

Moral identification in Identity Management Systems

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Abstract. Identity has become a central theme in modern philosophy. In this paper we are not concerned with the logic and metaphysics of identity, nor with questions of personal identity. We address a part of the ethics of identity in the light of ubiquitous modern technologies of identity management. In many practical contexts it is a 'forensic' and 'biographical' notion of identity and identification that is often prominent and morally problematic. Persons identify themselves and are identified by others; they present themselves as having certain properties, others scrutinize their self-presentations and form alternative representations of them, either in- or outside formal or administrative systems. Persons are consequently dealt with in legal and administrative contexts (and increasingly also in private spheres) on the basis of formal representations and sets of characteristics or statistical profiles. In this paper we articulate a basic moral justification for constraints on how persons may be represented and identified in identity management systems by explicating Bernard Williams' suggestion that respect for persons implies a particular form of identification, which we term "moral identification". Moral identification in this sense implies the identification of a person as someone who engages in self-identification.

1 Introduction

There is an increasing need for identification and identity management. Globalization, mobility, and international terrorism have recently added to the desire of many to be clear about individual identities in order to know "who is who" on the internet, on the road, at airports, and in the shops. Considerable investments are being made by governments and businesses around the world to unambiguously establish identities of citizens and customers and to learn as much as possible about them. Both in the public and in the private sector "identity management

technologies” are used for that purpose. They allow one to manage identities of persons in two different senses. First, they manage the access of persons to physical spaces, to knowledge, information and communication infrastructures and to a broad range of services. They do so on the basis of the identity of individuals and their associated authorizations for access. Secondly, identity management technologies enable the storage of elaborate digital representations of individuals in databases for a broad range of uses. Individuals are now increasingly treated on the basis of these representations; The treatment they receive, the things they are entitled to, their rights, accountabilities, the opportunities they are given and the limitations that are imposed upon them are shaped by the way their identities are construed and used. The example of an identity management system used in this paper is the Electronic Health Record that is being developed in the Netherlands for regulating data streams between caregivers in the health sector.¹ There are also numerous databases and future (commercial) identity management systems which collect and store data for various purposes, including some not yet envisioned.

Hundreds of agencies and thousands of databases keep files on citizens in the West. The digital representations of them are assumed to be good enough for a rapidly growing number of practical purposes. More and more often organizations act upon what a record, a file, a data set or a profile leads them to believe about a particular person. Categories, descriptions and models are routinely imposed on individuals’ identity information. We know what dramatic consequences the availability of labels like ‘jew’, ‘hutu’ and ‘tutsi’ and ‘white’, ‘black’, ‘honorary white’, ‘coloured people’ in administrative identity management systems can have for those concerned. In political, military and racial conflicts, but also in everyday practices in the insurance and the financial world, profiles, postal codes, income data, educational records, and a wide variety of behavioral indicators are used to sort and classify people.

Neuro-images, genetic information and other biometric data may in the future be included as an annex to the biography of individuals or even directly linked to computer networks, architectures and databases. Government agencies understandably want to know who the tax evader is, who the serial rapist is, and who has a tendency to become one, but also - on a more positive note - they want to know who is among worst off in society and in need of assistance.

In this paper we set out to articulate moral reasons for constraining the management of identity by others than the person whose identity is at stake. What do we owe to people when we are dealing and tinkering with their identities by representing them, changing their representations and self-presentations, or acting on the basis of these representations?

¹ This identity management system is carefully designed for a specific purpose, confining the span of control over data to the health domain. Our argument, needless to say, is on a more general level towards identity management systems. Therefore the example may not cover our argument in full depth, though it will illustrate our main point.

