
13. IDENTITY

Difference and Categorization

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I. ABSTRACT

This paper considers the concept of identity and the two directions that it faces, denoting both the individual’s difference from others, and the individual’s membership of categories and groups. Some implications of this duality are explored, and propositions for further research are indicated.

II. INTRODUCTION: TWO CONCEPTS OF “IDENTITY”

Keeping one’s bearings along the identity trail is a complicated matter. The trail is forked: one path ends in commonality and in identity shared by the person with others as members of certain categories or collectivities; the other ends in individuation or uniqueness, differentiating one person from another. These paths resemble what Hildebrandt, following Ricoeur,¹ articulates as two interrelated concepts of identity: one derives from *idem*, the Latin word, “meaning sameness, similarity and/or continuity;” the other “refers to the concept of *ipse* or self . . . the *sense of self* that is constitutive of the human subject (emphasis in original).”²

1. P. Ricoeur, *Oneself as Another* (Chicago: University of Chicago Press, 1992).

2. M. Hildebrandt, “Profiling and the Identity of European Citizens,” in M. Hildebrandt, S. Gutwirth, and P. De Hert, *D7.4: Implications of Profiling Practices on Democracy and Rule of Law*, FIDIS Programme deliverable, 2007, <http://www.fidis.net/resources/deliverables/profiling/int-d74000/doc/> (accessed September 30, 2007).

TABLE 13.1

	Identity defined by self		
Uniqueness	“I am. . .”	“I am a. . .”	Membership
	“You are. . .”	“You are a. . .”	
	Identity defined by others		

Idem identity has two components: sameness and similarity refer to the categories into which items are placed; and continuity refers to sameness over time. *Iipse* identity depends on continuity; the sense of self “cannot emerge without the *idem*-identity we experience (our sense of continuity) and the *idem*-identity we are attributed by others (as this is how we establish our sense of self in contrast to others).”³ Both kinds of identity are relational in that *ipse* “is constructed in confrontation with an environment,” while *idem*’s “establishment of sameness builds on comparison.”⁴

Both paths on the identity trail carry traffic moving in either direction—going out from ourselves and coming toward us from others. Traffic densities vary along each path, and we have to negotiate the path’s use with others. Thus, a person’s individual identity may be asserted, and accepted or rejected by others; it may be attributed to the person by others, and accepted or rejected by the person. Likewise, our shared identity may be that which we adopt as groups, and is accepted or rejected by others; it may be assigned as a category by others and accepted or rejected by ourselves. These attributions or assignments may, further, be made authoritatively by powerful institutions, such as the state or companies, and not just by societal “others.” Table 13.1 plots the four analytical positions heuristically, summing up the gist of each with a characteristic phrase.

The conclusion of this paper will revisit this table in suggesting some propositions that could be explored in future research that would draw attention to the factors of power and conflict that are instinct in questions of identity and identification. But in terms of the “path” imagery, we should not think of the various paths as in an M. C. Escher⁵ drawing in which one person ascends and another descends the same staircase in the same direction, but between whom contact is impossible, “because they live in different worlds and therefore can have no knowledge of each other’s existence.”⁶ The processes of identification in both our “trail” cases overlap, just as the individual’s conception of who she is

3. Hildebrandt, “Profiling and the Identity of European Citizens,” 17 (n. 2).

4. *Ibid.*

5. Maurits Escher, *The Graphic Work of M.C. Escher* (London: Pan/Ballantine, 1972), plate 67. Also see plates 66 and 75.

6. Escher, *The Graphic Work of M.C. Escher*, 15 (n. 5).

involves both dimensions: what she is uniquely, and what she shares with others; there is a dialectic of self-image and public image.⁷ In a related way, the “lifestyle” categorization processes used in commerce, which define and predict consumers’ behavior, actually bring the paths together. Pridmore explains that “[e]ach engagement of the consumer with marketing is defined by prior data processing, and though these may be articulated as singularly customized representations, . . . businesses understand ‘consumers’ as the accumulation of statistically defined categories.”⁸

The two faces of identity are interdependent, yet they also constitute a duality. Hekman states,

Each of us possesses a personal identity that is constituted by an array of influences and experiences that form us as a unique person. These forces are both public, the hegemonic discourses that define our social life, and individual, the character and situation of those who care for us as infants, and through whom the public concepts are transmitted to us. The result of these influences is . . . our core self. But in addition to possessing a personal identity, each of us is subsumed under an array of public identities: woman/man; white/nonwhite; middle class/working class, and so forth.⁹

If one identifies with, and acts politically as, a member of a category, this does not thereby fix one’s personal identity, but represents a choice in the public realm that is rooted in the complexities of the personal identity that transcend this public category. Hekman notes, “Our personal identity makes us different from everyone else. Our public identity identifies us as the same as particular others.”¹⁰ But, in terms of Table 13.1, the public identity or identities may implicate either the upper-right or the lower-right boxes, and the political, social, and informational processes that arbitrate this need to be understood.

