

# Identity Theft: A Conceptual Analysis

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What is identity theft and when it occurs, what has been taken? To answer these questions, we have to understand what identity is. There are three notions of identity that must be distinguished that I shall call 'metaphysical' identity,<sup>1</sup> 'cultural/social/political' identity, and 'epistemological' identity. I shall argue that is the last of these that is relevant in understanding identity theft and it must be distinguished from the other two. Moreover, as we shall see, understanding the notion of identity involved will give us a way of understanding the relationship between identity theft and privacy. Since the central interest is in epistemological identity and its relation to identity theft, I shall describe the first two notions of identity, metaphysical identity and cultural/social/political identity only to the extent it is necessary to distinguish them from epistemological identity and from one another.

Let us begin with metaphysical identity and with the following question. At a particular time, *t*, what makes it the case that a given object, *A*, is synchronically identical to *B*? Consider a simple object, a wooden chair, which we shall call 'Alfred.' Imagine that reflected in a mirror is an image of a chair, which I shall call 'Natalie.' Now at a given time, *t*, Natalie and Alfred might well be the same chair. What makes it the case cannot be my beliefs about whether Alfred and Natalie are the same or different, since there could be one chair, but I might believe that there are two or I might believe that there is one chair, when there are two. Clearly, my believing that Natalie is Alfred does not make it the case that there is one chair rather than two.

Properties play an important role in determining the conditions under which Natalie and Alfred are identical. A property is something an object has; it is a characteristic or quality of an object that is true of the object. Red objects, for example, have the property of being red

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<sup>1</sup> For a discussion of metaphysical identity, see Noonan, 2006.

and it is true of them that they are red. Objects, whether concrete or abstract, are not true of anything. The CN Tower in Toronto, a concrete object, is not true of anything, although it has properties that are true of it. Properties come in different varieties: monadic and relational and accidental and essential. A monadic property is a quality of an object that does not relate it to another object, for example, being red, while a relational property, such as being to the left, relates an object to another object. An accidental property is a property that an object has or might have that has no affect on the object's identity, for example, the property of the number two that it is my favorite number. An essential property is a property of an object that it is necessary for it to have to be that object, for example, the property of the number two that it is even. Properties are characteristically exemplified or instantiated. For instance, the property of being red is exemplified by all the objects that are red, which then share the same property, being red. Let us call the objects that exemplify properties 'particulars' and the properties that are or could be exemplified, 'universals.'<sup>2</sup>

What makes it the case that Natalie and Alfred are synchronically identical at  $t$  is that at  $t$ , Natalie and Alfred have the same properties. For example, Natalie is brown, reflected in a mirror, has a back, has a seat, is owned by the man next door, is in Canada, is believed by me to be different from Alfred, etc. If all these properties, and any other property that Natalie exemplifies, were exemplified by Alfred and conversely, Natalie and Alfred would then be one and the same chair at  $t$ .<sup>3</sup> What about the converse? Does it follow from Natalie and Alfred's being identical, that they have the same properties? A moment's reflection shows that

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<sup>2</sup> It is possible for a property to apply to one and only one object, the property of being the planet Mars and to apply to no object, the property of being Santa Claus. Moreover, properties, themselves, can have properties, the property of being red has the property of being exemplified by red things.

<sup>3</sup> A generalization of this is known as the identity of indiscernibles. For any object,  $y$ , and any object,  $x$ , if  $x$  and  $y$  have the same properties, then  $x = y$ .

this is the case. If Natalie and Alfred are identical, then there is only one thing that is designated in two different ways, as 'Natalie' and 'Alfred.'<sup>4</sup> If there is only one thing, then at  $t$ , any property that Natalie has, Alfred has and conversely.

The identity of our chair, what that object is, consists of those properties that are necessary and sufficient for it to be that object. Let us call this set of properties an object's 'individual essence.' This set of properties that individuate a particular object must pass the tests of time and of possibility. Synchronic identity is not enough. Take time. Alfred is brown at  $t_1$ , but suppose that it is painted red at  $t_2$ . Its becoming red, in one sense of 'different,' makes it qualitatively a different chair; it is now a red chair at  $t_2$  and at  $t_1$ , it was a brown chair. But in another sense of 'different,' it is not numerically a different chair. We can say that from  $t_1$  to  $t_2$ , Alfred undergoes a qualitative change from brown to red, but numerically, it is one and the same chair.<sup>5</sup> It is still Alfred. Its identity does not change, when it becomes red. Rather, what has changed is that it loses an accidental property at  $t_1$ , being brown and at  $t_2$ , it gains another accidental property, being red.

