

**THE PARADOX OF IDS: AN ACCOUNT OF AN
ETHNOGRAPHIC EXPERIENCE IN THE US¹**

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ABSTRACT

In the modern world, IDs are indispensable objects, without which we cannot prove that we are who we say we are. We need material substantiation that attests to the authenticity of our self-identification. This paper is an account of an ethnographic experience about IDs and identification processes in the US, based on the examination of two events in which Eliot Spitzer, the New York State governor from January 2007 to March 2008, was a central figure. A comparison with the Brazilian scenario is present throughout the paper, and it ends by focusing on the ID theft phenomenon.

Keywords: Eliot Spitzer, ethnography, ID theft, United States.

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As we all know, fieldwork does not begin in a chosen place or at a particular moment; it takes place within us, when we mobilize a specific sensibility — that “jeweler’s eye”, as Fischer (2009) would term it. A daily event becomes a native expression, revealing that ethnography is not defined according to the means of communication, but rather by the purpose to which the observation is submitted.

When I thought I could leave for the United States at the end of 2007, I received an email from the officer of the Institute of Social and Economic Research, Columbia University, to which I would be affiliated for the following six months, in which she apologized for asking me for another document to complete all the necessary paperwork. She explained to me that Columbia had separated (“un-attached” was her term) all personal information from the respective social security numbers. So, as a way of “matching” a person to his/her documents, the International Office then required a copy of my passport with the application. This new regulation had just come out to her.

This was truly the beginning of my fieldwork about documents and processes of identification in the US. Sufficiently familiarized with the country’s immigration bureaucracy after many years of to-ing and fro-ing, this simple email revealed new, relevant dimensions I was not aware of — I was dealing with an “ethnographic fact” even before arriving in the “field”. After all, identification procedures change, they are dynamic, despite the invariable and immutable character with which we tend to view them. This was a singular change since a passport is far more complex in semiotic terms than a social security card. A passport includes name, photo, number, filiation, birth date, signature, issue date in the country of origin, and the American visa. On the contrary, the social security number, although part of a national database, is simply a card with a name and a number (similar to the Brazilian CPF).

My interest in processes of identification began in the 1980s, in the context of a research on the impact of the governmental “program of debureaucratization” of the

² This image was published in the *Hartford Courant* from Connecticut, October 30, 2001, then copied from the site www.UnRealID.com (February 2, 2009). It is based on the painting, *American Gothic*, by Grant Wood.

time in small towns (Peirano 1986). A second phase expanded it to the universe of official papers in Brazil, in which I tried to unravel the semantics of ID documents and the role of redundancy in these objects (Peirano 2006). This was when I realized that some aspects of the American case were in sharp contrast to those in Brazil.³

In the absence of a national ID card in the US, the driver's license fully takes on this role — but this is a state-issued ID and not compulsory, although one can apply for a non-driver's license.⁴ As in Brazil, the birth certificate serves as the origin of all other papers, among which is the social security number. But this number, contrary to our CPF, which we make public all the time, must be kept secret, given the danger of fraud and "ID theft" (more on this below). Compared to Brazilians, Americans are born, live and die with few documents.⁵ After the World Trade Center terrorist attack, new legislation established that, by 2013, a sort of national ID known as the Real ID will be mandatory for several activities, such as boarding a plane, entering federal buildings, crossing particular borders. But this legislation faces great reaction from the states that should implement them, and from the population who retort to it in the name of civil rights and liberties. So, while in Brazil, we complain of the excesses of bureaucracy and of the oppression of IDs' redundancy, in the US, the configuration of existing documents indicates the opposite pole. And if the social security number is the main identification of a person, kept in secret and protected from foreign eyes, this is the context in which the values of the "modern fact", with its emphasis on numbers as neutral and apolitical, have caught on in exemplary terms.⁶

Latour (2007: 204-13) indicates that IDs are kinds of *plug-ins*. Using computer terminology and analogy, IDs are like software that allow us to see an image, listen to music, watch a DVD. They make visible what was just virtual and help eliminate the local/global dichotomy. They could be called *subjectifiers*, *personnalizers*, or

³ In Brazil, Oliven (2001) and DaMatta (2002) also decided to look at IDs as a subject of investigation, the first in the context of the cultural value of money in the US, and the second, as the invisible hand of the State in Brazil. ID documentation is a topic seldom encountered in the American or European social scientific literature, except among historians (Davis 1983, Fraenkel 1992, Torpey 2000). However, during the last decade, the number of studies increased considerably (Caplan e Torpey 2001, Chatterjee 2002, Fraenkel 2002, Groebner 2007).

⁴ Oliven (2001) recounts his experience in the US between 1993 and 1995, and considers that three papers are indispensable in the American context: the driver's license, the credit card, and the social security number. The first has the function of a national ID card, the second is proof of credit, and the third corresponds to a national database of all citizens. The three represent mobility, consumerism and rights, respectively.

⁵ There is no generic term in the US for our "documento". A "photo ID" is used for a document with a photo, which implies that an ID *may not have a photo*.

⁶ Isn't simplification what all modern nation-states look for (Scott 1998)? And isn't the number the simplest of the mechanisms of identification (Poovey 1998)? Cf. Scott et al. (2002: 27): "Bureaucratically speaking, the simplest system of identification is the serial number. Anything else is second best. Given half a chance, administrators are drawn to the arithmetic beauty of a potentially endless series of consecutive numbers. It eliminates, at a stroke, all the ambiguity and discretion which plague any [other] system." But, as we are about to see, this elimination is illusory.

individualisers, but he prefers the more neutral term of *plug-ins*.⁷ My general orientation follows a somewhat different path: it is because I believe that form and content are inseparable, there is no impartial, neutral or meaningless technology; they always belong to cosmologies.⁸ This is the challenge of this essay, and, with this objective in mind, I examine two events in which Eliot Spitzer, the governor of the state of New York during the period January 2007 to March 2008, was a central figure. Considered one of the most brilliant politicians of his generation, in two crucial moments his career was shattered by events that had their subtext in identification processes. First, however, I will make a brief digression to say something about the place of ethnography in contemporary anthropological research.

