

## "CIVIL STATUS AND ITS TRUTHS: PSYCHIC TRUTH"

Roseline RICCO

Centre for science, society, and citizenship, Rome (I)

*The attribution of the name is the first social act of appropriation or refusal of the individual on the part of society. Civil status represents the social birth of an individual. Thanks to the identifiers of civil status, an individual will be able to benefit from certain social rights, or not.*

*Surnames and forenames incarnate the emotional experience of family and community which these elements personify before the 'named' individual has even started experiencing his forename and surname. 'Finding a name' for one's child is the first action of new parents. The choice of the forename is the beginning of a communication between those who choose the name, and the person receiving it. The link may be reinforced when the family name is transmitted or borne. For this reason, forename and surname are an integral part of identity. But if civil status is all of the elements relative to a person which identify an individual, it is clear that forename and surname are no longer enough. This is why the date and place of birth allow the identification of a person.*

*But scientific progress could come to revolutionise traditional civil-status identifiers. If you imagine replacing your traditional identifiers (surname, forename, date of birth, and so on) with a biometric identifier such as fingerprints, it would seem that biometrics would then be more 'truthful', as using identifiers that require proof such as: 'I prove that this individual is called X and Y, was born on DDD in RRR' can lead to errors or fraud based on social interaction between human beings. It is true that people's greater mobility makes identification more difficult if these people do not carry 'reliable' documentation, which bears witness, and which authenticates. These are all questions that place people in relations of trust. Would the 'traditional' process of identification (surname, forename, date of birth...) then be considered less 'reliable' than virtual identifiers? Would surnames and forenames then be a matter only for private family life, where relations of trust are strong? Could new technologies come to replace traditional civil-status identifiers by applying biometry? Could a digital identifier favour the identification of a person, or does traditional civil status allow greater knowledge of the identity of the person to be identified?*

*These questions lead us to wonder about the connection between identity and identification process, the ever greater need for identification in our modern societies, and about the truths this brings to light. In the first part of the presentation, we will try, from a psychological point of view, to elaborate on the importance of the identification process for Western societies for security reasons, but also as a process of inclusion or exclusion of individuals from society. From a psychological point of view, we will analyse the concepts of reality and truth faced with identifiers. Then, we will explore the link between identifiers and identity, comparing traditional civil-status identifiers with digital identifiers, including biometric, but also all of those virtual identifiers such as usernames, passwords, login information.*

*This presentation aims to elaborate on identity-related 'truths', whether traditional or digital, and what they reveal to us.*

### **I. Identification for security reasons**

#### **a. Identification as a social relation**

*The identification process is inherently paradoxical. Identifying someone means finding what makes that person 'unique', particular, and what allow us to 'identify' that individual among others. Surname, forename, date and place of birth, are all identifiers indicating the belonging of the individual to a group, a community... In this case, identification has a private connotation, but which also allows the creation of the 'familiar' space, which the individual belongs to. The family name links a person to a group of individuals. Choosing a forename means, for the parents, that they are giving this individual a particularity which differentiates him from other children (siblings), but also signifies his place in a society. For this reason, an Italian insult, 'essere figli di nessuno', is particularly harsh, since it indicates that a person does not belong to a family, and thus is rejected by society. Rachid Bouchareb directed a movie about rejected Amerasian children, because Vietnam and the United States both wanted to 'erase' these children from their memories, abandoning this 'Dust of Life', as they were termed in Ho Chi Minh Ville (ex-Saigon). The biracial appearance of these thousands of children was much too stark a reminder of the war.*

For this reason, naming one's offspring means to recognise a link to this individual. This is to create a familiar space. The psychological consequences for an individual of not being 'identified' have psychological consequences for the identity and the life of the individual, who has been rejected through the refusal of a name. The tragedy of Fanny in the Pagnol trilogy was to have a child without a name, as he had not been acknowledged by a father. Naming a child remains very important. Times have changed, but affiliation by name remains very important.

The adoptive parents of a child adopted abroad must welcome him as a full member of their family and network of relatives, as though he was their biological child. However, these adoptive parents must also recognise the national, ethnic and cultural origin of their child as being an important part of his individuality, while this differentiating mark could weaken the image of family cohesion that they aspire to. The name given to the child, which has included him in the construction of his identity, might be too difficult to pronounce, or could fail to represent, in the imagination of the parents, the name of the imagined, expected son. But it is precisely with the assignment of a surname that an adoption is achieved. 'I wanted this child, I signed papers for him to bear my name', said Patrick Sébastien. Identification renders him unique, and gives him the right to be recognised as an individual.