III. WHAT ABOUT “THE SELF”?

Whether the concept of a “core self” is helpful—or necessary—engages a far more psychological, anthropological, historical, and philosophical argument than can be considered here. We may note, however, Cohen’s emphasis on the

7. R. Jenkins, “Categorization: Identity, Social Process and Epistemology,” *Current Sociology* 48, no. 3 (2000): 8.

8. J. Pridmore, “Expert Report: Consumption and Profiling,” in *Surveillance Studies Network, A Report on the Surveillance Society*, ed. D. Murakami Wood (Wilmslow: Office of the Information Commissioner, 2007), 32.

9. S. Hekman, *Private Selves, Public Identities: Reconsidering Identity Politics* (University Park: Penn State University Press, 2004), 7.

10. Hekman, *Private Selves, Public Identities* (n. 9).

self-consciousness of the “authorial self,”¹¹ which is overlooked in many paradigms. Our authorial selves can resist definitions imposed by organizations if we find that that “personhood” jars with the sense of self we want to assert as our identity. On the other hand, Cohen argues that, when we declare adherence to collective categories such as gender, nationality, ethnicity, or religion, we are not necessarily surrendering to alien impositions, but are reappropriating or creating our identities.¹² In Hekman’s terms, the self is not just a matter of self-declaration, or something primordial and ineffable, but is amalgamated with definitions by others. This illustrates how the paths come together—the left-hand side of Table 13.1—and bears out Jenkins’ insistence that “all human identities are by definition *social* identities.”¹³ In his analysis of the “historical sociology of the self,”¹⁴ Rose highlights the situation in which, “Through self-inspection, self-problematization, self-monitoring, and confession, we evaluate ourselves according to the criteria provided for us by others . . . The irony is that we believe, in making our subjectivity the principle of our personal lives . . . that we are, freely, choosing our freedom.”¹⁵ Rose links identity and self-definition processes to the subtleties of both political power and the workings of a consumer society. In the case of political power, Rose describes a situation that is not a matter of crude manipulation or domination of the subject:

The regulatory apparatus of the modern state is not something imposed from outside upon individuals who have remained essentially untouched by it. Incorporating, shaping, channelling, and enhancing subjectivity have been intrinsic to the operations of government . . . not . . . through the growth of an omnipotent and omniscient central state whose agents institute a perpetual surveillance and control . . . Rather, government of subjectivity has taken shape through the proliferation of a complex and heterogeneous assemblage of technologies . . . bringing the varied ambitions of political, scientific, philanthropic, and professional authorities into alignment with . . . the selves each of us want [sic] to be.¹⁶

Identity, however, is not merely an aggregate of our roles and performances. Clarke does not talk about a self, but about an underlying physical “entity”:

Individual people perform various social, economic and political functions, in roles such as citizen, consumer, sole trader, and member of

11. A. Cohen, *Self Consciousness: An Alternative Anthropology of Identity*, (London: Routledge, 1994).

12. *Ibid.*

13. Jenkins, “Categorization: Identity, Social Process and Epistemology,” 73 (n. 7).

14. N. Rose, *Governing the Soul: The Shaping of the Private Self*, 2nd ed, (London: Free Association Books, 1999), vii.

15. Rose, *Governing the Soul*, 11 (n. 14).

16. *Ibid.*, 219.

partnerships . . . A person may present the same persona for every role, or different personae for each of them, or a few personae each of which is used in multiple contexts . . . It is useful to have a term available that encompasses both identities and the entities that underlie them . . . the term “(id)entity” is used for that purpose.¹⁷

For information systems, the practical significance of Clarke’s view is that an (id)entifier is seen as the items of data concerning an (id)entity that distinguish the latter from other instances of its class and that therefore signifies this (id)entity; whereas, an “entifier,” as a form of biometric, is that which signifies an entity and distinguishes it from other physical persons.¹⁸ An entity can have several identities and several entifiers, but each of those refers to only one entity. Anonymity and pseudonymity are cases in which a “nym” is used in order to prevent the association of an (id)entifier with a specific entity. Nyms may be valuable features of information systems that are designed to allow for the authentication of a person’s claims or assertions about who she is in business or governmental contexts while protecting her privacy by not revealing her identity, much less her self.

IV. NEGOTIATING IDENTITIES

The dualisms show some of the complexities of identity and identification, in terms of the criteria by which one claims to be, or is seen and authenticated, as distinctive or as part of wider collectivities. At various times and in different contexts, we may want both to be uniquely identified, and identified as a member of a group or category. The organizations, states, and other persons with whom we interact may also want to make these different attributions about us. Explanations of why, how, and when these choices are made are beyond the present scope. But the selection of criteria for asserting, assigning, or discrediting identities is political, in the broad sense that power is exercised in their application, or in their denial, and that these processes may be the sites of conflict. Jenkins writes, “whose definition of the situation *counts*? The power or authority to generate consequences, to make identification matter regardless of internalization, must be part of the equation.”¹⁹ The conclusion of this paper draws on this insight.

“Identity,” therefore, is a highly intricate concept that opens up issues that technical discussions of identification and verification do not often, or perhaps

17. R. Clarke, “Authentication Re-visited: How Public Key Infrastructure Could Yet Prosper,” paper presented at the 16th International eCommerce Conference, Bled, Slovenia, June 9–11, 2003, version of April 27, 2003, <http://www.anu.edu.ac/people/Roger.Clarke/EC/Bled03.html>, (accessed November 29, 2007).

