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*The Epistemology and Normativity of Identifying and Identification*

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We are asked to identify ourselves and are identified in banks, schools, businesses, stores, government offices, hospitals, etc. It would be difficult for modern post industrial societies to function without these actions. What is involved in being identified and identifying ourselves? My main goal is to get clear about the nature of identifying in ordinary situations. To this end, I shall begin by distinguishing two different sorts of identifying: non-reflexive and reflexive, and within these categories identifying that are speech acts and those that are not. I shall then turn to an example and discuss it in some detail concentrating on its epistemic elements. Finally, I shall discuss the normative aspects of identifying.

Non-reflexive and reflexive identifying divide into two kinds. The two kinds of non-reflexive identifying are *A*'s identifying *X* and *A*'s identifying *X* as *Y*, where *A* is anything<sup>1</sup> that has the capacities involved in being able to identify something, *X* is a kind or an object that is not identical to *A*, and *Y* is a property that is attributed to *X* in the act of identifying. I call these kinds of identifying 'non-reflexive,' since what is being identified is not identical to the agent of the identifying. The two kinds of reflexive identifying are *A*'s identifying himself to *Z* and *A*'s identifying himself as *Y* to *Z*, where *A* and *Y* are as above, and *Z* is anything to which an act of identifying oneself can be directed.<sup>2</sup> I call these kinds of identifying 'reflexive' since the agent doing the identifying and the object identified are identical. The two sorts of identifying are related, since reflexive identifying is an act that is done with the intention of bringing about a non-reflexive identifying. If I identify myself to someone, then I intend that the person identifies me. Moreover, non-reflexive and reflexive identifying have a common element. They entail or imply that something has a particular property. If I identify *X* or

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<sup>1</sup> I leave it as this point an open question as to whether machines have this capacity, but it is something that I shall take up later in the paper.

myself, then it follows that the object identified has a property that I have attribute to it. If I identify *X* as *Y* or myself as *Y*, then I imply that *X* or myself is *Y*.<sup>3</sup>

Let us begin with the first kind of non-reflexive identifying, *A*'s identifying *X*. To identify an object or a kind it is necessary to categorize it either by providing an individuating characterization that distinguishes it from any other object or kind or by attributing to it properties that are central to the purpose of the identifying. For example, to identify a kind of bird by noting that it is an oriole is to distinguish that kind of bird from other kinds of birds. To identify Queen Elizabeth II by characterizing her as the present queen of Canada is to distinguish her from any other object. There are cases of identifying an object or kind where what is provided is a non- individuating characteristic of the object or kind. For example, an archaeologist might identify a pot found in a site in southern France by noting that it is a fifth century B.C. Greek pot. But being a fifth century B.C. Greek pot does not distinguish it from any other pot.

Providing an individuating characterization for an object or a kind is not always sufficient for identifying the object or kind. The police might wish to identify the thief who stole the British Crown Jewels and might discover that is the same thief who held up the Bank of Canada on April 1, 2006, thereby attributing an individuating property to the person who stole the Crown Jewels, but their discovery is not sufficient for them to identify the thief. The reason is that the

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<sup>2</sup> It might be thought that *Z* can only range over persons, but some think that we can identify ourselves to machines. I discuss this below.

<sup>3</sup> This property distinguishes the sort of identifying in which I am interested from other sorts. To identify with the oppressed of the earth does not entail that there is some property that the oppressed have that I have attributed to them in identifying with them. Hence, in what follows I exclude 'identifying with' from the discussion.

purpose that the police have in identifying the thief is to be able to apprehend him. But their knowing that the person who stole the Crown Jewels is the same person as the thief who held up the Bank of Canada does not enable them to do so, unless they are already acquainted with the thief who held up the Bank of Canada. This calls for an addition to the account of identifying someone. The individuating characteristics that must be given for identifying have to be relevant to the purposes of the identifying. Given the reason that the police have for identifying the thief, what they need are characteristics that would enable them to track him down and to arrest him.

Identifying *X* involves categorization and categorization presupposes ways of thinking about kinds and objects. Identifying Queen Elizabeth II by attributing to her the property of being the present queen of Canada is to think about her as the present queen of Canada, but she might well have been identified by attributing to her the property of being the mother of Charles, the present Prince of Wales, thereby thinking about her in this way. Since there can be different ways of thinking about objects or kinds in identifying them, there are multiple ways of identifying them depending on the purpose of the identifying. To schematize the first kind of non-reflexive identifying, *A*'s identifying *X*, where *X* is an object or a kind, there are one or more properties, *Y*, that *A* correctly thinks applies to *X*. If *X* is a kind or an object other than a person, then the property or properties specify what or which one the object or kind is. When *X* is a person, they specify who, what, or which one the person is. It follows that in identifying an object or kind a wh-question is presupposed.<sup>4</sup> Not only does the act of

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<sup>4</sup> The wh-questions are limited to question involving the interrogative pronouns 'who,' 'what,' 'which,' and 'where,' but do not include 'when' and 'why. There is police talk in which the police say that they have identified when the murder occurred or why it occurred. I think that these uses are extended from our ordinary uses. If they were to gain currency, it would be a simple task to extend the analysis that I offering of identifying to identifying when and why.

identifying presuppose a question, it also involves a cognizer,<sup>5</sup> the agent of the identifying. The location of the wh-question can vary according to context. There are contexts in which it is the cognizer who poses to himself or who is posed<sup>6</sup> a wh-question for which the identifying is an answer and there are contexts in which the cognizer identifies *X* for someone and presupposes that his audience has or should<sup>7</sup> have a wh-question about *X* for which his identifying is an answer.<sup>8</sup>

Identifying *X* is an act that implies success (Ryle 1949).<sup>9</sup> To misidentify is not to identify. Suppose that the police say that they have identified the thief who held up the Bank of Canada and claim that he is the president of the Bank. If it turns out that the miscreant was not the president of the Bank, they have not identified the thief in question. Moreover, identifying implies knowledge. If the police have identified the thief, then they know who he is (Boer and Lycan, 1985). That is, there is some characterization of the thief, *Y*, such that the police know that the thief is *Y*, a characterization that should enable them to fulfill the purpose of the identifying. In addition identifying is not the same as categorizing, since categorizing does not imply success. If I categorize a whale as a fish, I have not identified whales, although I have categorized them. To recapitulate the analysis of this sort of non-reflexive identifying of an object or a kind, it is an action performed by a cognizer that presupposes a wh-question about

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<sup>5</sup> A cognizer is any thing that is capable of knowledge and thus, has the capacity to have the range of intentional states connected with knowledge, including believing, considering, thinking, intending, etc.

