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Identity and Identification

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(SLIDE: LECTURE TITLES)

I. Signs of Identity

You may know who you are, but how do I know that you really are who you say you are? How are you going to prove to me, a sceptical stranger or a suspicious official, that you are telling me the truth? How, in other words, can you be identified as an individual, and how are you going to prove this identity? The answer to these questions has a long history, and that history is the subject of this series of four lectures. These days we are bombarded by information and warnings about identity documents and identity theft: scarcely a week goes past without some lurid story in the press or blogosphere. But these news stories are not so good at telling us why we should be more concerned now than we were in the past: they usually lack any historical perspective. In these lectures, I hope to persuade you that learning what identification meant and how it was recorded in the past will give you a better understanding of what it means in the present. And rest assured that I am not just going to tell you the history of the passport – even if some of us think that is quite interesting enough. No, I am going to talk to you about your name, your signature and your tattoos, and why they have mattered.

In the early nineteenth century, Jeremy Bentham formulated the fundamental question of identification as this: ‘Who are you, with whom I have to deal?’ In other words, proving who you are is an active process of identification, not a subjective state; it is a transaction between at least two parties. And if identification is not based on immediate recognition derived from existing acquaintance, it requires some kind of reliable proof that is external to your own protestations. This proof, as one scholar has put it, will be a sign which stands for the authentic object and that object only’ (Cave). The classical example of this kind of sign or token is the scar on the leg of Odysseus. If you remember the story, the returning wanderer wants to remain anonymous to Penelope and his countrymen, who do not recognize him in his person. But his identity is involuntarily betrayed to his old nurse Euryclea by the scar that was left after Odysseus was gored by a boar in his youth, which she recognizes when she is washing the stranger’s feet.

(SLIDE: ODYSSEUS & EURYCLEA)

Odysseus has to show the same mark to convince his doubting father Laertes that he really is the son who has been missing for twenty years. ‘Odysseus’ himself cannot be the author of his recognition and identification: this work has to be done by a mark or token interpreted by others.

Nowadays we do not generally rely on scars to affirm who we are, although as I will suggest in a later lecture there are situations when a scar could be quite useful. In the contemporary world, we delegate the work of recognition and verification to a different kind of token: a document of one kind or another. The most familiar are documents issued by the state, and increasingly they are not just paper documents, but smart cards and electronic technologies. In almost all countries, including most of the European Union, some kind of governmentally mandated ID card is now the standardized and compulsory means of proving your identity. Britain is one of the few exceptions. But it is not just the state that has an interest in our ‘identifiability’. Commercial enterprises such as banks and retailers have long been interested in verifying the identity of their customers, and have recently become one of the major engines of identification, perhaps even in advance of states. And we ourselves need to be identifiable, since we live in a society where a whole series of entitlements are contingent on proving your eligibility for them.

(SLIDE: COMPOSITE ID DOCUMENTS)

Where there is no compulsory identity card, many different documents are liable to be pressed into service for the purposes of identification. The result is a patchwork of papers that we can be asked to proffer on different occasions, each of them corresponding to a different encounter with the mechanisms of registration or of life activity. In the USA, where I lived for many years, the driver’s licence functions as a de facto ID document – and more automatically than the passport, given that almost two-thirds of Americans do not own a passport. In other countries, eligible documents that can be pressed into service as proof of identity also include a passport, a firearms licence (New Zealand), a ration card (India), and a National Age card (Ireland). Here in the UK you can use your passport or driver’s licence as a photo ID. But if you want to pick up your mail at a Post Office, or renew your British library reader’s card, you will also need a recent utility bill or council tax receipt as proof of your address. Those of us with long memories will remember a more primitive version of this – or at least, I recall my mother using this in the 1950s. She used to carry an old envelope in her handbag to present as a proof of her name and address when paying by cheque, before the introduction of cheque guarantee cards.

(SLIDE: ADDRESSED ENVELOPE)

At the other extreme, when I renewed my local swimming pool membership in Oxford the other day at the pensioner’s reduced rate, I was told on their website that I would need to dig out my passport to present as proof of age, which seemed rather excessive. In the event, I was not asked for my passport, because one look at my face was unfortunately enough to assure the pool attendant that I was over 60.