18. *Ibid.*

19. Jenkins, “Categorization: Identity, Social Process and Epistemology,” 9 (n. 7).

do not have to, address. It is used in everyday life, and also in connection with research on persons and selves (the “I” and the “me”), on social groups, societies, and peoples (the “we,” who may be Inuit, Catholics, Manchester United supporters, etc.), on cultural and political entities, not only including politically sovereign ones (“Scottish,” “British,” “Canadian,” “Palestinian,” etc.), on supranational aggregates (“Europeans”), and on species (“human beings”). Some identities are self-confident, while others are said to be in crisis, not only about who is inside and who is outside, but about the qualities and attributes of membership. This has given rise to public and political debate about, as well as behavioral manifestation of, what it means to be, for example, English or British today, and the means of collective symbolic and political expression are being refashioned, sometimes xenophobically.

Social and political change, including migration patterns, affect these conceptions and self-conceptions as well as the characteristics attributed to those seen as outsiders. Identity’s stock-in-trade is certainty in a changing—some would say globalizing—world. It is asserted by the invention, discovery, or reassertion of unifying properties, symbols, memories, or traditions by collectivities; by opposing the movement (as in attacks on “them,” who are swamping “us”); or by denying the change. But certainty must be renegotiated over time; we may—singly or consensually—move smoothly from one such settlement to another, or we may stumble or fight over it. Economic cycles, political leadership, and the media shape these routes, as they also do the apparatuses whereby unique individual identities are claimed or rejected. Bauman is insightful on this point:

That work of art which we want to mould out of the friable stuff of life is called “identity.” Whenever we speak of identity, there is at the back of our minds a faint image of harmony, logic, consistency: all those things which the flow of our experience seems—to our perpetual despair—so grossly and abominably to lack. The search for identity is the ongoing struggle to arrest or slow down the flow, to solidify the fluid, to give form to the formless . . . Yet far from slowing the flow, let alone stopping it, identities are more like the spots of crust hardening time and again on the top of volcanic lava which melt and dissolve again before they have time to cool and set. So there is need for another trial, and another—and they can be attempted only by clinging desperately to things solid and tangible and thus promising duration, whether or not they fit or belong together . . .²⁰

Identities, Bauman argues, only look solid from the outside, as when we contemplate others and perceive their existence as coherent, a “work of art.” From the inside, our sense of identity is precarious, so we put one on, as in adopting a fashion. Bauman states,

Given the intrinsic volatility and unfixity of all or most identities, it is the ability to “shop around” in the supermarket of identities, the degree of genuine

20. Z. Bauman, *Liquid Modernity* (Cambridge: Polity Press, 2000), 82–83.

or putative consumer freedom to select one's identity and to hold it as long as desired, that becomes the royal road to the fulfilment of identity fantasies. Having that ability, one is free to make and unmake identities at will. Or so it seems.²¹

V. IDENTITY, INFORMATION, AND THE QUEST FOR CERTAINTY

These are *individual* identities, ones that differentiate each of us, and Bauman's remarks are made in a critique of the consumer society that abets our individualist fantasies, albeit with mass-produced goods. Leaving the critique aside, we may remain with the point about fragility and choice, whether real or apparent. The extent to which choices are tolerated today, in a climate of personal and state insecurity, is brought into question. This, too, is a theme in Bauman: individuals and collectivities become "the last defensive outposts on the increasingly deserted battlefield on which the war for certainty, security and safety is waged daily with little, if any, respite."²² Current writing such as that of Monahan, and of Zureik and Salter²³, attests that it is waged through intensified surveillance and the tracking of flows of various kinds—people, goods, information—in which identifications are crucial.

These are grand themes for sociology and political science, and portraying them in apocalyptic terms is heuristically useful. If, as some argue, we are living in times of uncertainty, anxiety, and "liquid fear"²⁴ in the "First Life," we can expect institutional impatience with, and intolerance of, ambiguous identity. So important is it to establish the "truth" of someone's identity in a world that is perceived to be unsafe, that persons cannot be trusted to give an unquestioned account of who they are. Where trust, in general, is ebbing, trust in identities follows suit; ironically, trust in technologies and information systems designed to check or establish identities is—perhaps unwarrantably—high. Moreover, the legitimacy of anonymity is strongly challenged, and opportunities for its exercise may become restricted by the growing official and business impatience with defenses of privacy that would seek to limit, or at least regulate, the use of information systems that serve to identify individuals and collectivities.

Let us look a bit further into this matter. Information systems and processes are involved in the complex shaping and negotiation of identities; they are developed in all paths, for different purposes. Identity verification is an issue for

21. *Ibid.*, 83.

22. *Ibid.*, 184.

23. T. Monahan, ed., *Surveillance and Security: Technological Politics and Power in Everyday Life* (New York: Routledge, 2006); E. Zureik, E. and M. Salter, eds., *Global Surveillance and Policing: Borders, Security, Identity* (Cullompton: Willan Publishing, 2005).

