SUMMARY COURT

KARNO-RUTHENIAN EMPIRE

SUMMARY COURT

SENTENCE

This is a mandamental action of name rectification filed by Mr. IGOR LENCOVIC, citizen registered under No. 235 of the Civil Registry of the Empire and resident of the Duchy of Libertia, through which he means to see his civil name altered in the Civil Registry so as to read as "IGOR RUJANHRAST". Mr. Lencovic argues that, when applying for citizenship in the Empire of Karnia-Ruthenia, his initial intent was to be registered under the same name as a Croatian historical figure, which the laws of this Empire forbid. Therefore, the patient claims, he had to file his citizenship application under his own birth name. Furthermore, the patient maintains that he is a politically active citizen in his home country of Croatia, and that his ties to the micro-nation of Karnia-Ruthenia might not be well understood by his fellow party members nor his electorate if they were to become public knowledge, causing him to need for a pseudonym to be registered in his citizenship certificate instead of his "real" name. Upon requesting such a rectification to the Hon. Minister of Justice, however, Mr. Lencovic was told that the Administration could not proceed in the matter due to a lack of a statute treating the subject. Hence, the Minister of Justice argued, the principle of legality as enshrined in the Imperial Constitution would be in full effect, preventing the Ministry from taking action without legal permission. Thereupon Mr. Lencovic filed this mandamental action before the Supreme Court, as advised by the Minister of Justice, on the grounds that, although there are indeed no legal provisions on the matter, the right to a name is a fundamental right and, as set forth by article 5 of the Imperial Constitution, is directly applicable in spite of a lack of statutes disciplining the subject. His Excellency the Palatine of the Supreme Court of Justice then proceeded to appoint this Summary Judge under the terms of article 109 of the Imperial Constitution, considering the matter to be of a civil lawsuit and therefore under the

primary jurisdiction of a Summary Court. Afterwards, the dockets were referred to this Court accordingly.

Such is the very brief report.

Preliminarily, I acknowledge and reaffirm the jurisdiction of this Summary Court over the matter, as correctly put by the Hon. Palatine of the Supreme Court of Justice, and set forth by Articles 33, 109 and 110 of the Imperial Constitution. Furthermore, Considering the overall simplicity of the matter and the absence of a factual legal dispute between the patient and the Administration, I regard a further judicial instruction and prosecution as unnecessary and deem the case to be ripe for judgement.

Thus, I now ADJUDICATE.

Civil names as filed in a public registry are indeed an indispensable requirement in any State under the Rule of Law, since the security and stability that derive from such a civilized form of political organisation demand a well structured and functioning bureaucracy that can cover all relevant information pertaining to the civil life. If on one hand names are of considerable social and psychological significance in a human person's life, identifying and individualizing them amidst their kin in many possible ways, on the other they serve deeply practical purposes in uniting under their wing an immense scope of juridical relations and ties that otherwise could only be labelled under a numerical code, a practice that, though already in use, could not possibly be sustained by itself without losing touch of a social reality where men are still called by names and not cyphers, names which oftentimes carry with them a symbolical weight so great that could never be expressed by numbers. If men, then, are naturally drawn to calling each other by names, and if a Constitutional State is charged with, amidst many other tasks, providing Justice to its denizens, then there is still no better way of tracing every *right* and every *obligation* to their corresponding holder than identifying that juridical personality - which is here understood as the common applicable ground of a same complex of rights and obligations - with the very name carried by the natural person which holds it. In this sense, one could argue, bearing a name is not only a tool for the better administration of public interests, but also a *right*, and fundamental at that.

Civil names are therefore indispensable, and seem to be the object of a fundamental right. Can they, however, be altered?

This judge would perhaps argue that the matter displays more political than juridical undertones, upon a first glance at the very least. Indeed the feasibility of allowing name changes in the official records is deeply intertwined with the practical issues that might arise from such a permission, especially if it were to be abused - a probable case were no limits to be drawn. Under another light, however, the question does showcase a judicial scope if one considers the individual right to a name, a necessary corollary of citizenship, which is a fundamental principle enshrined in Article 2, II, of the Constitution. Therefore the absence of a statute on the matter, while it truthfully shows that the Imperial Diet has not yet studied the subject and provided it with thought-out regulations in order to equally balance the interests at hand, also cannot be erected as a hurdle in the path of any citizen who might seek to exercise their right to a name by requesting its change, a right which is directly applicable as per Article 5 of the Imperial Constitution. If, then, that constitutional right has not yet been conformed and/or restricted by law, its exercise and, most especially, the outreach of its protection are to be interpreted directly by the Courts, although of course and obviously bearing in mind the entirety of our Constitution and the purposes of each and every one of its provisions, including other opposing fundamental rights, as a systemic interpretation of Articles 5, 6 and 7 of our Constitution allows us to conclude.

