
PART II
IDENTITY

As Marsha Hanen points out near the end of Part I, new technologies that have the potential to rewrite what it means to be human will raise interesting questions about who we are and how we experience privacy. Part II picks up on those questions by interrogating various aspects of identity in a network society.

Steven Davis leads off with a philosophical analysis of the concept. He sets out a framework that distinguishes between metaphysical, epistemological, and social/cultural/political identities. In doing so, he sets the stage for those authors who seek to understand the ways in which demands for identity authentication implicate questions of power.

Charles Raab addresses this directly in his chapter. Like Davis, he sets out a top-level categorization of the concept of identity that accounts for both its individual and its social nature. He then examines the ways in which the social negotiation of both forms of identity is affected by the relative power status of the parties involved in the negotiation, particularly when misrepresentations of identity are perceived as inherently threatening to national security.

Michael Froomkin examines an instance of this same negotiation in the specific context of identity cards. He argues that residual romanticized notions of the American “cowboy” and the “Englishman” as a rights-holder have limited policymakers’ ability to create an appropriate set of rules to protect privacy in light of new and emerging information technologies. He warns that greater transparency is required if we are to successfully build a broad bundle of rights into the identity card regime.

Jane Doe turns the tables, examining the social construction of the identities of women who have been raped and the manner in which they experience anonymity in jurisdictions that provide “protective” publication bans during and after the criminal trials of their assailants. She argues that court-enforced anonymity has identity implications for those who have been raped, with perils particular to racialized and other marginalized women. Sexually assaulted women are often identified as defiled and suspect; their lack of agency—indeed of any activity of their own—necessitates that their identities must be hidden and subsumed in the anonymity of being a Jane Doe. Her powerful interviews with women who have lived through this experience underscore the ways in which this identity fails to reflect the lived experience of these women as vibrant, reflective, and informed persons.

Jane Bailey examines what happens when a woman’s private life is similarly taken out of context through self-exposure on the Internet. Her analysis of the experiences of Jennifer Ringley, the first woman to broadcast pictures of her daily life through a webcam, is a compelling account of the tension between the advancement of the feminist project and the reassertion of dominant representations of women as sexual objects. Although Ringley’s experiment provided an opportunity to transgress and resignify sexual identities, Bailey ultimately concludes that the sexual imagery that Ringley broadcast was co-opted by and helped to reify the heterosexual male fantasy found in mainstream pornography.

David Phillips continues to interrogate questions of social justice in his analysis of the ways in which ubiquitous computing will restructure the social practices that we rely upon to construct our identities. He suggests that the notion of semiotic democracy would better inform policies intended to ensure that the resources for social meaning-making are equitably distributed in the network society.

David Matheson examines what happens when automated identification systems sidestep the careful negotiation of identity to which Phillips alludes. He argues that the nonreflexive nature of identifying oneself in an automated system invades privacy in the same way that Goffman's total institution does, by transforming social interaction into exercises of nonselective self-presentation. By depersonalizing those persons who are authenticated by the system, the system itself shrinks the opportunity for us to develop a robust dignity.

Ian Kerr raises similar concerns in the context of human-implantable radio frequency identification (RFIDs). He argues that the emerging RFID-enabled Internet of Things may soon become an Internet of People, and warns that a human-machine merger will challenge our notions of identity and privacy in a profound sense. Although the current regulatory regime provides some level of protection from today's one-off RFID applications, Kerr urges us to be forward thinking and to avoid sacrificing our core values in favor of the short-term expediencies of RFID-enabled networks.

In her examination of biometric identification as a form of border control, Shoshana Magnet reminds us that the human-machine merger is not neutral but works to perpetuate inequalities. Her analysis of the U.S.-Canada border demonstrates that biometric technologies imbue bodies with racialized and gendered meanings that continue to disadvantage some people and privilege others. Like Kerr, she warns that we must go beyond simplistic narratives of technology as neutral and efficient in order to fully understand the social consequences of the network society.

Gary Marx examines countervailing narratives of social resistance in his analysis of surveillance songs. He argues that popular music is a form of soul training that provides us with a source of imagery, which works to either deconstruct or legitimize the surveillance society. He identifies two opposing trends. On one hand, proponents of surveillance—control agents and members of the surveillance industry—represent surveillance as a means of solving serious social problems. Artists, on the other hand, tend to portray surveillance as the problem, and their songs warn us that the technologies upon which we rely may profane our experience as humans.

Jeremy Clark, Philippe Gauvin, and Carlisle Adams take social resistance to the network level. In order to promote technologies that support and protect autonomous action from state interference, they have devised a method to prove that an anonymous remailer is not the original sender of illegal material and is therefore not subject to search warrants. Their system is a practical attempt to

push back against the current “is-ism”—the mistake of confusing how something is with how it must be—against which Lawrence Lessig warns.