24. Z. Bauman, *Liquid Fear* (Cambridge: Polity Press, 2006).

states, governments, public policy, and business, perhaps especially on the Internet. Regulating immigration, crime detection, running a welfare system, granting consumer credit, and the conduct of e-commerce and e-government all normally require verification of personal identity. But for many universal public services, an important question is whether the identification of persons, rather than simply the verification of their entitlement, is *really* necessary, for many personal identifiers may be irrelevant for particular state or business functions. In providing a service, permitting entry to places and spaces, or allowing the purchase or obtaining of a good, the agent or automatic system with whom or which the person directly interacts may need to know no more than the legitimacy of the person's claim in order to open or close the gate, produce the product, and so on. However, current programs of personalized, "citizen-focused" or "citizen-centered" public services²⁵ require extensive knowledge of who the citizen is, in terms of *idem* identity but going beyond this into a knowledge of needs, desires, and likely behavior. These knowledge requirements, involving profiling, adopt "customer-relations management" (CRM) from the marketing sector; this point will be revisited later. But suppose identification is in question at some of these moments: on what grounds can a person so identified contest her identification? On what grounds can she assert another one, and have it acknowledged? Related to this, what are we to make of "personal data"—a concept currently in question within systems of regulation²⁶—as a concept implicated in these identifications?

In contemporary circumstances, which owe something but not everything to the events of September 11, 2001, safety and security are important, even paramount, values of the context for identity-related processes.²⁷ The search for safety and security is conducted in mundane, bureaucratic routines, involving technologies of identity verification, contestation, and management. It also takes place in mundane, personal-interaction routines, involving social "technologies"—for example, the manipulation of spacing, timing, appearance, and demeanor—whereby the identity of oneself and others is negotiated. This seems intrinsic to the human condition, for Goffman has shown that we are all everyday practitioners of safety- and trust-related strategies of information management and appraisal. States and organizations, on the other hand, have developed specialisms in this, investing in resources and public policy to find out things about identifiable persons and groups, to process information, and to create derivative knowledge.

25. M. Lips, S. van der Hof, C. Prins, and T. Schudelaro, *Issues of Online Personalisation in Commercial and Public Service Delivery* (Nijmegen: Wolf Legal Publishers, n.d.).

26. In the UK, the Durant case of 2003 in the Court of Appeal threw the accepted definition of "personal data" in data protection law into some confusion. C. Raab, "Perspectives on 'Personal Identity,'" *BT Technology Journal* 23, no. 4 (2005): 17–18.

27. C. Raab, "Governing the Safety State," lecture given in the University of Edinburgh, June 5, 2005.

Whether through sensory organs and the mind, or through materials that we refer to as “information technology,” information is collected, compared, evaluated, and stored, and decisions are made on the basis of this “knowledge.” Depending on the kind of decision it happens to be—for instance, whether to trust a passer-by not to accost me, or whether to trust him with a secret; whether to trust the person at the claimants’ office not to be a fraudster, or whether to grant her asylum status on entry into the country—information processing ranges over several levels of intensity and extensiveness.

States may have rules regarding what is proportionate or excessive in the collection and further processing of information; persons or cultures may also have rules about these information activities; and both states and persons may run the gamut from compliance to derogation, and from paranoia to relaxation about these identity and trust judgments, and, therefore, about the way information should be processed. Both states and persons may take precautions against error, or else pay the price for errors not sufficiently anticipated. These rules and stances can be considered “policies,” although that term is usually reserved for what is done by states, not persons or cultures. Both may learn from experience, or they may not if they see advantage in persisting with their chosen policy despite evidence that it has been either too careful or too lax. The consequences of such persistence with faulty information and identification policies cannot be investigated further here.

Many kinds of information may be involved. Marx considers “identity knowledge” in terms of seven types by which individuals are identified or not; non-identification involves ignorance of identity, of which anonymity is an example.²⁸ Social categorization is one type, and Marx enumerates a variety of categories, the membership of which a person may share with others, such as gender, religion, region, health status, and temporal or spatial co-location, however transitory.²⁹ Then there are people-processing categories used by states (and indeed, the commercial sector): credit-risk categories, lifestyles, and education scores. Marx points out that these may have predictive uses; thus, we may say, the identities to which these categories point are those that people are likely to acquire, and not necessarily those that they already have—criminals, the impoverished, those destined for leadership, and so on.

The private sector has led in many analytical practices. As was noted earlier, in the commercial and online world, and within the “data-informed marketing model,”³⁰

28. G. Marx, “Identity and Anonymity: Some Conceptual Distinctions and Issues for Research,” in *Documenting Individual Identity: The Development of State Practices in the Modern World*, eds. J. Caplan and J. Torpey (Princeton: Princeton University Press, 2001).

29. *Ibid.*, 314–315.

30. M. Evans, “The Data-Informed Marketing Model and its Social Responsibility,” in *The Glass Consumer: Life in a Surveillance Society*, ed. S. Lacey (Bristol: Policy Press, 2005).