Let me take the passport example a little further. We may treat it as the gold standard for identification, but in the eyes of the Home Office it is a travel document, not an identity document. This was confirmed in an article that happened to appear in the Guardian (14 May 2014) while I was writing this lecture. This article concerned Helen Perry, a mother returning to Britain from a trip abroad with her children. She was asked by the immigration officer for proof that her children were genuinely hers, because, after a divorce and remarriage, her surname was different from theirs on their passports. Perry has founded an organization to lobby for a re-designed child’s passport that will include the identification of a child’s parents or legal guardians. The Home Office’s objections to this are grounded on their argument...
that ‘the passport is a document for travel. Its fundamental purpose would change if it were to be used to identify a parental relationship.’ Perry’s response was that ‘Everybody uses their passport to prove who they are’. Both are correct.

These examples suggest several things about identification and its documentation that I will be exploring in this series of lectures. First, possession of an identity is not identical with an act of identification. Second, recognition and identification are the outcome of a balance between proof and trust. Third, the obligation to be identifiable is, or ought to be, balanced by a right to be identifiable; and concomitantly, in other circumstances, by a right to anonymity or privacy. Fourth, there is a difference between proving your uniqueness as an individual and proving just one selected salient aspect of who you are. Fifth, providing and proving the proof, and then underwriting the proof of the proof, and so on, is in principle an infinitely receding goal. And finally, the repertoire of usable, even if ultimately unreliable criteria and mechanisms for identification, depends heavily on historical and local circumstances. Some aspects of older regimes will be superseded, but contemporary systems will also conserve traces of these older practices of recognition and verification. So there is nothing natural or given about the ‘identity’ that is attested in identity documents. It is an artificial and composite relationship with its own history. To probe the histories and the dynamics of identification and identity documents, as I will be doing here over the next three weeks, is to gain a deeper insight into one of the most ubiquitous but also opaque technologies of everyday life.

Today I will begin by exploring the relationship between identity and identification, in order to tease out the difference between who we are to ourselves, subjectively, and who we are to others, objectively. I will start by introducing the history of modern regimes of identification in this country, and questioning some common assumptions about the history of identification regimes and documents: for example, that people were less mobile and less literate in the past and therefore did not usually carry ID, or that modern ID systems are primarily driven by states that want to order and control their subjects. But in my following lectures, instead of going on to present the history of identity documents as such, I want to suggest to you that it will be more interesting and entertaining to go back one step. So I plan to abstract some of the conventional elements that have been used to make up these composite documents, and to look at the ways they have been deployed, regulated, and subverted in specific contexts.

What do I mean by this? This slide shows you the description page from a British passport, with its detailed entries under name, physical description, ‘special peculiarities’, signature and so on.

(SLIDE: EARLY 20c PASSPORT)

These markers of identity may look neutral on the page, but I want to suggest to you that this neat list is deceptive, or at least it is in historical denial. The finished document silences the historical processes by which each of these and other elements came to be isolated, stabilized, selected and re-assembled, and at times discarded. In fact, this passport was issued in 1920, at a time when passports had not long become compulsory for international travel and were starting to be standardized. It includes data that seemed objectionable to some contemporaries, as we shall see, along with other information that is now either absent from today’s passports or is encoded in an electronic format that we cannot read (and its illegibility is a whole other issue in itself).

(SLIDE: CONTEMPORARY PASSPORT ELECTRONIC CHIP)

So what I want to accomplish in these lectures is the restoration of history to this changing end-product, by subjecting some of the terms it encodes to historical scrutiny. In future weeks I will be looking successively at selected markers of identity that can be transferred to the paper document: the personal name, handwriting and the signature, and the ‘special peculiarity’ or distinctive mark of the tattoo. I will be drawing my evidence eclectically from the history of England, France and Germany, which will allow me to focus on some of the more interesting and perhaps unexpected aspects of this multifarious history.

II. Identity and Identification

But let us start in this country. In English, the concept of ‘identity’ in its contemporary sense emerged in the 16th/17th century, where it generated the double meaning that has adhered to it ever since. First, it connotes the sameness of one entity with another: these sheets of paper I am holding are (for this purpose) identical; I am a human being and so are all of you; you are all sitting on something identical that we call a chair. But then there is a second meaning, which is identity as self-sameness, or the capacity of an entity to be stably and continuously itself. This is not as simple as it might seem. Maybe a chair remains a chair, but from the days of Locke or Hume, philosophers and then social scientists and psychologists have pondered the question of how a changing human personality can be said to be one and the same person over time and in different contexts. Think about it: In what ways exactly can you say that you are the same person today that you were ten years ago, or will be in ten years’ time? If, as Locke suggested, it is persisting self-consciousness that constitutes identity, you might want to ask yourself whether you are continuously the same person when you are asleep, unconscious and dreaming, as you are when you are conscious and awake.

