

equity

eq·ui·ty \ˈek-wat-ē\ *n* [ME *equite*, fr. MF *équité*, fr. L *aequitas*, fr. *aequus* equal, fair] **1 a** : justice according to natural law or right; *specif* : IMPARTIALITY **b** : something that is equitable

A Company Is Known By The Name It Keeps

When a company is sold, its name is listed as an asset and a specific dollar value is attached to it. Men's names are often lent to titles of companies and, because a man's name is unlikely to change, there is the expectation of stability and continuous public image. A woman's name, on the other hand, often changes — by common law acceptance — with her publicly registered sexual status. A man's or woman's legal sexual status is considered a social issue except where the consequences of the social union impose on the costs and profits of running businesses.

Since women are 40 per cent of all persons on payrolls (and have social security taxes, etc., deducted from their checks) name changes are a work issue. Thousands of dollars each day are spent changing women's names on payrolls, tax rolls, driver's licenses, mailing lists, credit accounts, voter registrations and so forth. Additional thousands are spent trying to match different names to the same person.

Women's name changes have increased proportionately with increased numbers of divorces. Divorce statistics are used as one argument for instituting a one-number-per-person-at-birth system for life-long identification purposes — a thought almost no one likes. A woman's name is thus a work-related issue and new reasons for abandoning the old name-change custom are appearing in

business daily. The most impactful reason is the high cost to the company. One is surprised that some companies have not initiated policy that any one person shall be entered under one name and one name only for the duration of his or her employment with that company. It probably would not work, but it would reduce some personnel costs.

A person's name — like the name of a company — has a very special meaning, socially and in the world of work. The law is not helpful in defining uses of names except concerning fraud. The common law is that every person is held responsible for acts performed by him or her no matter what name is used by that person. A name is a public convenience for the purpose of tying the act and the person together.

Any name used is a legal name except in some people's minds in the case of married women. When a name is used for a fraudulent purpose, it is the act which is illegal, but, curiously, the pseudonym or alias is not considered to be illegal. The law says that any name not used for a fraudulent purpose is legal. If the married woman's name is only that of her husband and not any other name, does that mean that the act of marriage is illegal?

Marriage, obviously, is rarely considered to be an illegal act. Yet, it is common in this country for women to voluntarily change their names upon marriage. Hawaii is the only state which has a law requiring women to assume their husband's name upon marriage.

But even in Hawaii, the woman may change her name subsequent to marriage.

Many women are asking why they should change their names at all. The clearest answers would be to ask a man, if he would want to change his name, why would he want to change his name? Men change their names for the following reasons:

1. They do not like the name by which they are known.
2. They want to lose a past identity.
3. The name is too difficult to spell, pronounce, or remember and they are tired of the "hassle."
4. The name is ridiculed.
5. Someone else they love and respect wants them to change their name.
6. They have grown up using a nick-name and want people to call them by their birth certificate name (or *vice versa*).
7. They want a *non de plume* — a pen name — because some form of work they are doing would be more successful under a different identity.

Women want to change their names for those reasons but they can add two other critical reasons to that list. Many women cannot get credit after a divorce even when they have been earning large salaries or when they were supporting their husbands during the marriage (such as when the man is a student, is ill, is laid off, or earns less than a supporting salary)!

Women who had personal credit prior to a marriage and who changed their names upon marriage to their husbands', find they

do not have a credit rating after a divorce. The interpretation of the common law is that when a woman marries, she assumes her husband's identity *and* his credit rating. She loses hers. Upon divorce, the man takes his credit rating with him and woman is left *with his name but without his credit rating*. To be without credit today is a serious condition for any person. (The question is sometimes raised if this is not a fraudulent act of the law against women.)

The second reason women have for keeping their own names is work-related. For instance, physicians are often needed in times of emergency. If you have ever needed your physician in a hurry and you discover that the old telephone number or old address no longer respond, you know what an annoyance or shock it is to have to redial or to write again. When a physician changes a name, it takes time to rebuild the public's information base so it is automatic for patients to call for services. The professional and business worlds operate on publicly known identities. For a woman to earn a living in a free enterprise economy, she must also maintain a stable public identity.

Social conditions have changed so much that conditions in the world of work have changed. When women assumed the burdens of providing for their dependents by joining the paid work force, they also assumed all the responsibilities and privileges of social security, insurance, ownership of property, credit and so forth. In this day of massive "paper factories" it is imperative that continuous records be kept for identification purposes. Keeping one's personal records in one's own name is part of that process. It is almost as if the custom supported the idea that the man's

name is more important than the woman's person or economic well being.

There is a "Booklet for Women Who Wish to Determine Their Own Names After Marriage" available from The Center for A Woman's Own Name, 261 Kimberley, Barrington, IL 60010. For \$2, individual women, personnel officers, attorneys, motor vehicle officers, car registration officers, real estate persons, voter's registration officers, university-college directors, government clerks, credit officials and clerks, insurance companies and parents (when choosing a name for a child), may acquire specific guidelines relative to their particular interest. Many cases and decisions are cited. For instance, "The U.S. Passport Office has been issuing passports to married women in their own names since 1925." There was a test case with a final ruling by the President.

In reference to income tax, Social Security and employment records, the booklet states: "A married couple can file a joint income tax return using two different names. Social Security requests that your Social Security card be in the name in which you work. *If local IRS or Social Security officials advise you differently or are uncooperative, send a written complaint to the Washington offices and a carbon copy of the letter to the Center*" (p. 10).

The habit of clerks changing peoples' names (certainly not a desirable and possibly not a legal act) is noted in the booklet. This happens in asking for credit, in real estate transactions, in income tax return checks. No one, however, has the *right* to change another person's name without her or his knowledge or consent.

With the new style of using *Ms.* as a prefix, the legal status of prefixes needs to be established.

"[T]he prefixes Miss, Mrs., Ms., Mr., Prof., Dr., etc. form no part of a name but are only descriptions of an individual." (p. 10)

The booklet suggests many sources of assistance for persons who are interested in establishing procedures and clarifications for men and women who work with people's names and for women who wish to use names other than those "required" by common law.

Since a name change imposes rules, regulations and procedures upon business and government agencies and since thousands of dollars are spent as a consequence of the acceptance of the common law right of persons to change their names from their birth-given names or any other name at will, this is a work-related issue. Trainers need to be aware of this issue in order to facilitate dissemination of correct and benefit/cost information. — Mary M. Fuller



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