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Personal Naming and Law

— The Vietnamese Civil Code and English Common Law in Comparative Perspective

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Abstract
This article examines how personal names are regulated in Vietnam and England, exploring what these contrasting approaches reveal about law as a cultural institution. It argues that legal regimes of naming do not merely register identity but encode distinct cultural logics: Vietnamese law emphasizes collectivist stability through codification, while English law prioritizes individual autonomy via permissive common law. Drawing on statutory analysis (notably the 2015 Vietnamese Civil Code), English case law, administrative circulars, and ethnographic studies of minority naming practices, the study highlights how legal frameworks interact with social norms. Findings indicate that Vietnam's codification reinforces kinship and lineage structures but risks marginalizing non-majority practices, whereas English common law facilitates personal choice yet can disadvantage migrants and minority language users due to administrative and resource barriers. By treating names as both cultural-linguistic artifacts and legal identifiers, the article shows that the "right to a name" is realized in culturally specific ways, illuminating law's role in mediating identity, recognition, and belonging.

Keywords
personal name, Vietnamese civil code, English common law, law and culture, onomastics

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1. Introduction

Personal names are among the most fundamental and universal features of human societies. They serve as primary identifiers of individuals, carriers of cultural and familial meaning, and indispensable elements of legal recognition. From the moment of birth, individuals are named, and that name becomes the basis for social interaction, bureaucratic registration, and legal accountability. Yet names are not neutral or purely functional; they are socially embedded, culturally symbolic, and legally significant (Alford, 1988; Scott, 1998). The ways legal systems conceptualize and regulate names therefore provide a unique window into the interaction between law and culture.

Regulation of personal names varies markedly across jurisdictions. Civil law systems often codify how names must be structured, recorded, and changed (Munday, 1986; Shakargy, 2020). Common law systems frequently adopt a more permissive stance, treating names as matters of personal usage and intervening primarily to prevent fraud or administrative confusion (Kim, 2009). This legal diversity underscores core socio-legal issues. Law functions not only as a guarantor of individual autonomy in matters of identity but also as a custodian of collective traditions and social order. Through registration and rulemaking, legal systems translate cultural conventions into bureaucratic categories, embedding social practices within administrative structures.

This article addresses those issues through a comparative analysis of Vietnam and England. Vietnam exemplifies a civil law jurisdiction in which personal names are explicitly governed by statute and closely tied to kinship, lineage, and ancestral continuity. England, by contrast, exemplifies a common law approach where names are largely shaped by social practice and individual discretion, and where statutory intervention is minimal. Placing these regimes side by side shows how legal approaches, codification in Vietnam and usage in England, reflect different cultural logics: collectivism and lineage in the former, individualism and autonomy in the latter.

Three research questions guide the study:

1. How does the Vietnamese Civil Code conceptualize and regulate personal names?
2. How does this compare with the English common law tradition that treats names as matters of usage and personal choice?
3. What do these differences reveal about law as a cultural institution?

The comparative method used here is deliberately institutional and cultural: it contrasts statutory codification (Vietnam) with common law practice (England) and interprets each within broader social frameworks (e.g., Confucian lineage traditions, liberal individualism). The paper contributes to scholarship at the intersection of onomastics, comparative law, and socio-legal studies by (i) treating names as socio-legal artifacts rather than merely administrative data, (ii) elaborating the particularities of Vietnam's statutory regime and its frictions in practice, and (iii) contrasting these with an English model that privileges usage and flexibility.

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The article proceeds in several stages. It first situates the study within debates in onomastics, socio-legal scholarship, and comparative legal studies. It then examines the Vietnamese legal framework governing personal names, focusing on its legislative development, administrative implementation, and the practical challenges that arise in minority contexts. The discussion subsequently turns to English common law, interpreting its permissive approach to naming through relevant legal doctrine and onomastic theory. A comparative analysis then explores how these contrasting legal traditions reflect different cultural and institutional logics. The article concludes by considering the broader implications of these findings for naming policy, minority recognition, and future research on law and personal identity.

2. Theoretical Background

2.1. Onomastics: Names as Linguistic, Social and Symbolic Systems

Onomastics foregrounds the multi-dimensional character of personal names: they are phonological and morphological items, semiotic tokens, and social indexicals of kinship, ethnicity, or origin (Ainiala et al., 2012; Hamann & Vogel, 2017). They function as mnemonic vessels of history, embodying genealogies and preserving cultural heritage (Coates, 1999; Hough, 2016; Li et al., 2024). Names stabilize social recognition across time, yet they are also dynamic, shifting with migration, intermarriage, or personal choice (Alford, 1988).

The philosophical notion of names as “rigid designators” originates in the work of Saul Kripke (see Kripke, 1980); onomastic scholars such as Coates (2006) have drawn on Kripke’s notion to discuss how proper names function as stable referents within social and documentary practices. The linguistic structure of names, the presence or absence of surnames, the sequencing of elements, the use of diacritics, bears the imprint of broader cultural histories.

The symbolic and semiotic value of names has been emphasized by Alford’s (1988) anthropological survey of naming practices across cultures, which shows that naming is simultaneously an act of differentiation and of belonging. While names individuate persons, they also locate them within kinship networks, cosmologies, and social hierarchies. Coates (1999) reinforces this point from a historical onomastic perspective, tracing how the English adoption of hereditary surnames in the medieval period coincided with growing administrative needs and the consolidation of landed inheritance (see also Hough, 2016). This shift illustrates that names not only reflect but also facilitate sociopolitical transformations.

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Crystal (2003) discusses the emergence of naming practices that reflect linguistic creativity, hybrid forms, and cultural adaptation. In English, for example, immigrant communities have historically anglicized or modified names to secure social mobility, while contemporary parents increasingly select novel or hybrid forms that defy conventional structures. Such trends demonstrate that names are dynamic instruments of identity work. The duality of stability and change, emphasized in the literature, is central: stability ensures legal legibility and cultural continuity, while change enables individual agency and adaptation.

Thus, the onomastic scholarship establishes a foundational insight for this study: names must be understood as cultural-linguistic forms that straddle the individual and the collective, tradition and innovation, stability and fluidity. When placed in legal contexts, these tensions are amplified, since the law seeks both to guarantee rights and to maintain order.

2.2. Law, Registration and Personhood

From a legal perspective, names are not merely cultural expressions but fundamental elements of legal identity. Civil and birth registration systems serve to establish this identity, enabling individuals to access citizenship rights, social services, and legal protections (Harbitz & Gregson, 2015). Without a legally recognized name, individuals may be excluded from rights and services, rendering them effectively invisible to the state. Even ostensibly technical terminological choices, whether registers refer to a *surname*, *family name*, or *last name*, are far from neutral; they operate as instruments of state legibility and governance. Historical and comparative scholarship demonstrates that the standardization of patronyms and the framing of name-fields constitute techniques through which states render populations administrable (Scott et al., 2002; Breckenridge & Szreter, 2012).