Possibility is similar to time. Alfred is brown at  $t_1$ , but it is possible that it could have been red at  $t_1$ . Had Alfred another colour, it would not affect its identity. Alfred would be numerically the same chair had it been red, rather than brown, its actual colour. One way to describe such changes is by invoking the notion of possible worlds.<sup>6</sup> A possible world is a way that this world could be. Alfred is brown in the actual world, which we shall designate as  $\alpha$ . Given the

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<sup>4</sup> This is known as the indiscernibility of identicals or Leibniz's Law. For any object,  $y$  and any object,  $x$ , if  $x = y$ , then  $x$  and  $y$  have the same properties.

<sup>5</sup> Notice that we cannot take the properties to be *being brown at  $t_1$*  and *being red at  $t_2$* , since Alfred has both of these properties at  $t_1$  and  $t_2$ . If we took these to be Alfred's properties, there would be no change, which involves losing a property and then gaining a property.

possibility that it could have been red, there is a possible world in which Alfred is red, which we shall designate as  $\alpha_1$ . What is possible need not at any time in the future become actual. Let us suppose that at no future time does Alfred become red.  $\alpha_1$ , then, is not the way the world will turn out to be, but the way the world could be. Hence, there are possible ways for the world to be that are different from the way the world will turn out to be, from the future, that is.

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

We can ask what sorts of changes, the loss or gaining of a property, can Alfred undergo and continue to exist across times and worlds. If we have Alfred after a change across time or a world, then the change has not affected its individual essence; it is a change then of an accidental property. There are clearly changes that can take place from  $t_1$  to  $t_2$  or from  $\alpha$  to  $\alpha_1$  where we would no longer have Alfred. Suppose that I threw Alfred into the wood chipper and turned it into a pile of wood chips. Although the wood in the pile is identical with the

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<sup>6</sup> See Lewis, 1968 and Kripke, 1980 for two of the most important views about the nature of possible worlds.

wood out of which Alfred was made, Alfred would no longer exist. The wood in the pile of chips does not have the properties that make Alfred a chair. There is no back, seat, or legs, properties that are jointly essential for something's being a chair. It is unnecessary for the purpose at hand to spell out exactly what Alfred's individual essence is, but we can say that it will consist of a set of essential properties that yield necessary and sufficient conditions for something to be Alfred. The properties must be essential, since they are properties that Alfred would have in any possible world in which he exists and they must give us necessary conditions that are jointly sufficient for something's being Alfred. If we only had necessary conditions for something's being Alfred, then we would not have its individual essence, since more than one thing could satisfy the conditions, for example, having been constructed with legs and a back.

Let us now consider how persons fare with changes across time and worlds. Clearly, people change through time and could have been different than they are. Think of the changes that occur to us or could have occurred to us from birth to death; yet despite the changes and possible changes we are or would be one and the same person. This might seem to run contrary to how we talk about ourselves. In describing ourselves, we sometimes say that we are not the same person that we were in our youth or would not be the same person if we had undergone some change. What we mean is that certain features of our character, body, and/or personality have changed or could change, characteristics that we think are important. But despite what can or could be rather dramatic changes in character, body, and personality, we do not or would not cease to exist, nor have we become or would become another person. What properties then are essential to us that guarantee our continuity through time and across worlds, properties such that if we no longer had them, we would no longer exist or there would even be a different person numerically? That is, what properties of persons are like the

properties that make Alfred that chair and not another and properties that if Alfred were to lose them, it would no longer exist?<sup>7</sup>

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

It is not obvious what a person's essential properties are. Some have argued that it is the person's body; others have argued that it is the person's psychological states.<sup>8</sup> There are problems with both of these, but what is important for our purposes is to see what sorts of things are not necessary to a person's metaphysical identity. As with Alfred, my individual essence is a set of properties that give necessary conditions that are jointly sufficient for me to be Steven Davis. Moreover, it might well be the case that the properties that constitute my

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<sup>7</sup> See Olson 2002 for a discussion of personal identity.

individual essence are properties about which I and perhaps others are unaware. It could turn out that what makes me the person that I am is something about my complex genetic and physical makeup, which is not yet known.

Let us turn to cultural/social/political identity. In recent years, identity politics has become increasingly important. On this view, it is not a person qua person who is part of the moral/social/political order, but a person with a particular identity. For many, it matters politically, socially, culturally and/or morally whether they identify themselves as a Canadian, a member of a First Nation, aged, disabled, a Muslim, etc. Of course, people can have multiple identities. They can be, for example, a Canadian and a Jew. Most discussions of cultural/social/political identity concentrate on a narrow range of properties, properties connected with nations, states, and religions, but this leaves out a wide range of properties that are important to people and can play a role in their cultural/social/political identity, for example, being a dancer, a butcher, and even an alcoholic. In fact, it is possible for any property of a person to be part of his identity, if it is important to the way that he lives his life and has a cultural, social, or political role. But what makes a property part of a person's cultural/social/political identity? We can answer this question from two points of view, first person and third person.<sup>9</sup> We can ask what it is for an individual from his point of view to

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<sup>8</sup> For views that account for personal identity in terms of our bodies, see Thomson, 1997 and Ayer, 1936 and in terms of psychological states, see Nozick, 1981 and Parfit, 1984.