<sup>6</sup> The latter can occur in an examination situation when the examiner asks a student to identify something.

<sup>7</sup> This can arise in the interactions between student and teacher when the teacher identifies something for the student without the student having posed a wh-question for which the teacher's identifying is an answer.

<sup>8</sup> In what follows rather than give this long account of what is involved in the wh-questions connected to identifying, I shall talk about acts of identifying presupposing a wh-question.

an object or a kind for which the identifying is an answer. In answering the question presupposed, the cognizer attributes to the object or the kind a property that either distinguishes it from any other object or kind or categorizes the object or kind.

Let us turn to the other kind of non-reflexive identifying; *A*'s identifying *X* as *Y*, of which there are two kinds: a mental act and a speech act. The former is similar to *A*'s identifying *X*. It involves a cognizer as the agent of the act; it presupposes a range of wh-question for which the identifying is supposedly an answer; and it is an attribution to *X* of one or more properties that pick out *X* uniquely or categorize it. The difference between the two kinds of identifying is that *A*'s identifying *X* as *Y*, unlike *A*'s identifying *X*, can be mistaken. For example, the police might mistakenly identify the president of the Bank of Canada as the person who held it up. If this occurs, they certainly have not identified the thief nor do they know who the thief is. Consequently, in this case there is no property, *Y*, such that the police know that the thief is *Y*, where the attribution of this property would give the correct answer to the who-question about the thief presupposed by the identifying. Hence, it appears that there is a success and a non-success use of 'identify,' (Ryle, 1949) the former of which implies knowledge on the part of the cognizer and the latter not. There is however a relation between the two. If the police correctly identify the thief as the President of the Bank of Canada, then they know who the thief is and they know that the thief is the President of the Bank of Canada. That is, to identify *X* correctly as *Y* is to identify *X* and conversely, to identify *X* is to know some characterization, *Y*, of *X* such that *X* has been identified correctly as *Y*.

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<sup>9</sup> David Matheson (private communication) has suggested that the implication might be pragmatic, and not semantic, as I claim. My reason for thinking that it is semantic rather than pragmatic is the oddity of "Jones identified the bird, but was unsuccessful in doing so."

It might be thought that there are not two kinds of non-reflexive identifying, but only one kind that depending on the context, can be described in different ways as ‘A’s identifying X’ and ‘A’s identifying X as Y.’ I think that the difference between the kinds of non-reflexive identifying is similar to the difference between completing a race and running a race. The former implies success in running the race to the end while the latter leaves it open as to whether the runner completed the race. The runner’s completing the race entails that he ran the race, but his running the race does not entail that he completed it. Thus, there are two different actions. Notice that it is not redundant to say that the runner ran the race and he completed it. Similarly, it is not redundant to say the A identified X as Y and he identified it correctly.

There is also a speech act version of identifying X as Y that is similar to other speech acts, for example, to promising, stating, and requesting (Austin 1975). These acts, which Austin called ‘illocutionary acts,’ have associated with them performative verb phrases, ‘I promise,’ ‘I state,’ and ‘I request.’ They are acts that are performed in saying something the saying of which if certain conditions are fulfilled, is the performance of the act. The role of the performative verb phrases is to make explicit what act the speaker is performing. For example, for a speaker to say

1. I promise to repay you the money that you lent me

is for him to promise to repay to the hearer a certain sum of money, if he is speaking seriously, the hearer has lent some money to the speaker, and the hearer prefers that the speaker fulfills his promise rather than he does not fulfill it (Searle 1969).

Identifying *X* as *Y* is similar. It has connected with it a performative verb formula, ‘I identify *X* as *Y*,’ which makes explicit that the speaker is identifying *X* as *Y*. If a speaker were to utter seriously,

2. I identify this bird as an oriole

he would thereby be identifying the bird in question as an oriole. Identifying *X* as *Y* differs from promising since the former can be performed, unlike the latter, without saying anything. The illocutionary act of identifying *X* as *Y* also differs from requesting since it needs a prior conversational context for its performance. A speaker can begin a conversation by making a request, but he cannot begin a conversation by uttering 2. A question about whom, what, or which one *X* is must have been explicitly or implicitly raised in the conversation for 2 to be conversationally appropriate. The illocutionary act of identifying *X* as *Y* is similar to its non-illocutionary act counterpart. Neither implies success; both can be mistaken. In uttering 2 the speaker has identified the bird as an oriole even it is not. If it is not, we evaluate the identification as being mistaken or incorrect, rather than true or false, which marks a difference between identifying *X* as *Y* and stating.

Before leaving this discussion of non-reflexive identifying, I would like to say a word about identification. Identifying an object or a kind is not the same as providing an identification for an object or a kind, since the latter can be mistaken or inaccurate, but the former, we have seen, implies success. In saying the thief who stole the Crown Jewels is the President of the Bank of Canada, the police made a mistake in identifying the thief as the President of the Bank of Canada. In doing so they did not mistakenly identify the thief, but gave an inaccurate identification. So *identification*<sup>10</sup> goes with *identifying as*. This is the reason why there can be

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<sup>10</sup> Italics indicate notions; quotation marks indicate words.

fake or false identification cards that misleadingly identify a person as someone he is not. But a fake identification fails of course to identify the person who proffers the card. As we shall see, both notions of 'identify' will come into play in a discussion of identifying and identification in practical situations.