My subject is not philosophy or psychology, and I am not going to wrestle further with questions that could divert us for days. But I want to remind us of the fact, that human identity is not unitary, nor is it an inherent essence: on the contrary, it is a highly unstable, ambiguous and dynamic relationship, an attribution that is freighted with subjective and objective uncertainty. Identity is something that depends on other people as much as ourselves; it depends on difference as much as on sameness, and on groups or categories as much as on individuation. Yet this fragile concept is also soldered to fundamental Enlightenment values that are the bedrock of our culture: to our notions of selfhood, individuality and subjectivity on the one hand, and to practices of categorization and objectivity on the other hand; and then also to social relations understood as the sum of relations between individuals. The French historian Béatrice Fraenkel nailed this essential incoherence when she wrote: ‘Identity is at the same time that which distinguishes an individual from others, and that which assimilates him to others.’ Or in another formulation, asking ‘who are you?’ merges imperceptibly into the question ‘what kind of a person are you?’

So what does all this have to do with identification and the identity document? Let me explain. If identity is not a given or stable attribute, an effective regime of individual identification will depend on extracting and stabilizing selected elements of personal identity or self-sameness, through a set of conventional markers. It will need to do this for two purposes. One is to achieve the correspondence between
a person and a subjective claim: i.e. I am who I claim to be. The other is to ensure the correspondence between that person and the set of signs encoded in a document: i.e. this individual corresponds to these signs. I think there will always be a play or tension between subjective identity and objective identification, but it is that second form – the signs that produce identification – that is my primary subject here. We hear a lot about ‘identity theft’ these days; but if my ‘identity’ is stolen, the thief does not care who I ‘really’ am: it is these signs that are misappropriated, not my subjective identity. In fact, although the mechanics of identification may confirm our sense of self, they are also quite likely, in fact more likely, to be inconsistent with our own self-perception, or even to violate our subjective sense of identity. Hands up anyone who really likes their passport photo and thinks it captures the essence of who they are?

The French philosopher Michel Foucault conveyed this sense that there is a tension between identity and identification in a characteristically ironic comment: ‘Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order.’ Foucault’s intimation that our official ‘papers’ constitute and even usurp our existential sense of self became a common theme in the era after the First World War when citizens of many countries found themselves faced with demands for identity documents for the first time. Most often this was the passport or some other travel document, given that the War brought to an end the era of relatively passport-free travel.

( SLIDE: TOTENSCHIFF COVER )

In 1926, the German seaman and radical who used the pen name B. Traven observed in his novel The Death Ship that:

‘It seems to me the sailor’s card, and not the sun, is the center of the universe. I am positive that the great war was fought, not for democracy and justice, but for no other reason than that a cop, or an immigration officer, may have the legal right to ask you, and be well paid for asking you, to show him your sailor’s card, or what have you. Before the war nobody asked you for a passport.’

In a more whimsical illustration of the clash between the claims of subjective self-perception and the requirements of objective classification, let me cite a letter to The Times written by one Bassett Digby (of Half Moon Street, Mayfair) when he applied for his first passport in 1915, the year they were made compulsory in Britain. Pointing to the ‘high-handed methods of the Passports Department at the Foreign Office’, Digby went on:

‘On the form provided for this purpose I described my face as “intelligent”. Instead of finding this characterization entered, I have received a passport on which some official, utterly unknown to me, has taken it upon himself to call my face “oval”.’ (Times, 15.2.1915; cit. Fussell).

In other words, faceless bureaucrat meets full-faced citizen. In Britain, 1915 also saw the introduction of a compulsory system of National Registration which was intended to monitor military manpower. This was linked to a registration certificate – i.e. an identity card – which embraced not only men of military age but also everyone aged 15 to 65.

( SLIDE: NATIONAL ID REGISTRATION & CARD 1915 )

The fate of this card was the opposite of the passport. Despite bureaucratic efforts to make the scheme permanent, it remained unpopular and fell into disuse after the war – unlike the passport, which has flourished up to the present day. But predictably, the registration and identity card system was revived in Britain in 1939, with the adoption of a new machinery of registration and identity cards (Higgs).

( SLIDE: WW2 NATIONAL IDENTITY CARD )

This scheme was abandoned in its turn in 1952, despite the misgivings of some government officials; it was satirized in an entertaining though now largely forgotten novel published by Nigel Dennis in 1955, Cards of Identity.