CRM identifies, profiles, and targets individuals. Many benefits may well be realized from these ways of doing business, yet there are costs: the consumer is not only “glass” in the sense of transparency, as Lace³¹ describes, but also in the sense of fragility. Yet, as Gandy, Charters, and others have illustrated, the retailing relationship can discriminate against some individuals or consumption classes and in favor of others.³² The ability of online technologies to abet these processes through the fine-grained behavioral and personal data they collect and “mine,” or analyze, implicates them in social sorting.³³ The public sector is heavily involved in this as well, not only for the purposes of security and fear-control, but also for social-policy purposes, although the line is blurred. In a climate in which the anticipation of fraud, criminal and antisocial behavior, and health risks have risen alongside punishment and treatment as policy aims, governments aim to improve the predictability of behavior in order to take preventative or precautionary action through the policy process. They proactively target certain categories of identifiable people—very young children and the unborn, frequently—for special treatment designed to avert undesirable future behavior, or perhaps to encourage certain forms of behavior, to open up beneficial opportunities to them, and to overcome social exclusion. The reliability of prognoses about people who may be at risk to themselves or to others is hotly debated. So too, is the propriety of government’s anticipatory policy-making when it may serve to stigmatize groups and categories even while helping them, or aiming to help them; there are echoes of the American policy debates about “positive discrimination” some years ago.

States’ targeting techniques, involving data-mining and profiling, are not unlike those of the commercial sector. They attract a similar “panoptic sort” critique to the one pioneered by Gandy, and invite questions about the privacy implications of “knowledge discovery in databases,” as Tavani³⁴ has posed. We will see later, by reference to Vedder’s work, what some of the privacy issues are in these information practices and policies. Data mining discovers patterns in collections of personal data and shapes them into categories for decision-making and action; “knowledge,” however contestable, becomes potent, perhaps especially when in the hands of public authorities. How are these developments kept within bounds? Whether harmful or beneficial in terms of purposes, functions,

31. S. Lace, ed., *The Glass Consumer: Life in a Surveillance Society* (Bristol: Policy Press, 2005), 1.

32. O. Gandy, *The Panoptic Sort: A Political Economy of Personal Information* (Boulder: Westview Press), 1993; D. Charters, “Electronic Monitoring and Privacy in Business-Marketing: The Ethics of the DoubleClick Experience,” *Journal of Business Ethics* 35 (2002): 243–254.

33. D. Lyon, ed., *Surveillance as Social Sorting: Privacy, Risk, and Digital Discrimination* (London: Routledge, 2003).

34. H. Tavani, “KDD, Data Mining, and the Challenge for Normative Privacy,” *Ethics and Information Technology* 1 (1999): 265–273.

and side-effects, these processes are not adequately addressed by privacy commentators, regulators, and policy-makers. Computer ethicists such as Gotterbarn and Tavani—along with other critics such as Danna and Gandy, who do recognize the issues as serious—are, however, at a loss to suggest remedies that go beyond moral suasion, applied Rawlsianism, better laws, more guidance, codes of professional ethics, and individual self-help.³⁵ But these may have to do; how they integrate as regulatory tools is an under-examined question. Another problem, as Marx mentions, concerns the lack of transparency of the categories by which the state or business claims to know us, and the possible discrepancy between the way they see us and the way we see ourselves.³⁶ This is “a nice research question,” but in just what way it is a research question, and in what way it is an “issue,” needs further discussion. That discussion should begin with some exploration of “the way they see us,” in which identity is established and inscribed in information systems that relate to decisions and judgments that are made concerning citizens or customers.

VI. IDENTITY CARDS: AN ILLUSTRATION

There may be a disjuncture between social-scientific perspectives on identity, whatever they may be, and the worlds of government and commerce, in which unique identities are the currency of practice, and the meaning of “identity” is not problematical, but matter-of-fact. For example, governments do not see it as problematical in their policy on identity cards, and in many identity-management schemes, in which the types of information items embedded in the processes of identification are critical for citizens’ enjoyment of rights and entitlements. These items differentiate persons, insofar as they describe uniqueness, as fingerprints, iris scans, facial characteristics, and other biometrics purport to do. Another interesting example is the welter of “registrable facts” specified in the Section 1(5) of the United Kingdom’s (UK) Identity Cards Act 2006 for the National Identity Register that will include every person in the country. These are as follows:

- (a) His identity;
- (b) The address of his principal place of residence in the United Kingdom;
- (c) The address of every other place in the United Kingdom or elsewhere where he has a place of residence;

35. D. Gotterbarn, “Privacy Lost: The Net, Autonomous Agents, and ‘Virtual Information,’” *Ethics and Information Technology* 1 (1999): 147–154; H. Tavani, “Informational Privacy, Data Mining, and the Internet,” *Ethics and Information Technology* 1 (1999): 137–145; A. Danna and O. Gandy, “All that Glitters is not Gold: Digging Beneath the Surface of Data Mining,” *Journal of Business Ethics* 40 (2002): 373–386.