Ethnography today

Nowadays, ethnography has been receiving renewed interest in a context in which anthropology has apparently lost its appeal. In the centers of intellectual production, ethnography preempts the idea of an anthropology lately denounced by “incorrect” power relations between researchers and natives, which were the hallmark of its beginnings. In the former research sites too, ethnography is also now adopted while anthropology remains impure, thus eliminating the moral weight due to having had their population scrutinized by western ethnologists. But, more often than not, it is its methodological aspects that are considered proper, correct and untainted regarding the anthropological past and, so, it is exported to other areas of investigation, such as sociology, history, human geography, philosophy.⁹

A *sui generis* phenomenon occurs — at the same time that the “Traditional Model of Ethnography” is under attack in the emblematic figure of Malinowski, it is his own invention, fieldwork and/or ethnography, that are now being established as the great legacy of anthropology. But emphasis on the method — be it in its critique or renewed version — leaves aside precisely the great lesson Malinowski left us, i.e., that it is not possible to separate the ethnographic perspective from its implicit theoretical dimension. Malinowski was adamant in searching for the *Trobriand*

⁷ Latour (2007: 208) on documents: “If you doubt the ability of those humble paper techniques to generate *quasi-subjects*, try living in a large European city as an ‘undocumented alien’ or extricating yourself out of the FBI’s grip because of a misspelling of your name”. *Plug-ins* help to eliminate the local/global dichotomy as much as the action/system repertoire.

⁸ See Tambiah (1985, Chap. 4) for the relation between structural form and cultural content. See Daniel (1996) for a brilliant analysis in which the consequences of the adoption of universal systems of measures and conceptions of history play a fundamental role in the tea plantations of Sri Lanka. As I write this essay (February 2009) I see the implications of the present financial crisis and the breaches in the American identification processes, whether for access to mortgages, obtaining a job, or acquiring a house. But this is a topic for another paper.

⁹ The launching of *Ethnography* in 2000, a journal published by Sage, is an indication of this new interdisciplinary tendency (see <http://eth.sagepub.com>); another is the international meetings called *Ethnografeasts*. In the last decade, meetings were held in Berkeley, Paris, Lisbon and Taipei. The next one will be in Venice, in August 2009, under the title “Practice, Politics and Ethics in Ethnographic Research”.

theories of magic, language, myths etc., which would eventually be translated into a native cosmology populated by common men, witches, chiefs, canoes, bracelets, rocks, magic spells, all of them moving on the sea, flying in the air and anchoring on earth. Ethnographic description with theoretical ambitions contrasted with sociological analysis, which Malinowski considered subsidiary, because, for him, sociology — as “the view from outside” — dismissed the search for the “native’s point of view,” which was the hallmark of anthropology.¹⁰

It is this ethnographic perspective of finding pieces of evidence in the sayings, facts and behavior (which eventually lead us to a cosmology) that I see as the very theory in action. A theoretical reference does not only inform a field research, but is ethnography’s inseparable companion, by which both transform and improve themselves, creating new “ethnographic facts” (Evans-Pritchard’s expression). The moment we turn the investigation to our own world, we should register a multiplicity of microevents everywhere, always attuned to great and small surprises. It is in this context that a newspaper became an exceptional “informant” in my research: *The New York Times*. I could then combine, contextualize and confer the news in my daily life in New York — in the conversations I had in the university, in my time spent shopping in supermarkets, in ads in the subway, in informal academic meetings, in the details of students’ lives, in comments I heard in coffee shops and, not least, in the email messages from the university officers asking for new documentation.

The first Spitzer’s controversy: IDs for immigrants

Due to the daily reading of *The New York Times* via Internet, when, on March 2008, Eliot Spitzer shocked New Yorkers with his sudden resignation as governor of the state, his name and a bit of his career were not totally strange to me: in late 2007, the young, brilliant, faultless Democrat governor of the state issued an executive order directing state offices to allow illegal immigrants to be issued driver’s licenses, effective as of December 2007. Applicants for driver’s licenses would not be required to prove legal immigration status and would be allowed to present a foreign passport as identification. Proof of residence would also be required. The door was opened to make illegal immigrants, legal. Without a national ID card, the driver’s license is in fact its substitute.

Spitzer’s executive order stressed other aspects. In a state with more than 500,000 foreigners, Spitzer said that the new policy would help all New Yorkers by improving traffic safety — unlicensed drivers are nearly five times as likely to be in fatal car crashes compared to licensed drivers. At the same time, by allowing an immigrant a driver’s license, this would bring him or her out of the shadows, indirectly helping the country’s security. Proof of residence would prevent a flood of

¹⁰ See Leach (1957:120) for a reference to Malinowski as a “fanatical theoretical empiricist”; Tambiah (1985, Chaps. 1 and 8) for a reanalysis of the Trobriand cosmology; Fischer (2009) for the “Traditional Model of Ethnography.”

requests from outside the state, and the use of high technology to compare photos would make it impossible for a driver to have more than one license.

The proposal was unusual. After 9/11, many states oriented themselves in the opposite direction, increasing the requirements to hamper illegal immigrants applying for a driver's license, which, as we remember, made it possible for terrorists to embark on the planes. But Spitzer argued that the Department of Motor Vehicles was not an immigration and naturalization service. He also reminded that the social security card and the birth certificate — the IDs generally required to create others — do not include a photo and, for this reason, easily become objects of fraud. Giving a false social security number is one of the easiest ways for an illegal immigrant to get a job.¹¹

Immediate reactions

Reactions were immediate, despite the fact that the public was used to Spitzer's proposals.¹² Jubilant immigrants from community organizations waved banners and shouted their approval as soon as Spitzer delivered the news, but other organizations such as the 9/11 Families for a Secure America considered it insane and threatened to make the governor responsible in the event of a new terrorist attack. During the seven weeks after the governor had issued the bill on September 21, 2007, the proposal was judged, debated, discussed, and finally removed on November 13.