Similarly, Daniel Howe and Helen Nissenbaum set out a technical method to hide one’s surfing patterns from surveillance. Like Clark, Gauvin, and Adams, they argue that this kind of technology enables us to resist network surveillance on a principled basis, to protect the free inquiry, association, and expression that is an essential part of democratic citizenship. From this perspective, anonymity—the subject of the last section of the book—is a vital component of a network society that retains opportunities for individuals to enjoy privacy and to act autonomously.

12. A CONCEPTUAL ANALYSIS OF IDENTITY

STEVEN DAVIS

There are three notions of identity that must be distinguished that I shall call metaphysical identity,¹ cultural/social/political identity, and epistemological identity. I shall concentrate my discussion on the last of these and illustrate it by discussing identity theft. Because the central interest is in epistemological identity and its relation to identity theft, I shall describe the first two notions only to the extent that it is necessary to distinguish them from epistemological identity.

Let us begin with metaphysical identity and with the following question. At a particular time, *t*, what makes it the case that a given object, *A*, is synchronically identical to *B*? Consider a simple object, a wooden chair, which I shall call 'Alfred.' Imagine that reflected in a mirror is an image of a chair—one that I shall call 'Natalie.' Now at a given time, *t*, Natalie and Alfred might well be the same chair. Properties play an important role in determining the conditions under which Natalie and Alfred are identical. A property is something an object has; it is a characteristic or quality of an object that is true of the object. Red objects, for example, have the property of being red and it is true of them that they are red. Properties come in different varieties: monadic and relational and accidental and essential. A monadic property is a quality of an object that does not relate it to another object—for example, being square—while a relational property, such as being to the left, relates an object to another object. An accidental property is a property that an object has that it might not have. If it were not to have the property, it would still be that object, for example, the property of the number two that it is my favorite number. An essential property is a property of an object that it is necessary for it to have to be that object, for example, the property of the number two that it is even. Properties are characteristically exemplified or instantiated. For instance, the property of being red is exemplified by all the objects that are red, which then share the same property—being red.

1. H. Noonan, "Identity," *Stanford Encyclopedia of Philosophy* (2006), <http://plato.stanford.edu/entries/identity/#2>.

Let us call the objects that exemplify properties ‘particulars’ and the properties that are or could be exemplified, ‘universals.’

What makes it the case that Natalie and Alfred are synchronically identical at t is that, at t , Natalie and Alfred have the same properties. For example, Natalie is brown, is reflected in a mirror, has a back, has a seat, is owned by the man next door, is in Canada, is believed by me to be different from Alfred, etc. If all these properties, and any other property that Natalie exemplifies, were exemplified by Alfred and conversely, Natalie and Alfred would then be one and the same chair at t .² Does it follow from Natalie and Alfred’s being identical that they have the same properties? If Natalie and Alfred are identical, then there is only one thing that is designated in two different ways, as ‘Natalie’ and ‘Alfred.’³ Thus, then at t , any property that Natalie has, Alfred has and conversely.

The identity of our chair consists of the set of those properties that are necessary and sufficient for it to be that object, which we shall call an object’s ‘individual essence.’ This set that individuates a particular object must pass the tests of time and possibility. Synchronic identity is not enough. Take time. Alfred is brown at t_1 , but suppose that it is painted red at t_2 . Its becoming red makes it qualitatively a different chair; it is now a red chair at t_2 and at t_3 , it was a brown chair. But it is not numerically a different chair. We can say that, from t_1 to t_2 , Alfred undergoes a qualitative change from brown to red, but numerically, it is one and the same chair. It is still Alfred. Rather, what has changed is that it loses an accidental property at t_1 , the property of being brown, and at t_2 , it gains another accidental property, that of being red.

Possibility is similar to time. Alfred is brown at t_1 , but it is possible that it could have been red at t_1 . Had Alfred another color, it would not affect its identity. Alfred would be numerically the same chair had it been red, rather than brown, its actual color. One way to describe such changes is by invoking the notion of possible worlds,⁴ which is a way that the world could be. Alfred is brown in the actual world, which we shall designate as α . Given the possibility that it could have been red, there is a possible world in which Alfred is red, which we shall designate as α_i . What is possible need not, at any time in the future, become actual. Let us suppose that at no future time does Alfred become red. Thus, α_i is not the way the world will turn out to be, but the way the world could be. Hence, there are possible ways for the world to be that are different from the way the world will turn out to be—from the future, that is.

2. A generalization of this is known as the identity of indiscernibles. For any object y and any object x if x and y have the same properties, then $x = y$.

3. This is known as Leibniz’s Law. For any object, y and any object, x , if $x = y$, then x and y have the same properties.