36. Marx, “Identity and Anonymity,” 315 (n. 28).

- (d) Where in the United Kingdom and elsewhere he has previously been resident;
- (e) The times at which he was resident at different places in the United Kingdom or elsewhere;
- (f) His current residential status;
- (g) Residential statuses previously held by him;
- (h) Information about numbers allocated to him for identification purposes and about the documents to which they relate;
- (i) Information about occasions on which information recorded about him in the Register has been provided to any person; and
- (j) Information recorded in the Register at his request.

The Act stipulates that the individual's "identity" is a registrable fact, defined in Section 1(6) as:

- (a) His full name;
- (b) Other names by which he is or has previously been known;
- (c) His gender;
- (d) His date and place of birth and, if he has died, the date of his death; and
- (e) External³⁷ characteristics of his that are capable of being used for identifying him.

Other "facts" about persons are not deemed "registrable": for example, details of employment and marital status, educational achievements, religious affiliation, diagnosed diseases, and attributes by which a person may be both well known to her friends and family and in good company with thousands of others who share certain categories of membership or affinity. These are considered irrelevant to the purposes envisaged for the identity card scheme, yet a person—and significant others—may think that these and other facts are inherent parts of the identity she constructs for herself and presents to the world (and by which that world knows her) than her other names or her fingerprints.

Schedule 1 of the Act, however, further specifies a long list of other recordable information. It construes the registrable five of Section 1(6), plus past and present residential addresses, as "personal information" separate from "identifying information" (but, confusingly, not from "identity," as indicated in Section 1) about an individual, which is described in Schedule 1 as:

- (a) A photograph of his head and shoulders (showing the features of the face);
- (b) His signature;
- (c) His fingerprints;
- (d) Other biometric information about him.

37. The Bill that preceded the Act said "physical." The Act's Explanatory Notes, no. 19, explains that "external" means, for example, biometric information. "Physical," one supposes, might include height, whereas biometric information does not record this.

By implication, and curiously, identification here concerns the body, and not what is otherwise labeled “personal.” Other recordable information itemized in Schedule 1 involves residential status within the United Kingdom; thirteen personal reference numbers on various kinds of document; one’s previously recorded details, and any changes to those; nine different forms of particulars concerning one’s identity card registration and its history; a further set of validation information relating to the latter; several kinds of security information; and information about the provision (disclosure) of register information to third parties: in all, over fifty items. In addition, Section 3(6) gives government the power to modify this inventory, subject to parliamentary approval. This may require further primary legislation, because the new information system is required to be consistent with the Act’s statutory purposes.

The import of the Act is to say, “you are who we say you are, on the basis of the facts registered and recorded in predetermined categories” which, taken together, identify a unique individual. This falls within the lower-left box of Table 13.1. But the person may be saying, beyond these facts, “I am who I say I am, and that is a different ‘me’ from the identity you have constructed about me”—the upper-left box of Table 13.1. As we have seen, social scientists, having read their Goffman,³⁸ their Bauman,³⁹ and many other writers, may say that identity is a result of interactive negotiation with others, and not just a unilateral declaration by either party. Moreover, it is more fluid and changeable than is claimed by many persons who assert a permanent self-definition, and by many organizations for which the stability of identities poses less of a threat to operational performance than would changeable ones, unless the changed identities can be linked back to stable properties: “be’ whom you wish, we know the *real* you.” Identity management, according to a prominent UK review of public services,⁴⁰ will establish a “single source of truth,” reinforced by identity cards, and—we can infer—abolishing the basis for rebuttal, conflict, and negotiation.

VII. IDENTIFICATION AND CATEGORIZATION: PRIVACY AND OTHER ISSUES

Social scientists have, of course, debated the relationship—if there is any—between “real” and “virtual” identities, and between personal and social identities. Writing about stigma and spoiled identity, Goffman makes these distinctions in

38. E. Goffman, *The Presentation of Self in Everyday Life* (New York: Doubleday Anchor, 1959).

39. Bauman, *Liquid Modernity* (n. 20).

40. HM Treasury, *Service Transformation: A Better Service for Citizens and Businesses, a Better Deal for Taxpayers* (Review by Sir David Varney), 2006, http://www.hm-treasury.gov.uk/media/4/F/pbro6_varney_review.pdf (accessed November 27, 2007), 40.

analyzing coping strategies when discrepancies between whom one “is” and who one claims to be are, or are in danger of being, exposed in face-to-face interaction.⁴¹ But, as mentioned earlier, Jenkins sees no value in the adjective “social” attached to “identity”⁴² because “Identifying ourselves or others is a matter of meaning, and meaning always involves interaction: agreement and disagreement, convention and innovation, communication and negotiation;”⁴³ identity is not a fixed attribute but a reflexive process. For this reason, Jenkins prefers to talk about identification rather than identity.