Comparative legal scholarship reveals stark divergences between civil law and common law traditions (Kim, 2009; Munday, 1986; Shakargy, 2020). Civil law regimes typically codify naming structures in detail, specifying not only the necessity of surnames and given names but also the permissible forms and procedures for changing them. By contrast, common law regimes generally defer to social usage, allowing names to be adopted and altered through practice, with legal intervention limited to cases involving clarity, fraud prevention, or administrative necessity.

The theoretical significance of names in law has been emphasized by Scott (1998: 262–306), who frames naming as part of the state's project of "legibility". Standardized name-fields, whether termed *surname*, *family name*, *last name*, or *forename*, function as technologies of legibility that stabilize categories for taxation, conscription, property, and legal recognition (Scott et al., 2002; Breckenridge & Szreter, 2012). Analogous to cadastral

surveys that render land governable, civil registers render populations visible and administratively manageable. Names thus operate simultaneously as personal identifiers and instruments of governance, allowing states to classify, monitor, and regulate individuals while serving as channels for cultural reproduction. Abiusi (2024) further highlights that legal terminology carries embedded cultural assumptions, showing that naming cannot be reduced to neutral administration but is part of law's broader cultural scripting.

Recent interdisciplinary research reinforces this perspective. Nick (2024: 18–24) emphasizes that legal regimes around naming are never neutral; they are embedded with power relations and cultural assumptions. Courts adjudicating surname disputes, legislatures setting naming limits, and administrative agencies enforcing transliteration standards all actively shape naming practices. Aldrin (2023) demonstrates, in the Nordic context, how naming, through first-name choices and textbook representations, signals cultural continuity and linguistic identity even when formal restrictions are minimal. European legal cases further illustrate how seemingly technical issues, such as diacritical marks or original spellings in minority names, reflect tensions between dominant linguistic norms and minority cultural rights (Lazowski et al., 2015; Palinska, 2021). Hamann and Vogel (2017: 101) conceptualize law and language as intertwined "fabrics woven from single-colored fibers", where recurrent terminological patterns are not merely procedural but constitutive of legal identity formation.

Bourdieu's (1991) notion of symbolic capital illuminates how names convey recognition, status, and legitimacy. Legally validated names carry institutional weight, while informal or culturally specific names may lack formal authority. Restrictions on naming, such as anglicization in colonial contexts or prohibitions on diacritics in minority languages, can function as instruments of exclusion. Collectively, this literature frames the regulation of names as a nexus where state governance, cultural practices, and symbolic power intersect, demonstrating that names are simultaneously legal tools, social markers, and repositories of cultural meaning.

2.3. Socio-Legal and Cultural Approaches to Naming

Socio-legal scholarship frames names as cultural practices mediated by law. Cotterrell (2017) argues that law is always embedded in cultural contexts; it does far more than regulate: it helps to shape the meanings and values within which legal norms are understood. Merry et al. (2010: 1) complements this view by showing how law and rights discourses are contested and reshaped "from below", especially by marginalized groups, revealing the dynamics between formal legal norms and cultural practice. Hamann and Vogel (2017) similarly contend that law and language are inseparably woven together, underscoring that legal categories such as personal names are both culturally produced and culturally productive.

Minority and indigenous naming practices illustrate how law can marginalize or recognize cultural diversity. Empirical case studies demonstrate how administrative terminologies and registry conventions have been used to impose or erase naming forms, from colonial impositions of European surname systems to twentieth-century renaming campaigns, thereby remaking local identity categories into state-legible objects (Breckenridge & Szreter, 2012; Caplan & Torpey, 2001). In Canada, legal reforms have sought to accommodate indigenous naming conventions that do not fit the Eurocentric surname-given name binary (McIvor, 2019). In Scandinavia, Sámi communities have long challenged state naming laws that privilege majority linguistic norms (Aldrin, 2016). In Africa and Asia, colonial regimes imposed European naming systems, often suppressing indigenous practices in favour of registrable, legible forms (Breckenridge & Szreter, 2012). These examples highlight how naming laws are implicated in broader projects of cultural dominance and resistance.

Crystal's (2003) notion of linguistic creativity dovetails with these socio-legal accounts: individuals and communities adapt naming practices to navigate legal frameworks, at times resisting, at times accommodating. Murray (2009), examining U.S. common-law practice, demonstrates that even in permissive systems where individuals can freely choose names, legal institutions still mediate recognition and impose subtle constraints. The case of Vietnamese minorities such as the Jrai and Bahnar (Thieu, 2023) underscores this dynamic: despite long-standing traditions of single names or alternative clan-based systems, individuals must conform to the Civil Code's tripartite structure to secure legal recognition. The law thereby privileges majority cultural norms, even as it professes universality.

At the same time, law may serve emancipatory functions. The recognition of minority or indigenous names can become a means of cultural revitalization and political empowerment. There are cases where court rulings in Europe have affirmed parents' rights to select culturally significant names against administrative prohibitions, reframing names as arenas of rights-claims rather than administrative compliance (Palinska, 2021). Such developments reveal the duality of law: it is both a constraint and a potential resource for cultural recognition.

Thus, socio-legal scholarship positions naming laws as cultural institutions that both reflect and shape collective values. They are not mere instruments of administration but sites of symbolic struggle over belonging, recognition, and identity.

2.4. Gaps and Contribution

Despite the richness of onomastic and socio-legal scholarship, there remain significant gaps in comparative studies of naming law. Moreover, legal-doctrinal accounts show that the distinctions between *surname*, *family name*, and the more nebulous *legal name* are

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not merely lexical: they reflect different bureaucratic commitments and yield differing practical outcomes in courts and registries (Munday, 1986; Baker & Green, 2021).

Much of the onomastic literature has focused on linguistic, anthropological, or historical dimensions of naming (Alford, 1988; Coates, 1999; Hough, 2016; Li et al., 2024; Crystal, 2003), while legal studies often treat names in narrow administrative terms. Only recently, through works such as Nick (2024), Aldrin (2023), and Lazowski et al. (2015), has there been sustained engagement with names at the intersection of law, power, and culture. Clay (2022) highlights how administrative terminology itself generates legal and social consequences, while Abiusi (2024) demonstrates that the very language of law is culturally contingent. Together, these works underscore the importance of treating names as legal-linguistic artifacts shaped by wider cultural contexts.

Yet few studies bring together civil law and common law systems in a comparative framework that treats names simultaneously as linguistic artifacts and as legal-cultural products. Vietnam and England provide a particularly illuminating juxtaposition: Vietnam represents a codified civil law regime, embedding names within collectivist traditions of kinship and lineage, while England exemplifies a common law tradition privileging individual autonomy and social practice.

