The Problems with Identity: Distribution, Agency, and Identification

Rachel A. Wortman,
Ohio State University

Our identification documents (IDs) serve as more than just material objects, most often linked to databases, that help to identify for others and confirm for ourselves that we are who we say we are. Our IDs and the instances in which they are checked mean that they are also a lot like permission slips: My birth certificate is required for the issuing of my driver's license – my license which gives me permission to drive and also to purchase alcohol; it may permit me to board a plane, and gives others permission to harvest my organs upon my death. Our IDs grant or deny us permission, thereby locating the bearer's agency as it simultaneously grants or denies that agency to the bearer. IDs affirm, reaffirm, or deny one's status as a permissible person in the moments that the data, documents, and body align…or do not.

Our IDs constitute a data shadow that enables the efficient production of everyday life for permissible persons. This shadow, while it looks contiguous actually is not. Instead, what we have are many data shadow points that constellate, intersect and overlap to form this larger, seemingly singular data shadow. It is important that we simultaneously recognize the whole of the shadow and its individual points, for those are the various sites to which agency has been distributed. The development of new ID systems means that our relationships with our data shadows are changing – they are looking a bit like Peter Pan's relationship with his own shadow.

For those of you who don't recall the classic children's tale, Peter becomes separated from his shadow one night as he is fleeing Wendy, Peter, and Michael Darling's bedroom. Peter throws himself into the night and "[as] he lept at the window Nana had closed it quickly, too late to catch him, but his shadow had not time to get out; slam went the window and snapped it off.[1]" While Peter is separated from his shadow in an instant, this is often not the case with most individuals and their own data shadows; the exception to this would be instances of identity theft. For most of us, though, our corporeal selves exist at some distance from our data shadows. This is both caused by and a result of the distribution of our agency, that which is actually bound up in this data, as it has been spread throughout various databases and networks.[2]

The new ID systems are like what happens to Peter several nights later when he returns to retrieve his shadow. Peter assumed that "when [he and his shadow were] brought near one another, [they] would join like drops of water,[3]" but they didn't. Peter then tries to reattach his shadow with a bar of soap. Failing again, Peter's sobs wake Wendy. Seeing his predicament she determines that his shadow "must be sewn on.[4]" Starting at his foot, Wendy literally sews Peter's shadow back on to his body. The new ID systems, especially those that are biometrically based, are like Wendy's needle and thread stitching one's data shadow back to one's body.

Contemporary ID programmes are attempting to redact the distribution of human agency and ensure better identification through standardized systemization and biometrics. These technologies are intended to better link body, data, and document to identify permissible persons, but new ID technologies seem to presuppose that identity lies somewhere in that tripartite system. The data shadow might be sewn closer to the body, but it is unclear just how it might actually interpenetrate with identity.

This paper takes a comparative approach to the discussion of identity by situating the newly instituted, or recent attempts at instituting, national identification systems in the US and the UK within a historical framework. Such an approach reveals that although the technologies, practices, and means of identifying persons may have changed for sake of greater accuracy, identity – that which is at the core of personhood and what we seem to want to identify in the process of IDing someone – has become further divorced from documents, data, and the body even though the connections between those three things have been drawn tighter. Wendy might be stitching Peter's shadow back onto his body, but his body and his shadow only tell us so much about his being; the same is true in the intended consolidation of agency and stitching of data shadows back onto bodies through new ID technologies. First, this paper looks at this history of ID systems (specifically those that have become the technology of everyday life) to show how their implementation resulted in the distribution of agency. Second, the history allows this paper to take a more critical stance in examining the moves that are being made towards *de jure* rather than *de facto* national ID systems and the move towards biometrically based IDs (national or otherwise). These are moves that would seemingly re-center the human from the margins and closer tie human agency to the human. Ultimately, this paper argues that history prevails, for, in ID systems, data and patterns have become more relevant than persons. The various technological means of stitching the ID shadow back on to the body may marginalize individuals more as ID systems will still fail to identify what it is they want to identify – identity.

A Brief History of ID Systems

Examining how IDs a have distributed human agency means that we need not begin at the beginning of the history of identification documents as many do. As David Lyon explains in his 2009 book *Identifying Citizens: ID Cards as Surveillance*, "Older ID documents were just that, cards or papers carrying written information about citizenship in the country in question, along with a unique number, a photograph, fingerprint, or other supporting features.[5]" But for our purposes here we must look

at the systems, for while "the card is the visible component ... the power," so explains Lyon, "... lies in the registry database.[6]" As power is that which lies in the database, so too is agency and one's status as permissible or impermissible person.