4. For two views about the nature of possible worlds, see David Lewis, “Counterpart Theory and Quantified Modal Logic,” *The Journal of Philosophy* 65 (1968): 113–126; Saul Kripke, *Naming and Necessity* (Oxford: Basil Blackwell, 1980).

Does anything go in a possible world? Could we have a possible world in which I can fly unassisted on earth, in which there are people with three heads, and in which everyone is over ten meters tall and weighs only one kilo? None of this is physically possible, but it is logically possible. There is no contradiction or conceptual impossibility in any of this, although it is contrary to physical laws, because they are not logically necessary. As far as we know, nothing can go faster than the speed of light, but it is not logically impossible for this to occur. A possible world then goes beyond what is physically possible; it ranges over what is logically possible. There are certain things that are not logically possible. It is not logically possible that I am a bachelor and yet a married woman over thirty.

Let us now consider how persons fare with changes across time and worlds. Clearly, we change through time and could have been different than we are. Yet despite the changes and possible changes we are or would be one and the same person. In describing ourselves, we sometimes say that we are not the same person that we were in our youth or would not be the same person if we had undergone some change. What we mean is that certain features of our character, body, and/or personality have changed or could change, characteristics that we think to be important. But despite what can or could be rather dramatic changes in character, body, and personality, we do not or would not cease to exist, nor have we become or would become numerically another person. What properties then are essential to us that guarantee our continuity through time and across worlds, properties such that if we no longer had them, we would no longer exist or there would even be a different person numerically? That is, what properties of persons are like the properties that make Alfred that chair and not another, and properties that, if Alfred were to lose them, would render Alfred nonexistent?⁵

What properties are essential for me to be the particular person that I am, that is, if I were not to have any of these properties, I would not be Steven Davis? Clearly my height is not such a property, because I would still be Steven Davis had I been two meters tall. What about my nationality? I was born in the United States, but I am now a dual Canadian/U.S. citizen. Had I been born and raised in a different country, say France, I might have been a very different person. I might not have spoken English, or have had some of the values that I currently have, but there is no reason to think that I would not have been Steven Davis, although I might not even have been called 'Steven Davis.' It could have turned out that my parents named me Didier and that they changed their last name to Dupont. But if the world had been that way, Didier Dupont would have been me. Hence, my height, nationality, place of birth, language, and name are not properties that are essential for me.

5. For a discussion of personal identity, see Eric T. Olson, "Personal Identity," *Stanford Encyclopedia of Philosophy* (2002), <http://plato.stanford.edu/entries/identity-personal/#1>.

A person's essential properties are not obvious. Some have argued that it is the person's body; others have argued that it is the person's psychological states.⁶ There are problems with both of these, but what is important for our purpose is to see what sorts of things are not necessary to a person's metaphysical identity. As with Alfred, my individual essence is a set of properties that are necessary and sufficient for me to be Steven Davis. Moreover, there is no settled opinion among philosophers about the properties that constitute our individual essences. In addition, even if there were a view on which philosophers agreed, it would not be something readily available to most people, since they lack the philosophical training to understand it. Hence, what properties constitute our metaphysical identities are not epistemologically accessible to most people.

Let us turn to cultural/social/political identity. In recent years, identity politics has become increasingly important. On this view, it is not a person *qua* person who is part of the moral/social/political order, but a person with a particular identity. For many, it matters politically, socially, culturally and/or morally whether they identify themselves as a Canadian, a member of a First Nation, aged, disabled, a Muslim, etc. Of course, people can have multiple identities. They can be, for example, a Canadian and a Jew. Most discussions of cultural/social/political identity concentrate on a narrow range of properties—those connected with nationality, citizenship, and religion. This however, leaves out a wide range of properties that are important to people and can play a role in their cultural/social/political identities, for example, being a dancer, a butcher, and even an alcoholic. In fact, it is possible for any property of a person to be part of his identity, if it is important to the way that he lives his life and plays a cultural, social, or political role.

What makes a property part of a person's cultural/social/political identity? I shall argue that, for a property to be a part of a person's identity, it must be a characteristic that the person has, not just one that he thinks that he has; his believing that he has the property must play an important role in his life;⁷ and these beliefs must connect him to the cultural, social, and/or political order of

6. For views that account for personal identity in terms of our bodies, see J.J. Thomson, "People and their Bodies," *Reading Parfit*, ed. J. Dancy, (Oxford: Blackwell, 1997); and A.J. Ayer, *Language, Truth, and Logic* (London: Gollancz, 1936); and in terms of psychological states, see R. Nozick, *Philosophical Explanations* (Cambridge, Mass.: Harvard University Press, 1981); and D. Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984).

