence Masumi Arichi's further assertion that:

A look at the surname issue demonstrates some of the ways in which women's progress is impeded by social and cultural barriers at times when changes at global and local levels threaten traditional concepts of gendered roles (1999: 411).

From most women's personal accounts, some of the 'forced choices' they make and the manner in which they are treated by other people, make it apparent that the patriarchal naming practices are far from being eroded in South Africa. This study has demonstrated that from its inner circles, the marriage institution reveals the extent to which the outer boundaries of marriage dictate and limit women's marital name choices and in turn display women's second class citizenship status even long after its demise. As indicated through the accounts above, the collapse of a marriage does not guarantee women that whatever name they choose to be identified with will be accepted and respected, particularly if the choice is not a man's names. It seems there is **application of** an unwritten law, from individuals to government officials that any women who dare walk the aisle with a man, at any given point in her life, shall in one way or another, always be stuck with the "till death do us part" cliché and a man's name. This is a stark reminder of vast inequalities between men and women as far as marital names are concerned. This is an area that most men do not have to think about, let alone struggle with at all. It is an extremely unlevelled gendered social domain.

It is interesting to point out what Kline, et al. (1996) and Clarke et al. (2008) noted in their respective studies that highly-educated and/or professional woman, especially those nearing attainment or already in possession of doctoral degrees, tended to keep their birth names upon marriage. This study's revelations are slightly different in that the trend reported by these authors was, relatively, an expressed wish rather than a reality **by some respondents**. Most women

reported regret about using their husband's name on the day they graduated or with a pending doctoral degree qualification.

In addition, the study found that there was a group of married and/or divorced women who were formally (on all their official documents) identified differently from how they were generally addressed. All their documents, for instance, reflected their birth, husband or ex-husband's name whilst they were addressed and only responded to **a name other than the one on official or legal documents**. Accounts about this group are not presented or analysed in this article. There is a need for further research on this and other differently-categorised groups of married women, other than those discussed in this article.

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