<sup>9</sup> We also speak about group identity, for example, the identity of Europeans or Canadians. Group identity is derivative from the identity of the individuals that make up the group. The connection, however, between group and individual identity is complicated. What makes up the identity of a group involves complicated relations between the ordinary members of the group and members of the elite, the political leaders, intellectuals, artists, etcetera, who articulate characteristics that they take to be part of the identity of the group. The non-elite members might well defer to members of the elite about the identity of the group of which they are a part. What complicates the picture is that quite often there are different contested views among the elite about what constitutes the identity of a group, views about which there can be bitter battles and often no agreement. The

have a cultural/social/political identity and what is it for others to assign such an identity to an individual. I shall argue that the first and third person points of view are not entirely independent. I shall begin with the first person point of view. I shall argue that for a property to be a part of a person's identity it must be a characteristic that the person has, not just one that he thinks that he has; his beliefs about the property must play an important role in his life and for this reason he must believe that he has the properties that constitute his identity; and these beliefs must connect him to the cultural, social, and/or political order of which he is a part.<sup>10</sup>

Let us begin with my contention that a property is part of an individual's cultural/social/political identity only if he has the property and not merely that he thinks that he has it.<sup>11</sup> Consider Sally, who identifies herself as a writer, but seldom puts pen to paper. When she does, she writes a paragraph or two and then puts it in her drawer. She has never completed a poem, novel, short story, or any other type of literary work or sent anything that falls into these categories to a publisher. She talks a great deal about her plans to write this or that, but the plans come to nothing. She however thinks of herself as a writer and represents herself to others as being a writer. Being a writer is certainly who she thinks she is. This is not however who she is. Rather, it is part of her self-conception. It might be claimed that a person's self-conception and her identity are one and the same, that with identity, thinking

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topic of this paper is identity theft that is connected to what I have called epistemological identity that is always individualist. Consequently, I shall not pursue the discussion of group identity.

<sup>10</sup> It need not be the case that the existence of the property depends on there being a cultural, social, and/or political order. For example, the existence of the property of being an alcoholic does not depend on there being a cultural, social, and/or political order.

<sup>11</sup> I shall make the simplifying assumption that there is only one property that is part of a person's cultural/social/political identity. Amartya Sen (2006) argues that this assumption is morally and politically

makes it so. To be a writer, however, one must write, something that Sally does not do. One's identity, I claim, is connected to who or what a person is, not who or what a person thinks that he is. If this is unconvincing, think of someone who takes himself to be part of a First Nation in Canada, the Mohawks, for example, but is not. As much as he identifies, with the Mohawks and thinks of himself as a Mohawk, being a Mohawk is not part of his cultural/social/political identity. It is not part of who he is, although it might be who he thinks that he is.

Sometimes it is difficult to determine whether someone has a property that it part of his identity. Consider, Sam, who is a Canadian, since he was born in Canada to Canadian parents and has not renounced his Canadian citizenship. Imagine that Sam is taken to France when he is a baby and placed in a French family who tell him nothing about his past, but who do not secure French citizenship for him. He is by Canadian and French law still a Canadian, about which he is unaware. As he grows up, he thinks of himself as being French and identifies with France and French culture. What then is his identity? Is it being French or Canadian? If he tried to vote in a French election, he would be rejected because he was not a French citizen. How about being Canadian, something about which Sam is unaware and which he does not regard to be part of his identity? If he were to apply for a Canadian passport or try to register to vote in Canadian election, he would be recognized by the relevant authorities as a Canadian. But yet Sam does not think of himself as being Canadian. He knows nothing of its history; does not speak its language; his values are not Canadian, but those of his French friends and adopted family; he abhors sugar pie, poutine, Tim Horton doughnuts, and Niagara Peninsula wine, but loves steak-frites, côtes du Rhône, and boudin noir. Although Sam is not a French citizen, we might say that he is as good as French or for all intents and purposes he is

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distorting. I shall not take up the issues that Sen raises in his discussion of multiple identities. My discussion of identity in this section carries over to multiple identities.

French. There is a distinction to be made between being a French citizen, which Sam is not and being culturally French, which Sam is. This example does not show that Sam is French just because he thinks that he is. He has many characteristics that apply to those who clearly are French. He speaks the language without an accent, knows French history, was raised in a typical French family in France, has values that are typically French, and loves French food and wine. Rather what it illustrates is that it is sometimes difficult to determine the criterion under which someone has a property, in this case the property of being French.<sup>12</sup>

Let us turn to my second claim that for a property to be part of person's identity not only must he have the property, but it must play an important role in his life.<sup>13</sup> First, it can provide an explanation for his behaviour. Second, it can yield values that provide a way for him to live his life. Lastly, it can yield for him something of value, either negative or positive, for his life. Let us consider each of these in turn. Suppose that Sam is a Canadian, which he takes it to be part of his identity. Sam crosses his legs by putting the ankle of one leg across the knee of the other; he eats meat by cutting it with a fork in his left hand and a knife in his right hand, placing the knife across the edge of the plate, transferring the fork from his left hand to his right, and eating the meat with his fork; when asked a question that he does not understand, he will say, 'Heh?'; he prefers beer to wine, likes to eat maple sugar pies, and Montreal smoked meat; and he watches hockey on television rather than American football. When asked why he

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<sup>12</sup> Ian Kerr was helpful with this point.