This study contributes by bridging these literatures in three ways. First, it situates Vietnamese naming law within a global conversation about codification, minority rights, and state legibility. Second, it brings onomastic theory concerned with the linguistic and symbolic aspects of names into dialogue with socio-legal scholarship, demonstrating how names function as cultural-legal artifacts. Third, it highlights minority naming practices and administrative frictions as critical sites where codified norms encounter lived cultural diversity.

By addressing these gaps, the article advances what might be termed socio-legal onomastics: an interdisciplinary approach that treats names as simultaneously linguistic, cultural, and legal phenomena. It underscores that the regulation of names is not merely administrative but profoundly cultural, revealing law itself as a script for identity, belonging, and power.

3. The Vietnamese Civil Code and Personal Names

This section undertakes a detailed analysis of the Vietnamese Civil Code and its treatment of personal names. Drawing on statutory text, administrative guidance, and socio-legal commentary, it explores how Vietnam frames the “right to a name” as both an individual entitlement and a mechanism of cultural reproduction. This sets up the comparative discussion with England, where the absence of codification and reliance on common law principles of usage reflect a contrasting cultural orientation toward personal autonomy and fluid identity.

3.1. Overview and Argument

This section provides a detailed, socially grounded legal analysis of Vietnam's approach to personal names. It covers

(1) the statutory architecture (Civil Code 2015; Law on Civil Status 2014; Decrees and Circulars),
(2) doctrinal content (Article 26 and related provisions),
(3) administrative procedures and recent interpretive guidance,
(4) concrete implementation problems (with emphasis on Jrai and Bahnar communities and the middle name),
(5) lesser-noted effects on rights and access, and
(6) reform proposals.

The analysis uses socio-legal theory (Scott on legibility; Bourdieu on symbolic power) to interpret why codification produces both benefits (legibility, legal certainty) and burdens (marginalization of minority naming practice).

Vietnam officially recognises 54 ethnic groups (Viet Nam Government Portal, n.d.), of which the Kinh (Viet) are the majority. The absence of stable surnaming systems is not unique to the Bahnar and Jrai but is a broader feature among many Central Highlands communities. The Bahnar and Jrai were selected as illustrative case studies for two reasons: (i) they are among the larger, well-documented Central Highlands groups and the literature (and administrative casework available to the author) contains several examples that illuminate the frictions between customary forms and civil-status registration; and (ii) they exemplify two contrasting registration problems that recur elsewhere in the region: firstly, multiple clan identifiers that do not match the triadic Kinh form, and secondly, historical imposition or assignment of Kinh-style surnames in early registration systems. Selecting these groups therefore permits an in-depth illustration of mechanisms that are present in other Highland groups while keeping the analysis tractable.

3.2. Statutory Architecture: Laws, Decrees and Guidance

The regulation of personal names in Vietnam is organized through a layered statutory framework that combines civil law codification with detailed administrative instruments. At its core is the Civil Code of the Socialist Republic of Vietnam (No. 91/2015/QH13), where Articles 25–28, and in particular Article 26, enshrine the "right to a name" as part of the catalogue of personal rights. These provisions define the constituent parts of a Vietnamese name: surname, middle name, and given name while also prescribing the rules for determining each component and outlining the circumstances in which a name may be lawfully changed.

Complementing the Civil Code is the Law on Civil Status 2014, which situates names within the state's broader registration regime. This statute specifies that a child's birth certificate must record the full sequence of surname, middle name, and given name, thereby linking naming practices directly to civil status documentation. Implementation is guided by Decree No. 123/2015/NĐ-CP, which replaced Decree No. 158/2005/NĐ-CP, and by a series of Ministry of Justice circulars that standardize procedures for local registrars.

Finally, the statutory framework is interpreted and shaped in practice by judicial commentaries and administrative handbooks, such as those of Đinh (2021) and Thieu (2023). Together, these instruments reveal that names are treated both as protected attributes of legal personality and as administrative data fields. Yet they also highlight how ambiguity often arises in the spaces between codified rights and the discretionary practices of local registrars.

3.3. Doctrinal Content: Article 26 and its Interpretive Contours

Article 26 of the 2015 Civil Code forms the doctrinal core of Vietnam's legal approach to personal names. Its provisions establish the name not merely as a linguistic label but as a legally binding attribute of civil status, anchored in the act of birth registration. Clause 1 affirms that every natural person has the right to a surname and given name, with the possibility of a middle name. Crucially, it ties the legal existence of that name to the birth certificate, thereby fusing personal identity with the state's documentary apparatus.

Clause 2 sets out the rules for determining surnames, emphasizing parental agreement as the default mechanism. Where consensus cannot be reached, custom provides the guiding principle, and in cases where paternal identity is absent, the maternal surname applies. The provision also supplies special rules for children without established parentage, such as foundlings or adoptees, underscoring the state's role in assigning legible identity even in exceptional circumstances.

Further provisions impose linguistic and formal constraints: names must be rendered in Vietnamese or in the language of a recognized ethnic minority; they may not contain numbers or symbols; and they must not infringe upon the lawful rights of others or violate the principles of civil law. These constraints demonstrate the legislature's dual concern for cultural integrity and legal coherence.

Finally, Articles 27 and 28 enumerate the grounds upon which a name may be changed, including adoption, correction of errors, or the avoidance of names deemed detrimental to an individual's rights or interests. Importantly, the law specifies that such changes do not extinguish liabilities or rights accrued under the former name. Taken together, these provisions illustrate the Vietnamese legislature's intent to treat the personal name as a durable legal fact – an identity marker that balances cultural norms, administrative stability, and the protection of civil rights.

3.4. Legislative History and Administrative Practice

The legislative trajectory of Vietnamese naming law reflects attempts to balance tradition with administrative uniformity. The 2005 Civil Code and Decree 158/2005 left ambiguity: some registrars required paternal surnames and documentary proof, while others permitted broader parental choice. The 2015 Civil Code sought to harmonize these practices, clarifying that parents may agree on a surname, with custom applying where they disagree, and explicitly recognizing the middle name as part of the legal name. This reform affirmed cultural practice while seeking administrative certainty. Policy rationales are evident: codification supports legibility for state registers, identity cards, and property records, embedding naming within the state's project of population management (Scott, 1998).

Administratively, the Law on Civil Status 2014, together with Circular No. 04/2020/TT-BTP guiding its implementation, requires parents or guardians to register births at commune-level civil-status offices, which issue the official birth certificate establishing the child's legal name. Registrars' duties are largely ministerial but include limited discretion to refuse names that violate statutory restrictions or administrative guidance. In practice, these national provisions are supplemented by provincial administrative instructions. For example, guidance circulated by the Department of Justice in Đak Lak province has addressed the recording of ethnic names and ethnonyms in civil-status registers in order to ensure consistency with official ethnic classifications and orthographic conventions (Dak Lak People's Committee, 2016). Procedures also distinguish between correction, supplementation, and change of civil-status information, each with distinct evidentiary requirements. Ambiguities remain, especially over whether retrospective additions such as inserting a middle name count as supplementation or impermissible change (Thieu, 2023). This has produced uneven administrative practice across provinces.