( SLIDE: DENNIS COVER )

Dennis’s plot turns on the proposition that ‘modern man is so unsure of who he is that any charlatan can impose a false identity on him’. In the novel, this proposition is tested by the members of the ‘Identity Club’: a self-appointed group that has taken it upon itself to manufacture and impose new identities on their luckless experimental subjects, fortified by the wartime apparatus of ration books and identity cards that makes their game possible. As their spokesman, the Captain, tells one of their targets, the charwoman Mrs Chirk:

‘You must try and understand that the old days are over – the days when you could take your identity for granted. Nowadays, all the old means of self-recognition have been swept away, leaving even the best people in a state of personal dubiety ... Very wisely, governments all over the world have sought to stop this rot before the entire human population has been reduced to anonymous grains.’ (p. 94).

In this fantasy, an external authority imperiously takes over the power not only to issue the documents that prove identity, but to tell you who you are at the deepest existential level. And an actual case reported by a French sociologist in the 1990s illuminates this merger of identity and paper from the other side (Dardy). This is the report of an inmate of a French lunatic asylum who was ‘lost one winter’s day in an isolated clinic building [and] assured his finders that he was not cold, pointing as proof to his identity card that was sitting on the radiator’. One could hardly imagine a better example of the power of the identity document to usurp the person.

III. Identification in British History

Now, we may congratulate ourselves that the freedom-loving British people has historically resisted pressures to adopt a permanent regime of compulsory national registration and identity cards, unlike most of the rest of the world. This regime has existed here only in wartime [and we might note that the most recent and ultimately unsuccessful bid to re-introduce such a system, between 2005 and 2010, coincided with Britain’s wars in Iraq and Afghanistan and the ongoing ‘war on terror’ at home]. Yet the absence of ID cards in modern Britain should not distract us from another and conflicting truth, which is that the English state has had a long-established and
in some ways pioneering culture of gathering and recording information about its subjects, and of imposing various forms of identification. We would be wrong to think that only modern bureaucratic states have been interested in this kind of thing; and if you are also inclined to think of ‘the state’ as itself the creation of modernity, you might want to think again. Certainly the state that we know now – centralized, bureaucratic, complex, interventionist – is largely a product of the 19th century. But if we think of what states do, rather than what they are, we will recognize that England has had a ‘state’ for many centuries – but in the form of a local state composed of counties, boroughs and parishes, rather than today’s central state. It was based for a long time on quasi-judicial as well as bureaucratic authorities: on the local magistracy, the network of JPs, as well as the king’s servants in London. These officials were accorded powers to enforce what we are justified in calling regimes of targeted individual identification.

As far as this history of individual identification is concerned, the English authorities have been motivated over the centuries principally by two securitising impulses that have remained remarkably stable: The security of titles to property, including our quasi-property entitlement to welfare, and security against strangers and potential or actual deviants and offenders – the unknown and the unwanted. You could say that these two fields broadly mark the difference between honorable or enabling forms of identification on the one hand, and dishonorable or stigmatizing forms on the other. You could also call this a distinction between respectable citizens and deviants or outsiders. It is a distinction we still live with today. (Higgs)

Let me start with the identification of the deviant or the marginal. Public security requires the identification of those who might endanger it. In medieval and early modern England, simply to be on the move out of your own locality was to be a potentially suspect stranger; but it is easy to under-estimate the amount of mobility in earlier centuries, even if much of it was local and occasional. From a surprisingly early period, the insistence that a stranger must be able to legitimate himself meant that he had to carry, in effect a kind of identity document. As the historian Michael Clanchy has pointed out in his fascinating account of the transition ‘from memory to written record’ in medieval England, ‘by the second half of the thirteenth century it was imprudent for anybody to wander far from his village without some form of identification in writing’, such as a letter from a bailiff or other official testifying to his trustworthiness or explaining exactly why he was on the move.

In subsequent centuries, ongoing efforts were made by the authorities to control mobility and the petty criminality that they assumed was associated with the ‘masterless men’ produced by England’s changing economy. But we should not forget that it was also important to facilitate the mobility of those who were entitled to travel. As a result, the forms of identification and legitimation that might have to be carried by a person on the move within England had proliferated and became more specialized by the end of the seventeenth century: they included apprentice passports, certificates for shipwrecked sailors and maimed soldiers returning home, beggars’ licences and parish pauper badges, and the ‘settlement certificates’ issued and signed by magistrates that confirmed access to an Elizabethan poor relief system that was based on your legitimate place of residence.