<sup>13</sup> It cannot however be any sort of importance. Suppose that Sam is a rock climber, something that he does every couple of months in season and that he enjoys doing. He has a sense of accomplishment when he does it well. It is thus of some importance to him. This, however, is not enough for being a rock climber to part of Sam's identity. For it to play this role it must be an important part of his life. It must be something he regards as giving a direction or meaning to his life. If it is a source of values, they must be values that Sam regards to be very important to the way he lives his life. The activity cannot be something which he does on occasion and which

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

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

Finally, suppose Sam is not only a Canadian and a Christian, but also a journalist. Being a journalist is part of Sam's identity and he identifies with the role of being a journalist. It gives a positive value to Sam's life. He loves being a journalist and enjoys the status that comes with it. In addition, he is accepted as a journalist by other journalist and because of this, he has the positive emotions that arise from being a member of a group that he values and being accepted as one of them.<sup>14</sup> He has the sense of belonging to a group and being accepted by the group. A person's identity can also yield negative value for his life. Someone can have a property that he takes to be part of his identity, but rather than finding positive value in the property, he might wish that he did not have the property. Suppose that Sam was an alcoholic and that in his society alcoholics were despised. They were thought to be weak and of bad

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does not have much consequence on how he lives his life. This is not to suggest that being a rock climber cannot be part of person's identity. It can when it reaches a certain level of importance.

<sup>14</sup> There is a difference between identifying with a group and identifying oneself as being a member of the group. Clearly, I can identify with the oppressed without identifying myself as being part of this group and I can identify myself as being an alcoholic without identifying myself with alcoholics.

character. Sam, however, takes it to be part of his identity, since it is central to his life; his life is filled with thinking about alcohol and consuming it.<sup>15</sup> Because it is despised in Sam's society, he feels ashamed about being an alcoholic and tries to hide it from others. Rather than provide him with feelings of self-esteem, it yields for him feelings of self-loathing.<sup>16</sup>

In each case in which someone's identity places an important role in his life, it does so by being connecting to the social, cultural, and/or political world of which he is a part. Sam's appealing to his being a Canadian serves as an explanation for his behaviour because he has acquired his behaviour by being part of Canadian culture. Being Christian provides values for him because he participates in Christian life and has acquired these values from the Christian community of which he is a part. Lastly, being a journalist imparts positive value to Sam's life because he is accepted as belonging to the journalist clan and his being an alcoholic yields negative value for him because it is something that is despised in the community of which he is a part, an evaluation that Sam accepts about being an alcoholic.<sup>17</sup>

Let us turn to social, cultural, and/or political identity from the third person point of view. Others can assign to us properties that they believe constitute our identity. The properties so assigned can serve in providing them with explanations for our behaviour and grounds for evaluating us either positively or negatively. For example, suppose Fred identifies Sam as a Canadian and an alcoholic, characteristics that are part of Sam's identity. Fred could use these

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<sup>15</sup> Notice that being an alcoholic could also provide Sam with a way to understand why he behaves the way that he does. Thus, Sam's identity, being an alcoholic, could play two important roles in his life.

<sup>16</sup> See Copp (2002) for a discussion of what he calls self-esteem identity.

<sup>17</sup> It is possible for some characteristic of a person to play an important role in his life without its being connected to his social, cultural, or political world. Consider again Sam's being an alcoholic and suppose that there is no social stigma attached to it and it has no particular cultural role to play in Sam's community. His

characteristics to explain why Sam drank three six-packs of beer. He might say, “Sam, you know, is Canadian, and they like beer and he’s a drunk and that’s why he drank the three six-packs.” It could as well provide Fred with grounds for evaluating Sam’s character. He could go on to say, “He’s a nice enough chap though, since he’s Canadian.”

It might be argued that what is sufficient is that Fred assigns Sam characteristics that he believes are part of his identity, but that need not be properties that Sam has. Suppose that Sam were French and a moderate drinker. Although Fred might well believe that Sam is Canadian and an alcoholic, these characteristics would not be part of his identity. Moreover, they would not provide Fred with an explanation for why Sam behaved the way that he did, not would they provide grounding for Fred’s evaluation of Sam. Hence, the third person point of view is parasitic on the first person point of view. At the same time, the first person point of view depends on the properties that are part of a person’s identity playing a role in his society or culture. And for some properties to play this role, they must be properties that others take or have taken to be part of their identity. Sam cannot have as his identity being a Canadian, unless others have this identity. National identities depend upon their being a community of people who so identify themselves.