3.5. Cultural Diversity and Interpretive Frictions

In many Central Highlands communities, including the Bahnar and Jrai, personal naming practices are also embedded in customary naming systems that regulate kinship, clan identity, and social obligations (Ngo, 2003). These customary frameworks function as socio-legal orders within the community, shaping how names signal lineage and social belonging. While a detailed ethnographic analysis of these systems lies beyond the scope of this article, acknowledging their normative role helps explain why standardized civil-status registration may generate friction when applied to indigenous naming traditions.

Implementation frictions are clearest in minority regions. Local administrative reporting in Gia Lai province has also highlighted difficulties in recording ethnic names

and clan identifiers, particularly where indigenous forms must be transcribed into Vietnamese orthography for civil-status registers (GLO, 2024). Thieu (2023) reports recurrent difficulties in Gia Lai province where Jrai and Bahnar citizens seek to recover surnames absent from older records. Historically, Jrai clans used multiple identifiers (e.g., *Rchom, Ksor, Rahlan*), while Bahnar registrants were often recorded under Kinh-style surnames in earlier administrative systems, including the surname *Đinh*. The provenance of this surname among Central Highlands minorities, however, remains debated. Some accounts suggest that Kinh-style surnames were assigned during colonial or early republican civil registration practices in order to conform to administrative naming formats, while other interpretations link the term *đinh* to earlier administrative classifications referring to adult males in household registers. Because the available evidence is inconclusive, the use of *Đinh* here is best understood as reflecting historical processes of administrative standardization rather than a single clearly documented origin. Contemporary petitioners wishing to reclaim indigenous clan identifiers encounter legal silence: the Civil Code presumes parental surnames, not clan-based identities, as the basis for registration.

Three issues follow. First, local variance: some registrars accept clan surnames when supported by petitions, others reject them for lack of statutory basis, producing uneven access to the right to a name. Second, historical legacies: imposed surnames during colonial registration continue to constrain recognition. Third, procedural mismatch: retrospective supplements are treated differently across jurisdictions, leaving petitioners uncertain whether they face a correction, supplementation, or change procedure.

The middle name further illustrates this ambiguity. While the Civil Code formally recognizes it, the law offers no procedure for retrospective additions. In practice, officials differ: some treat it as supplementation, others as change, forcing applicants into judicial petitions that impose cost and delay (Thieu, 2023). The middle name's cultural role as marker of gender (*Văn, Thị*), lineage, or religious affiliation (Nguyen, 2024) makes its inconsistent recognition a source of frustration.

3.6. Rights Effects and Equality Considerations

These administrative rigidities have material consequences. Individuals without surnames on their documents face obstacles in schooling, inheritance, and property registration, where family lineage matters. The inability to register clan or culturally significant names denies recognition to minority identities, producing what Thieu (2023) calls "administrative invisibility". From a socio-legal perspective, these outcomes exemplify what Merry et al. (2010) describe as the uneven translation of universal rights into practice: the Civil Code's promise of equality can result in substantive exclusion where administrative categories are calibrated to majority norms.

3.7. Reform Options and Theoretical Insights

Several reforms could align law with cultural pluralism while preserving administrative coherence. First, statutory amendment could insert explicit recognition of customary clan surnames for minorities, broadening the legal bases for surname determination. Second, a Ministry of Justice Circular could clarify supplementation rules for missing surnames and middle names, while establishing evidentiary standards such as community affidavits or genealogical attestations (Thieu, 2023). Third, registrar training could standardize practice and incorporate cultural competence, reducing local variation. Fourth, simplified administrative routes, affidavit-based supplementation rather than court petitions, would lower barriers for disadvantaged groups. Finally, oversight and appeal mechanisms could provide redress for arbitrary refusals.

Theoretically, Vietnam's system illustrates Scott's (1998) concept of legibility: codification facilitates state administration but risks erasing cultural variety. Bourdieu's (1991) notion of symbolic capital highlights why recognition matters: once inscribed in registers, names grant access to resources, rights, and opportunities. Failure to recognize minority naming practices produces not only symbolic but distributive exclusion. The Vietnamese case thus underscores the tension between universalist codification and plural legal orders, where statutory language must be supplemented by administrative and doctrinal flexibility if equality is to be realized in practice.

3.8. Summary

Vietnam's Civil Code positions names as protected personal rights and prescribes their forms and change procedures. The codification achieves legibility and legal certainty but generates frictions where cultural naming systems diverge from statutory presumptions. The Jrai and Bahnar cases illustrate how statutory silence and administrative inconsistency can deny practical realization of the stated right. Policy reforms that combine statutory clarification with administrative guidance can reduce exclusion and better align law with Vietnam's cultural pluralism.

4. Personal Names under English Common Law

The English common-law approach differs sharply from the Vietnamese codified model described above. The remainder of this section examines how English administrative practice and common law treat personal names, focusing on usage-based identification, evidentiary mechanisms (deed polls), and the ways administrative rules shape minority name recognition.

4.1. Statutory and Administrative Architecture

Unlike the Vietnamese Civil Code, English law does not enshrine the right to a name as a discrete civil-code provision. Instead, the framework is a patchwork of statutes, administrative practice, and common law. As Aldrin (2016) notes from a Nordic-European perspective, this absence of codification reflects a broader common law orientation toward flexibility and personal autonomy rather than prescriptive regulation.

The principal statutory text is the Births and Deaths Registration Act 1953, which consolidates earlier enactments and establishes the system for recording births and the particulars to be registered, including a child's name. The Act is administrative rather than prescriptive: registrars record information supplied but do not define an immutable "legal" name (The National Archives, 2010). Munday (1986: 79) contrasts this with French civil law, where statutes restrict forename choice to protect cultural heritage.

Name change in practice is effected through the deed poll. Government guidance explains that a deed poll (unenrolled or, more rarely, enrolled in the High Court) functions as proof of name change. Public bodies typically accept deed polls when updating records, though constraints apply: names must be pronounceable, not contain symbols or numbers (beyond hyphens or apostrophes), and not be offensive or against the public interest. Pilcher et al. (2024: 108) observe that this reliance on "enrolled deed polls" illustrates a paradox: the state avoids substantive prescription yet supplies the bureaucratic instruments that enable evidential recognition.

