



## A Comparative Study of Child Name Rights in the Legal Systems of Iran and the United States

Mahdi Mollaei<sup>1</sup>

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### Introduction

In the jurisprudential and legal system of family law, the right to name a child is primarily granted to the parents, while the child also possesses various rights concerning his or her name. A “name” is a multidimensional phenomenon encompassing cultural, historical, political, psychological, sociological, and legal aspects. In certain areas, such as commercial names and trademarks, names may also have economic implications, which have evolved over time.

From the perspective of legal philosophy, which considers law as a system regulating social phenomena, any regulation concerning names inevitably influences the aforementioned dimensions. Names play a significant role in the formation of a child’s identity, self-perception, and sense of belonging. A name is not merely a written symbol; rather, it represents identity, cultural heritage, social belonging, and historical background. It constitutes the first manifestation through which an individual’s identity is recognized.

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1. Assistant Professor, Department of Economics, Shahrud University of Technology, Shahrud, Semnan. Iran. [Mahdi.Mollaie@shahroodut.ac.ir](mailto:Mahdi.Mollaie@shahroodut.ac.ir)



Names also involve broader concepts such as justice, diversity, and equality. Within the family legal system, a name constitutes an essential component of personality rights and determines an individual's identity; therefore, establishing clear legal rules regarding names is of considerable importance.

This research seeks to answer several fundamental questions: What rights are attached to a child's name? How and by whom are these rights exercised? To what extent have Iranian legal and judicial systems protected such rights? How should conflicts between public interests and private rights concerning names be resolved?

The reality is that names represent a complex cultural, historical, political, psychological, sociological, spiritual, religious, legal, and economic phenomenon that changes and develops alongside society. Considering the regulatory function of law, rules concerning names are influenced by all these dimensions.

Despite the significance of names and their various effects, no comprehensive study has previously been conducted on this subject. This issue highlights the necessity of the present research. The author hypothesizes that several rights arise from a person's name, including the right to choose a name, the right to possess an appropriate name, the right to have a similar name, the right to register a name, the right to change a name, and the right to commercialize or promote a name. As explained in this study, both parents and children themselves may exercise these rights.

The legal framework governing name rights in Iran is unclear and requires reform. Judicial practice is also inconsistent and characterized by divergent approaches. Although a name is



essentially a private right, it is simultaneously connected with public order; therefore, a balance must be established between private and public interests.

### **Research Background**

Based on the author's investigations, no comprehensive research has been conducted in the Iranian legal system regarding name rights. Some aspects, such as the right to change a name, have only been examined partially. Furthermore, Islamic jurisprudence does not contain an independent chapter specifically devoted to this issue.

In contrast, broader studies have been conducted in the American legal system. The systematic conceptualization of "name rights," the application of a combined method of content analysis and hermeneutics, and comparison with the American legal system constitute the innovative aspects of this research.

### **Research Methodology**

This study employs comparative, descriptive, content analysis, and hermeneutic methods for interpreting collected data.

Hermeneutics is an interpretive methodology aimed at organizing the understanding of meaningful human actions and their consequences, particularly when expressed through texts. It focuses on the process of understanding and examines how concepts are derived from phenomena such as language, actions, written works, and artistic expressions.

Through methodological critique, hermeneutics seeks to provide a framework for achieving a deeper understanding of phenomena. In this research, identifying the concept and examples of "name



rights” is conducted in light of the changing and evolving conditions of society.

Content analysis is also used as a descriptive method for identifying patterns within qualitative data, including legal and jurisprudential materials.

### **Findings**

Since names are not merely tools of social communication but also mechanisms through which individuals express and construct their identities, a balance must be achieved between public and private interests.

In the American legal system, existing state laws regulating name changes do not sufficiently protect the interests of individuals seeking to modify their names. Control over one’s own name deserves protection as a fundamental right because a name constitutes a significant element of personal identity.

Such control may also fall within the scope of protection provided by the First Amendment, as current legal structures may excessively restrict individuals’ rights and create unequal treatment based on the beliefs or viewpoints reflected in applicants’ names. Furthermore, the current system does not adequately protect the various public and private interests involved.

In the Iranian legal system, name rights have not been recognized in a clear, comprehensive, and systematic manner, creating challenges and risks for children.

Accordingly, it is proposed that the following provision be added to the Civil Registration Law:



“Every child has the right to possess an appropriate first name and a suitable, exclusive, and registered surname, as well as the right to demand its correct spelling and pronunciation. Upon reaching adulthood, the child has the right to decide whether to retain or change his or her first name and may also request restoration of the original name. If the name of the father or mother is inappropriate or unreal, or if the surname is unsuitable, the child may request correction through the court. The exercise of these rights shall be permitted only once.”

Furthermore, because choosing an inappropriate name, mispronouncing a child’s name, or using humiliating titles may constitute psychological harm and degradation, it is proposed that the following provision be added to the penal provisions of the Child and Adolescent Protection Law:

“Any person who causes psychological harm or humiliation to a child through selecting an inappropriate name, intentional mispronunciation of the child’s name, or using inappropriate titles shall be sentenced to imprisonment of the sixth degree prescribed in the Islamic Penal Code.”

### **Conclusion**

Name rights constitute an important aspect of personality rights and play a fundamental role in shaping individual identity. Comparative analysis demonstrates that while the American legal system recognizes certain aspects of name control, it still suffers from limitations regarding comprehensive protection. The Iranian legal system, however, lacks explicit and coherent recognition of children’s name rights.



Therefore, legal reform is necessary to establish a comprehensive framework recognizing children's rights regarding their names, including the right to an appropriate name, accurate registration, correction, and eventual choice or modification of their names.

**Keywords:**

Right to Name; Iranian Civil Rights; American Civil Rights; Child Identity