Let us turn to epistemological identity. Our epistemological identities are connected to first person acts of identifying, acts which are common in every day life. We can divide such acts into two sorts: those that arise through institutions such as banks, universities, credit card companies, governments, etc. and those that exist because of various practices connected to our culture and language. I enter a bank and request to withdraw money from my account. I

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being an alcoholic might play a role in Sam’s being able to explain his behaviour to himself, but it is not part of his social or cultural identity, since being an alcoholic plays no social or cultural role in Sam’s society.

am asked to swipe my bankcard through a terminal and punch in a code that calls up my account on the teller's computer screen. I go to the library and ask to check out a book from the library. I am asked for my library card that has my picture on it and my identification number. I go to a store and wish to purchase an item. I take out my bankcard again, it is swiped through a terminal, and I am asked to enter my code. I pay with a credit card. It is swiped through a terminal and I am asked to sign one of the terminal receipts. Someone asks whether there are any Canadians in the room and I raise my hand, thereby identifying myself as Canadian. I am a party and identify myself in saying, "My name is 'Steven Davis.' I am your host." In each case, there is a property that I have identified myself to another as having and my epistemological identity is the property I identify myself as having.

I want to consider a case in more detail in which I identify myself to another as having a certain property who then identifies me as having that property. The example involves a passport presented at passport control for which the institutional framework is established by a government order.<sup>18</sup> It consists of the procedures involved in issuing passports and in using them at passport control as a means of identification. In issuing me a passport, Passport Canada assigns the passport a number, issue and expiration dates, a place at which it was issued, a type, an issuing country, and a bar code. In addition, Passport Canada specifies that the passport includes my name, sex, place and date of birth, picture and signature. The information is propositional; it is information that my name is 'Steven Davis,' that the passport number is such and such, etcetera.<sup>19</sup>

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<sup>18</sup> *Canadian Passport Order*. SI/81-86

<sup>19</sup> Although it is not false in this case, I take it that information conveyed in identifications can be false.

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

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

The next step is for the agent to determine that the passport is a valid Canadian passport. There is information in the passport that serves to determine this, the appearance of the passport, the passport number, the expiration date, and information accessible through the bar code on the passport. It is of course possible that even given this information, the passport is a

forgery or has been altered. Let us suppose the agent has good reason to believe that very few Canadian passports that are presented at Pierre Elliot Trudeau International airport are forged or have been altered. In addition, the agent looks at me and concludes that I do not look like the sort of person who would forge or alter a passport.

The agent has identified the passport that I handed him as a valid Canadian passport. Moreover, he knows that if someone has a valid passport that belongs to him, he must be a Canadian citizen. The agent then looks at the passport and the information that it contains. Since there is nothing particular suspicious about me, nor about the passport that I handed him, utilizing the information that I conveyed, the agent concludes that I am a Canadian citizen having a right to enter the country. Thus, the agent identifies me as a Canadian citizen and allows me to enter the country.

In reaching his conclusion, the agent draws on information that I have provided him, the information in the passport, and other information that is available in the context, my similarity to the picture in the passport and my handing him a Canadian passport. The agent uses both sorts of information to reach his conclusion about whether I am a Canadian citizen. Some of the information in the passport identifies me and some of the information identifies the passport. We can say that the information about the passport and me is information respectively about properties of the passport and of me. The passport has the properties of having a certain number, being issued on such and such a date, etc. and I have the properties of having the name 'Steven Davis,' being born at a certain place, being a Canadian citizen, etc.

We see that in identifying myself to the agent as a Canadian, I convey to the agent, information about various properties my passport and I have intending in conveying to him this information that he uses it in identifying me as a Canadian.<sup>20</sup> In turn, the agent uses the information that I have communicated to him to identify me as a Canadian. As we have seen my identity in this context is my being someone who is a Canadian and the information that is communicated and used in my identifying myself and the agent's identifying me as a Canadian serves in determining whether I have this identity.

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

On the surface, this example seems to run counter to my claim that what is involved in my identifying myself as having a property,  $\emptyset$ , to another is that I proffer information to the other about some of my properties that I intend the other will use to identify me as having  $\emptyset$ . In this case, it appears that I offer to the machine my eyes, rather than information about my eyes. In scanning my eyes however the machine garners information about their iris patterns and it is this information that it uses to determine whether there is a match between my iris patterns

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<sup>20</sup> That is, I intend to induce in the agent an epistemic state, namely, that he believes that I am a Canadian.

and what is stored in the data base to which the machine is connect. Thus, the operation of the eye scanner does not run counter to my claim that in identifying myself to another as having a certain property I proffer to the other information about some of my properties.