Let us, then, resort to the constitutional text and search for the clauses which shall lead us to an appropriate solution. First and foremost, the aforementioned Article 2, II, of our Charter sets out citizenship as a governing principle of our State. As already exposed, the implications of bearing a name are manyfold, but one that is especially relevant to the matter, in the view of this Court, are the effects it produces on the administration of Justice (here understood not as the Judiciary Branch of Government, but as the execution of distributive and commutative Justice by the State). Under this light, it is fairly reasonable to consider that the right to a name is a logical corollary of citizenship, here understood as the participation in the life of a polity, and even more understandable if we remember that, upon applying for citizenship, the laws of this country allow any one to freely choose their own name. However, this aspect of the matter does not lead us to an answer to the question whether names can be altered upon request. In the contrary, it actually begins to persuade us that the “usefulness” of a name lies in its certainty and stability. A name, after all, is a sign; if that which it signifies may freely be signified by *another* name at any time upon request, it would cease to be a trustworthy label and start becoming a nuisance.

But fundamental rights cannot and should not be interpreted merely under the light of what is more convenient for the Administration. Indeed they also are not to be understood as limitless powers conferred upon an individual - that would contradict the very notion of a right, which is predicated from the *just relation* between equal individuals and not from an abstract individual considered *per se.* A right, thus, is to be *found* by balancing opposing interests under the guidance of the virtue of Justice, aiming, at all times, for the harmony of the polity and the best realisation of the common good. It is now that we should then consider the arguments brought forth by the patient and the grounds on which they stand, so as to be able to outline the scope of the already acknowledged right to a name.

The patient maintains that his request is based on the likely negative effects that his ties to this micro-nation might ensue upon his political life in his home country. We may, then, skip any considerations regarding the connection between the right to a name and the self-determination of individuals, since it is clear that the question at hand does not relate to that, but rather to a practical matter faced by the patient, which rather involves the full exercise of his citizenship.

His argument, however, is solid. That is so because it is evident that his interest in being a citizen of this Empire *can* result in negative consequences for him (an argument that this Court accepts), and yet he *still* wishes to take part in our State, but under a pseudonym (which the laws of this Country permit), so as to be able to fully exercise his ***citizenship*** in both his home country and this Empire. To deny that possibility would certainly force him to eventually choose between one of his homelands, and, if we do not forget that his Karno-Ruthenian nationality was a result of a latter choice (naturalization) and not acquired by birth (see article 53, II, *a*, of our Constitution), it is not difficult to foresee that he would keep his Croatian nationality and be obliged to forsake his ties to this Empire. This Court, guided by the fundamental principle of citizenship, is inclined to not allow that to happen.

It seems to us that the convenience of the Administration (as a reflection of the public interest) in this particular case does not overcome the necessity of safeguarding a fundamental principle of this Empire, a principle which equally reflects the quest for the realisation of the common good. A nation is built by its citizens, and a budding one cannot hope to aspire for glory and development if it presents obstacles in the way of those which would gladly join it as naturalized nationals, not even if these obstacles are justified by the public interest on keeping the Civil Registry stable and secure. This Court affirms, then, its view that names are *not* supposed to

be freely altered, an assertion that derives from the necessary maintenance of public order, but *can* be if other fundamental principles and/or rights of the Imperial Constitution demand so. In the present case, and in the absence of a statute treating the subject, such seems to be the wisest conclusion.

Thus, I GRANT THE ORDER to have the Ministry of Justice PROCESS the request filed by the patient and RECTIFY his name in the Civil Registry of the Karno-Ruthenian Empire, thus confectioning a new citizenship certificate with the altered name, but under the same number as before.

INTIME the patient and the Minister of Justice.

In nomine Principis.

P.R.S.C.

Imperial City of Persenburg-Götzödorf, February 04, 2019.

Johannis Sauerbronn

Summary Judge