During those weeks, the Catholic conference of the state of New York, which represents the state's Catholic bishops on matters of public policy, released a statement supporting Spitzer's plan to allow illegal immigrants to obtain New York driver's licenses. Spitzer also had a good number of unions and other organizations lining up behind him. Some days later, some terrorism and security experts also voiced their support, saying it would help bring a hidden population into the open and ultimately make the system more secure, not to mention getting more drivers on the roads licensed and insured.¹³ Meanwhile, opponents decried Spitzer's move as a "passport to terror" since the technology to compare faces could not be relied on for verifying people's true identity. Republican officials threatened to boycott the bill, while Republican legislators threatened to block the policy, saying the governor did not have the statutory authority to act on his own. Spitzer called the reactions hysterical: "We are not talking about letting more people into this country; we are talking about being practical about those who are already here".¹⁴

Senator Hillary Clinton, at the time the candidate with more chance to become the Democrat nominee for the presidential election, on being asked about what she

¹¹ See, in *The New York Times* (hereinafter, *NYT*), September 22, 2007, the article "Spitzer grants illegal immigrants easier access to driver's licenses".

¹² In April 2007, Spitzer issued a bill to legalize same sex marriage, which the state assembly passed in June, but which later died in the Senate.

¹³ All this news may be accessed on the *NYT* site (www.nytimes.com), by typing "spitzer" in the search engine.

¹⁴ *NYT*, October 9, 2007, "Licenses for immigrants finds support".

thought of Spitzer's policy to allow illegal immigrants to get driver's licenses, was at a loss as to how to reply. She said the policy "makes a lot of sense", but did not quite say she approved Spitzer's plan, acknowledging that sometimes a state must do what the federal government fails to do. The situation got no better in terms of a host of pros and cons: approved by the instances of security and counter-terrorism — which always prefer identification over anonymity, criticized by Republicans and then Democrats alike, threatened by the officers of the administration who said they would not implement it, by the end of October the bill was considered the single most unpopular decision since Spitzer took office: in October 23, eight Democrat state senators voted against it, in a vote result that was 39 to 19 against the motion.¹⁵

Changing the plan

Spitzer did not give up. To save the central idea, he changed the proposal twice. First, he accepted that the license for illegal immigrants would have a different appearance from the others, and would be restricted to the purpose of driving vehicles, i.e., not valid for federal purposes. Besides, the cost would be less than for the standard one.¹⁶ The usual driver's license, in turn, would be upgraded in anticipation of the Real ID legislation.¹⁷

But the new proposal continued to displease Democrats and Republicans, as well as lawyers representing immigrants. For the latter, the new license would stigmatize those who carry it and could potentially make the police suspicious. Meanwhile, the Real ID federal identification system had faced intense opposition from civil libertarians, immigration advocates and many lawmakers. The basic concerns focused on privacy protection and the costs to states of implementing it.¹⁸ A third attempt

¹⁵ The state senate comprised 33 Republican senators and 29 Democrats; 2 senators from each party decided to abstain. See *NYT*, October 23, 2007, "Why some democrats defected on Spitzer driver's license plan".

¹⁶ See *NYT*, October 28, 2007, "Spitzer tries new tack on immigrant licenses".

¹⁷ The Real ID proposal originated in the "9/11 Commission" after the attack on the World Trade Center, and would have to be issued in all states by 2013. The Real ID will be required for several activities, including boarding a plane and entering a federal building. It is considered a super driver's license with security features that would deter terrorists and illegal immigrants. The Real ID will be valid for eight years. The applicant for a Real ID must provide the following documentation: (i) a photo ID, or a non-photo ID that includes full legal name and birthdate; (ii) documentation of birthdate; (iii) documentation of legal status and social security number; (iv) documentation showing name and principal residence address. Digital images of each identity document will be stored in each state's Department of Motor Vehicles database. Despite the fact that the maintenance of databases will be in state hands, organizations such as no2RealID.org, unRealID.com and realnightmare.org claim it will in fact be a national identification card, given the uniform national standards and, in particular, the possibility of linked databases. Real ID apart, American citizens are already classified and catalogued in several databases: social security, health, commercial, bank and political databases are in widespread use (see *NYT*, April 12, 2008, "Clinton aide's databank venture breaks ground in politicking").

¹⁸ For an appraisal of the costs, see *NYT*, October 29, 2007, "Real ID that Spitzer now embraces has been widely criticized".

consisted of an alternative kind of license, restricted to New Yorkers and which would allow residents to cross the border to Canada. In this version of the plan, licenses for foreigners would have the visa expiration date stamped on them. But, in this case, the lawyers said, illegal immigrants would be unlikely to apply for licenses, defeating Spitzer's original purpose.

The following two weeks were crucial for the destiny of the proposal. Republicans criticized the arrogance of the governor's insistence on giving driver's licenses to illegal aliens, thus entwining the driver's license issue with the debate over immigration.¹⁹ For their turn, Democrats questioned if Spitzer's proposal had not given the Bush administration a political victory by supporting the Real ID proposal. The plan was crushed when those who had initially supported it felt betrayed by the inclusion of expiry dates for foreigners' visas.²⁰

A national controversy

Initially a question of impact on the residents of New York, by the beginning of November, the proposal had become a national issue, especially due to the spread of the antagonical positions of known radio and cable TV commentators, including those who considered themselves politically independent.²¹ When the discussion reached the debate for the presidential succession, Democrat congressmen tried to convince Spitzer to shelve the idea; at the same time, a top aide to the secretary of Homeland Security showed concern that the Spitzer plan would undermine the federal initiative to roll out a new, highly secure, nationally recognized license. The plan was upsetting everybody and became hugely unpopular. A rising national star just a year before, Spitzer had become isolated within his own party.²² On November 13, a poll showed that 70% of the New York residents were opposed to the plan, and, on this same day, Spitzer announced that he was dropping it. But he was still showing his reluctance: "You have perhaps seen me struggle with it because I thought we had a principled decision, and it's not necessarily easy to back away from trying to move a debate forward."²³

¹⁹ See *NYT*, October 29, 2007, "Some support, but still furor over new plan for licenses". The executive direction of the New York Immigration Coalition, which organized a protest at Spitzer's Manhattan office said: "First the governor told us, 'You will get apples'. And then he's saying, 'Now you'll get rotten apples, And you won't even get your rotten apples now — you'll get them later'".