*A*'s identifying *X* and *A*'s identifying *X* as *Y*, non-reflexive identifyings, differ from *A*'s identifying himself and *A*'s identifying himself as *Y*, reflexive identifyings in that the latter are acts of communication directed to someone. If a speaker identifies himself or identifies himself as *Y*, then there is someone, *Z*, other than himself towards whom these acts are directed. This distinguishes the speech act version of *A*'s identifying *X* as *Y* from reflexive identifyings, since in uttering 2, a speaker cannot identify *X* as *Y* to someone, although he can do it for someone. There are illocutionary act and non-illocutionary act versions of reflexive identifyings, both of which are acts of communication. For a speaker to utter seriously

3. I identify myself as a Canadian

is for him to perform an illocutionary act in which 'I identify' serves to make explicit what act the speaker is performing and in so uttering it is to identify himself as a Canadian. The difference between identifying oneself and identifying oneself as *Y* is the implication of correctness in the former and the absence of such an implication in the latter. If in uttering 3 seriously, the speaker is Canadian, then he has identified himself; if he is not Canadian, although he has identified himself as Canadian, he has not identified himself. To identify oneself or to identify oneself as *Y* to *Z* is not always to perform an illocutionary act. A speaker can identify himself or identify himself as Canadian by handing his passport to a passport control officer. In doing so, he is not performing an illocutionary act, but he is performing an overt act of communication.

Identifying oneself to *Z* and identifying oneself as *Y* to *Z*, in both their illocutionary and non-illocutionary versions, cannot be performed without oddness as openers in a conversational exchange. I cannot out of the blue go up to a police officer and identify myself to her; it is odd to begin a conversation by saying 3.<sup>11</sup> There must be in the air explicitly or implicitly a question about whom one is before it is appropriate to identify oneself or to identify oneself as *Y* to *Z*. In this way, these acts are similar to the illocutionary act version of *A*'s identifying *X* as *Y*. They differ, however, from non-reflexive identifyings that are not illocutionary acts. These acts do not require for their performance an overt act of communication or an audience to whom the acts are directed, although they are acts that can be done for an audience. I can identify a bird or identify it as an oriole without communicating to anyone.

Just as identifying *X* implies success, so too does identifying oneself to *Z*; it is not something that can be done unsuccessfully.<sup>12</sup> If *A* identifies himself to *Z*, then there must be some characterization that applies to him, which he intends to convey to *Z* by an act of communication directed at *Z*. I cannot identify myself to the police officer by saying that I am French, if I am not French. To misidentify oneself to *Z* is not to identify oneself to *Z*. Identifying oneself as *Y* to *Z* also implies success, but in a way different from identifying oneself to *Z*. Suppose that I identify myself as being French to a police officer. In doing so, I have identified myself as being French, although I am mistaken in doing so, since I am not French. To misidentify myself as being French is to identify myself as being French.

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<sup>11</sup> There is something semi-official about identifying oneself. If I introduce myself to someone at a party, I do not thereby identify myself to the person. I identify myself to persons in positions of authority, to passport control and police officers, tax collectors, librarians, etc. They are the sort of people who can legitimately ask for a piece of identification.

There is a complex relationship between reflexive and non-reflexive identifying. That I identify myself to a police officer in performing a reflexive act of identifying does not entail that she comes to identify me, that is, performs a non-reflexive act of identifying. She might not understand or believe what I say or do in identifying myself. Even if she understands and believes what I present and thus, comes to know my identity, she has not thereby identified me. More is required. She must pose to herself a question about whom or what I am and my act of identifying myself to her must be in response to a request on her part. Just as identifying myself to the police officer does not entail that she identifies me, my identifying myself to the police officer as being French does not entail that she identifies me as being French, even if she understands and believes what I present. Again, she must pose to herself a question about whom or what I am and my act of identifying myself to her as being French must be in response to a request on her part.

Let us look at the connection between *A*'s identifying himself to *Z* and *A*'s identifying *X*, where *A* is not identical to *X* and the wh-questions with which they are connected that will further bring out the difference between the two sorts of identifying. For *A* to identify *X*, as we have seen, there must be some property of *X* that *A* correctly applies to it that answers a wh-question about *X*. It is similar with *A*'s identifying himself to *Z*. To do so, *A* must ascribe a property to himself that applies to him that answers a wh-question. One difference between the two kinds of identifying is in who can pose the question. In *A*'s identifying *X* he can pose the question to himself, a possibility that does not arise with *A*'s identifying himself to *Z*. In

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<sup>12</sup> It might be a mistake for me to identify myself. For example, it might be a mistake for me to identify myself to the police officer. Since when I did, she arrested me. In this case, despite its being a mistake for me to identify myself, I have still identified myself.

doing so, *A* does not pose to himself a *wh*-question about himself for which his identifying is an answer. Rather, he presupposes that *Z* has such a question, should have such a question, or would be interested in having the answer to such a question for which his act of identifying himself is supposed to be the answer.

It might be thought that *A*'s identifying himself is just a subspecies of *A*'s identifying *X* and *A*'s identifying himself as *Y* is a subspecies of *A*'s identifying *X* as *Y* and thus, there are not two different kinds of identifying, reflexive and non-reflexive. I think that there is a grammatical difference that shows a difference in kind. When we reflexively identify ourselves we must do it to someone, but this is never the case for non-reflexive identifying. Rather, non-reflexively identifying can be done for someone, but need not be. Notice that 4 (a) and (b) are acceptable, but 4 (c) and (d) are odd.

4. (a) I identified myself to the police officer.
- (b) I identified myself as a Canadian to the police officer
- (c) \*I identified the bird to the student.
- (d) \*I identified the bird as an oriole to the student.

This, I believe, shows that we have two different kinds of identifying rather than reflexive identifying being a sub-species of non-reflexive identifying.