Analysing the process of identification more in depth, a paradox appears, since, if identification differentiates individuals, identification also assimilates them. According to Freud, identification is unconscious 'imitation' of someone's attitudes. Identification is the first expression of an affective link to someone else. The child identifies with parental models. He may, according to Freud's regressive identification, borrow from the object only one of his traits: the intonation of the voice for instance. Identification means substituting yourself for a person while assimilating one of that person's traits. Identification eludes the person concerned, and is the expression of an affective relationship to another person.

According to Lacan, the mirror stage is based on two concepts: that of one's own body (the intuition of its coherence) and its representation (which is to say, the capacity to organise images and situate oneself within the order of these images). According to Lacan, a child anticipates the coherence of his body by identifying with an exterior image he was able to differentiate from the others, and which is his. It will then be necessary to differentiate others' images (which are familiar to us) from our own through an inductive experience. Thus, the process of identification carries within it similitude and difference, unity and belonging.

As for identifiers such as surname, forename, physique, they allow us to construct our own identity on the foundations of unity and belonging. A family name, then, is a process of symbolic identification whereby, in our identification with our sons, we gain access to the future via our family name.

#### **b. Identification as time of (individual and family) life**

Having a child who carries on our family name, then, means to succeed in this symbolic identification of life after death. The psychology of pregnancy can be summed up by the process of working from 'I am pregnant', the narcissistic position, to 'I am expecting a child', which means differentiation, recognition of otherness (Beetschen and Charvet, 1978). The 'psychological gestation' is marked simultaneously by a reactivation of psychological conflicts, and an important oral regression (Deutsch, 1955). This regression is essential and healthy to allow to identify and care for the baby. Having a child represents the narcissistic promise of the identification of the self through one's children in the future.

Perinatal bereavement has posed specific problems in terms of civil status, as shown by the document elaborated by the ICCS, 'Civil status and perinatal death in ICCS States'. The first question, in civil terms, is to define the beginning of life, and thus the registration, then the registration procedure, and the contents of the record. Within the contents of the records, identification and parentage of the child depend on the fact that the child is alive. The problem is especially important for stillborn children. From a psychological point of view, perinatal bereavement, 'dying before being', before being an individual, has very strong consequences for the parents in terms of identifying these children. For the mother, the child is real, but has not been born socially, and as such, this represents future bereavement, mourning for a life devoid of realisation. The topic of non-accomplishment is central to this issue, and complicates any work around this topic. It is necessary to mourn in anticipation of a relationship to come. Birthdates and death dates are dispersed throughout one's life, and future projects bring back the memory of this constantly present loss. Certain mothers speak of 'deadday', of 'butterfly children'. However, it is essential to recognise the reality of the child's existence in order to be able to apprehend the reality of his death. Individuation is necessary to separation. For this reason, parents are advised to give the child a forename. Identifiers, then, have a symbolic value for the acknowledgement of the identity of an individual or those close to him. However, these children are not always granted a legal (social) identity, which in turn denies rights to the bereaved parents. On this topic, here is a quote from the website of the organisation 'L'enfant sans nom' ('The Nameless Child'):

## IN THE BEGINNING

Our organisation was born in July 2000, under the impulse of parents mourning children who died during pregnancy.

They wanted to give other mummies and daddies who were affected by this tragedy the possibility of support throughout their bereavement, of emerging from mortiferous silence, and meeting other parents, simply because 'there is strength in numbers'.

To this aim was added another priority, more specific to 'L'enfant sans nom', which is to attempt to change the law that granted no existence to a baby who died between 22 and 28 weeks of pregnancy.

The ill effects of this law were 'rectified' by the memorandum of 30 November 2001 (which you can read by clicking the following link: <http://sante.gouv.fr/adm/dagpb/bo/2001/01-50/a0503302.htm>).

### (...) HISTORY OF PERINATAL BEREAVEMENT

Until 30 November 2001, the date at which memorandum DHOSE/E4/DGS/DACS/DGCL n°2001-576 was issued, there was a big legal difference in the law and its application to foetuses born before 6 months of pregnancy, which is to say 27 weeks of amenorrhea and five days, according to whether they were born alive or dead. Indeed, if a baby was **born alive and subsequently died** (even after only a few seconds) after at least 22 weeks of amenorrhea, or at a weight of 500g (the viability threshold set by the World Health Organisation) up to 28 weeks of amenorrhea, the baby was **recognised by the law**.