²⁰ See *NYT*, October 30, 2007, "Governor Spitzer retreats".

²¹ The CNN anchor Lou Dobbs led an almost nightly crusade against Spitzer's policy. See *NYT*, October 31, 2007, "Chertoff pushed Spitzer to bend on license idea".

²² See *NYT*, November 8, 2007, "Congressional Democrats grow wary of Spitzer license plan".

²³ See *NYT*, Breaking News, November 13, 2007, 19:27: "Spitzer to drop his license plan for illegal immigrants".

Who is Eliot Spitzer?

At this point, a twofold clarification is necessary: first, why the driver's license was such an issue at the end of 2007; and second, who is Eliot Spitzer.

In the modern world, IDs are indispensable items, without which we cannot prove that we are who we say we are. We need material substantiation that attests to the authenticity of our self-identification because we cannot, by ourselves, prove it. Our word is not enough.²⁴ The American driver's license acquires its importance in this context. Among the documents available in the US — and in the absence of a national ID card (to some extent represented by the Real ID project, cf. footnote 17) — the driver's license is the document that most approximates to the ideal redundancy of an ID card. This redundancy should include the three different kinds of signs defined by Charles Peirce as the icon, the index and the symbol.²⁵ The idea that an ID refers to a single person means that the process of matching the person and the document must be carried out with a maximum guarantee of success. For this reason, redundancy is essential. This explains why, we now realize, Columbia International Office detached (“un-attached”) the personal information from the social security number, and, in its place, required the passport, a “more redundant” ID (as redundant as the driver's license, for instance).²⁶

Central to this discussion is the photograph. The majority of the mandatory documentation in use in the US does not include a photo, as Spitzer himself indicated

²⁴ In a short fieldwork in the small town of Rio Paranaíba, Minas Gerais, in 1982, the residents did not believe much in the debureaucratization program of the time, considering it unnecessary given that “everybody knew everybody”. See Peirano (1986; 2006, Chapter 9).

²⁵ See Peirano (2002) for the proposition that the national ID is the reference among all legal papers in Brazil because, according to Charles Peirce, it is a combination of an icon (a photo), an index (fingerprint, signature), and a symbol (name). Actually, this coincides with Fraenkes's (1992) suggestion that the elementary signs of modern identity are the name, the photo and the fingerprint, which, later, Caplan (2001) noted, are exactly the elements of Peirce's trichotomy. For Peirce, icons are signs that represent an object by *similarity*; its images stimulate its idea mentally (the photograph, for instance); indexes are signs that refer to its object due to a *dynamic connection* and to a contiguity between the individual object and the senses (the fingerprint and the signature); symbols are in principle *more abstract* and more independent of the immediate context, characterized by generality and by law (name, filiation etc.) Cf. Peirce 1955. Since for Peirce all signs generally carry elements that are simultaneously iconic, indexical and symbolic, ID cards as objects gather information of various kinds — they are predominantly indexical icons, in that, in ideal terms, they point to only one person. (See Peirano 2006, Chap. 10 for an expansion of this idea.)

²⁶ To identify someone we have never seen before, “we compare their description with individual features: gender, height, age, the color of eyes and hair. We match one with the other, and when we have made out a sufficient number of correspondences, we have good reason to assume that this is the person in question.” (Groebner 2007:17). This actually means that there is no unique sign for identifying someone and that the dreams of immediate identification by just one feature is doomed. Redundancy is a fundamental feature of identification. Groebner reminds us that modern identity papers, the result of techniques developed between the thirteenth and sixteenth centuries (such as marks, seals, pictures) are “medieval echoes” that we carry in our pockets.

in his proposal.²⁷ Missing then is the iconic element, which helps in the immediate recognition of *one* person via *each* ID. In this sense, the birth certificate and the social security number do not identify, *beyond any doubt*, the person and are therefore easily copied or frauded.²⁸ It is also in this context that the Real ID proposal, despite its rejection by the population at large, will try to remedy this problem — the Real ID will produce an ID photo with federal validity requirements. If redundancy is an element with a negative value in the modern world, identification documents are dependent on it *precisely* to eliminate the ambiguity in matching the document with its bearer. Americans seem to experience this paradox in a radical way, trying to simply eliminate the ID, sometimes treating it as the source of all evil, sometimes rejecting the photo but accepting the number — to which they continue to cling.

This is the context in which we can understand Spitzer's role in the driver's license controversy. A rising star in the national political scene, he was considered by many as potentially the first Jewish president of the US, his victory as a governor of New York having been obtained by the largest margin of any other candidate to the state, 69% of the votes. Born in 1959, son of a real state tycoon, he attended Princeton University for his undergraduate studies and Harvard to study Law. As a state Attorney General before the election, Spitzer prosecuted cases relating to corporate white collar crime, securities fraud, Internet fraud and environmental protection. He pursued cases against companies involved in computer chip price fixing, predatory lending practices by mortgage lenders, and became known as the "sheriff of Wall Street" for revealing business conflicts involving stock analysts at Merrill Lynch. In 2004, he oversaw a task force to arrest 18 people involved in a prostitution ring on Staten Island, and, in 2005, filed a civil complaint against the chief executive of the AIG for violations of insurance and securities laws. When he was elected the 58th governor of New York, he promised to "change the ethics of Albany", and pledged reforms "substantial in size and historic in scope".²⁹

Considered arrogant by many, when criticized by Michael Bloomberg, the mayor of New York, on the issue of the immigrants' driver's licenses, he was emphatic in

²⁷ England has a system in many ways similar to the US, but it plans to have ID cards for foreigners and airport staff in 2009, as a way of eventually requiring them for all the population. Although it is recognized that they would help to prevent fraud, reduce illegal immigration, avoid terrorist acts and facilitate obtaining public services, civil rights groups and opposition parties regard the cards as unnecessary, expensive and intrusive. See NO2ID.net for the movement against the national identity. (A national ID card was compulsory in England only during the Second World War.)