We see that I use information to identify myself as having a certain property and in turn this information can be used by a person or a machine to identify me as having a certain property, as being a citizen of a particular country, as being a legal driver of a car, as being an authorized user of a library or being authorized to enter a building. The information used is about some of my properties that serves to determine that I have a certain identity for the purpose at hand. In the passport example, my identity is being someone who is a Canadian; in the eye scanner example, my identity is being someone who is authorized to enter the building. In presenting my library card at my university library, my identity is being someone who is authorized to use the university library. Thus, what epistemological identity I have depends on my acts of identifying myself as having a particular property for a certain purpose. We can say that I invoke different identities in identifying myself depending upon the purpose of my identifying myself. In one context, it is my property of being a Canadian citizen that I identify myself as having, in another, it is the property of being a person authorized to enter a certain building, and in still another, it is the property of being a person authorized to make a deposit in a particular bank. Any property that I have, then, could be an epistemological identity as long as I can identify myself as having this property to another for a certain purpose.

A person's epistemological identities fall into two kinds: standing and occasion. When I am issued a credit card by a credit card company, I am endowed with the potential to use the credit card to identify myself as having the property of being authorized to make a purchase in

places that take the credit card. That is, I am given a certain epistemological identity, namely, that I am a person who has this property. I have this identity as a standing identity even when I do not use my credit card and even if I never use it. This sort of epistemological identity arises through institutional procedures put in place by banks, passport offices, libraries, licenses bureaus, universities, governments, etcetera issuing various sorts of identity cards and documents. We can say that these sorts of identities are potential epistemological identities of the person who has the identity card and are actualized on the occasions in which the person uses the card in appropriate circumstances to identify himself.

Occasion identities arise through acts of identifying oneself as having a property on particular occasions. Such acts can be performed in various ways, for example, linguistically or gesturally without the act type having connected with it particular properties that are invoked in the acts of identifying. For example, sides are being chosen in a game of baseball and I say, 'I'll play first base.' In doing so, I have identified myself as someone willing to play first base and in this context, this is my identity. The act type of identifying oneself as being willing to play first base, a token of which I perform on this occasion, does not have connected with it the property of my being willing to play first base. Rather, my willing to play first base is an occasion epistemological identity that I take on in identifying myself as having this property. Moreover, the property that I invoke in so identifying myself does not carry over to other occasions, which marks it as being distinct from my epistemological identities connected to identification cards. They are epistemological identities that have across occasions as long as my identification card is valid.

It might be thought that contrary to what I claim, it is not necessary that I have a property that I identify myself as having for it to be an epistemological identity. Imagine that someone, let

us call him 'Al,' who is not a Canadian citizen, finds my passport in Paris. He copies the information from the passport and with it, produces a fake Canadian passport with a picture of himself and information about me and my passport so that he can gain entry to Canada as a Canadian citizen. What Al has done is to steal information from my passport that he can use in identifying himself to an agent at passport control.

Suppose further that he then takes a plane to Montreal and at Trudeau International Airport presents the fake passport to an agent, conveying information to the agent about me and my passport. In doing so, he identifies himself as having properties that he does not possess. He identifies himself as me and as having all the properties, information about which is contained in my passport, being named 'Steven Davis,' being born on the date and at the place that I was born, being a Canadian citizen, etcetera. Al is guilty of misidentifying himself to the agent. That is, identifying himself as having properties that he does not have and thus having an epistemological identity that he lacks. Al's identity theft consists of two transgressions, stealing the information from my passport and using the information to identify himself as me and as a Canadian citizen.<sup>21</sup> Had he merely taken the information and not used it, it would not be an identity theft. Moreover, had I given him the information and he used it without my authorization, it would not be identity theft.<sup>22</sup>

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<sup>21</sup> "Identity theft refers to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain."

[http://www.safecanada.ca/identitytheft\\_e.asp](http://www.safecanada.ca/identitytheft_e.asp)

<sup>22</sup> David Matheson has pointed out to me that there is another view about identity theft that that does not make it a necessary condition for its occurrence that the identity thief steals the information that he uses to misrepresent himself as someone that he is not. His using information that perhaps was given to him to represent himself as someone he is not is sufficient, on this view, for identity theft to have occurred. The United States Federal Trade Commission has it that "Identity theft occurs when someone uses your personally identifying information, like your name, Social Security number, or credit card number, without your permission, to commit fraud or other crimes." <http://www.ftc.gov/bcp/edu/microsites/idtheft/consumers/about-identity-theft.html#Whatisidentitytheft>.