I now want to turn to a particular example of identifying and show in detail in what way identifying is an epistemic notion. I am driving on a highway in Quebec and a police officer stops my car and asks me for my driver's license. She wishes to know whether

5. I have a driver's license

and if I do, whether

6. My driver's license is valid.

Let us see how the police officer comes to know 5. In waving me over and asking me for my driver's license, she is asking me to identify myself.

7. I hand the police officer my driver's license.

In doing so

8. I identify myself as a licensed driver in Quebec.

She sees that I have done so, but she does not know from that the card is mine. She looks at the card and at me and sees that

9. My appearance and hair and eye colours match respectively the picture and the descriptions on the card.

She also sees secondary sexual characteristics, beard and body shape, that leads her to conclude that

10. I am a male that matches the sexual categorization on the driver's license.

7-10 provide the evidence that warrants her in identifying me correctly as the person who is depicted on the card that I handed her. This is not however sufficient warrant for her to believe 5, since it is possible that the card I gave her is a forgery. But she knows that in the province of Quebec, there is actually a very low probability that the card is a forgery or has been altered. In addition, she thinks that I do not look like the sort of person who would forge or alter a driver's license. From this and her identifying me correctly as the person who is depicted on the card that I handed her she concludes that

11. The card I handed her is my driver's license.

My driver license contains information about its expiration date, which she reads. From this, she concludes 6. Thus,

12. The police officer comes to know that I have a valid Quebec driver's license.

It follows from 12 that

13. The police officer has identified me correctly as someone who has a valid Quebec driver's license.

Her identifying me correctly as someone who has a valid Quebec driver's license involves attributing to me a certain property, namely, having a valid Quebec driver's license, a property that she is warranted in attributing to me by virtue of the properties about me that are specified on my driver's license and by her background assumption about whether the card is genuine.

Identifying someone involving identity cards, including driver's licenses, credit cards, passports, library cards, etc. is not the only form of identification. Suppose that little Jonnie complains to his teacher that a student in his class hit him. What the teacher then wants to identify is the person who hit Jonnie. That is, he wants an answer to the following question.

14. Who is the student who hit Jonnie?

What the teacher wants to find out are properties of the student who hit Jonnie so that he can find her. For example, he would know the answer to his question if he discovered that

15. Sally is the student who hit Jonnie.

on the assumption that the teacher knows who Sally is. In so finding this out he has identified the person who hit Jonnie. The epistemological situation in the Jonnie example is different from the driver's license example. In the latter example the police officer is visually acquainted with me, the driver of the car, and wishes to know whether I am the person described on the driver's license. Moreover, I am asked to identify myself, which I do by handing the police officer my driver's licenses. In the Jonnie case, the cognizer begins with a characterization, the student who hit Jonnie, and wants to garner information that would enable him to know who that person is. In addition, there is no request for a reflexive identifying; the teacher does not ask the person who hit Jonnie to identify herself. Cases similar to the Jonnie example arise with surveillance cameras, DNA samples, fingerprints, etc.

where we have a property of someone, their picture, DNA, or fingerprint, and wonder who that person is.

It might be thought that other cases of reflexive and non-reflexive identifying can fit the patterns of the driver's license and Jonnie examples, which seem straight-forward and perhaps obvious. Several difficulties, however, can arise with the epistemological conditions that apply to reflexive and non-reflexive identifying. First, it appears that warrants for a belief can vary from context to context. What warrants a belief in one context might not be sufficient in another context. There are two sorts of cases. In the first, what changes is the amount of evidence required for the warrant (Goldman 1976); in the second, what varies is the importance for the cognizer in having a warranted belief and with this change there is a change in what is required for the belief to be warranted (DeRose, 1992). Second, it appears that there are cases of identification that do not involve a cognizer. I shall take up each of these in turn.

Let us begin with the first case in which what is warranted in one context is not warranted in another.<sup>13</sup> Suppose that I wish to take a photograph of a genuine Amish barn in Lancaster County in Pennsylvania where many Amish live and where there are a number of Amish barns. I am there with a friend who is familiar with such barns and can identify one when he sees it. I ask him to point out a genuine Amish barn, which he dutifully does. In this situation, it is clear that my friend knows that the barn he points to is an Amish barn, since we are in Amish country and my friend is knowledgeable about such barns. Given the context, Amish country, where there are many Amish barns, my friend's familiarity with such barns, and his

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<sup>13</sup> The following is a variation on an example introduced by Goldman (1976).

pointing out to me a barn that he takes to be a genuine Amish barn, there is then a warrant for my believing that

16. My friend has identified the barn to which he is pointing as a genuine Amish barn.

Imagine a different scenario. I am traveling with my friend, again in Lancaster County, but now unbeknownst to me and my friend, a film about the Amish is being produced there.

Moreover, the movie production company has erected a number of fake Amish barns scattered around the county. I ask my friend to point out an Amish barn for me. We are in front of the same barn as in the previous scenario. My friend points to the barn and tells me that it is an Amish barn. Is there now a warrant for my believing 16? I think not, since there is nothing that has ruled out the very real possibility that it is one of the fake Amish barns that the movie company has scattered around Lancaster County. Notice that in the two scenarios there is no difference in the internal states of my friend or me. We have the same sense experiences in the two scenarios, the same memories, and the same intentional states. What has changed between the two cases is external to us. The difference is in the context in which my belief in 16 arises. In the first scenario, Lancaster County is without fake barns, but in the second there are fake barns scattered around Lancaster County.