²⁸ Rule et al. (1983) is an excellent source to examine the role of the six kinds of documents most used in the US: birth certificates, driver's licenses, social security cards, passports, bank credit cards, and bank books. Though it is a 25-year-old paper, the basis for the discussion of documents are well explained. One of the central arguments for the paper refers to the fact that the American system of identification is based on self-identification, with the birth certificate being the one that generates the others. Since they cannot be matched to the holder, frauds are easy. Long before 9/11 then, Rule et al. made explicit the fragility of the system in terms of security.

²⁹ See *NYT* March 10, 2008, "Milestones in an ambitious career".

saying that the mayor was “factually wrong, legally wrong, morally wrong, and ethically wrong”. When he finally announced that he had dropped his bid to offer licenses more widely, even then he said his was a good idea.³⁰

This good idea was hindered, first by the antagonism between the federal regulation and the state legislation in the American system, in this particular case reinforced by the bi-partidarism between the Bush administration federal law on the Real ID and the Democrat idea that national IDs penalized the poor and the elderly.³¹ Second, it made clear how identification has two paradoxically complementary aspects: on the one hand, they allow their holders several privileges in relation to those who are undocumented; on the other, they submit the holders to constant external control, taking from them several private rights.³² Spitzer emphasized the first aspect: by granting illegal immigrants driver’s licenses he was in fact allowing them to hold some sort of legal status, and in this sense he felt factually, legally, morally and ethically correct: by putting their picture in a legal card, he was giving immigrants a “face”. On the other hand, the Federal Department of Homeland Security, initially also approved the proposal exactly because it increased its control over the population: for government identification is always better than anonymity. These two sides of identification papers were constantly present in the weeks during which the debate took place, represented by opposed political parties and debated, first, within the context of the large problem of immigration, and second, within the cultural values of freedom and individual rights. But there is another paradox related to identification, and it refers to its dynamic aspect: we tend to consider that documents are papers frozen in time, but actually they are constantly changing both individually — for instance, in the process of inclusion of new data by means of new technologies, as everywhere the new passports confirm — and in the historical configuration of the available sorts of documentation in a particular country, including their hierarchy — for instance, the social security number is substituted by the passport as a requirement for foreigners to become affiliated to Columbia University, the driver’s license gives way to the Real ID in official terms.

³⁰ See *NYT*, November 27, 2007, “After a rough start, Spitzer rethinks his ways”.

³¹ See the dispute over voter identification, especially the Indiana case, which reached the Supreme Court in April 2008. See *NYT*, April 29, 2008, “Supreme Court upholds voter identification law in Indiana”.

³² Many authors have identified this double aspect: Fraenkel (1992); Torpey (2000); Scott et al. (2002). The reaction to the inclusion of photos in social security cards is an example of these values.

Spitzer's true error: the photo in the media

The second episode, with a tragic Shakespearean aspect (as often mentioned), occurred in the afternoon of March 10, 2008, when, in a “breaking news” edition, The New York Times announced that governor Eliot Spitzer was linked to a high-priced prostitution ring, a piece of news that spread rapidly throughout the city.³³

The revelation shocked New Yorkers who considered it more than unforgivable — it was incomprehensible. If Eliot Spitzer had been caught on a federal wiretap arranging to meet with a high-priced prostitute at a Washington hotel, *nobody* could be trusted. Eliot Spitzer was *the* example of a public figure among politicians. For the next two days, headlines of printed and electronic news centered on this unique scandal, which could eventually even affect the presidential dispute then in course. Open television had constant updates and cable television saw the number of viewers increasing, Wall Street was said to be celebrating (as an attorney, Spitzer had denounced speculators), there was discussion about if it was a private or a public matter, if the payments involved campaign funds, whether Spitzer would resign or be impeached — everybody wanted to know why this young, serious, ambitious politician, with an exemplary marriage and family, had committed such a mistake.³⁴ On March 12, after two long days in which the news was focused on the affair, Eliot Spitzer announced his resignation with his wife at his side saying: “I cannot allow my private failings to disrupt the people’s work. Over the course of my public life, I have insisted — I believe correctly — that people take responsibility for their conduct. I can and will ask no less of myself. For this reason, I am resigning from the office of governor.” New Yorkers remained stunned for several weeks, with the help of the media, which discussed not only the case but also topics like lying in politics, the “fashion” of public apologies, infidelity in marriage and so on.³⁵

³³ I followed the driver’s license controversy by reading the *NYT* via Internet.

³⁴ See *NYT*, March 11, 2008, “Revelations Began in Routine Tax Inquiry”. Possible political motivations for the news were examined, including the criminalization of the governor by his political enemies, action by Washington Republicans, or banks that, collaborating with the investigation, had been previously involved in cases heard by Spitzer as Attorney General. One year later, a former tax specialist, who ran the Emperor’s Club, was sentenced to two years and a half in prison, on prostitution and money laundering conspiracy charges. See *NYT*, February 8, 2009, “Prostitutes’ boss in Spitzer case is sentenced”.

³⁵ In an interview to PBS (see http://www.pbs.org/newshour/bb/law/jan-june08/spitzer_03-12.html), David Boies, who had acted in the Al Gore case in the Supreme Court after the 2000 election, said that “I think that one of the problems with power is it can make you think that you are above the law, not intellectually. Intellectually, you know you’re not above the law, but emotionally you think you can get away with things that “ordinary people,” in quotes, can’t get away with. And I think that’s one of the great dangers of power. Power not only tends to corrupt, but power tends to delude you into believing that you can get away with things that you can’t.” Several experts were invited to contribute to the article “Politics, and scandal, as usual” (*NYT*, March 11, 2008), among them Paul Apostolidis, political scientist at the Whitman College, who said: “I don’t see why we would expect politics to be more free of the psychological contradictions of other human beings. People do self-destructive things that are not rational”. Maureen Dowd, from the *NYT*, asked: “Why, if you are a frugal governor, do you really need to shell out \$4,300 to a shell company for two hours with a shady lady