In this capacity, he benefitted from all the rights of a child:

- he was a person in legal terms,
- he was affiliated to his parents,
- he could be registered in the family record booklet and in the civil-status register,
- his body could not undergo an autopsy without parental authorisation,
- an authorisation to close the coffin definitively was mandatory, as well as a funeral, and the transportation of the child's body was regulated,
- 100% of the mother's healthcare was covered by social security as is the case for maternity,
- the mother could benefit from increased maternity leave if it was a third child,
- she could not be dismissed from her job,
- finally, the dead baby was taken into account, under certain regimes, in calculating her permission,
- as for the father, he was entitled to paternity leave, even if the child had just died.

The **same baby**, born within the same term, but being **dead** at the time of leaving the mother's womb, did not exist in the eyes of the law, and was named in hospital notes only as 'human debris', 'unnamed product', and the only interest in the child revolved around the disposal of his body. These babies were, all too often, eliminated as 'toxic' products along with hospital waste.

The **Napoleonic code** specifies that it is possible to say of these children, **neither that they are born, nor that they are dead**.

All the advantages applying to children born alive were, of course, refused to these children, including the one of being recorded in the civil-status registers and the family record booklet, and the parents had no rights as 'parents'. Certain mothers - we know a few - were even denied sick leave after the miscarriage. The bodies of these children who were 'neither born, nor dead' were left to be incinerated, and there were hardly any services which allowed the parents to see their child.

Therefore, the father and mother were often faced with 'nothingness': nothing in the womb, nothing in their arms, no official trace.

### i. Symbolism of the underlying name

*Adoption underlines the importance of names. Indeed, adoptive parents of children adopted abroad experience the ambivalence of receiving these children as if they were without a past. The discovery of the child is often referred to in the same terms as a birth. When interviewing adoptive parents, the use of procreation-related metaphors is quite frequent. Even if the adopted child is no longer a baby, the prospect is that of giving birth. The child's past is placed outside of time. He exits his own world to enter fully, via a name, into another one. As with a birth, the adopted child acquires his new parents' family name, a mark of the family identity thus transmitted. The original family name is then removed. On the other hand, adoptive parents have full control over the attribution of a forename. The mark of belonging to the adoptive family is highly favoured. Sometimes, parents leave traces of the child's original identity on his birth certificate. If the forename was short and easy to pronounce, adopted children manage to keep it. But the majority are given a new forename, chosen according to the same criteria as with a birth, as it reveals the parents' attitudes. Sometimes, the choice of the forename attempts to translate the origin of the adopted child and the parental imagination by translating, for instance, the name into the language of the adoptive parents. Changing the forename of the adopted child, but maintaining an evocation of his foreign origins in his new forename or in the list of his middle names is a naming strategy which avoids total discontinuity in the child's identity. However, the inventivity shown by parents indicates that they are perhaps more attentive to the cultural dimension of the original forename than to its effect on the child's personal identity. This displacement of the question of identity to the more impersonal level of culture is reflected in the way that adoptive parents discuss the origins of their child. This attitude, as with naming, is mainly narcissistic.*

*We name children before even knowing their identity. Naming generally represents a whole stage of family life. It's the moment where a couple becomes parents, where the identities of two people symbolically fuse to find a name that represents two different beings. But the parents of the couple request rights over the choice of forenames. Each name represents a history, a lived emotional experience. Sometimes, the forename is the same as that of a dead relative, who 'comes back to life' by being identified through the child's name. The underlying name leads to better understanding of family dynamics. Indeed, the name can be decided by a single person in the family, thus indicating the role of each family member. It can represent a break with the past, identification with a well-known or imagined personality.*

*In the symbolism of fables, it is interesting to note how each character's forename translates the character's destiny or a trait identifying him (differentiating him from or assimilating him with a group). The Nomen Omen shows how the surname or forename enclosed a destiny within it.*

*The surname, the forename, allow us to know the identity of those who have named a person.*

### **c. Identification as a security need**

#### **i. No papers, no name, no identity**

*Knowing a family name can give you knowledge that a person belongs to a group, which can reassure or frighten us. Indeed, remember that Edmond Dantès, by revealing his name, strikes terror into the hearts of his enemies. The wrong they committed in the past is recalled by the surname and forename like a Proustian madeleine. Being without a name, without any papers indicating the surname and forename, is worrying for us, as it obscures identity. Fear feeds on ignorance. Fear of the dark occurs in children once they have begun to know, to recognise, various elements.*