1.1 The Electronic Health Record²

An example of an identity management system now being developed is the Electronic Health Record in The Netherlands. Ministries, government agencies and others are working on a national identity management system that will enable caregivers to share patient data via electronic communication. Different health organizations can add and exchange health related data using a pointer system, the National Switch Point (LSP), routing and authorizing data demands. This information is kept and filed under a national identification number, the Citizen Service Number³. Although the design of this identity management system is still ongoing and the architecture hasn't yet reached its final form, it can be assumed from pilot tests that are now being done that the architecture will be designed handling data in a decentralized way and providing patients part of the control over their own data. The Electronic Health Record will be individually accessible for patients, e.g. by using their Citizen Service Number in combination with a personal code. As we will argue, 'moral identification', the moral concern with identity management discussed in this paper, is something to be kept in mind when completing the design of this particular identity management system.

2 Data protection from the perspective of moral autonomy

2.1 Moral autonomy

Information technology (IT) has become part of our daily lives and is no longer a merely enabling technology. It is constitutive, i.e. it partly (re-)constitutes the things to which it is applied. Therefore it shapes our practices, discourses and institutions in important ways. One of the most prominent and sensitive areas is the processing of personal data and the protection of personal privacy. Even though there are multiple reasons to support data protection, we will focus on moral autonomy – and especially moral identification - in this paper. It is argued by some that privacy is a necessary precondition for (the development of) moral autonomy [1]. It provides a safe place and as well as the freedom to experiment in order to develop and protect a personal identity. The development and continuous adaptation of who we want to be and who we want to become are both fundamental to and expressions of our moral autonomy.

We argue that moral autonomy, i.e. the capacity to shape our own moral biographies, to reflect on our moral careers, to evaluate and identify with our own moral choices, without the critical gaze and interference of others and a pressure to conform to the 'normal' or socially desired identities, is one of the moral reasons for constraining identity management by others. A *moral* person is engaged in self-definition and self-improvement, and experiences the normative pressures which public opinion and moral judgements of others exert on the person to conform to a

² In Dutch: Elektronisch Patiënt Dossier (EPD), for more information see http://www.minvws.nl/images/fo-dutch-approach_tcm20-146105.pdf

³ In Dutch: Burger Service Nummer (BSN).

socially desired identity. Information about Bill, whether fully accurate or not, facilitates the formation of judgements about Bill. Judgements about Bill, when he learns about them, when he suspects that they are made, or fears that they are made, may bring about a change in his view of himself, may induce him to behave and feel differently than he would have done without them.

To modern contingent individuals, who have cast aside the ideas of historical necessity, living in a highly volatile socio-economic environment, and a great diversity of audiences and settings before which they make their appearance, the *fixation* of one's moral identity by means of the judgements of others is felt as an obstacle to 'experiments in living'[2], as Mill called them. This is what happens when one is applying for a job and confronted with - possibly even judged or pre-screened on the basis of - personal experiments on the Internet, by means of chat boxes, You Tube videos, gaming and other activities that pop up when 'googled'⁴ by the potential employer. Or, in the case of the Electronic Health Record, data is stored in the record and directly retrievable revealing preferences of the past that one does not (fully) support any longer or wishes to be associated with, e.g. a visit to the general practitioner concerning the treatment of an infected piercing.

The modern individual wants to be able to determine himself morally or to undo his previous determinations, on the basis of more profuse experiences in life, or additional factual information. As Newton Garver aptly put it:

“Contemporary freedom and choice go farther than Mill suspected – we all chose our identities, and make that choice from among a heterogeneous set of data, (...) we rarely choose our nationality, sex or religion, but we do choose to make these data part of our identity”[3]

The conception of the person as being morally autonomous, as being the author and experimenter of his or her own moral career, provides a justification for constraining others in their attempts to engineer and directly or indirectly shape the subjects identity. The fixation of one's moral identity by others than oneself should be prevented in the design of identity management systems and their regulatory framework. This is done by holding on to the requirement of informed consent and notification for the processing of the individual's data. If there are domains where for obvious reasons individuals in well-ordered societies cannot be allowed to write their own biographies from cover to cover, they at least should be allowed to write those parts that are amenable to it and to be given an opportunity to authorize the parts that were or had to be written by others.