(SLIDE: COMPOSITE PAUPER ID)

This regime of paper documents carried by the bearer was in some circumstances supplemented by the use of physical marks applied directly and painfully onto the body of vagrants or offenders, to identify and publicize their marginal or criminal status: an F branded on the forehead for a fugitive (1361), a V on the breast or a hole bored in the ear for a vagrant (1547), an R on the shoulder for a rogue. These physical stigmata were the ultimate form of dishonorable identification, and I will have more to say about them in my final lecture on tattoos.

Identity documents or markers in these coercive forms are thus by no means an invention of the modern state, but are of very distant lineage. Their history in this country is in many respects the history of how older forms of identification which were associated with the control of mobility and the deviant came to be abolished or superseded by documents facilitating movement, or in many cases by no documents at all. In their place were to emerge new ways of identifying the deviant and of securing public order, by confining them or excluding them from the rights of settled society. This is another story, although I will touch on it in my final lecture.

But the control of mobility and the protection of public order are only one side of a history whose other face is the production and protection of entitlements. This other side embraces the production of legal persons – individual bearers of legal rights and obligations – and the protection of titles to property, including the quasi-property rights of welfare. Once again the story can begin in medieval England, with the transformation of a largely face-to-face oral culture into a culture of duplicable and portable written records. This process was prompted initially by royal interest in the reliable documentation of property ownership (think of the Domesday Book) and of legal processes (think of the court rolls), and it penetrated deeply into English society. By the thirteenth century, written records were becoming the norm for legal transactions in England, with significant implications for the authentication of documents and the identification of parties and witnesses. The pre-documentary procedure for a conveyance of land (livery of seisin), for example, would involve parties and witnesses ‘hearing and seeing’ the transfer through an oral declaration and the handover of a symbolic object, often a knife and sometimes an actual clod or turf.

(SLIDE: PENN LANDING MARKER)

The youngest person present might be slapped in the face or have his ears boxed to lodge the event in his memory and prolong its witnessed life. (Clanchy)

The shift to a written culture – initially handwriting, and later printing – transferred the locus of authentication from the action to the document itself: to its correct wording and format, to the seals and signs that testified to the presence of the parties and witnesses and validated the document, to the production of properly authenticated copies. In my third lecture on handwriting and the signature, I will have more to say about the struggle fought by the written document to assert its superiority over oral testimony as reliable evidence. But we can grasp the essence of this change if we recall the migration of the legal term ‘deed’ from the act itself to the document of record.

As part of this process, the procedures for the authentication of individual identities shifted from the medieval era’s communal recognition of an individual by oral testimony sworn by groups of his or her neighbours, to the verification of an individual’s identity by means of written records. The seventeenth century Poor Law still made use of both mechanisms to identify those eligible for relief by virtue of their parish membership. Applicants for relief were expected to be known to and recognizable by local people from the parish in question. But they would also find a copy of their certificate of baptism useful. (Higgs)

(SLIDE: BAPTISM REGISTER AND BIRTH CERTIFICATE)

The baptismal certificate, later the birth certificate, has in fact been a very significant form of identification in England since its introduction by Thomas Cromwell, and one intimately connected to property rights. The
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IV. Conclusion

In conclusion: I hope this lecture has made it clear that identification has an intricate history, even in just this one country, and I hope it has dispelled some misconceptions about the origins and purposes of ID. Next week I will be looking into the legal status of the personal name – a quintessential identity marker – and I will be
broadening my field out to a wider European perspective. And to introduce this, I feel I cannot do better than return to Nigel Dennis and the surreal character of Mrs Chirk, lost in a world of nominal confusion:

(SLIDE: RATION BOOK)

“‘What is your name?’ the Captain asks her; “surely it is written on your ration-book and identity card?” To which the artless Mrs Chirk replies, "‘If I knew my name, sir, I would feel more myself than I seem to feel … Now, when I would like to know, I cannot find the dratted books.’” The captain’s response is stern: “The Government … insist that everyone has an identity… and people who will not admit to themselves are often sent to prison… What I want to emphasize is: do not lose your name again, Mrs Chirk. Do not, at least, lose the cards on which that name is written”.’ (pp.93-5).

(I thank Eddy Higgs for his indispensable knowledge of identification in English history)

Suggestions for Further Reading


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