7. It might be argued that a person's believing that he has a property is not necessary for it to be part of his social, cultural, or political identity. Imagine that someone, call him Harold, is gay, but does not believe that he is, nor does anyone else. His being gay, however, plays an important role in his life; it has an effect on his dreams and fantasies and on his relations with men and women. Although Harold does not have a conscious belief that he is gay, for it to have the effects on his life that it does, he must be in some cognitive states with respect to his being gay, unconscious beliefs or desires that play causal roles in his actions and on his dreams and fantasies.

which he is a part. Let us begin with my claim that a property is part of an individual's cultural/social/political identity only if he has the property and not merely that he thinks that he has it.⁸ Consider Sally, who identifies herself as a writer, but seldom puts pen to paper. When she does, she writes a paragraph or two and then puts it in her drawer. She has never completed a poem, novel, short story, or any other type of literary work or sent anything that falls into these categories to a publisher. She talks a great deal about her plans to write this or that, but the plans come to nothing. She, however, thinks of herself as a writer and represents herself to others as being a writer. Being a writer is certainly who she thinks she is. This is not, however, who she is.⁹ Rather, it is part of her self-conception. It might be claimed that a person's self-conception and her identity are one and the same, that with identity, thinking makes it so. To be a writer, however, one must write, something that Sally does not do. One's identity, I claim, is connected to who or what a person is, not who or what a person thinks that he is. If this is unconvincing, think of someone who takes himself to be part of a First Nation in Canada, the Mohawks, for example, but is not. As much as he identifies with the Mohawks and thinks of himself as a Mohawk, being a Mohawk is not part of his cultural/social/political identity. It is not part of who he is, although it might be who he thinks that he is.

Let us turn to my second claim that, for a property to be part of person's identity, not only must he have the property, but it must play an important role in his life.¹⁰ First, it can provide an explanation for his behavior. Second, it can yield values that provide a way for him to live his life. Finally, it can yield for him something of value, either negative or positive, for his life. Let us consider each of these in turn. Suppose that Sam is a Canadian, which he takes it to be part of his identity. Sam crosses his legs by putting the ankle of one leg across the knee of the other; he eats meat by cutting it with a fork in his left hand and a knife in his right hand, placing the knife across the edge of the plate, transferring the fork from his left hand to his right, and eating the meat with his fork; when asked a question that he does not understand, he will say, "Heh?"; he prefers beer to wine, likes to eat maple sugar pies and Montreal smoked meat; and he watches hockey on television rather than American football. When asked why he

8. I shall make the simplifying assumption that there is only one property that is part of a person's cultural/social/political identity. Amartya Sen argues that this assumption is morally and politically distorting. I shall not take up the issues that Sen raises in his discussion of multiple identities. Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: Norton, 2006).

9. We might say, however, that she is a would-be writer.

10. It cannot, however, be any sort of importance. Suppose that Sam is a rock climber, an activity that he does every couple of months in season and that he enjoys doing. It is thus of some importance to him. This, however, is not enough for being a rock climber to be part of Sam's identity. For it to play this role it must be an important part of his life.

behaves in these and other ways, he says that he is a Canadian and this is the way Canadians behave, offering to others and himself thereby an explanation for his behavior.

Not only can a person's identity provide for him explanations for his behavior, it can also provide him with values for the way he thinks that he ought to live his life. Suppose that Sam is a Christian, which he takes to be part of his identity. When he wonders how he ought to behave in a certain situation or whether his behaving in a certain way is justified, he might appeal to Christian values. He might say that he thinks that he ought to do *X*, or that his doing *X* is justified, because he is a Christian and it is the way a good Christian behaves, when he lives according to Christian values.

Finally, suppose Sam is not only a Canadian and a Christian, but also a journalist. Being a journalist is part of Sam's identity, and he identifies with the role of being a journalist. It gives a positive value to Sam's life. He loves being a journalist and enjoys the status that comes with it. In addition, he is accepted as a journalist by other journalists, and because of this, he has the positive emotions that arise from being a member of a group that he values and being accepted as one of them.¹¹ Sam has the sense of belonging to a group and being accepted by the group. A person's identity can also yield negative value for his life. Someone can have a property that he takes to be part of his identity, but rather than finding positive value in the property, he might wish that he did not have the property. Suppose that Sam was an alcoholic and that, in his society, alcoholics were despised. They were thought to be weak and of bad character. Sam, however, takes it to be part of his identity, because it is central to his life, which is filled with thinking about alcohol and consuming it.¹² Because it is despised in Sam's society, he feels ashamed about being an alcoholic and tries to hide it from others. Rather than provide him with feelings of self-esteem, it yields, for him, feelings of self-loathing.¹³

In each case in which someone's identity places an important role in his life, it does so by being connecting to the social, cultural, and/or political world of which he is a part. Sam's appealing to his being a Canadian serves as an explanation for his behavior because he has acquired his behavior by being part of Canadian culture. Being Christian provides values for him because he participates in

11. There is a difference between identifying with a group and identifying oneself as being a member of the group. Clearly, I can identify with the oppressed without identifying myself as being part of this group, and I can identify myself as being an alcoholic without identifying myself with alcoholics.