Let us suppose that it is not a necessary condition for some property to be an epistemological identity of a person that he has it. It would follow, contrary to what I claim, that Al would have as his epistemological identity the properties he identifies himself as having. He would have as his epistemological identities the property of being named 'Steven Davis,' being a Canadian citizen, etcetera. Were this the case, there would be no difference in most of the epistemological identities connected to the information in my passport that Al identifies himself as having and the epistemological identities that I identify myself as having. It would follow that there would be no misidentification, since Al would identify himself as having certain properties that would constitute his epistemological identities, identities that we are supposing he has. That is, on this supposition, in identifying himself as me, Al would not misidentify himself to the agent as having an identity that he does not have. Correspondingly, if the agent were to identify Al as being me and a Canadian citizen, he would not have misidentified him, since the supposition is that Al has whatever epistemological identities that he identifies himself as having. Hence, Al would not be guilty of misrepresentation and the agent would not be mistaken in admitting Al to Canada. Since it is clear that Al has misrepresented himself and the agent has misidentified him, the supposition is mistaken. Al does not have whatever epistemological identities that he identifies himself as having. The conclusion to be drawn is that a property is someone's epistemological identity in the context in which he identifies himself as having it, only if he possesses the property.

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I think that this definition is inadequate, since for there to be an identify *theft* there must be something that has been stolen. In cases covered by this definition, the miscreant might have come by the personal identifying information legitimately and thus not have stolen it. What has been committed is identity fraud, rather than identity theft. I think that it is best to restrict 'identity theft' for those crimes that involve both someone's stealing personal information and his using it to represent himself as the person from whom he stole the information.

In stealing the information from my passport and using it to identify himself as me at passport control, Al does not steal my epistemological identities, since my epistemological identities consists of properties that I have, some of which Al cannot have, does not have and does not come to have. It is impossible for him to be me; he does not acquire the name ‘Steven Davis’; he does not become a Canadian citizen, etcetera. Rather, what he steals is information about my properties, information that he uses in identifying himself to the agent at Pierre Eliot Trudeau International Airport.

In stealing information about me, Al comes to possess some information about me that I wish he not have and thereby, I suffer a loss of privacy. Hence, there is a connection between identity theft and privacy. My analysis of privacy comes in two parts: the nature of privacy and the nature of personal information.

In society  $T$ ,  $S$ , where  $S$  can be an individual, institution,<sup>23</sup> or a group, possess privacy with respect to some proposition,  $p$ , and individual  $U$  if and only if

- (a)  $p$  is personal information about  $S$ .<sup>24</sup>
- (b)  $U$  does not currently know or believe that  $p$ .

In society  $T$ ,  $p$  is personal information about  $S$  if and only if most people in  $T$  would not want it to be known or believed that  $q$  where  $q$  is information about them which is similar to  $p$ ,<sup>25</sup> or  $S$  is a very sensitive person who does not want it to be known or believed that  $p$ .<sup>26</sup> In both cases, an allowance must be made for information that most people or  $S$  make available to a limited number of others. (Davis, forthcoming)

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<sup>23</sup> ‘Institution’ is meant to cover companies, governments, universities, etc.

<sup>24</sup> For the proposition,  $p$ , to be about  $S$ , there must be a sentence,  $s$ , that contains a singular term,  $t$ , that were  $s$  to be used,  $t$  would have as its semantic referent  $S$  and on this use,  $s$  would express  $p$ . The proposition,  $p$ , then would be what is called a singular proposition. See Davis and Gillon, 2004: 83-88.

<sup>25</sup> This is in the conditional, since there could be information most people have never considered, but were they to become aware of it, it would be information that they would not want to be known or believed, except perhaps by a limited number of others.

<sup>26</sup> This is adapted from Parent, 1983: 269 – 270.

It is clear that much of the information in my passport is personal information. Most people only want the information in their passport known to a limited number of people, since they know that the information could be misused. Hence, the information in my passport falls under (a). Prior to taking the information from my passport at  $t$ , Al does not have knowledge or beliefs about it and thus (b) applies. We can say that prior to  $t$  I possess privacy with respect to the information in my passport and Al. After  $t$ , however, I lose privacy with respect to Al and this information. Hence, identity theft implies a loss of privacy. Moreover, on the assumption that we have a prima facie right to privacy, Al's taking the information in my passport would be a violation of my right to privacy.

I have distinguished three types of identity that apply to a person, metaphysical, social/cultural/political, and epistemological. Each involves properties that the person has, but there is a difference between metaphysical identity and the other two in the kinds of properties that can be part of the respective identities. Those that are part of a person's metaphysical identity are essential properties of the person, properties that the person has across worlds and times. The properties that constitute a person's social/cultural/political and epistemological identities can be accidental properties, properties that he might have at one time or world, but not have at another time or world. Moreover, a person's metaphysical identity consists of a set of properties that individuate the person across worlds and times, while the properties that constitute a person's social/cultural/political and epistemological identities need not be individuating. Take being a Canadian citizen, a property that constitutes some people's social/cultural/political identities and that is for Canadian citizens with a passport one of their epistemological standing identities. It cannot, however, be part of anyone's metaphysical identity, since a person's citizenship is an accidental property and need not be constant across

time and worlds. It follows that some social/cultural/political and epistemological identities are not metaphysical identities.