Recent administrative guidance clarifies evidentiary standards, including which deed polls and supporting documents are accepted by agencies such as the passport office or Department for Work and Pensions (Home Office, 2025). Archives and practice guides further outline procedures. From an onomastic perspective, Hough (2016) and Coates (2006) emphasize that such evidentiary rules shape names as cultural and social markers, stabilizing identity categories through law.

Collectively, the English framework may be described as administratively mediated flexibility: registers record names for administrative purposes, while recognition relies on evidentiary conventions rooted in common-law usage. As Aldrin (2023) shows for the Nordic context, and Heymann (2024) demonstrates in relation to governmental form design, even relatively permissive naming regimes rely on bureaucratic infrastructures that subtly structure and constrain naming practices.

4.2. Doctrinal Principles of Personal Naming: *Nomen Juris* and the Primacy of Common Usage

The doctrinal foundation of personal naming under English common law is the principle of *nomen juris*, which posits that a person's name is legally defined by the appellation by which they are commonly known (Bander, 1973). This core tenet asserts that a name is

acquired or modified through consistent use, reputation, or public recognition rather than by statutory prescription alone.

Historical authorities from the early to mid-twentieth century illustrate this principle's contours and limits. For example, *Re Parrott; Cox v Parrott* [1946] Ch 183 remains a key case: the court held that while a surname can be altered by deed poll, a Christian (baptismal) first name generally cannot be changed by deed poll save under confirmation or by Act of Parliament. This underscores that even in common law jurisdictions, certain name elements are resistant to simple usage-based change unless supported by legal or cultural tradition (Deed Poll Office, 2025).

The Births and Deaths Registration Act 1953 further supports the doctrine of flexibility: it provides for recording names as given in birth registrations and acknowledges the common law practice of name changes via deed poll, but it does not define or limit the content of names or dictate rigid norms for how names must be structured. Thus, the law supplies the administrative venue for name-recording, but leaves substantive naming practice largely to social usage and personal choice (see also Daniell, 1955).

Administrative guidance also reflects these limits and constraints. The UK Passport Office's guidance (Home Office, 2025) illustrates how cultural and linguistic variations (e.g., Gaelic, Welsh, Irish prefixes/suffixes) are accommodated in practice, though under specific evidentiary and documentary standards. This shows the tension between flexibility in principle and standardization in application.

In essence, the legal framework intervenes primarily to prevent deception (fraud), ensure administrative coherence, and respect public policy; otherwise, name by usage remains the dominant mechanism for establishing legal identity. This reflects the common law's reliance on social consensus, consistent usage, as the primary determinant of personal naming.

4.3. Administrative Practice: Deed Polls, Evidence and Institutional Acceptance

While the common law grants individuals the right to assume new names through usage (*nomen juris*), the transition from social practice to institutional recognition is mediated by a flexible, yet discretionary, administrative ecosystem (Heymann, 2024; Nick, 2024). The unenrolled deed poll serves as the primary documentary evidence of name change, requiring only specific formal wording and the attestation of two witnesses (Home Office, 2025). However, the degree of evidentiary flexibility varies across public and commercial agencies. Although many public bodies have adopted internal guidelines accepting the unenrolled deed poll, certain organizations maintain particular, institution-specific requirements (e.g., barring relatives as witnesses or requiring explicit ID verification) (Heymann, 2024: 48).

Furthermore, the system's deference to usage is visible in administrative practices that accept evidence of continuous use such as utility bills or bank statements as supplementary proof of identity, particularly in verification procedures. Conversely, enrolment in the High Court provides an option for establishing a formal public record. While unnecessary for routine civil matters, this process confers greater evidentiary weight and is often preferred in situations demanding maximum documentary certainty, such as complex property conveyancing, or in international legal contexts. This structure establishes a multi-pathway system: social usage corroborated by documentary proof suffices for the majority of citizens, reserving formal court-based processes for contested or legally exceptional circumstances (Bander, 1973).

4.4. Limits and Interventions: Fraud, Public Order and Offensive Names

Despite its foundational permissiveness, the English naming regime is subject to distinct constraints rooted in public policy concerns, primarily targeting fraud, public order, and obscenity (Bander, 1973; Heymann, 2024). Administrative and judicial interventions, though infrequent, are highly instructive regarding the system's boundary conditions. Administrative bodies, for instance, may legitimately refuse to process documents for names containing disallowed characters or those clearly intended to mislead (e.g., the unauthorized use of corporate suffixes or titles) (Home Office, 2025).

Judicial intervention generally occurs only when a change of name is undertaken to evade legal obligations or facilitate fraud. In such cases, courts may limit the common-law freedom to assume a new name in order to protect the integrity of legal and financial systems (Bander, 1973; Halsbury's laws of England, 2020). Beyond these overt constraints, more nuanced limitations exist, as illustrated by *Re Parrott* [1946] Ch 183. Though often interpreted narrowly, the case highlights the complex layering of legal and normative meaning attached to names (Heymann, 2024). Certain name elements, such as those derived from baptismal or religious rites, may retain an additional normative status within particular social communities or institutional registers (e.g., church records), complicating the ability to alter them freely through a purely secular instrument like a deed poll. This tension demonstrates that the common law model, while flexible, ultimately disciplines identity through checks intended to uphold institutional coherence and protect the public interest.

4.5. Children, Parental Rights and Contested Naming

The naming of children in English law reflects a balance between parental autonomy and the child's welfare. Parents enjoy broad discretion at birth, with few statutory constraints beyond administrative requirements, a stance consistent with the tradition of

family privacy (Reece, 1996; Lowe et al., 2021). Registrars generally accept parental choices unless they are obscene or designed to deceive.

Disputes, particularly between separated parents, activate judicial oversight. Courts apply the paramountcy principle of the child's welfare under the Children Act 1989, considering identity, stability, and practical consequences. In *D v B (Surname: Birth Registration)* [1979] Fam 38 and *Re W, Re A, Re B* [1999] 2 FLR 930, the courts emphasized that welfare, not parental preference, governs surname decisions. As Douglas (2001) notes, parental rights are understood as responsibilities exercised in the child's interests.

Thus, English law combines extensive parental freedom with a welfare-based supervisory jurisdiction. Autonomy is the default, but judicial intervention ensures naming choices do not undermine the child's stability or welfare.

4.6. Onomastic and Socio-Legal Interpretation

The permissive English legal doctrine, which grounds personal identity in common usage, establishes a dynamic relationship between onomastic practice and legal recognition (Nick, 2024). This framework effectively allows evolving social customs to dictate legal acceptance rather than imposing prescriptive normative content. Onomastic scholarship offers critical context for this dynamic, emphasizing both the continuity and change inherent in naming conventions. Scholars like Coates (1999) have traced the historical crystallization of hereditary surnames and their foundational social functions, establishing names as „rigid designators“ in discourse even as their social and legal statuses exhibit fluidity (Kripke, 1980). Conversely, the contemporary onomastic landscape is characterized by dynamism, driven by factors such as immigration, cultural creativity, and technological shifts (Crystal, 2003; Li et al., 2024).