In 1935 the U.S. Congress created the first unique numeric signifier to be applied to all citizens – the social security number – and the central location in which the master records would be held.[7,8] The systematization, the centralized database, and uniqueness of each social security number have made it the common thread tying together all our various forms of ID in the U.S. But it is easy for me to forget sometimes that identification was not the main purpose in establishing the social security number (you know, there is whole tax thing and benefits). So, I find it interesting that starting with the sixth design version of the social security card in 1946, the cards bore an additional notation: a "legend to the bottom of the card reading 'FOR SOCIAL SECURITY PURPOSES -- NOT FOR IDENTIFICATION.[9]'" In 1972 that statement was removed as part of the redesign for the 18th version of the card and such wording has not appeared on a card since then.[10] Of all of our ID cards, the social security card is the one that has the least personal distinguishing features – no picture, no fingerprint, no personalizing information – but its singularity, federal government issue status (rather than state issue), and centrally-held record mean that it is the key systematizing document and linked database which simultaneously knits together and distributes personal agency.

In their "Introduction" to *Documenting Individual Identity: The Development of State Practices in the Modern World*, Jane Caplan and John Torpey seem to focus on the ID document itself, but their mention of the "series" suggests the significance of the ID system over the singular document:

> The identity documents purports to be a record of uniqueness, but also has to be an element in a classifying series that reduces individuality to a unit in a series, and that is thus simultaneously deindividualizing. This discloses the fundamental instability of the concept of the individual as such, and helps to explain the uneasy sense that we never fully own or control our identity, that the identity document carries a thereat of expropriation at the same time as it claims to represent who we "are.[11]"

In the United States your social security number is the record of your uniqueness (at least as far as the government is concerned), and it is that which reduces you to an individual unit in a series, in an ID system. This number both performs and

problematizes personhood as it is the number asked for when you apply for a driver's license, register for school, get your power turned on, open a bank account, apply for a credit card, etc.

Nearly a century ahead of the United States, England achieved the centralization of records with the establishment of Somerset House in 1837.[12] In 1915, with WWI, England pushed the system's capabilities further in passing the National Registration Act. This act strove not only for universal individual identification but also for establishing a record of each person's precise location.[13] The act was only moderately successful, however. This changed with the rise of WWII, once the British government linked its ID cards and registration with wartime rations. Incentivization goes a long way towards achieving documentation.

Britons seemed to accept this system during wartime, but as Clarence Willcock argued in *Willcock v. Murckle* (1952) he refused to show his identity card when stopped in his car by a police officer because identity cards were invalid. As he saw it, the National Registration Act ended with the end of the war.[14] Willcock was found guilty as the magistrates ruled that the act was still in force, but they gave him an absolute discharge,[15] meaning that though he was found guilty, he was not convicted. The social and political outcry from this case and the ruling was the undoing of the National Registration Act in the UK.

Even before *Willcock v. Murckle* came to bear on the nation, the UK's National Insurance system, with some functional similarities to the U.S. Social Security system, was "nationalized," in 1945. There are two key differences between the US and UK systems, and thus their use in ID. First, not everyone in the UK has a National Insurance Number (NINO) for they are only issued at age 16;[16] second, and in part because of the age issue, the National Insurance Number does not operate as a functional standard, base, or originary document – like a social security number does in the US.

The U.S. and the UK pursued two different courses towards national identification systems. The legacy of these two different paths seems to be revealed by the different configurations of their data shadows, the number of acceptable forms of legal ID in each country, and thus the number of sites to which agency has been distributed. At present in the UK there are 54 different identification documents one may possess; in the U.S. there are 27. While each country is endeavoring to link and expand these technologies of everyday life, neither seems to question how they consider identity.