What about the converse? Can metaphysical identities be social/cultural/political or epistemological identities? It is possible for any property or set of properties to be a social/cultural/political or epistemological identity. Suppose that a person's DNA constitutes his metaphysical identity. It is possible that having a particular DNA is a social/cultural/political identity. We can imagine a society in which it is socially, culturally, and politically important for people what DNA they have and it is something that for them plays an important role in their lives. As well, what DNA someone has can constitute his epistemological identity. We can imagine a person at a police station or a doctor's office identifying himself to the police or the doctor as having a particular DNA.

That properties, which might be constitutive of our metaphysical identities, could be constitutive of our social/cultural/political or epistemological identities does not of course show that they are. Whether a certain property plays an actual role in social/cultural/political and epistemological identities is an empirical question the answer to which is best left to sociologists and anthropologists. It is clear however that the actual properties that are constitutive of our metaphysical identities cannot be constitutive of our social/cultural/political or epistemological identities. The reason is that no one is certain what constitutes our metaphysical identities, since there are various views about what our metaphysical identities are. Since a necessary condition for a property to constitute our social/cultural/political or epistemological identities is that we know what they are, the properties that are constitutive of our metaphysical identities, about which we are ignorant, cannot play such a role.

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

There are also properties that are part of a person's social/cultural/political identity, but are not any of his standing or occasion epistemological identities. Imagine that Fred is an alcoholic, a property that is important to him in that it gives an explanation for his behaviour and that is important in the society of which he is a part, since in this society those who are known to be alcoholics are ostracized. For this reason, Fred wishes to hide the fact that he is an alcoholic and hence, does not identify himself to others as being afflicted with the problem. Hence, being an alcoholic is not one of Fred's epistemological identities, since there are no occasions on which he identifies himself as being an alcoholic. My example turns on a hypothetical individual and society, but I think that it is a safe bet that there are such individuals and societies, although the person might not be named 'Fred.' Consequently, it is warranted to conclude that there are some social/cultural/political identities that are epistemological identities and some that are not.

It is similar with the converse relation. Some epistemological identities are social/cultural/political identities and some are not. Being a Canadian citizen is an example of a property that is constitutive of the standing epistemological identity of those Canadian

citizens who have a Canadian passport. And for those in this set who think of themselves as Canadians and for whom it plays an important role in their lives, it is part of their social/cultural/political identities. There are, as well, epistemological identities that are not part of a person's social/cultural/political identity. I have a department credit card that bestows on me a standing epistemological identity of being able to make purchases on credit in that store. Being able to do this, however, is not part of my social/cultural/political identity. It is not something that plays an important role in my life or any role, since I have never used the card to make a purchase. The conclusion is that there are some epistemological identities that are social/cultural/political identities and some that are not.

To sum up, we see that our metaphysical identities are distinct from our epistemological, and social/cultural/political identities, while the latter two, although they overlap, are distinct. It follows that the notions of metaphysical identity, epistemological identity, and social/cultural/political identity are distinct notions, since they do not apply to the same sets of objects.<sup>27</sup> Moreover, we see that the notion of identity theft is linked to epistemological identity. A person's epistemological identity is a property of the person that he identifies himself as having to another by conveying information to the other. In conveying the information, he intends that the other identifies him as having the property by using the information that has been conveyed. Epistemological identity is of two sorts, standing and occasion. A standing epistemological identity is connected to an identity card issued by an institution that specifies the information that the person who holds the card must convey to another to identify himself as having a property and that encodes the information directly or indirectly in the card. The card gives the cardholder the potential of using the card to identify himself to another as having a property by conveying the information that is embedded in or

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<sup>27</sup> 'Object' is used broadly to cover anything that can be a member of a set.

connected to the card. A person's standing epistemological identity with respect to an identity card are the properties of the cardholder, which the card can be used to identify him as having. An occasion epistemological identity is a property of a person, which he identifies himself as having to another on a particular occasion with the requisite intentions without using an identity card. Identity theft is the unauthorized taking and use of information that is connected to a person's epistemological identities. It is information that the thief can use to identify himself to another as having a property that he does not have.

One of the important tasks in modern societies is protection of our epistemological identities, especially our standing epistemological identities. In the United States alone, identity theft is reported to cost over \$50 billion US a year.<sup>28</sup> Across the world, the cost must be more than \$100 billion US a year. Add to this the cost of protection, and the amount of money involved must be more than \$150 billion US a year. Since identity theft is clearly a major crime with a huge cost, it is important to have a clear notion of what is involved. My purpose in this paper is to have laid out what the notion of epistemological identity is and the relation between this notion and identity theft. My hope is that the discussion has clarified what is involved in both and that it will help in protecting against the growing crime of identity theft.<sup>29</sup>

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Better Business Bureau <http://www.bbbonline.org/IDtheft/safetyQuiz.asp>

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<sup>28</sup> Better Business Bureau <http://www.bbbonline.org/IDtheft/safetyQuiz.asp>

<sup>29</sup> I would like to thank David Matheson for useful comments on this paper.

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