*According to Piaget's model, 'we can apprehend the real only from conceptual frameworks, cognitive tools, which allow us to structure a reality which is always in movement in order to assimilate it' (Pastré, 1994). For Piaget, these operative invariants are constructed throughout the development period, in an iterative assimilation period - an accommodation which enables a search for equilibrium between a subject and its environment.*

*Assimilation is the process whereby an element of the environment is incorporated within the subject's receiving structure without this incorporation leading to the destruction of the latter as a structure (Bourgeois, Nizet, 1997). Assimilation, then, is a transformational activity which the subject exerts over its environment. But sometimes, it may happen that the assimilated element leads to the modification of the host structure. In this case, Piaget speaks of accommodation. Accommodation 'constitutes an antithesis to assimilation, since it translates the transformational activity exerted by the environment over a subject' (Bourgeois, Nizet 1997). The identification process could be articulated in the same manner, where individuals go through a differentiation phase in order to then classify a person within a group, within a community. For Erikson, identity appears when identification is no longer necessary, which is when a youth no longer has to identify himself. We consider that identity is constructed throughout identification processes. Others, by identifying us, contribute to the construction of identity.*

*But if human beings need a means of knowing, and if fear of the unknown provokes uncertainty, it is true that the securisation process is also the product of social interaction between people through language. Indeed, the securisation process follows the theory of speech acts developed by John Austin (1962), which demonstrated to us how words become acts. The word 'security' itself becomes an action. A problem can become a security problem when an actor presents an object as being a potential threat. To speak of securisation processes, we need to identify who defines an object as a potential menace, and how. In accordance with Thierry Balzacq (2005:181), language does not construct reality, but our perception of reality. The securisation process is based on our manner of considering an object to be a threat, and how we can respond to this threat.*

*The identification of the Other then becomes our security response. However, as we have tried to demonstrate previously, identification automatically creates uncertainty derived from ignorance. Identification is what constructs our identity in an interactive social relationship. However, by inserting the process of identification in a more global securisation process, we enter a neverending spiral, where the quest to identify the Other will never be fulfilled, as we will continue to live perceiving insecurity.*

#### **ii. Which identifiers?**

*If the identification process needs to fulfil our need for securisation, it then becomes fundamental to define which identifiers could appease this need. Identifiers attempt to define the identity of human beings. They base themselves on what we own (identity card showing various identifiers like surname, forename, place and date of birth, nationality), what we know (PIN, password), and what is measurable. Registration in civil-*

status registers comes from a need for organisation (the 1792 Convention) where the registration of persons is based on a family name transmitted by affiliation. Identifiers then become permanent and stable in the life of a person who, at birth, receives them without being legally able to change them. The nominative identity, transmitted by the father, enters into the private sphere of family, filiation, and birth. Civil-status identifiers seem to attribute an administrative identity, a citizen's identity imposed by law. It's an identity that comes under the control of the State, which is, by this fact, submitted to the process of identification and authentication.

However one civil-status identifier merits particular thought, namely the sex. This is so in the case of 'true', 'irreversible' transsexuality, where it is possible, depending on the State, to change the sex or the forename in civil registers. The case of the United Kingdom is especially interesting, since there civil status does not refer to the current identity of individuals. However, it is important to underline that this identity influences the transsexual's future family life: marriage and natural procreation (hence, filiation).

What interests us from a psychological point of view is the importance of the forename, which indicates the child's sex. For a transsexual, it is necessary to go through a second birth through a transitional phase. This is a gestation conducted by surgeons. It is interesting to note, within a process of identification, the opposition between birth certificate and modified certificate. Only through a legal process is it possible to request a change of identity.

### iii. The Other and the self: lack of confidence

The process of identification in a securisation process must be situated in the context of the information society. Indeed, new technologies, globalisation, individuals' increasing mobility, encourage us to consume more and more information. All instruments attempt to find ways to distribute information creating the possibility of being informed 24 hours a day. But this information has to be easily read and understood. The time for informing oneself becomes shorter and shorter: the time it takes to click on an internet link, or change a TV channel. Invaded by information, we have the possibility of accessing all information possible, even on others. Facebook, chat, mobile phones enable us to have information on others and to provide information on ourselves. In ICCS recommendation n°8 on the computerisation of civil registration, adopted in 1991, the reliability, the confidence in the data and the people manipulating them are underlined. However, 'Provided that all the safety measures listed in Article 1 are applied, the reliability of registration on computer may be considered sufficient to guarantee the conformity of the documents produced' Up to a certain degree of information, we can trust the system.