What then is required in the two cases for there to be a warrant for my believing 16? In the first case, given that he tells me that he is pointing to an Amish barn, it is sufficient that the barn at which my friend is pointing is an Amish barn that causes his perceptual belief that it is an Amish barn and there is nothing that looks like a genuine Amish barn, but is not that would cause him to have a relevantly similar perceptual belief; in the second case these are not sufficient. What must be added in the second case is additional evidence that the barn that he believes to be an Amish barn is in fact an Amish barn. There are various sorts of additional evidence that might well be sufficient in the circumstance. Perhaps it would do for my friend

to look inside the barn to see whether the construction techniques are those that the Amish use. Or he might take a closer look to investigate the age of the building. If it were an old building, then since the movie production company has only recently come to Lancaster County, this would be additional evidence that it is an Amish barn and sufficient warrant for my belief in 16. Even then, we can imagine a context in which it would not be sufficient to warrant the belief in 16. Suppose that the movie company wishes that the barns that they construct to appear to be genuine Amish barns even from the inside. They also want them to appear to be old Amish barns and they go to great trouble and expense to simulate Amish barnness. If this were the situation, then my friend's examining the barn and seeing that the construction techniques are those that the Amish used and that the barn looks old would not be sufficient to warrant my belief in 16 based on his expertise that it is a genuine Amish barn. The point is that what warrants a belief in one context might not warrant the same belief in another context.

It should be obvious what connection the Amish barn example has to our discussion of the driver's license example. There can be a warrant for the police officer identifying me as having a valid Quebec driver's license, if there are no or very few fake driver's licenses in Quebec when I identify myself to her as a licensed driver. But if the number of fake driver's licenses were to increase, there might not be a warrant for the police officer's belief that I have a valid Quebec license and thus, there would not be a warrant for her to have identified me as being a licensed driver in Quebec. Not only is the number of fakes a factor, but the skill with which they are made plays a role in determining whether the beliefs are warranted. If there are many counterfeit driver's licenses, but they are crudely made and easy for a police officer to spot, they would have no effect on whether her belief were warranted. But if there were many counterfeits and they were ably made, then the reliability of the belief would

diminish. Of course it would be possible to increase the reliability of the licenses by making them more difficult to counterfeit or by having the information on them to be more reliable indicators that they belong to those who possess them. For example, it is possible to put a chip on a driver's license that would have an image of the fingerprint of the person who is the owner of the card, which then could be compared with the fingerprint of the person who hands the card to the police officer. If there were a match, then the reliability of the document would increase.

Another contextual factor that affects the degree to which a belief is warranted is the importance to the believer of the truth of the belief (DeRose, 1982). Suppose that my wife and I want to withdraw money from our bank account; it is a Friday; and our bank is closed over the weekend. My wife asks me when the bank closes and I tell her that it is at 5:00 pm and that I know that it is, since I passed the bank two weeks ago and it was open at 5:00 pm. In this case it would appear that there is a warrant for my believing that

17. The bank will be open at 5:00 pm this coming Friday.

Suppose that the importance for my wife and I of the bank's being open changes. After I tell my wife that I passed the bank two weeks ago on Friday at 5:00 pm and it was open, my wife reminds me that it is very important that we get the money from the bank today, since if we do not we would not be able to buy our tickets for our long planned trip to Paris the next day when the banks are closed. In this case it would be an appropriate response on my part that I am no longer sure that the bank is open and that I better call to make certain. That is, there is no longer a warrant for my believing 17. What has changed from the first to the second scenarios is the importance to me and my wife of the bank's being open. In the second case, given that it is very important to us that the bank is open, my having seen that it was open at

5:00 pm on Friday two weeks ago does not warrant my believing that it is open on the day on which I have the conversation with my wife.

Again, the relevance of this kind of case for identifying someone should be obvious. If the importance of authenticating someone's identity increases, then the degree of reliability of what we count as evidence for warranting the identification changes. Consider passports and the situation in which the authorities in the United States find themselves after September 11, 2001. They regard it to be of increased importance that they be able to identify everyone coming into the United States and prevent anyone that they have reason to believe might commit acts of terrorism from entering the country. Since the importance of determining the genuineness of passports and the identity of the person described in the passport has increased, the evidence that is required to substantiate the authenticity of passports and the identity of those proffering them has changed.

The relativity to context affects Jonnie type examples in a somewhat different way. In the Jonnie case what the teacher wants to identify is the student who hit Jonnie and thus wants an answer to a who-question. What would answer this type of question depends on the context in which the question arises and the interests of the cognizer (Boer and Lycan, 1985). What might be a satisfactory answer to the teacher's question about the student who hit Jonnie is information that would enable him to find the student so that he could mete out punishment. In other cases, an answer to a who-question might merely involve knowing the person's name. Suppose that I am drawing up a list of the names of the directors of central banks and I want to identify who the president of the Bank of Canada is. In this context, finding out that it is David Dodge would be enough to answer the who-question presupposed by the identifying. But now imagine that I know the name of the president of the Bank of Canada, but I want to

identify David Dodge. In this context, what I wish to have is information about him other than his name that is relevant to my enquiry in this situation.

I have claimed that identifying and identification require a cognizer, but it might be thought that machines, ATM machines, iris pattern recognition devices, fingerprint detectors, surveillance cameras, etc., can do the job and thus, a cognizer is not necessary. To show that cognizers are needed for identifying and identification, I shall take as my example iris pattern devices that are being increasingly used at Canadian airports to allow fast tracking through passport control. Information about iris patterns are loaded into the data base of a machine that can take a picture of a traveler's iris patterns when he presents himself at passport control. If there is a match between the iris patterns in the database and his iris patterns, the machine signals that the traveler can pass through passport control without having to appear before a passport officer. It might be claimed that in doing this the machine identifies the traveler and thus, identifying someone does not need a cognizer.

The function of the iris pattern device is similar to a key that opens a door. The fit between the lock and the key does not mean that the lock has identified the key as being apt for opening it. It is similar with the iris pattern machines. They match iris patterns. But the fit between what is in the machine's data base and the picture of the iris pattern that it registers does not amount to the machines' identifying anyone. Let us consider what is involved in a cognizer's identifying someone. If he identifies someone, then he knows who or what he is. And if he has correctly identified the person as *Y*, then he knows that he is *Y*. So if the iris pattern recognition device were able to identify the traveler, then it would be able to entertain the corresponding wh-questions and would know who, what, or which one he is. Thus, it should know that the traveler is admissible into Canada. Having knowledge, however, requires

having beliefs and warrants for the beliefs. So it would follow that the machine has beliefs and warrants for the belief that the traveler is admissible into Canada. Moreover, since identifying is an action, the machines would have to have intentions, since one cannot perform actions without having intentions. Thus, if the machine were capable of identifying people, it would have to have a range of psychological states and abilities, including beliefs and believing, intentions and intending, and the ability to entertain questions. Since it is doubtful that any machine is capable of having such states and abilities, there is little reason to think that machines can identify anything.