From a socio-legal perspective, this deference to usage yields two significant, yet conflicting, outcomes. First, it promotes flexibility and innovation: individuals and groups possess the autonomy to experiment with novel naming forms, including compound surnames, hyphenation, or inventive given names (Bander, 1973; Larson, 2011; Heymann, 2024). Administrative systems generally accommodate these social innovations, provided that the requisite evidentiary norms for proving continuous use are met.

Second, this flexibility is counterbalanced by the production of administrative friction and structural inequality. While procedures like the unenrolled deed poll are available, the practical access and experience of navigating bureaucratic systems are often uneven. The formal processes, such as enrolling a deed poll in the High Court, involve costs, and the need to reconcile the idiosyncrasies of various public agencies can disproportionately disadvantage individuals with limited financial resources or those, such as some migrant groups, who lack familiarity with complex bureaucratic protocols (Heymann, 2024).

Ultimately, the permissive regime fosters a high degree of cultural pluralism and hybridity, enabling diverse naming practices that reflect the United Kingdom's ethnic landscape. However, administrative systems still exert an implicit form of control. Acceptable documentary forms are fundamentally shaped by bureaucratic conventions concerning character sets, orthography, and punctuation, which can lead to friction when confronting non-Latin scripts or certain culturally specific name formats. While agencies are increasingly developing mechanisms for the accurate accommodation of transliteration and alternative name fields, these administrative boundaries represent a persistent constraint on full expressive identity (Scott, 1998; Heymann, 2024).

4.7. Summary

English common law treats names as socially constituted identifiers validated by sustained usage and evidentiary proof, rather than as statutorily fixed personal rights. This produces a permissive, pragmatic legal culture that empowers individual choice and facilitates cultural diversity. However, the administrative patchwork relying on deed polls, agency guidance, and judicial oversight creates practical inequities and occasional friction, particularly for those with limited resources or for names drawn from non-Latin traditions. The English case thus demonstrates a form of legal pluralism in which law facilitates naming practices through administrative procedures rather than legislating cultural form.

5. Comparative Discussion: Law, Names and Culture

The divergent legal treatment of personal names in Vietnam and England does more than illustrate procedural differences; it exposes contrasting understandings of personhood, state authority, and cultural belonging. At stake are competing models of law's social function. Vietnam's Civil Code treats names as juridical facts embedded in kinship and linguistic systems; England's common law treats names as socially produced markers validated by use and evidence. Each model carries normative gains and social costs. This section deepens the comparison by (a) situating the divergence in socio-legal theory; (b) critically assessing distributive and epistemic effects, especially for minorities, women, migrants, and marginalized groups; (c) exploring how each model structures state power and individual agency; and (d) drawing out policy implications and possible hybrid reforms.

5.1. Statutory and Administrative Architecture

Law never simply registers cultural facts; it scripts them. As Cotterrell (2017) reminds us, law itself is a cultural institution: it produces, preserves, and validates cultural norms in legal form. The Vietnamese Civil Code's explicit specification of name components and legislated mechanisms for determining surnames are instructive. By making surname, middle name, and given name legal categories, the Code transforms cultural practice into administrative category. Scott's (1998) notion of "legibility" helps explain this move: states seek standardized categories to make populations administrable. Codification produces legibility, simplifying governance (population registers, taxation, education, and social services) and arguably protecting citizens by fixing identity in durable records. But legibility is not neutral: what is rendered legible becomes the official reality. Naming practices that fall outside that frame risk invisibility and, in practice, exclusion.

England's usage-based doctrine is a different technology of governance. Here, identity is delegated to social practice and stabilized through documentary evidence such as deed polls, passports, driving licenses. This decentralized approach is less concerned with producing uniform legibility and more with accommodating social variability. The state steps in primarily to verify and evidence identity for administrative ends, not to proscribe its cultural form. Coates' (2006) account of names as "rigid designators" fits well: names rigidly designate persons even when the law treats them fluidly. Yet administrative verification, what the English state demands to accept a name in formal documents, becomes the *de facto* standard, so the supposedly permissive model still subjects names to bureaucratic tests of acceptability. As Nick (2024) and Heard (2024) demonstrate in their socio-legal analysis of naming practices, even permissive systems contain hidden constraints: evidential standards and bureaucratic harmonization serve as covert forms of regulation. Similarly, scholars argue that classificatory distinctions such as *surname* and *family name* operate as technologies of state legibility, with terminological choices generating practical governance effects and concealing significant legal constraints (Breckenridge & Szreter, 2012; Scott et al., 2002; see also Clay, 2022).

Both models are techniques of governance: Vietnam's is prescriptive and standardizing; England's is permissive but evidentiary. The normative question is whether law should aim for stable, efficient administration (favouring codification) or for maximal individual freedom and cultural pluralism (favouring usage). Neither pole is unproblematic: codification risks cultural homogenization and exclusion; usage risks administrative fragmentation and unequal access. The administrative salience of specific name-terms and registry fields means that what a state chooses to call and record becomes the operative reality for rights and entitlements: historical precedent shows that surname imposition was an explicit tool of statecraft (Scott et al., 2002), while modern bureaucracies continue the work in subtler ways through transliteration rules, name-field labels, and evidentiary standards (Caplan & Torpey, 2001; Baker & Green, 2021; Munday, 1986).

5.2. Distributional Effects: Names Registered

A central concern is distribution: whose names are readily recognized, and whose names are made difficult to register or change? Law's apparently neutral categories often reproduce social hierarchies (Bourdieu, 1991). Vietnam's statutory scheme, developed within a Kinh-majority nation and inflected with Confucian kinship logics, presumes a triadic name form and parental transmission of surname. For communities whose naming practices do not fit that mould such as Jrai and Bahnar groups the state's framework creates barriers: absence of procedural routes to register clan surnames, inconsistent administrative treatment of the middle name supplementation, and documentary demands that align poorly with customary evidence (Thieu, 2023).

Thieu's (2023) analysis documents recurrent questions in Gia Lai province: individuals ask how to obtain a surname when their papers historically contain only a single name; registrars respond inconsistently, some allow clan names on petition, others deny them for lack of statutory basis. These dynamics produce unequal access to the formal rights that hinge on recognized names like education, property registration, and social benefits, thus converting symbolic exclusion into material disadvantage. Ainiala et al. (2012: 199–200) show a parallel in Nordic indigenous contexts: Sami names were historically altered to fit majority forms, producing enduring disadvantages in legal claims and social mobility.