The social psychology of categorization or identification need not be explored here,⁴⁴ but it is germane to understanding the processes by which one of the two main identity trails is navigated. But there are other issues surrounding the categorization path. Vedder’s discussion of the formation of group profiles⁴⁵—actually, categories of persons who do not feel a common bond of loyalty or belongingness—distinguishes between distributive and non-distributive collective properties.⁴⁶ Vedder defines a distributive collective property as “a property that can be truly assigned to a group of individuals and at the same time be truly and unconditionally assigned to the individual members of the group,” whereas in the non-distributive situation, the property is “only conditionally ascribable to the individual members.”⁴⁷ Vedder’s illustration of the latter is of a group in which the properties are a variety of different medical conditions or treatments, large percentages of unemployment or of employment types, and a significant sub-group of the over-50s. Inferences cannot be made about any one person in the group (category), so that making selection decisions about these persons on the basis of the aggregated profile risks unfair and inequitable treatment of any of them. This is a relevant source of anxiety for individuals whose categorical identities may thus be rigidified in administrative memories, and communicated throughout sectors in which decisions may be made on possibly erroneous grounds concerning individuals’ probable trustworthiness, financial solvency, and other attributes. In daily social relations, we can observe similar, and often adverse, workings of stereotyping or labeling.

More narrowly, perhaps, there are also privacy implications that can be briefly touched on. Vedder aims to relate these practices to the paradigmatic, individualist

41. E. Goffman, *Stigma: Notes on the Management of Spoiled Identity* (Englewood Cliffs: Prentice-Hall, 1968).

42. R. Jenkins, *Social Identity*, 2nd ed., (London: Routledge, 2004), 73.

43. *Ibid.*, 4.

44. C. Raab, “Governing the Safety State,” lecture given at the University of Edinburgh, June 5, 2005; Jenkins, *Social Identity*, 79–93 (n. 42).

45. A. Vedder, *The Values of Freedom* (Utrecht: Aurelio Domus Artium, 1995), 9–11.

46. These terms are taken from Feinberg’s work on collective responsibility. J. Feinberg, “Collective Responsibility,” *The Journal of Philosophy* 65, no. 21 (1968): 674–688.

47. Vedder, *The Values of Freedom*, 10 (n. 45).

concept of privacy⁴⁸ that renders that concept unfit to handle technology-related problems and practices. Among these is group profiling using information that “has been abstracted from what is usually considered to be the private life-sphere of individual persons, but had been made anonymous, generalized and statistically processed.”⁴⁹ This points Vedder toward shaping a concept of “categorical privacy.” This is not to be confused with collective or group privacy; it is rooted in the value of individuality that privacy protection champions, but concerns the protection of the privacy of those who, by virtue of having been placed in a category, may be injured by inferences and decisions made about them when the properties of the category are non-distributive—that is, all the members. Thus, “categorical privacy resembles stereotyping and wrongful discrimination on the basis of stereotypes.”⁵⁰ This is a rather different situation from the one remarked upon by Oakes et al. in which Tom, Mary, Jane, and Harry are individuals, but they are also men and women, and they are also a string quartet, and there is no necessary distortion in our seeing them—and in their own self-definition—in categorical terms.⁵¹ Vedder’s, by contrast, is a situation in which one’s particular attributes are overlooked in favor of the simplification of classifications that may satisfy the identification purposes of the sorters, and perhaps even of the sorted, but which, through a process of what we may call “identity-creep,” threatens to become perpetuated and transferred to other contexts in which damage may be done.

These consequences go beyond privacy invasions, which, though important, are grounded in somewhat separate argumentation and theorizing from those that fuel critiques of surveillance. Identity, identification, and the use of personal data are implicated in both the practice of privacy invasion and protection, and the practice of surveillance and its limitation. Regulatory policies, based on human rights principles, are important in both. They have been developed in relation to privacy and data protection, and the rules, assumptions, and institutional practices have embodied particular understandings of the generalized, abstract person whose privacy, or whose information, is to be protected. They have embodied particular understandings of the purposes of states and other organizations, and they have also been predicated upon notions of the “reasonable expectation of privacy” that have become part of privacy jurisprudence (e.g., Nouwt et al.⁵²). Whether this configuration of discourse, policy, and practice

48. *Ibid.*, 109–114; C. Bennett and C. Raab, *The Governance of Privacy: Policy Instruments in Global Perspective*, 2nd ed. (Cambridge: MIT Press, 2006).

49. *Ibid.*, 109.

50. *Ibid.*, 112.

51. P. Oakes, S. Haslam, and J. Turner, *Stereotyping and Social Reality* (Cambridge: Blackwell, 1994), 104.

52. S. Nouwt, B. de Vries, and C. Prins, eds., *Reasonable Expectations of Privacy?: Eleven Country Reports on Camera Surveillance and Workplace Privacy* (The Hague: T.M.C. Asser Press, 2005).

can be applied to the consequences of identification processes is for future consideration.

VIII. CONCLUSION: TOWARD FURTHER RESEARCH

The subject of identity is usually couched in a conceptual and descriptive mode of discussion that, while yielding information about processes and consequences, seems in need of new directions. In terms of the “identity trail” trope, we need to put fresh tracks upon the earth. Based upon some of the exploration of complexities above, one way forward in research is to move toward new rationales for, and ways of, gathering and analyzing empirical material in the contexts of novel ways of thinking about identity and identification. This paper began by depicting, in Table 13.1, four positions described by two pairs of variables: uniqueness/membership, and self-defined identity/identity defined by others. Can more be said about this configuration in terms of researchable propositions or assertions? The paper concludes by stating, and briefly elaborating, several of these for further exploration.