This does not mean that machines cannot be involved in a process where there is identifying and identification. Firstly, the machines were set up by persons capable of the necessary psychological states for identifying and identification. We can think of the machines as an aid for their identifying people. We can say that a machine having a certain output, an iris pattern device matching iris patterns, counts as the person who is responsible legally and morally for the operation of the machine identifying someone. The reason to think that this is the case is that if something were to go wrong, it is not the machine that would be held responsible legally or morally, but the person who has the legal or moral authority for the machine.

I would now like to turn to a discussion of the normative aspects of identifying. Norms are connected to both actions and knowledge. Norms for actions tell us what we ought to do; norms for knowledge tell us what we ought to believe. Both sorts of norms are connected to identifying. Some acts are intrinsically normative; for example, to promise someone something is to place oneself under a prima facie obligation to that person. Other acts are not intrinsically normative, shaking hands, for example. This is not to suggest that there are no situations in which shaking hands is connected to a norm. It might be required by a code of

politeness in a certain society to shake hands on greeting someone. In such a case it is not the shaking of the hands, in itself, that has a normative aspect. It is because in certain societies shaking hands counts as acknowledging a greeting and acknowledging a greeting might be required by a politeness code in that society. Thus, shaking hands is not intrinsically normative in the way that promising is. We can have an act of shaking hands without its being an obligation to do so, but we cannot have an act of promising that does not place one under a prima facie obligation to do what is promised. Identifying in both its non-reflexive and reflexive forms is, I shall argue, both intrinsically and extrinsically normative.

I shall begin with non-reflexive identifying concentrating on the non-speech act varieties, identifying *X* and identifying *X* as *Y*. Both, I have argued, involve beliefs and warrants for the beliefs. If *A* identifies *X*, then there is some property, *Y*, such that *A* knows that it is true of *X*. A necessary condition for knowing something is that there is a warrant for believing it. Thus, if *A* knows *Y* is true of *X*, then there is a warrant for his believing that *Y* applies to *X*. Similarly, *A*'s identifying *X* as *Y* is connected with warrants for belief. If *A* identifies *X* as *Y*, then *A* believes he knows that *X* is *Y*. Further, if he believes that he knows that *X* is *Y*, he believes that there is a warrant for believing that *X* is *Y*. If there is a warrant for believing some proposition, then there are good reasons for believing it. And if there are good reasons for believing it, then one ought to believe it. Hence warranting is a normative notion. Since the notion of warranted belief is intrinsically involved in both kinds of non-reflexive identifying, non-reflexive identifying is a normative notion.

Warranting is not the only normative notion that is connected to identifying and identification. Authorization and authentication, both of which entail norms, can also be involved in acts of identifying. When the police officer asks for my driver's license, she is authorized to do so,

since she has been given the legal power to determine my status as a driver on the roads in Quebec. The bank teller, the librarian, the passport control officer, the admitting clerk in a hospital, the doctor, etc. are given the authority to ask people to identify themselves for certain purposes. Authorization bestows on those who are authorized to do something a right to do it and in certain cases, police officers, tax agents, passport control officers, customs agents, etc. a legal right. A right places an obligation on others not to interfere with the right holder's acting in accordance with what he has a right to do. Thus, citizens have an obligation not to interfere with a police officer's carrying out her duties, actions that she is authorized to perform. Since authorization implies a right and a right implies an obligation, authorization is a normative notion.

Authorization is connected to authentication, since the latter arises in the course of an identification in which the person doing the identifying is authorized to so. Authentication is the act of determining whether when someone identifies himself, the identity that he attributes to himself is his, rather than a false identity. Thus, the police officer who is authorized to ask me to identify myself has the right to authenticate my identity. When I hand over my driver's license, the police officer can then examine it to authenticate that I am who I claim to be. Further evidence that there is a connection between authorization and authentication is that we would not say of someone who is not in a position of authority and who looks at our driver's license to find out who we are that he is authenticating our identity. Authenticating itself is a normative notion, since to authenticate someone's identity is to come to know whether he is who he claims to be. As we have seen, knowing who someone is is a normative notion, since a necessary condition for knowledge is warranted belief.

Being authorized to determine whether an identity is genuine is not the only way that authentication is connected to identifying. Someone who is an authority on some domain is in a position to authenticate an object that falls within the domain. An archeologist who is an authority on ancient Greek pots in southern France is in a position to authenticate whether a particular pot is a genuine ancient Greek pot of the sort that is found in southern France. The epistemic notion of being an authority about something is also a normative notion, since it is connected to knowledge. To be an authority on *X* is to be knowledgeable about *X*'s and to be knowledgeable about *X*'s is to have warranted beliefs about *X*'s. The notion of authentication connected to epistemic authority is the same notion that is connected to legal or social authority. Thus, no special argument is needed to show that it is a normative notion. Although authorization and being an authority and the related notion of authentication are connected to non-reflexive identifyings, they are not necessarily connected. I can identify a bird and identify a bird as an oriole, but since I am not an authority on orioles, my identifying it cannot constitute authenticating that it is an oriole. Thus, the normativity that attaches to authority and authentication is not intrinsic to non-reflexive identifying.