For the example that we use of the Electronic Health Record, this works out as follows: Patients should be notified and/or asked for their consent when adding/collecting/processing their data in the system. Moreover, they should have individual access in order to control what information is being kept so that they can become aware what the possible implications of data exchange may be. Imagine for example cases where sensitive information regarding psychological health or birth control is accessible/available. The fixation of one's moral identity could concern

⁴ Term used in popular everyday language referring to the use of the Google search engine (www.google.com) to get to know more about a person (or subject).

categories such as: ‘depressed’, ‘unstable’, or ‘promiscuous’, but also risk categories concerning a particular disease.

2.2 Moral identification

In his analysis of privacy and shame, Velleman states that individuals have a fundamental stake ‘in being recognized as a self-presenting creature, an interest that is more fundamental, in fact, than your interest in presenting any particular public image’. [4] Events can be shameful for someone if the person in question is not able to present him- or herself as he or she wishes. This undermines his or her status as a self-presenting individual. [4] ‘When something private about you is showing, you have somehow failed to manage your public image, and so an inadequacy in your capacity for self-presentation is showing as well, potentially undermining your standing as a social agent.’[4] Privacy norms are – according to Velleman – implicitly ‘norms of competence at self-presentation’.[4]

This is also the case with victims of stereotyping: they are being characterized in a way ‘that leaves no room for self-presentation.’[4] Someone being characterized for example on the basis of ethnicity, doesn’t have to feel ashamed because of his or her (ethnic) background, but rather because he or she feels represented as ‘less than the master of his self-definition and therefore less than a socially qualified agent.’[4] Shame is ‘the anxious sense of being compromised in one’s self-presentation in a way that threatens one’s social recognition as a self-presenting person.’[4] Velleman’s analysis of shame shows that interventions in the identity management and self-presentation of a person by others can compromise the status of a person as a social agent.

A further explanation for the importance of respect for moral autonomy may be provided along the following lines. Factual knowledge of one person by another is always knowledge by description. The person himself however, does not only know the facts of his biography, but is the only person who is *acquainted* with the associated thoughts, desires, emotions and aspirations. However detailed and elaborate our files and profiles on Bill may be, we are never able to refer to the data-subject as he himself is able to do. We may only approximate his knowledge and self-understanding.

Bernard Williams has pointed out that respecting a person involves ‘identification’ in a very special sense, which we refer to as ‘moral identification’.

“(…) in professional relations and the world of work, a man operates, and his activities come up for criticism, under a variety of professional or technical titles, such as ‘miner or ‘agricultural labourer’ or ‘junior executive’. The technical or professional attitude is that which regards the man solely under that title, the human approach that which regards him as a man who has that title (among others), willingly, unwillingly, through lack of alternatives, with pride, etc. (...) each man is owed an effort at identification: that he should not be regarded as the surface to which a certain label can be applied, but one should try to see the world (including the label) from his point of view”[5].

Moral identification thus presupposes knowledge of the point of view of the data-subject and a concern with what it is for a person to live that life. Persons have aspirations, higher order evaluations and attitudes and they see the things they do in a certain light. Representation of this aspect of persons seems exactly what is missing when personal data are piled up in our data-bases and persons are represented in administrative procedures, compare the categories one can be assigned to by combining health data from the Electronic Health Data without the appropriate contextual data.