A. Proposition 1

Institutional and social power includes the ability of others to assign identities to individuals or groups authoritatively, and to reduce the ability of the latter to contest or reject these attributions.

This proposition invites an analysis of the means whereby such power is exerted. This would involve application of Lukes’s third “face” of power, in which power can be exercised even without overt conflict and without the suppression of grievances felt by the powerless that prevents them from becoming issues on political agendas.⁵³ According to this approach, power can be exercised where no one questions their situation, because the latter’s naturalness is so culturally and psychologically internalized that it cannot be conceived of as being different from what it is. In the case of identities, the “naturalness” of the categories of identity attribution could be so strongly entrenched that they are not questioned. The powerful have an interest in keeping it that way. But there are also situations of the first two faces of power, overt conflict and agenda-control, and these may sometimes be prevalent when people resist the way in which they have been socially sorted, as Bowker and Star have shown.⁵⁴ Research would have to examine power relations in some detail, drawing upon sociological and political science literature.

53. S. Lukes, *Power—A Radical View* (London: Macmillan, 1974).

54. G. Bowker, and S. Star, *Sorting Things Out: Classification and its Consequences* (Cambridge: MIT Press, 1999).

B. Proposition 2

The extent to which pairs of the four claims conflict varies according to the nature of the identification categories involved.

This proposition is related to the first one. The extent to which conflict over identities emerges, is actively suppressed, or is culturally and psychologically unimaginable, depends upon the importance of the relevant category or categories to the society, the economy, or the polity. Potential or actual conflicts can be about the individual's rejection of a socially or politically attributed identity, or about the social or political rejection of a claimed individual identity. These varied situations could be described, analyzed and compared in case studies. In turn, they would be informative about what matters to different individuals, groups, and whole societies in terms of the centrality or marginality of certain categories. Left-handedness, for example, is less fateful than ethnic origin or gender. But other examples and comparisons are less easy to make.

C. Proposition 3

Asserting or contesting identity claims depends on the nature of the supporting information that is invoked.

This proposition points to what counts as valid information in a society or in an administrative system. The difference between immediate impressions conveyed in interpersonal interactions, and the supposed hard "truth" of biometric information inscribed in databases invites exploration in terms of information management, deniability, and the relative prestige of scientific and other ways of knowing. It also invites us to investigate how much of what kinds of information is considered necessary—and with what tools and degrees of intrusiveness it is gathered⁵⁵—for what kinds of identity verification, and to relate that to the importance of the various purposes for which identification is thought necessary. The legal and ethical principle of proportionality would be an important element on the normative side of this investigation.

D. Proposition 4

The movement of Table 13.1's configuration through time is shaped by changes in power, categories, and information.

This proposition draws attention to the probable fact that the means, rationales, and processes of asserting and denying identities today may not be those of tomorrow or of yesterday. Research into this would draw upon historical studies such as Torpey, as well as Caplan and Torpey,⁵⁶ but would also seek to discern

55. Hood's analysis of governance "tools" may be useful here. C. Hood, *The Tools of Government* (London: Macmillan, 1983); C. Hood and H. Margetts, *The Tools of Government in the Digital Age* (London: Palgrave Macmillan, 2007).

56. J. Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge: Cambridge University Press, 2000); J. Caplan and J. Torpey, eds.,

trends in the variables that are likely to affect the salience and types of identity assertions, attributions and contestations in the future. The extent to which, for example, improvements in the reliability of certain kinds of information and its processing (e.g., biometrics) make it more difficult to dispute certain identities, would be a focus for investigation. Or, for example, the effect of emergent categories through history upon conceptions of the self and others is an important area for systematic investigation and comparison.

E. Proposition 5

The incidence and relationships of the four positions are shaped by the extent to which, and why, individuals, societies, and states are risk-averse and security-conscious to the point where misrepresentation of identity is considered problematical.

This proposition highlights the effect of personal, societal, and governmental pressures toward safety and security upon the arbitration of identity claims. Work on “risk society,” as in Beck and in Ericson and Haggerty,⁵⁷ can contribute to research on this proposition by helping to focus on the implications of intolerance of ambiguity and the drive for certainty in interpersonal relations, in relations between citizens and states, and in relations between customers and business firms. The advent of online relationships and transactions, and their effect upon risk, risk-perception and risk-aversion, would be an important dimension that emphasizes the collection and communication of information.

Space does not permit anything like the investigation these propositions or assertions might deserve beyond broad-brush remarks; moreover, they are not the only ones that could be derived. As mentioned earlier, however, they seek to carry traditional political-science themes of power and conflict further into the investigation of the subject. They build upon the approaches and findings of others in a variety of relevant disciplines in order to shape new research questions that could be used to unearth new data to help us in understanding issues in which identity is implicated.

Documenting Individual Identity: The Development of State Practices in the Modern World (Princeton: Princeton University Press, 2001).

57. U. Beck, *Risk Society: Towards a New Modernity* (London: Sage, 1992); R. Ericson and K. Haggerty, *Policing the Risk Society* (Toronto: University of Toronto Press, 1997).