The revelation that Spitzer was linked to a prostitution ring began in a routine examination of suspicious financial transactions reported to the Internal Revenue Service by banks, which found several unusual movements of cash involving the governor of New York. Because the focus of the investigation involved a high-ranking government official, prosecutors were required to seek the approval of the United States Attorney General to proceed. That was when the investigators learned that the money was not related to political corruption, which was a possibility that the IRS considered, but was being used to pay for prostitution, manipulated in a way so as to conceal Spitzer's connection. Spitzer was Client 9, recognized as the governor by a young woman who had worked previously as a prostitute for the Emperor's Club. A judge approved wiretaps on the cell phone of some of those suspected of involvement in the escort service. Though this was hardly a criminal case, this possibility could not be ruled out given the fact that he could be charged with human trafficking (from New York to Washington) with the purpose of prostitution, an argument used by Spitzer himself when he prosecuted illicit rings.³⁶ In 2007, the governor had signed one of the most rigorous and comprehensive laws against sexual trafficking. Now the human rights groups that had applauded him before began to accuse him of becoming one of those his own law was destined to punish.³⁷

Client 9 had spent thousands of dollars in uncommon transactions, generally in cash or as deposits in a shell company, indicating the aim of hiding the source, the destination and the purpose of the money. Instead of his own name, Spitzer used a friend's, George Fox — who, later on, was surprised to find out the governor had used it. In the files of the Mayflower Hotel, on the night that incriminated him when he was already a suspect and being monitored, Spitzer gave his true address, in New York's Fifth Avenue. But, during the months of transactions with the Emperor's

[who works for] a prostitution ring that has hourly rates based on rating its girls on a diamond scale of 1 to 7, with 7 being \$3,100, and above 7 in a special club for \$5,500 and up?" (*NYT*, March 12, 2008, "Ways of the wayward"). See also *NYT*, March 16, 2008, "Public infidelity, private debate: not my husband (right?)"; March 17, 2008, "Just the fashion of public apology"; March 21, 2008, "After the end of the affair".

³⁶ Federal prosecutors could accuse him as a transgressor of the "Mann Act", an obscure and controversial law from 1910, which tried to deal with interstate prostitution trafficking.

³⁷ The outpouring of news can be seen by their frequency on the pages of *NYT*. On March 11, 2008, see "Mr. Spitzer's 'private matter'", an editorial that accuses the governor of being caught in his own arrogance, besides another five articles: "Revelations began in routine tax inquiry", "Affidavit: client 9 and room 871", "A fall from white knight to client 9", "Officials process news of scandal and ponder future", "Politics, and scandal, as usual". On the following day, open-ed articles, letters to the editor, blogs and other articles: "Ways of the wayward", "Foes of sex trade are stung by the fall of an ally", "Mars and Venus dissect the Spitzer scandal on the TV talk shows", "The reports that drew federal eyes to Spitzer", "Lieutenant governor has a history of defying the public's expectations", "Despite constant security, politicians still find trouble", "Spitzer resigns, citing personal failings", "Full text of Spitzer resignation", "The myth of the victimless crime", "Stand by yourself", "Really dangerous liaisons" and "Waiting for Mr. Spitzer". In the following weeks, the articles continue with a miscellaneous viewpoints, letters, the role of women in politicians' marriages, the structure of the Emperor's Club ring.

Club, he had never revealed his identity.³⁸ The payment of almost 5,000 dollars for the February date was made to the girl in cash. Avoiding being recognized was a clear concern in his behavior during the contacts with the Club.

Having struggled to give “a face” to immigrants by means of a legal driver’s license, Spitzer now concealed his own. But that is when he made his true mistake. If for New Yorkers the interest in this case was related to its moral implications, in the context of this paper’s discussion, it matters to grasp his semiotic miscalculation — Spitzer does not take into account that he does not need a name or a photo to be recognized. Unlike most people, he does not need an ID that matches his person — he was, and continues to be, beyond any doubt, Eliot Spitzer.

Identification and recognition are not the same.³⁹ We all need identification to prove who we are — papers, documents, IDs, some legal material sign that points to us. But Spitzer needs no identification, he is *recognized* because his is a familiar face in the crowd. The usual photo that we have in our IDs, in wallets and pockets, in his case was as if magically *dislocated*, ending up in the media, in the newspapers and television. His image has a place in the public domain. He is thus *recognized* as the governor of New York by some of the girls from the Emperor’s Club,⁴⁰ though it is not his involvement with prostitutes and their recognition of whom he actually is that make it a public scandal. For that to take place, recognition *had to be translated into* identification. His name, address, bank account, all had to be checked to prove who he really is. From then on, had been *identified* as Eliot Spitzer, then it was a case of inquiring whether his was a case of political corruption or criminal indictment for transporting a woman across states for the purpose of prostitution.

In terms of the American rules of identification, of all the elements (name, signature, photo), here again the photo seems to have been the key and marked one — in the two episodes involving Spitzer, the first focused on the driver’s license (*with a photo*), which he had proposed and had been rejected both by the political instances and by the residents of New York; the second episode developed around *the absence of the photo*, by which he believed he would escape identification. Even if Spitzer may have emotionally (even though not intellectually) felt that he was “above the law,” in semiotic terms his real mistake was to believe that, outside the context of legal principles, i.e., without a document that proved who he was, the process of

³⁸ It is possible to argue that, in Washington, Spitzer would have had less chance to be recognized than in New York, considering the number, variety and turnover of politicians in the capital. (Monique Girard drew my attention to this point.). Spitzer had never arranged a date in New York, though there could be many other reasons for this.

³⁹ See Groebner (2007:17) for the difference between recognition and identification: “We recognize a familiar face in a crowd despite the bad light, picking up on the smallest of details, be it posture, a gesture, a single word — and sometimes even against our own will.” Identifying someone we have never seen before, however, is a different procedure, and it is based on the comparison between the description and the person’s individual features.

