

The child needs to have a name (or two)

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Recently the following surreal situation occurred. A Belgian-Dutch couple lives in the Netherlands and is expecting their first child. According to the Dutch nomenclature legislation, the parents can choose to give the name of the father or the name of the mother to their child. Halfway through the pregnancy, the couple decides to give their child the mother's name, and sign a standard official legal document with the Dutch authorities to register their choice. A few weeks before the delivery, the woman phones the Belgian Embassy to ask whether her child will also have the Belgian nationality. Because the woman herself was born in Belgium, her child will automatically receive the Belgian nationality. However, in Belgium the child will get the father's name, since the Belgian nomenclature does not give the parents the liberty to choose for the name of the mother. The woman argues that it is absurd that one person would have two official names, but the law is the law, and the Embassy personnel can't change the Belgian law. The prospective parents hesitate whether they want to impose this Kafkaesque situation upon their child, but at that point in time there is no way back, since the Dutch legal document in which the choice of the child's name is registered can't be changed.

This Belgian-Dutch family is not alone. There are many cases of children with double nationalities where the nomenclature legislation of the countries of their parents conflict. This is especially a problem if one of the countries has a restrictive legislation, as is the case for Belgium. In many other European countries and the United States, parents can choose whether they want to give their child the father's name, the mother's name, or both. We believe that two lessons can be drawn: one for Belgian politics, and one for the European Union.

The lesson for the European Union is that she should not restrict herself to liberalizing economic markets, but also simplify and harmonize the more personal aspects of the mobility of people. Europe increasingly wants us to be mobile. Students are encouraged to undertake part of their studies in another EU-country. Employees are encouraged to be flexible, and to look for appropriate jobs across the borders. It therefore seems self-evident that the number of international couples will only increase in the years to come, and thus the number of children with two motherlands will also increase. The idea that people live their entire life within one country, and that the nation-state can offer a consistent legal framework for these people, has long been outdated. Is it really so difficult for the countries of the European Union to agree that each country will respect the nomenclature legislation of the country where the child has first been registered? In this way the European Union would make herself useful for the ordinary man and woman, who are now often having the impression that Europe is mainly concerned with the interests of the economy.

The lesson for Belgium is that the nomenclature legislation has, once again, to be put on the political agenda. The current Belgian nomenclature legislation is the most restrictive of Europe: if the parents are married, or if the unmarried man recognizes his child before

or at birth, the child automatically receives the father's name. Under the pretext of tradition or administrative simplicity, the parents are denied the liberty to choose which name they want to give to their child. Almost all European countries have a much more liberal nomenclature legislation, and this really hasn't lead to administrative chaos. Moreover, in most of these countries a substantial number of parents choose to give both their names to their children.

Why does the Belgian Government have to interfere with this? Let the parents choose whether they want to give their child the father's name, the mother's name, or both. The legislator can still impose some restrictions, for example that all children of the same family should have the same family name, or the restriction that a name can consist of two names at most. Such a liberalizing of the nomenclature legislation would not only make the life of children with two nationalities much easier, it would also allow those parents who think that the current Belgian nomenclature legislation is patriarchal or conservative the possibility to make a choice that is more in line with a philosophy of life that values the equality of the father and the mother, also at the symbolical and discursive level.

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