More Than Just an IBM Sorting Machine - Post-Human, Post-Data Persons

Each of 81 total ID documents play a role in the production of identification systems. ID systems abstract persons into a collection of discernible, measurable, and legible functions rendering the human into a sign of something else – something certainly not itself; something not human. Identification systems allow us to focus on the patterns, numbers, and qualities – the data. Due to computerization. So explains Lyon in his article "Under My Skin": "It [is] often almost incidental that a body [is] also associated with the person whose identity [is] being checked. The number and name [are] what really [matter].[17]"

New ID systems enable us to knit names and numbers, as well as addresses, purchasing preferences, and other data closer together. For example, most state motor vehicle bureaus are now connected to the Social Security Administration's database to verify and cross-check license applicant's social security number's online.[18] Employers, too, can gain access to the social security database and receive results instantly.[19] Third party vendors like Equifax gather information from the Social Security Administration, your banks, your credit card companies, and the courts as well. Yet, "I" - the human, the person - am not required for any of these instances of identification. Civil Liberties Examiner J.D. Tuccille explains: "Who you are in the system … matter[s] much more than who you are in your skin." While I agree with him, I would also argue that your skin, your eyes and your bone structure matter more now.

The Indiana Bureau of Motor Vehicles is not only linked to the Social Security Administration Database, but it is also now connected to L-1 Identity Solutions, an off the shelf product that L-1 hosts and maintains for the state.[20] The facial recognition system engineered by L-1 means that "when a citizen applies for a new license or renews an existing one, his or her photo is taken and 'enrolled' in the system. [...] the system runs the photo against existing images in a database of approximately 6.5 million license holders. Using algorithms, the system produces a score that indicates the probability of a match with any existing photos.[21]" In this instance of photograph and digitization, the body becomes digested into data; it becomes another set of numbers – like your social security number, cell phone number, or bank account routing number.

As the body becomes another set of numbers then perhaps my initial comparison of new ID technologies to the scene between Wendy, Peter Pan, and his shadow is incorrect. It is not that new ID systems are working to sew one's

data shadow back on to one's body, but perhaps the body, too, has become a part of the data, dispersed throughout databases and imbedded within a card. But if this is the case, then what is the data shadow now a shadow of?

Even a body abstracted into data means that there is still a material body, somewhere, associated with the data. Recognizing this, we can even more clearly see how new ID systems, from the one's we use every day to the "Server in the Sky," an international biometric database that would allow for world-wide inter-agency search and exchange of biometric information,[22] are better linking body, data, and documents to identify permissible or impermissible persons.

Yet person, "self," being, and identity are all absent from advanced ID systems. Identity is not something that can be easily split apart into data, patterns, sequences, and repetitions to be quantified and understood. Lyon argues that "identity depends on three things; a body, a memory, and rights and responsibilities,[23]" while noted neurologist Oliver Sacks believes that narrative is identity. These, however, are qualities that ID systems can't really handle. In discussing one of his patients, William, who suffers from Korsokov's syndrome – characterized by both retrograde and anterograde amnesia as well as confabulation – Sacks writes, "We have, each of us, a life-story, an inner narrative – whose continuity, whose sense, is our lives. It might be said that each of us constructs and lives, a 'narrative', and that this narrative is us, our identities.[24]" William, unable to remember his life's narrative, is found to be perpetually blathering on, "…continually creating a world and self, to replace what was continually being forgotten and lost.[25]" If he ceases his confabulations and fictions then he is gone. But, in fact, he already is gone: "What saves [William] in a sense, and in another sense damns him is the forced or defensive superficiality of his life: the way in which it is, in effect, reduced to a surface, brilliant, shimmering, iridescent, ever-changing, but for all that a surface, a mass of illusions, a delirium without depth.[26]" The lack of depth, the confabulations, and the verbosity that seem to keep him intact prevent anything from sinking in – not just information or genuine memory (which is impossible at this point) but feeling, for feeling is linked to being. Given William's condition, yes, one could say that we could identify him – by his social security number, by his address, by his body, by his fingerprints – but William isn't there; his identity can no longer be identified.