12. Notice that being an alcoholic could also provide Sam with a way to understand why he behaves the way that he does. Thus, Sam's identity, being an alcoholic, could play two important roles in his life.

13. For a discussion of what he calls self-esteem identity, see David Copp, "Social unity and the identity of persons," *The Journal of Political Philosophy* 10 (2002): 365–391.

Christian life and has acquired these values from the Christian community of which he is a part. Lastly, being a journalist imparts positive value to Sam's life because he is accepted as belonging to the journalist clan, and his being an alcoholic yields negative value for him because it is something that is despised in the community of which he is a part, an evaluation that Sam accepts about being an alcoholic.¹⁴

Let us turn to epistemological identity. Our epistemological identities are connected to first-person acts of identifying, acts that are common in everyday life. We can divide such acts into two sorts: those that arise through institutions such as banks, universities, credit card companies, governments, etc., and those that exist because of various practices connected to our culture and language. I enter a bank and request to withdraw money from my account. I am asked to swipe my bank card through a terminal and punch in a code that calls up my account on the teller's computer screen. I go to the library and ask to check out a book from the library. I am asked for my library card, which has my picture on it and my identification number. I go to a store and wish to purchase an item. I take out my bank card again, it is swiped through a terminal, and I am asked to enter my code. Or I pay with a credit card. It is swiped through a terminal, and I am asked to sign one of the terminal receipts. I am at a party and identify myself by saying, "My name is Steven Davis. I am your host." In each case, I provide someone with identifying information with the intention that he uses it to identify me as having a set of properties, a set that I shall take to be an epistemological identity.

I want to consider a case of this sort involving a passport presented at passport control for which the institutional framework is established by a government order.¹⁵ It consists of the procedures involved in issuing passports and in using them at passport control as a means of identification. In issuing me a passport, Passport Canada assigns the passport a number, issue and expiration dates, a place at which it was issued, a type, an issuing country, and a bar code. In addition, Passport Canada specifies that the passport will include my name, sex, place and date of birth, picture, and signature. The information is propositional; it is information that my name is "Steven Davis," that the passport number is such and such, etcetera.¹⁶

14. It is possible for some characteristic of a person to play an important role in his life without its being connected to his social, cultural, or political world. Consider again Sam's being an alcoholic, and suppose that there is no social stigma attached to it and it has no particular cultural role to play in Sam's community. His being an alcoholic might play a role in Sam's being able to explain his behavior to himself, but it is not part of his social or cultural identity, because his being an alcoholic plays no social or cultural role in Sam's society.

15. *Canadian Passport Order*. S1/81-86.

16. Although it is not false in this case, I take it that information conveyed in identifications can be false.

Let us look more closely at what happens when I present my passport at passport control. Suppose that I am at Pierre Elliot Trudeau International Airport in Montreal, and I walk up to the passport control desk and hand the agent my Canadian passport, intending thereby that he identifies me as being the person described in the passport, a holder of a valid Canadian passport and a Canadian citizen who has the right to enter Canada. In doing so, I identify myself to the agent as having these properties, my epistemological identity in this situation, and intentionally convey to him identifying information about certain properties that I have that I believe will lead him to identify me as having the epistemological identity in question. In walking up to the counter, I convey to him information about how I look; in handing him my Canadian passport, I present him with information about whether I have a passport and about the information contained in the passport. In addition, in doing these things ostensibly at passport control about which the agent and I are mutually aware, I communicate to the agent my intention to have him recognize that I am a Canadian citizen.

That I convey this information to the agent does not mean that my intention in doing so will be fulfilled. For this to occur, the agent must identify me as being the holder of a valid Canadian passport, being the person described in the passport, and being a Canadian citizen. There are various steps in the agent's coming to identify me in this way. He sees that I have handed him what appears to be a Canadian passport, and he must determine whether I am the person described in it. He looks at the passport picture and at me and sees that the picture in the passport resembles me. Hence, he has good reason to believe that I am the person depicted in the passport that I handed him. Thus, he has identified me as the person described in the passport.

The next step is for the agent to determine that the passport is a valid Canadian passport. There is information in the passport that serves to determine this: the appearance of the passport, the passport number, the expiration date, and information accessible through the bar code on the passport. It is, of course, possible that, even given this information, the passport is a forgery or has been altered. Let us suppose the agent has good reason to believe that very few Canadian passports that are presented at Pierre Elliot Trudeau International airport are forged or have been altered. In addition, the agent looks at me and concludes that I do not look like the sort of person who would forge or alter a passport. The agent has identified the passport that I handed him as a valid Canadian passport.