The identifications made on the basis of data on persons fall short of respecting the individual person, because they will never match the identity as it is experienced by the data-subject. It fails because it does not conceive of the other on his own terms. Respect for privacy of persons can thus be seen to have a distinctly epistemic dimension. It represents an acknowledgement that it is impossible to really know other persons as they know and experience themselves. Even if we could get it right about moral persons at any given point in time, by exhibit of extraordinary empathy and attention, then it is highly questionable whether the data-subject's experience of himself, as far as the *dynamics* of the moral person is concerned, can be captured and adequately represented. The person conceives of himself as trying to improve himself morally. The person cannot be identified, not even in the sense articulated by Bernard Williams, with something limited, definite and unchanging. This point was by the French existentialist Gabriel Marcel:

“(...) a person should definitely not in any way be compared to an object, which we can say is *there*, i.e., is given and present before us, and is part of an inherently denumerable collection, or even is a statistical element (...)”[6]⁵

The person always sees itself as becoming, as something that has to be overcome, not as a fixed reality, but as something in the making, something that has to be improved upon:

“The person sees him- or herself much less as a being than as a will to transcend the totality of what he or she is and is not, i.e., a reality which he or she feels genuinely committed to and involved in but which fails to satisfy her, because it falls short of the aspirations he or she identifies with” [6]⁶.

As Marcel puts it, the individual's motto is not *sum* (I am) but *sursum* (higher). The human person has a tendency not to be satisfied, but he or she is always aspiring to improve him or herself. Always on his or her way, *Homo Viator*. This is also

⁵ Translated by Manders-Huits. Original quote: “(...) il faudra dire que la personne ne saurait être assimilée en aucune manière à un objet dont nous pouvons dire qu'il est là, c'est-à-dire qu'il est donné, présent devant nous, qu'il fait partie d'une collection par essence dénombrable, ou encore qu'il est un élément statistique (...)”.

⁶ Translated by Manders-Huits. Original quote: “Elle se saisit bien moins comme être que comme volonté de dépasser ce que tout ensemble elle est et elle n'est pas, un actualité dans laquelle elle se sent à vrai dire engagée ou impliquée, mais *qui ne la satisfait pas: qui n'est pas à la mesure de l'aspiration avec laquelle elle s'identifie*”.

suggested by Berlin: “what I may seek to avoid [is to be] insufficiently recognized,... a statistical unit without identifiable ... purposes of my own.”[14] Because we feel we have inaccessible qualitative aspects of our own private mental states, i.e. that we have hopes and purposes and there is something that it is like to have them, which cannot be known from the outside, we insist on epistemic modesty on the part of others in claiming to know who we are or to be actively involved in the management of our identities. Moreover, we see ourselves as our own moral projects, subject to moral development and capable of moral improvement, so the results of the management of our identities seems a premature fixations of what is an essentially dynamic project.

Respect for persons in the field of identity management involves epistemic modesty in explicit or implicit claims to know who someone is. Individuals resist quite understandably the pretense which seem to be ingrained in the identity management technology and implied in its very idea, to the effect that they can be fully known.

“...the apprehension of the mind of another person may thus only count as knowledge to the extent that it can approximate to this kind of awareness... such an approximation can never be more than a very distant one”[15]

When a person is considered as ‘one person among others’, his attitude and self-directed reactive attitudes (his shame or shamelessness) expresses the kind of person he is. It is the sort of thing we take into account in determining how we feel about him. Moran argues that not doing so would be wrong since it would be failing to respect the “total evidence” of the case. For responding to what he did with shame, pride or gratitude constitutes a new facts about him, which are morally salient and provide part of the total evidence of who he is. Anything less would not only be wrong, but also epistemically irresponsible. [16]

3 Conclusion

Therefore, where we cannot leave it completely up to individuals to write their own autobiographies and design their own identities in identity management systems, since some facts about individuals need to be standardized and cannot be under the control of the subject, we argue that they have a right to authorize and correct, when and where appropriate. Moreover, the parts of individuals’ identities that need to be managed by others for reasons alluded to above, require not only careful and thorough identification strategies for the sake of accuracy and completeness, but also require attempts at ‘moral identification’ in Williams’ sense. Returning to the example of the Dutch Electronic Health Record, we endorse that patients are to be given the opportunity of control over their data as intended. They should be encouraged to verify and manage their data, in order to keep control over their (perceived) identities and to prevent the patients as persons in this identity management system to become patients as numbers.

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