⁴⁰ See *NYT*, March 11, 2008, “Affidavit: Client 9 and room 871”: “Room 871 had been booked under the name of George Fox, a pseudonym that Client 9 had been using, and one by which several people in the ring knew him, according to a law enforcement official. However, a few of the prostitutes had recently come to realize who the man really was, the official said”.

identification would not operate.⁴¹ He gives a friend's name, pays in cash, albeit offers his own address, and is given a number (Client 9), instead of a name, by the prostitution ring. Curiously, in the first episode, Spitzer reveals himself as an innovator trying to legitimize those who live, with or without legal papers, in the US; in the second episode, he clings to common sense values about the *de facto* correlation between the documents and the person, as if what exists in the world is only what is registered on paper. In this context, Eliot Spitzer becomes the good example of the contemporary ambiguity towards an ID, including its dynamic and historical aspects.



Six months after his resignation, an article in *NYT* described the new daily life of the former governor, as someone trying to rehabilitate his image. The newspaper reminded the readers of the “breathtaking quick exodus from office” saying how, one day he was a national figure some had seen destined for the White House; the next he was a target of ridicule. He now dedicated himself to work at his father’s real estate firm, to jogging in Central Park, buying his own cup of coffee after dropping his daughters at the school bus stop.⁴³ The article mentions how the glare of the cameras outside his apartment had been replaced with moments of recognition in the Upper East Side neighborhood, where some people now ask for his autograph or offer him

⁴¹ All signs include an iconic, an indexical and a symbolic element, but generally only one of them dominates, its character being defined by the circumstances of each event. Peirce says that “it is a nice problem to say to what class a given sign belongs; since all the circumstances of the case have to be considered. But it is seldom required to be very accurate; for if one does not locate the sign precisely, one will easily come near enough to its character for any ordinary purpose of logic” (1955 :119)

⁴² This image is from a poster in Lowell’s cinema, Boston.

⁴³ See *NYT*, September 28, 2008, “6 months later, Spitzer is contrite, yes, but sometimes still angry”.

supportive words or smiles, and cabdrivers take pictures of him on their cell phones. He still does not need a “photo ID” to tell who he is.

ID theft

The absence of a federal photo ID may be one important source for the expansion of a phenomenon known as ID theft.⁴⁴ Since the formal identity is basically predicated

only on names and numbers — the social security number as a central ID and the birth certificate as the mother of all others, the official documents do not guarantee the credibility deposited in them (Rule et al. 1983).⁴⁵ Lacking in this sort of documentation is the “security of redundancy” that the photograph offers (together with all the other information), and which allowed the emergence both of medieval characters, such as Arnaud du Tilh/Martin Guère (Davis 1983) and, today, Eliot Spitzer/George Fox.⁴⁶ In the two events discussed in this paper, the elements of identity, in particular the photograph, were the main subtexts.

Identity theft occurs when someone uses someone else’s personal identifying information, like name, social security number, credit card number, without the victim’s permission, to commit fraud or other crimes.⁴⁷ The Federal Trade Commission estimates that as many as 9 million people have their identities “stolen” each year in the US. With some of the victims’ information, “identity thieves” may rent a house, obtain a credit card, obtain telephone lines, open bank accounts or take a loan in the victim’s name, obtain government benefits, medical services, give the victim’s personal information to police during an arrest, clone an ATM card.

⁴⁴ A common phenomenon in the US, for a citizen from Brazil “identity theft” is as strange and curious as to be clearly seen as an “ethnographic fact.” Thieves in Brazil steal “documents”, not whole identities. A recent case of *identity theft*-American style in Brazil receive prime space in the popular newspaper *O Globo* (Nunes 2009).

⁴⁵ The social security number was first issued in 1936 as part of the New Deal Social Security program. Initially, they were used for income tracking purposes. In 1986, American taxation law was altered so that individuals over 5 years old without social security numbers could not be claimed as dependents on tax returns; by 1990 the threshold was lowered to 1 year old. Since then, parents have often applied for social security numbers for their children soon after birth. The social security number is a 9-digit number in the format “123-45-6789”. The first three digits are assigned by the geographical region; the middle two digits are the “group number”, merely serving to break the number into sized blocks for orderly issuance; the last four digits are the “serial number”. They represent a straight numerical sequence of digits from 0001-9999 within the group. For further information, see www.socialsecurity.gov.

⁴⁶ At the end of the XIX century, Buenos Aires horsedrawn coach drivers also reacted to the inclusion of the photo in their identity cards (Ferrari 2007). For the historical process of individualization and the emphasis on the photograph, see Fraenkel (1992). For an analysis of the post 9/11 graffiti and other iconic manifestations in t New York City, see Fraenkel (2002).

⁴⁷ This is a definition provided by the Federal Trade Commission on its site, which includes how identity theft works, what to do in case you are a victim of such, and what to do to avoid it. See ftc.gov/bcp/edu/microsites/idtheft.



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Among the possible crimes listed by the Federal Trade Commission, one has grave consequences, when the thief obtains a driver's license or any other official ID, uses the name of the victim and replaces the photograph. This “doubles” the person, which makes ID theft one of the most feared cases of fraud. Some consumers victimized by identity theft may lose job opportunities, or be denied loans for education, housing or cars because of negative information on their credit reports. In large cities, Americans in general zealously guard their social security numbers, birth certificates and driver's licenses, and are even obsessed with the destination of their domestic garbage, the Internet, the change of billing addresses — all possible routes for ID theft. Many people thus contract private firms that offer protection. For the approximate price of 100 dollars a year, they keep alerts in the companies that control the credit history of consumers.⁴⁹

A contrast may help clarify ID theft: while in Brazil the *cards* are the doubles of people, which may be confirmed by looking at bakery cash desks and betting shops, which post missing ID cards on the glass, as if claiming their true owners, in the US this ordinary scene is unimaginable — the documents are not people's doubles; the fact is that, in the US, there would be multiple cloning of the victim.⁵⁰

⁴⁸ This image was taken in a New York subway, offering a protection service against “ID theft”. The face of the robber is covered, the only identifying element being the height.

⁴⁹ Among the several firms see, for example, idsafety.net; 4idsafety.com ; www.security-int.com ; www.idranksecurity.com ; www.identityguard.com . Information on ID theft can also be accessed on www.ftd.com and idtheftcenter.org .