Conversely, Eduardo Ravelo, also known as "two-by-four," is a man who is well aware of his narrative and his memories of his actions. So is the FBI, for as of 20 October 2009 Ravelo was added to the FBI's Ten Most Wanted Fugitives List.[27] Ravelo, whose identity is known as that of a "ruthless killer," a drug trafficker, and a hit man for the Juarez cartel, eludes identification, for though our ID systems have

advanced to more than just a document and a database, we are handicapped by our desire for quick and easy data that can be systematized as we've reduced "identity questions to what can be found in the text of the body itself. [We bypass] the acting subject who may wish to explain [him or] herself, or to put things in a longer historical context, by appealing only to the speechless 'truth' that DNA samples or handscans can provide," so argues David Lyon.[28] "It is data from the object of the body … that is to be relied on in the last analysis.[29]" Ravelo will continue to elude us for he has separated himself from his data shadow and his body cum data: he has shaved his head, undergone plastic surgery, and has even manipulated his fingerprints.[30] As ID technologies advance and treat the body as data, so too will individuals, and we will be no closer to identifying identity. So in the end Peter Pan really may no longer want Wendy to sew shadow back on to his body - especially when he can just fly over to China and have new fingerprints sewn on for the low, low price of $146.45 per finger.[31]

hr

[12] Sewing and Singing.

[13] Hyphenation or biculturalism have often been associated to schizophrenia because of Janus identities. For a psychoanalytic study on migration see Grinberg and Grinberg.

[14] I AM FROM THERE//I AM FROM HERE.

Citizenship & Hysteria: The Puerto Rican as the Surplus of American Identity
Daniel Gaztmbide

[1] In Lacanian psychoanalytic theory, the "mirror stage" refers initially to the development of the child's ego but also pertains to the subject's tensions around identity formation throughout the lifespan. In Lacan's schema, the infant "sees" their reflection in the "mirror" as representing a unitary whole in contrast to their experience of still uncoordinated motor and emotional states. In order to resolve this tension between their disorganized affect state and the unitary image they perceive, the infant identifies with the image in the mirror, a process Lacan refers to as "alienation." The ego is the imaginary product of the infant's alienation from the reality of their unregulated emotional states.

[2] I am referring briefly in this context to the Symbolic Order as the system of Law(s) which regulates alterity and difference within broad systems of relations within American society.

[3] One could almost cry at how little the change of an era affects these little colonial mess-alliances. With the election of Barack Obama as president of the United States, I am (un)happy to report a subtle change in this pattern: "Hey! We elected a black guy for president! Oh wait, you guys can't vote for president, can you?"

[4] The "imaginary" stands as one of the three orders (Imaginary, Symbolic, Real) which Lacan articulates in order to account for the complexity of psychic reality. In the same way that the ego is an imaginary product of the subject's alienation from their emotional reality, so too the imaginary order emerges as a field of alienation brought about by deceptive illusions about the self-other relationship. An example of an illusion constitutive of the imaginary order is the belief that two subjects are essentially similar, alienating both from their emotional realities and radical differences. An oedipal interpellation of the Puerto Rican into the American imaginary would entail the former's transformation from a abject colonial subject to a full American citizen equal to American citizen's in the continent. As we can see, this relationship is imaginary. Puerto Rican's born on the island are not politically equal to U.S.

[5] In a certain sense the "Big Other" is a synonym for the Symbolic Order, the system of Law which regulates alterity/difference between the subject and the other, in this case between the Puerto Rican in Puerto Rico and the full American citizen in the continent.

[6] It is indeed a little tongue-in-cheek to describe the Puerto Rican's move from la isla to the mainland as "immigration." One certainly wouldn't characterize moving from one U.S. territory (like Florida) to another U.S. territory (like New York City) as immigration. And yet to move from Puerto Rico to the mainland does indeed feel like an immigration, complete with residency serving as an artificial naturalization process for an artificial alien.

[7] An alcapurria is a type of stuffed green banana, a delicious snack enjoyed by Puerto Ricans across the continent and on la isla.

[8] The coqui is Puerto Rico's unofficial mascot, a small frog native to the island.

[9] Jibaro refers to Puerto Ricans who are identified with the mountainous countryside, sometimes used in a derogative manner akin to "hic" or "hillbilly."