The speech act of non-reflexive identifying and both kinds of reflexive identifyings, which are communicative acts, are intrinsically normative. All three are acts of communication that are done with the intention to induce an audience to believe that the objects, which are the targets of the identifying, have certain properties. In the case of the speech act of non-reflexive identifying, the speaker's communicative intention is to induce in an audience the belief that *X* is *Y*. In reflexive identifying the intention is to induce a belief in an audience that the agent of the reflexive identifying has a certain property. Moreover, in performing these speech acts of identifying, the speaker also intends that his audience believes that the belief so induced is warranted. In addition, the speaker intends that his audience recognizes his act of identifying

and takes his act of identifying to be the warrant for the belief that he intends to induce. Let us consider an example which can serve as a model for the three types of speech act identifying. Suppose that an archeologist seriously and literally utters, "I identify this pot as a genuine 4<sup>th</sup> century Greek vase," she intends that

18. (a) Her audience recognizes that she is identifying the pot as a genuine 4<sup>th</sup> century Greek vase.
- (b) Her audience believes that the pot is a genuine 4<sup>th</sup> century Greek vase.
- (c) Her audience takes his belief in (b) to be warranted.
- (d) Her audience takes the warrant for the belief in (b) to be (a).

Thus, the speaker intends that his audience believes that he ought to believe that the pot is a genuine 4<sup>th</sup> century Greek vase because the speaker has identified it as such. Consequently, the speech acts of identifying are normative.

This is not the only connection between the speech acts of identifying and normativity. Acts of communication are connected to sincerity conditions that are norms that govern the acts (Austin 1975). For example, stating has connected to it the norm that one should tell the truth. If I tell you that it is raining, but do not believe it, I have lied. The norm connected to promising is that one should do what one promises to do. If I promise to repay you the money that I borrowed from you, but have no intention to do so, I have promised insincerely. Similarly, identifying an object or oneself as having a certain property has connected to it the norm that one should believe that the object or oneself has the property. If the archeologist identifies the pot as being a 4<sup>th</sup> century Greek vase, but does not believe that it is and if I identify myself to the police officer as having a valid Quebec license, but do not believe that I do, then the archeologist and I intend to mislead. The fulfilling of sincerity conditions is not a necessary condition for the successful performance of acts of communication. Even if the speakers were to violate the associated sincerity conditions connected to the acts, the speech acts above would come off. Because of the violations of the sincerity conditions, however,

they are open to criticism for having violated norms connected to the acts. Speakers can state something without believing what they state, promise something without intending to carry through on the promise, and identify something or themselves as having a certain property without believing that the object or they have the property. This might seem to suggest that such acts are not intrinsically normative, since the sincerity conditions need not be fulfilled for the acts to be performed.

There is, however, a conceptual connection between these acts and their sincerity conditions that shows that the acts are intrinsically normative. When performing acts that have connected with them sincerity conditions, the speaker gives out that he is acting in accordance with these conditions. Notice the oddity of saying

- 19. (a) I tell you that it is raining, but I don't believe it.<sup>14</sup>
- (b) I promise to pay you back, but I have no intention to do so.

Similarly, at passport control when asked whether I am a Canadian citizen, it is odd for me to identify myself as a Canadian in saying

- 20. I identify myself as a Canadian, but do not believe that I am.<sup>15</sup>

To say that *p* is to indicate that one is acting in accordance with the sincerity condition that one ought to tell the truth; to promise that *p* is to indicate that one intends to act in accordance with the sincerity condition that one ought to keep one's promise; and to identify oneself as having a certain property is to indicate that one is acting in accordance with the sincerity condition that one ought to believe that one has the property. Thus, although acting in accordance with the sincerity conditions connected to communicative acts is not necessary for

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<sup>14</sup> This is known as Moore's paradox. Apparently, in a lecture, G.E. Moore noticed the strangeness of asserting sentences like 19(a).

<sup>15</sup> This is connected to 19 (a), since one way to identify oneself to someone as *Y* is to tell him that one is *Y*.

the acts to come off, the conditions are conceptually connected to the acts in that performing the acts indicates to an audience that one is acting in accordance with the sincerity conditions. In each case the sincerity conditions are normative—one ought to tell the truth; one ought to keep one’s promises; and one ought to believe what an identifying implies—that makes the acts to which they are connected intrinsically normative.

The final notion that I wish to consider that is connected to both reflexive and non-reflexive identifying is privacy that many think is a normative notion. I shall argue that privacy is only extrinsically related to acts of identifying, that it is not normative, and that those who think that it is are confusing it with the right to privacy, which is clearly normative. *A* has or possess privacy<sup>16</sup> with respect to personal information about him only if he has the information and he wishes others not have it.<sup>17</sup> Let us call *A*’s privacy with respect to information, *p*, unlimited if he is the only one who has it and limited if he and others have the information, but there are others who do not possess it and *A* desires that they not have it. This gives rise to the relativity of privacy of *A* with respect to others.<sup>18</sup> *A* might have privacy with respect to some personal information, *p*, about himself with respect to *B* but not with respect to *C*, in the sense that *C*, but not *B* might have *p*.

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<sup>16</sup> Some take the privacy to be about knowledge where I take it to be about possession of information. My reason for doing so is that I think that someone can suffer a loss of privacy with respect to some information, *p*, and cognizer, *B*, if *B* believes, but does not know *p*.

<sup>17</sup> I take information to be any true proposition. It is more difficult to say what constitutes personal information about someone. It cannot be any true proposition that has a reference to the individual or if it is a singular proposition, contains the individual, since if this were the criterion for personal information, then  $A = A$  would be personal information about *A*. The proposition that I am a Canadian is personal information about me. Then so too is the proposition that I am Canadian and the moon is a satellite of the Earth personal information about me. The result is that every true proposition is included in the set of personal information about every individual. Because I do not see how to resolve these difficulties, I shall leave the notion of personal information at an intuitive level.