England's permissive regime might appear egalitarian, but it too produces distributional effects. The procedural pathways to effect reliable identity changes (e.g., enrolling a deed poll, updating all agencies) often require time, literacy, and money. Migrants, low-income persons, and individuals with precarious immigration status face higher obstacles to harmonizing identity documents. Transliteration practices and administrative limitations on non-Latin scripts erase orthographic features (e.g., diacritics), imposing an assimilative cost on minority cultures (Crystal, 2003; Palinska, 2021). Scholars have observed that diacritics in personal names are often simplified or omitted when registering names in various official documents in the UK, particularly for foreign documents, which can lead to difficulties in verification and cross-jurisdictional matching (Pilcher et al., 2024; UK Passport Office, 2022). These issues highlight how administrative norms around orthography can function as hidden constraints on identity recognition. The net effect: both regimes produce exclusion, albeit via different mechanisms codified mismatch in Vietnam, administrative friction and resource dependence in England.

5.3. Gender, Family Law and the Politics of Surname Transmission

Names are gendered institutions. In many societies, surnames have been markers of patrilineal descent. Laws that fix patronymic transmission can thus entrench gendered assumptions. Vietnam's Civil Code partially mitigates patriarchy by allowing parents to agree on the child's surname and permitting maternal surnames where parents agree or where fatherhood is undetermined. Yet in practice, entrenched norms and administrative routines privilege patrilineal transmission. Registrars often expect paternal surnames; social practices pressure families toward paternal naming. Thus, the Code's formal neutrality does not automatically translate into egalitarian outcomes. Walkowiak (2023: 1) demonstrates that legal reforms allowing more freedom in the choice of feminine surname in Lithuania are accompanied by "extralinguistic factors": societal attitudes and bureaucratic norms limit the uptake of neutral or maternal surname forms. Similarly, Brouwer (2023) documents in the Netherlands that descendants reclaiming family names face stricter regulatory conditions, showing that legislative allowance does not always translate into widespread practice without further normative or policy support.

English law's permissive system enables diverse surname practices such as hyphenation, combination, and maternal transmission. In principle, individuals are free to retain or change their surnames, and the law does not require women to adopt their spouse's surname upon marriage or divorce. Nevertheless, social conventions in English-speaking societies have historically encouraged women to change their surnames in connection with marriage. As a result, administrative procedures such as updating passports, bank accounts, and tax records affect women more frequently than men. Feminist legal scholars have argued that formally egalitarian legal frameworks do not necessarily dismantle deeper patriarchal naming conventions embedded in social practice (Smart, 1989). Larson (2011) similarly notes that courts' general reluctance to intervene in naming choices reflects the assumption that such matters belong to private family autonomy. Consequently, permissive legal systems may open space for gender-egalitarian naming practices while leaving the practical consequences of entrenched patriarchal norms largely unresolved. Similar tensions between legal equality and social expectations can also be observed in Vietnam, where the Civil Code allows flexibility in surname selection but social practice continues to favour patrilineal transmission in many contexts.

Thus, gender analysis reveals a paradox: codified rules protect lineage markers but risk ossifying patriarchal norms; permissive systems enable change but shift administrative burdens unevenly.

5.4. Identity, Belonging and the Politics of Recognition

Naming is central to recognition. Taylor's (1994) distinction between redistribution and recognition is useful: states may prioritize distributive justice (access to services) or cultural recognition (validation of minority practices). Vietnam's codification emphasizes recognition of a civil-status model aligned with national culture: linguistic unity, Confucian lineage, socialist legal order. But because the model is anchored in majority norms, minority claims require exceptional accommodation to be recognized substantively.

England emphasizes individual choice, allowing diverse names, but recognition in practice depends on bureaucratic acceptance of evidence. "Recognition" in this sense, is less about culture than about bureaucratic procedure. According to Scott (1998) and Heymann (2024), the legal recognition of names is never a neutral act of inclusion: it involves power defining who is counted as belonging, and under precisely what terms. Breckenridge and Szreter (2012) further illustrate how registration regimes historically marked some naming practices as valid and others as marginal, thus shaping social hierarchies through bureaucratic naming. For minorities and migrants, recognition often comes with assimilationist costs such as diacritics dropped, non-Latin scripts refused, and hybrid forms standardised into Anglophone moulds (Heymann, 2024: 48).

International norms sharpen the critique. Article 7 of the UN Convention on the Rights of the Child guarantees the right to a name and nationality. Yet the Convention leaves form unspecified, leaving domestic law to decide. In Vietnam, form is codified into triadic templates; in England, form is left open but constrained by evidentiary acceptability. Both struggles to make the universal right meaningful for minorities and vulnerable populations.

5.5. Bureaucracy, Discretion and the "Black Box" of Practice

Neither statutory text nor common law principle fully determines naming outcomes. Much turns on local bureaucratic practice. Vietnam's registrars interpret "custom" unevenly; some accept community attestations for clan names, others demand documentary evidence unavailable to many minorities (Thieu, 2023). England's agencies apply varying internal rules: passport office, driving licenses, banks, and universities differ in how they accept deed polls and transliterated names. This patchwork imposes uncertainty and burden.

Discretion is never neutral: it reproduces power asymmetries. Front-line officers' interpretations reflect training, local norms, and implicit biases. Street-level bureaucracy (Lipsky, 1980) thus shapes how naming rights are experienced. Structural remedies require not only legislative reform but administrative guidance, cultural competence training, and oversight mechanisms.

5.6. Contradictions of Legal Formalism and Legal Pragmatism

The Vietnam-England comparison reveals a tension between legal formalism and legal pragmatism. Vietnam's formalism embedding cultural norms into statutory categories aims at predictability and institutional coherence but risks ossifying majoritarian culture. England's pragmatism, recognizing names by usage and evidence, fosters flexibility but risks procedural inequality and loss of cultural specificity. Both formalism and pragmatism produce hybrid realities: formal systems rely on discretionary practice; pragmatic systems depend on evidentiary formality. Clay (2022: 154) reinforces this argument by showing how even within formally flexible systems, terminological choices (variation and distance) and evidential demands can crystallize into rigid administrative constraints.

Neither approach reconciles cultural recognition with administrative efficiency. Comparative cases show alternatives: Spain's dual-surname system institutionalizes maternal surnames alongside paternal ones, reducing gender bias; Iceland's patronymic and matronymic traditions embed kinship differently, preserving cultural heritage without rigid codification; New Zealand's recognition of Māori names ensures diacritics and indigenous scripts are included in state registers. These examples suggest that hybrid solutions, combining codification with flexibility, are possible.

5.7. Policy Lessons and Normative Recommendations

The comparison of Vietnam and England demonstrates that neither codification nor permissive common law systems alone can guarantee meaningful naming rights. Each reflects distinct cultural logics, collectivist kinship in Vietnam, liberal individualism in England, yet both generate exclusions. The most promising reforms are hybrid: combining statutory clarity with administrative flexibility, cultural competence, and accessible redress.