⁵⁰ In principle, the Real ID should change this scenario because it will work as a kind of national ID. But this is exactly why it is so contested. See www.UnRealID.com , which alerts in a sort of dramatic tone: “Once you do go through the trouble of getting your documents together, the Department of Motor Vehicles will make high-resolution digital copies and put them onto a computer network that can be accessed by any DMV worker, anywhere in the country. The data on your license or ID card will be able to be called up by any federal or state agency, anywhere. And your information will be put in either a chip or an unencrypted barcode on the back, making it easy for anyone to skim your personal information. With so many databases sharing your information, all it takes is for one breach, anywhere in this massive data collection sharing system, and your information is out in the open, forever.” However, the adoption of a national ID has its advocates: just after 9/11, Harvard professor Alan Dershowitz (2001) argued: “From a civil liberties perspective, I prefer a system that takes a little bit of freedom from all to one that takes a great deal of freedom and dignity from



Two brief stories

Once in a while, the *NYT* publishes some accounts about the anguish of those who become victims of ID theft. I'll provide two examples. The first was written by a psychiatrist and tells the story of a homeless man she meets in a shelter clinic, who describes the worry that is causing him insomnia. It all started when he pulled a muscle in his shoulder and went to a hospital emergency room. As usual, first a nurse came, and, after taking his vital signs, wrote them down on a chart with his name on it. When the doctor came, she mentioned the overdose detected on his last visit. The patient denied it; he had never had been in that hospital before; he does not “do” drugs. He is corrected by her because his chart says he had been transported in a stupor from a shelter across town. In the entry in his chart were his name, birth date and an accurate social security number. The doctor read them out loud to him. All were right, he admitted, but he had not been in that hospital before. Since he had actually been in that shelter, maybe someone had copied his information, though not stolen his wallet.

The doctor refuses to show him his medical information and the chart because she is in the surreal position of being asked to share privileged information about one patient with another patient who might or might not have been the same person. The homeless man is finally discharged without seeing the chart. When later on he asks for help to fight his insomnia, he gets the prescription but, before leaving, reflects on the nature of things: “Before my shoulder started hurting, life was easier.” And he

the few — especially since those few are usually from a racially or ethnically disfavored group. A national ID card would be much more effective in preventing terrorism than profiling millions of men simply because of their appearance.” However, American citizens are actually in many databases today: social security, health databases, commercial and bank databases, and even political databases (see *NYT*, April 13, 2008).

⁵¹ This photo was taken by Fernando Firmo in 2007.

adds: “There was only one of me then.” The account was written by the psychiatrist who saw him for his sleeping problem (Ely 2008).



This feature of ID theft — that the problem is not the forging of documents, but the duplication of the person, in the old Martin Guère style — reappears in the second short story, described by the victim herself, Laura Dave. Finding herself in California for a friend’s wedding, she calls her bank in New York to be sure that she can clear an important check. At this moment, the bank associate tells her that it would be impossible because her account is almost \$10,000 overdrawn. She adds that the bank had received a call from her saying she was in Mexico, and asks: “Who are you?” She is a victim of ID theft.

Innocently, she thinks that some calls will solve the problem, but hears from a police officer: “Get ready, kid. Once someone gets a hold of your identity, you have to fight the good fight to get it back. This is just the beginning”. From then on, she starts living in a situation in which she has to prove, by phone, to skeptical strangers at the other end of credit hot lines that she is who she says she is. In one of these epic calls, she discovers that the new Laura had not only emptied her bank account, but opened at least seven new credit card accounts in her name.

In a roadside coffee shop, upon hanging up her cell phone, a woman at a nearby table gives her a kind smile, and, having overheard her conversation, says that her sister-in-law had also gotten her identity stolen.””And it all turned out alright?”, she asks. “Not really. It was a nightmare that went on for years”. It is then that Laura gets back into her car and, on her way to Los Angeles, decides to go to Big Sur, where she remembers how happy she was there as a child on a trip with her father. She is also reminded of Henry Miller, who loved Big Sur and made it his home, who said: “Until we lose ourselves, there is no hope of finding ourselves.” She is somehow peaceful at last. But before this happens, she imagines the other Laura walking around in

⁵² By Camilla Engman, published in *NYT*, January 8, 2008, “Homeless, with a new loss: identity”.

Mexico, spending her money and even speaking to officials at her bank, all in an apparently convincing performance, and she, the real Laura, unable to tell a convincing story about who she is. Maybe the other is not a better candidate to be her...? (Dave 2008).

The end of the experience

In the last week of the six months that I spent in the US, three people I know received letters related to a threat of ID theft to which they could be subjected due to loss of sensitive data: two letters were from a large bank and the third, from an important university. The bank had lost one of several boxes of data back-up tapes that were being transported to an off-site storage facility, containing name, postal address, social security number and share ownership information about the clients; the university had one archival database file containing the housing information of approximately 5,000 current and former undergraduate students, with names and social security numbers, found on a Google-hosted website — which was immediately removed as soon as the fact was discovered. The letters notifying the bank clients and the university student offered them a free two-year subscription to a credit monitoring service that would notify them if certain suspicious activities could indicate identity theft.

I close this essay noting that comparison, whether explicit or implicit, has been present throughout. The previous investigation into the Brazilian case made the US case, as often happens, not be the “model” to be emulated everywhere. On the contrary, the contrast exposed the vulnerability of its identification processes. The comparative aspects also revealed that to call IDs *plug-ins*, as does Latour, is quite illuminating as long as we link them to cosmologies. They are these special amulets, wished-for items by some, restrictive and undesirable objects for others, our “doubles” of which we cannot lose sight. They have meaning, value, and life. The reaction to all types of centralized database is a feature of American cosmology, and it has consequences that not only affect American citizens, but, within today’s financial context, for example, reach the rest of the world. I remember an offer that I received for a credit card from a large American bank. To apply for it I was expected to fill a simple detachable form and return it by mail with the following information: social security number, birth date, home phone and mother’s maiden name. My name and address, the bank probably got from some other database. There was no requirement for a “photo ID”.

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