There are various reasons why someone might not wish to have certain information about him in the possession of others. It might be information that if he knew that others had it, he would find it embarrassing; he could fear that it could be used to harm him; it could be information that he thinks is no one's business but his own to have, etc. It is, however, a contingent fact about any personal information about a person that someone thinks that it could be embarrassing or used to harm him. Anyone could think that he leads such an exemplary life and is so self-confident that there is nothing about him that if he knew that others possessed it, he would find it embarrassing or would think that it could be used to harm him. The point about the relationship and privacy can be generalized. A necessary condition for personal information,  $p$ , about  $A$  to be private is that he desires that others not possess it. There is, however, no feature of any personal information about an individual that would necessarily lead him to wish that others not have it. For any information about someone, it is always possible for him not to have the desire that others not possess it. That is, it is always possible for someone to wish to have his life to be an open book, to desire that others have in their possession all the facts about his life. The conclusion we reach is that no information is intrinsically private.

Identifying in all its forms is an action that involves information. To identify something is to find out some information about it and to identify oneself to others is to intend to impart information about oneself to them. Since no information is intrinsically private, there is no act of identifying that involves privacy intrinsically. That is, any act of non-reflexive or reflexive identifying can be performed without its being the case that the information gained or thought to have been gained is private. Consequently, privacy is extrinsic to identifying. Although

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<sup>18</sup> This point about the relativity of privacy is due to David Matheson (manuscript).

privacy is extrinsic to identifying, it does not exclude its being the case that when one identifies someone or identifies oneself, the information that one comes to know, believes that one comes to know, or intends to impart to others is not private. For example, in identifying me as having a valid Quebec license, the police officer might come to have information about me, my driver's license number or address that I might desire that others not possess, since I might think that it could be used by others to harm me were they to possess it. Thus, although identifying need not involve information that is private, it is possible that it could so involve such information.

What about privacy and normativity? If it could be shown that privacy is a normative notion, then normativity could be connected extrinsically to identifying via privacy. Most people desire that certain sorts of information about them be private. That is, they place a value on its being kept from others. That something is desired, of course, does not make it desirable. Consequently, from the mere fact that some people value their privacy it does not follow that their privacy ought to be respected and that anyone has an obligation not to acquire this information about them. There are many things that some people value that are not thereby valuable. Some people spend inordinate amounts of time in front of the television set and place great value on the activity, but this hardly shows that watching television is of any worth whatsoever. Consequently, it is necessary that an argument be given to move from the fact that privacy is something that many people value, in the sense that they wish others not to have certain information about them, to the conclusion that it is worth valuing. It might be the case that we could have better, more fulfilling, and happier lives, if everything of any importance about us were known by others, that is, if we lived transparent lives. And it might be argued that society would be better off, if no one were to hide facts about themselves behind a veil of privacy. Transparency, it could be argued, could prevent anti-social thoughts

and behaviour and make it easier for the authorities to control social deviance. I am not endorsing such a view, but suggesting that since this is a possible position, there is nothing intrinsically valuable about privacy, and thus, it is not a normative notion.<sup>19</sup>

Legal and moral rights imply obligations on the part of others. If I have a legal or moral right to do something or to something, then others have the obligation not to prevent me from doing it or having access to it. Hence, rights are clearly normative. It might be argued that since privacy is a legal right in many jurisdictions and it is regarded by many people to be a moral right, it has intrinsic normativity that flows from its being a legal or moral right. Contrary to this, I think that the normativity of rights, both legal and moral, does not necessarily entail that the actions or objects to which the rights are attached are themselves normative. Consider the legal right to privacy that exists in all western countries with which I am familiar. There are differences across countries about what the right covers. In many countries information about personal income and the taxes one pays on it is regarded to fall under the laws governing the right to privacy, but in Norway some years ago, such information was public. Each year after tax reports were submitted, the government published tax information about individual tax payers that listed their incomes, net worth, and the amount of taxes that they paid. In Saudi Arabia information about the facial appearance of women below the eyes is regarded to be private and is protected by religious and civil law. The variation across countries shows that the legal right that attaches to privacy is contingent. Thus, any obligation connected to the legal right of privacy does not flow from the nature of privacy, but from the fact that there is such a right.

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<sup>19</sup> I have not ruled out privacy being an epistemic notion and thus, through that normative. I shall not discuss this here, since I think that when most people claim that privacy is a normative notion what they have in mind is act

Perhaps then it is the moral right that some argue accrues to privacy that shows that privacy has intrinsic normativity. The problem is that there being a moral right to something does not show that it is itself normative. Take the moral rights that children and parents have with respect to one another. There is nothing in the parent-child relation itself that endows it with a normative property. Rather, it is how such a relation figures within the lives of parents and children and its importance for the well being of society that we give it a moral value and attach to it a right. This does not show of course that the notion of privacy does not imply a right and that it then is normative. Rather, if there is a moral right to privacy, then it does not follow that privacy, itself, implies normativity. The conclusion then is that a moral right to privacy does not entail that privacy has intrinsic normativity. Hence, identifying does not obtain extrinsic normativity through its relation to privacy.

Let me sum up what I think that I have shown. I have claimed that there are two basic sorts of identifying, non-reflexive and reflexive. The two kinds of identifying have in common that they are acts of a cognizer; they imply or indicate that the object or kind being identifying has a certain property; and they are intrinsically normative. The difference between non-reflexive and reflexive identifications is that in the latter but not the former the cognizer and the object being identified are the same. Austin's category of illocutionary act, acts that a speaker performs in saying something, applies to both kinds of identifications. *A's identifying X as Y*, *A's identifying himself to Z*, and *A's identifying himself as Y to Z* have instances that are illocutionary acts. The normativity that is connected intrinsically to acts of identifying accrues to it from two sources: from identifications being epistemic notions that are connected to

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normativity. That is, they hold that some information about *A's* being private implies that others ought not to try to obtain the information.

warranted belief and from instances of identifying that are speech acts being connected to conditions of sincerity that apply to the acts. Lastly, the warrants connected to identifying are contextually determined. They depend on the background conditions that exist at the time of the identifying and the importance to the cognizer of the identifying's being successful, both of which can vary across context.<sup>20</sup>

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<sup>20</sup> I would like to thank Travis Dumsday and David Matheson for their helpful comments on this paper.

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