First, codification can be made more inclusive. Vietnam's Civil Code provides clarity but enshrines majority Kinh naming norms. Vietnam could similarly allow clan-based or single-name systems through Civil Code amendments or ministerial Circular. Such plural codification preserves legibility while avoiding cultural homogenization.

Second, administrative harmonization is essential. England's deed poll regime offers flexibility but is inconsistently applied, disadvantaging those with fewer resources. For Vietnam, inconsistent registrar interpretations of customs reveal the need for clear national guidance on minority surnames and middle name. Harmonization reduces arbitrariness and strengthens equality before the law.

Third, cultural competence must be developed at the front line. Street-level officials, as Lipsky (1980) notes, exercise decisive discretion. In Vietnam, registrars in multiethnic provinces determine whether clan names are accepted (Thieu, 2023); in England, clerks

and registrars often strip diacritics from minority names, producing standardized Anglicized forms that obscure cultural identity and complicate transnational record-matching (Breckenridge & Szreter, 2012). Training in minority naming practices, transliteration norms, and culturally appropriate forms of evidence is thus crucial to ensure substantive inclusion.

Fourth, digital identity infrastructures offer opportunities for plural recognition. Registers can record multiple fields: a legal name, a customary name, and an original-script form. New Zealand's passports now include Māori orthography (Durie, 2005), while Iceland integrates both patronymic and matronymic systems (Willson, 2023). Vietnam and England could adopt similar pluralist design, ensuring administrative clarity without cultural erasure.

Fifth, structural support for vulnerable groups is necessary. Even low-cost procedures can impose disproportionate burdens. Murray (2009) shows that U.S. name-change processes disadvantage low-income applicants. Vietnam could introduce simplified forms and legal aid for minorities, while England could ensure free or subsidized deed polls for disadvantaged groups.

Finally, monitoring and redress mechanisms are indispensable. Abiusi (2024) argues that effective appeals processes are central to minority protection; Larson (2011: 172) shows courts play a key role in parental naming disputes. Both systems would benefit from transparent oversight: Vietnam could establish appeals boards to review registrar decisions, and England could standardize inter-agency guidance on deed poll recognition. In short, these lessons show that effective naming law is hybrid. By integrating inclusive codification, harmonized procedures, cultural competence, pluralist digital systems, structural support, and robust oversight, states can move closer to realizing the right to a name as both an administrative necessity and a culturally meaningful entitlement.

5.8. Research Implications and Concluding Critical Note

The Vietnam-England comparison also points to research priorities. The right to a name depends less on statutory text than on the interaction of law, administration, and lived practice. Future inquiry must therefore combine doctrinal analysis with socio-legal methods.

In Vietnam, ethnographic work in provinces such as Gia Lai could illuminate how registrars interpret customs and how minority communities negotiate codified rules. Interviews and case audits would reveal how exclusions in surname or middle name registration affect access to education, property, and citizenship.

In England, empirical study could map the uneven acceptance of deed polls across agencies. Banks, passport offices, and universities apply divergent standards, creating

uncertainty for migrants and minority-language speakers. Research should pay particular attention to the erasure of diacritics and non-Latin scripts, which exemplifies how bureaucratic practice produces cultural loss.

Methodologically, such work should draw on Lipsky's (1980) model of street-level bureaucracy to show how front-line discretion mediates rights. Combining statutory analysis with fieldwork like registrar interviews, case audits, and community studies would capture how naming law operates on the ground. Comparative extension to Spain, Iceland, New Zealand, or Canada would clarify how different hybrid regimes balance cultural recognition with administrative efficiency.

Normatively, the findings underscore that law is never a neutral framework but a cultural script that distributes recognition unequally. As Bourdieu (1991) argued, names function as symbolic capital: legally validated names carry institutional legitimacy, while unrecognized ones risk exclusion. Vietnam embeds collectivist kinship into law, while England privileges individual autonomy, but in both, minorities face additional barriers. A critical socio-legal onomastic study must therefore analyse names not only as linguistic artifacts but also as cultural-legal instruments of inclusion and exclusion.

As Nick (2024) and Aldrin (2023) remind us, naming law is a privileged site for studying the entanglement of language, law, and culture. By situating names at this intersection, future scholarship can illuminate how legal institutions themselves are culturally constituted. The Vietnam-England contrast shows that the right to a name is universal in aspiration but particular in practice. Ensuring that this right is meaningful requires not just statutes or doctrines, but procedures, cultural recognition, and equitable administration.

6. Conclusion: Law, Culture and the Onomastics of Personal Names

This article has explored how the regulation of personal names reflects the interplay of law and culture, with Vietnam's codified framework contrasted against English common law. The analysis demonstrates that names are not merely linguistic markers or bureaucratic labels; they are cultural and legal institutions that crystallize ideas of identity, belonging, and authority.

In Vietnam, the Civil Code enshrines names within collectivist traditions of kinship and cultural continuity. The tripartite structure of surname, middle name, and given name, together with strict rules on change, reflects law's role as both guardian of cultural order and instrument of state legibility. Yet codification also marginalizes minority practices. The experiences of Jrai and Bahnar communities show how statutory universality can exclude cultural diversity, rendering some naming traditions invisible within state registers.

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By contrast, English common law privileges individual autonomy. Under the principle of "name by usage", names are acquired and altered through social recognition rather than statute. This framework reflects an individualist ethos that treats identity as a matter of personal choice. However, autonomy is not absolute: prohibitions on fraudulent or obscene names and bureaucratic requirements for deed polls reveal how administrative practice disciplines freedom, ensuring that flexibility remains compatible with institutional stability.

The comparison underscores that law itself is culturally contingent. Both Vietnam and England claim to safeguard the "right to a name", but they do so in divergent ways: Vietnam through prescriptive codification, England through permissive recognition. Neither model is universal; each encodes cultural assumptions about the relationship between individuals, families, and the state.

From an onomastic perspective, the study affirms the value of socio-legal approaches. Names are cultural memory, legal status, and personal identity at once. Coates (1999, 2006) and Hough (2016) remind us that names connect language, history, and social belonging; situating this insight within legal systems shows how naming practices illuminate broader values underpinning law, whether collectivist stability or individualist autonomy.

The article contributes in three ways: it demonstrates that names are a revealing site for examining law's cultural foundations; it situates Vietnam and England within a comparative frame that highlights legal diversity; and it advances the case for a socio-legal onomastics. Future research should expand this inquiry to multilingual and postcolonial contexts, and to emerging digital identity systems, where new technologies may reshape how names function as legal-cultural artifacts.

Ultimately, the "right to a name" is universal in aspiration but particular in practice. Law itself emerges as an onomastic artifact: a cultural product that encodes values of personhood, belonging, and power.

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