[10] I am inspired here by Dusan Bjelic's (2009) paper on psychoanalysis and "self-orientalization." Bjelic critically examines the way analysts from Sigmund Freud to Julia Kristeva have used psychoanalysis to attempt to heal the trauma of colonialism while unconsciously internalizing the effects of orientalism. The case of Sigmund Freud (the pun on Sander Gilman's [1993] work is intentional) is especially relevant here. After moving to highly anti-Semitic Vienna as a child, Freud internalized and reproduced his own abjection and that of other Galician Jews even as he attempted to cure his own subordinated state through the production of psychoanalysis. As an adult, he recast himself as a civilized Viennese Jew in contrast to the more primitive Eastern-Galician Jew. Julia Kristeva's own political writings on the Balkans as the abject-periphery to the French cultural-center serve as a more contemporary example of this dynamic. Defining her Bulgarian homeland as a pathogenic mother, and French culture as the revolutionary father that redeemed her psyche, she re-abjectifies the Balkans in an attempt to cure her own subordinate position as an immigrant. Thus, both Freud and Kristeva saw their ethnic origins as devouring mothers which needed to be beaten back by the paternal power of the dominant culture.

The Problems With Identity: Distribution, Agency and Identification
Rachel A. Wortman

[1] Barrie, J.M. *Peter Pan*. 100th Anniversary Edition. New York: Henry Holt and Company, LLC 1987, 13.

[2] The time scale of this distribution is two fold, for the distancing has happened along both a socio-cultural-historical axis and happens along an individual's chronological axis.

[3] Barrie 19-20.

[4] Barrie 21.

[5] Lyon, David. *Identifying Citizens: ID Cards as Surveillance*. Boston: Polity, 2009. 42.

[6] Lyon, *Identifying Citizens* 42

[7] Social Security Administration. "Social Security Numbers." *Social Security Online History Pages*. http://www.ssa.gov/history/ (last accessed 19 October 2009)

[8] The first cards were issued in 1936, and only three months into the program "the twenty-five millionth old-age benefit Master Name Card was entered in the files of the Social Security Board ("SS History 1930") – that means that roughly 1/5 of the total US population at the time was accounted for, centrally, by the Social Security Bureau just in three months.

[9] Social Security Administration. "FAQs." *Social Security Online History Pages*. http://www.ssa.gov/history/hfaq.html (last accessed 19 October 2009).

[10] Social Security Administration, "FAQs."

[11] Caplan, Jane and John Torpey. "Introduction." *Documenting Individual Identity: The Development of State Practices in the Modern World*. Princeton, NJ: Princeton University Press, 2001. 8.

[12] Agar, John. "Modern Horrors: British Identity and Identity Cards." *Documenting Individual Identity: The Development of State Practices in the Modern World*. Eds. Jane Caplan and John Torpey. Princeton, NJ: Princeton University Press, 2001. 104.

[13] ibid.

[14] Agar 110.

[15] ibid.

[16] *HM Revenue & Customs*. "National Insurance." Directgov. 01 October 2009.

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/Taxes/BeginnersGuideToTax/DG_4015904 (last accessed 17 October 2009).

[17] Lyon, David. "Under My Skin." *Documenting Individual Identity: The Development of State Practices in the Modern World*. Eds. Jane Caplan and John Torpey. Princeton, NJ: Princeton University Press, 2001. 292.

[18] McKay, Jim. "Facial Recognition Helps Indiana Secure Drivers' Licenses." *Government Technology: Solutions for State and Local Government in the Informaiton Age*. 17 March 2009 http://www.govtech.com/gt/627236 (last accessed 17 October 2009).

[19] Department of Homeland Security. "E-Verify." 20 November 2009. http://www.dhs.gov/files/programs/gc_1185221678150.shtm (last accessed 22 November 2009).

[20] McKay.

[21] McKay.

[22] Lyon, *Identifying Citizens* 110.

[23] Lyon, "Under My Skin" 294.

[24] Sacks, Oliver. "A Matter of Identity." *The Man Who Mistook his Wife for a Hat*. New York: Simon & Schuster, 1998. 110.

[25] Sacks 110.

[26] Sacks 112.

[27] Lavandera, Ed. "Alleged hit man changes appearance, FBI says." *CNN.com*. 20 October 2009. http://www.cnn.com/2009/CRIME/10/20/texas.fbi.ten.most.wanted/index.html (last visited 30 October 2009)

[28] Lyon, "Under My Skin" 306.

[29] ibid.

[30] Lavandera.

[31] Flyer Talk. "Chinese Doctors Offer Finterprint Altering Surgery 146 per Finger – Woman Caught." http://www.flyertalk.com/forum/travel-safety-security/872745-chinese-doctors-offer-fingerprint-altering-surgery-146-per-finger-woman-caught.html. (last visited 20 October 2009)