Moreover, the agent knows that if someone has a valid passport that belongs to him, he must be a Canadian citizen. The agent then looks at the passport and the information that it contains. Since there is nothing particularly suspicious about me, nor about the passport that I handed him, utilizing the information that I conveyed, the agent concludes that I am a Canadian citizen having a right to enter the country and allows me to enter the country. We see that the epistemological identity I have in this situation is the set of properties that I intend the

agent to identify me as having: my being the person depicted in the passport, my having a valid Canadian passport, and my being a Canadian citizen. I intend to fulfill this intention by providing the agent with identifying information, the way I look in presenting myself to the passport counter, and the information contained in my passport.¹⁷

To fill out the story of identifications and identity, let us consider a case of identifying involving a machine. Imagine an eye scanner at an entrance to a building, the purpose of which is to identify those who are authorized to enter the building. The machine is linked to a database containing the iris patterns of those who are authorized to enter the building. I intentionally present myself to the machine so that the machine can scan my eyes, gathering information about my iris patterns to determine whether they match a set of iris patterns stored in the database to which the machine is connected. If there is a match, I am allowed to enter the building. In presenting myself to the machine, I identify myself to the machine as being authorized to enter the building, and the epistemological identity that I have is being someone who is authorized to enter the building.

We see that I use information about certain of my properties, identifying information, to identify myself as having a set of properties, my epistemological identity. In turn, this identifying information can be used by a person or a machine to identify me as having this epistemological identity. In the passport example, my identity is being the person depicted in the passport, having a valid Canadian passport, and being a Canadian; in the eye scanner example, my identity is being someone who is authorized to enter the building. In presenting my library card at my university library, my identity is being someone who is authorized to use the university library. Thus, what epistemological identities I have depends on my acts of identifying myself as having particular properties for a certain purpose. We can say that I invoke different identities in identifying myself depending upon the purpose of my identifications. Any set of properties that I have, then, could constitute my epistemological identity in a particular context as long as I have the properties in the set and I can identify myself as having the set of properties to another for a certain purpose.

A person's epistemological identities fall into two kinds: standing and occasion. When I am issued a credit card, I am endowed with the potential to use it to identify myself as being authorized to make a purchase in places that accept the credit card, my epistemological identity. I have this epistemological identity as a standing identity even when I do not use my credit card and even

17. That is, I intend to induce in the agent an epistemic state, namely, that he believes that I have a particular epistemological identity. My having an epistemological identity in this case, however, does not depend upon his being able to identify me as having this identity. He might fail to draw the necessary conclusion or make a mistake and think that my passport is a fake. If this were to occur, I would still have the epistemological identity that I invoke in this situation.

if I never use it. This sort of epistemological identity arises through the institutional practices of banks, passport offices, libraries, license bureaus, universities, governments, etcetera that issue various sorts of identity cards and documents. We can say that these sorts of identities are potential epistemological identities of the person who has the identity card and are actualized on the occasions in which he uses the card in appropriate circumstances to identify himself.

An occasion epistemological identity is invoked in acts of identifying ourselves as having a set of properties on a particular occasion. They can be instantiations of standing epistemological identities, but they can also arise when we identify ourselves as having a certain property that is connected only to a particular occasion. For example, sides are being chosen in a game of baseball and I say, "I'll play first base." In doing so, I identify myself as someone willing to play first base—my epistemological identity in this situation. This property that I identify myself as having need not carry over to other occasions; I might be unwilling to play first base in any other game of baseball. Rather, my willingness to play first base is an occasion epistemological identity that I take on in the situation in which I say that I am willing to play first base, which marks it as being distinct from my epistemological identities connected to an identification card that I have from one occasion to the next as long as my identification card is valid.

It might be thought that, contrary to what I claim, it is not necessary that I have a property that I identify myself as having for it to be part of one of my epistemological identities. Imagine that an individual, let us call him "Al," who is not a Canadian citizen finds my passport in Paris. He copies the information from the passport and, with it, produces a fake Canadian passport with a picture of himself and information about me and my passport so that he can gain entry to Canada as a Canadian citizen. Suppose further that he then takes a plane to Montreal and, at Trudeau International Airport, presents the fake passport to an agent, conveying information to the agent about me. In doing so, he identifies himself as having properties that he does not possess. He identifies himself as having my epistemological identity, being Steven Davis, having a valid Canadian passport, and being a Canadian citizen. Al is guilty of misidentifying himself to the agent. That is, identifying himself as having properties that he does not have, and thus, having an epistemological identity that he lacks.

Let us suppose that some property can be part of an epistemological identity of a person even though he does not have the property. It would follow, contrary to what I claim, that Al would have as his epistemological identity the properties he identifies himself as having. Consequently, there would be no misrepresentation, because Al would identify himself as having certain properties that would constitute his epistemological identity. That is, on this supposition, in identifying himself as me, Al would not misidentify himself to the agent as having an identity that he does not have. Correspondingly, if the agent were to identify Al as having my epistemological identity, being Steven Davis, having a valid Canadian passport, and being a Canadian citizen, he would

not have misidentified him, since the supposition is that Al has whatever epistemological identity that he identifies himself as having. Hence, Al would not be guilty of misrepresentation and the agent would not be mistaken in admitting Al to Canada. Because it is clear that Al has misrepresented himself and the agent has misidentified him, the supposition is mistaken. Al does not have the epistemological identities that he identifies himself as having. The conclusion to be drawn is that a property is part of someone's epistemological identity, in the context in which he identifies himself as having it, only if he possesses the property.

I would now like to turn to identity theft and show how it illuminates the notion of epistemological identity. Before this can be done, we must have some idea about what identity theft is. There is no one answer to this question, because there are various uses of the term. One use requires that there is a wrongful taking of information about a person's epistemological identity and then a fraudulent use of this information for personal gain. We find this use in the Office of the Canadian Privacy Commissioner. Identity theft "is the unauthorized collection and use of your personal information, usually for criminal purposes."¹⁸ An example of this kind of identity theft is Al's taking information about me and using it at passport control. His identity theft consists of two transgressions: stealing the information from my passport, and then using the information to identify himself as having my epistemological identity connected to my passport.¹⁹

The Consumer Protection Agency of the Government of Ontario however has a different take on identity theft. "Identity theft occurs when someone uses your personal information without your knowledge or consent to commit a crime, such as fraud or theft."²⁰ Only the second condition, using information about someone's epistemological identity fraudulently, plays a role in this account. There does not have to be a wrongfully taking of the personal information. Cases of this sort can occur when a family member uses information about a member of his family that was obtained legitimately. Consider the following example reported in the *New York Times*. A divorced mother of three used her children's Social Security numbers to take out credit cards in their names, which she then

18. Office of the Privacy Commissioner of Canada, "Identity Theft: What it is and What You Can Do About It," *Fact Sheet*, http://www.privcom.gc.ca/fs-fi/o2_o5_d_10_e.asp.

19. Public Safety Canada has a similar account. "Identity theft refers to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain." Public Safety Canada, "Identity Theft," *Advice for Consumers*, <http://www.publicsafety.gc.ca/prg/le/bs/consumers-en.asp#1>.

20. Ontario Ministry of Government and Consumer Services, "What is Identity Theft?," *Consumer Protection*, http://www.gov.on.ca/MGS/en/ConsProt/STELo2_o45992.html. David Matheson brought this account of identity theft, and the example that follows, to my attention.

used fraudulently to rack up charges on the cards that she obtained.²¹ In this case, the mother did not come by the information about the children's Social Security numbers by stealing it; it is information that she obtained legitimately. It is the unauthorized fraudulent use of the information that, on this account, constitutes identity theft. In presenting one of the cards as hers and using it to make purchases, she represented herself as one of her children, which her child presumably did not authorize her to do. In so presenting herself as someone she was not, she used the cards fraudulently.²² The second of these accounts of identity theft should not be called 'identity theft,' because the mother did not steal the information about her children's Social Security numbers. Her transgression was in using the information fraudulently to impersonate her children. A better term for this might be "identity fraud" rather than "identity theft."

I have distinguished three types of identity that apply to persons, metaphysical, social/cultural/political, and epistemological. Each involves properties that the person has, but there is a difference among them. The characteristics that are part of a person's metaphysical identity must be essential properties that the person has across worlds and times in which, and at which, the person exists. The characteristics that constitute a person's social/cultural/political and epistemological identities can be accidental properties that he might have at one time or world, but not have at another time or world. Take being a Canadian citizen, a property that constitutes some people's social/cultural/political identities and for Canadian citizens with a passport part of their epistemological standing identities. It cannot, however, be part of anyone's metaphysical identity, since a person's citizenship is an accidental property and need not be constant across worlds and times. It follows that some social/cultural/political and epistemological identities are not metaphysical identities.

Can metaphysical identities be social/cultural/political or epistemological identities? It is possible for any property or set of properties to be a social/cultural/political or epistemological identity, as long as we have access to them. Suppose that a person's DNA constitutes his metaphysical identity. It is possible that having a particular DNA is a social/cultural/political identity. We can imagine a society in which it is socially, culturally, and politically important for people what DNA they have and it is something that for them plays an important role in

21. John Leland, "Stolen Lives: Identity Theft is Often Found in a Family Photo," *The New York Times*, November 13, 2006, <http://www.nytimes.com/2006/11/13/us/13identity.html?ex=1321074000&en=e14foe296f75978a&ei=5088&partner=rssnyt&emc=rss>.

22. The U.S. Federal Trade Commission has a similar account. "Identity theft occurs when someone uses your personally identifying information, like your name, Social Security number, or credit card number, without your permission, to commit fraud or other crimes." U.S. Federal Trade Commission, "About Identity Theft," *Fighting Back Against Identity Theft*, <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/about-identity-theft.html>.

their lives. As well, a person's DNA can be one of his epistemological identities. We can imagine a person at a police station or a doctor's office identifying himself to the police or the doctor as having a particular DNA.

That properties, which might be constitutive of our metaphysical identities, could be constitutive of our social/cultural/political or epistemological identities does not of course show that they are. Whether a certain property plays an actual role in social/cultural/political and epistemological identities is an empirical question, the answer to which is best left to sociologists and anthropologists. It is clear, however, that the actual properties that are constitutive of our metaphysical identities cannot now be constitutive of our social/cultural/political or epistemological identities, because these require that we have access to the properties that constitute these identities. It is still an open question among philosophers about what sorts of properties constitute our metaphysical identities. For this reason, we cannot be said to know what they are and thus, no one can be said to have cognitive access to them. We must know or at least have current cognitive access²³ to what our social/cultural/political identities are, because they play important roles in our lives through our cognitive states concerning them and, thus, must be in some sense accessible to us. Our epistemological identities must be avowable and thus accessible to us; we must be able to provide others with information about them so that they can identify us as having them. We present the merchant our visa card, which contains information relevant for making a purchase with the intention that the merchant comes to believe that we are authorized to do so. Thus, connected to our social/cultural/political identities and epistemological identities, we have access to information that is not available to us with respect to our metaphysical identities, because we currently have no idea what they are.

Let us look at the relationship between social/cultural/political and epistemological identities. Since any set of properties could be a social/cultural/political or epistemological identity, as long as they are accessible, it follows that it is possible that for a given individual one of the properties that constitutes his social/cultural/political identity could constitute one of his epistemological identities. For example, the property of being a Canadian is part of many Canadians' social/cultural/political identities and, if they have a Canadian passport, a constituent of one of their standing epistemological identities.

There are also properties that can be part of a person's social/cultural/political identity, but are not any of his standing or occasion epistemological identities. Imagine that Fred is an alcoholic, a property that is important to him in that it gives an explanation for his behavior and that is important in the society of which he is a part, because in this society those who are known to be alcoholics are ostracized. For this reason, Fred wishes to hide the fact

23. See n. 11 for a discussion of cognitive access.

that he is an alcoholic and, hence, does not identify himself to others as being afflicted with the problem. Thus, being an alcoholic is not one of Fred's epistemological identities, because there are no occasions on which he identifies himself as being an alcoholic. Consequently, there can be social/cultural/political identities that are not epistemological identities.

There are some properties that are constituents of one of a person's epistemological identities that are not part of his social/cultural/political identities. I have a department credit card that bestows on me a standing epistemological identity of being able to make purchases on credit in that store. Being able to do this, however, is not part of my social/cultural/political identity, since it is not something that plays an important role in my life. I have not even used the card to make a purchase. The conclusion is that there are some epistemological identities that are not social/cultural/political identities.

To sum up, we see that our metaphysical identities are distinct from our epistemological and social/cultural/political identities, while the latter two, although they overlap, are distinct. It follows that the notions of metaphysical identity, epistemological identity, and social/cultural/political identity are distinct notions, because they do not apply to the same sets of objects.²⁴ A person's epistemological identities are properties of the person that he has and that for certain purposes he can identify himself as having to others by conveying information to them. Epistemological identities are of two sorts, standing and occasion. A standing epistemological identity is connected to an identity card issued by an institution that specifies either directly or indirectly the identifying information that the person who holds the card can convey to another to identify himself as having a particular epistemological identity. An occasion epistemological identity is a set of properties of a person, which he identifies himself as having to another on a particular occasion with the intention of inducing in the other the belief that he has that epistemological identity. Identity theft is the unauthorized taking and use of identifying information that is connected to one of a person's epistemological identities. It is information about a person that the thief appropriates without permission and uses to identify himself to another as having an epistemological identity that he does not have. Identity fraud is the unauthorized use of information about a person that is connected to one of the person's epistemological identities.²⁵

24. 'Object' is used broadly to cover anything that can be a member of a set.

25. I would like to thank Jane Bailey, Jeremy Clark, Jacquie Burkell, Michael Fromkin, and especially David Matheson for useful comments on this paper.