In this society of quick information, the identification process must also be quick and satisfactory. For this reason, we require that science offer us a greater number of identifiers. But it is precisely in a society of information and new technologies that questions on the concept of identity become important.

## II Identifiers as truths on our identity

### a. The unsaid, underlying truths of digital identifiers.

#### i. Biometrics: the space between physical and virtual identifiers

Virtual identifiers acquired through biometrics are the result of gathering information on our bodies. Paradoxically, new technologies refer us back to primitive forms of identification which relied on physical recognition ('facial identification', 'vocal recognition'...) before speech was even used. For the reasons set out previously, the process of identification is vital for man. It constructs his identity. This is why Egyptians, already, were fascinated by handprints. Attributing a physical trait to a person becomes an identification process, and the attempt to capture identity through physical characteristics is the basis of Lombroso's theory. The science of anthropometry developed in the 19<sup>th</sup> Century. The quest for identifiers common to all and unique for each person is the basis of biometry. Recording physical identifiers and transforming them into virtual identifiers transforms the real into the virtual. From a psychological point of view, we are seeing a segmentation of identity, where one identifier then becomes the absolute identifier revealing the identity of the Other. The digital identification process then constructs identity according to particular criteria, such as skin colour, shape of the iris, 3D reproductions of your face. Those digital identifiers would then construct our identity.

Would a virtual identification process become quicker, more economical, and more reliable?

#### ii. Ethical aspects and truths through virtual time

Digital identifiers pose questions on the model of confidence between information given by our body and the people receiving the information. When we speak of biometric identifiers, it is essential to know who is conducting the identification process. Who is the guarantor? Who decides how many digital identifiers are necessary for identification? My body would then become my identity card. As we said previously,

identification occurs on the basis of stable identifiers, which are unique and permanent. However, these identifiers must be flexible, and take into account the time which constructs identity. Indeed, identity is constant, fluid, and depends on time, space, and social relations between individuals. If digital identifiers are useful for recording the uniqueness of our physical bodies, are they capable of revealing other truths on the individual's identity, to know, for instance, if skin colour informs us on nationality, or if it is necessary to add more identifiers to this profile that would not be digital?

### iii. Digital identifiers: security or truth?

Digital identifiers offer many possibilities, but are vulnerable to time. A child will have a different face depending on his own personal development. It is unthinkable to be able to freeze his identity in time. Will it be possible to collect digital identifiers following his development? Will digital identifiers be as truthful for people suffering from illness or disability? Will it be possible to record the exceptions, the uniqueness of individuals?

Another school of thought concentrates on virtual identities. Currently, new technologies seem to satisfy people's needs for playing, 'changing roles'. People can, within a network, change names, take on pseudonyms. It is interesting to note that often passwords, pseudonyms, reveal people's intimate lives. In an American series, the password was the forename of a daughter born of an extramarital relationship. Virtual identities reflect our intimacy a lot more. Many publicity companies study blogs in order to define the profile a potential customer according to his language, his desires.

Facebook is a network allowing us to create or steal (not always towards criminal ends) other people's identities. In fact, Italian actors and presenters asked Facebook to guarantee their identity. Indeed, people had taken their names, forenames, and photos and played at taking their place. This identity theft then becomes, paradoxically, the product of the virtual world.

## b. The unsaid and underlying truths of 'traditional' identifiers

### i. The construction of identity through traditional identifiers

Traditional identifiers offer the possibility to mark out the space within which an individual lives. It is a part of his identity that is recorded. Civil status is the space, the transitional zone, between his private life being recognised socially. Parentage, which, in our societies, is more and more of a private fact, becomes, through civil status, a social fact without compromising privacy. Indeed, Panisse, in the Pagnol trilogy, gave his name to Marius's son, but became his father by looking after him. The son acquired through his name becomes his son through daily life. It is very important to see how civil-status identifiers construct an individual's identity.

We differentiate two types of identity following Lipiansky's theory, which are social identity (civil status) and personal identity. The objective vision of identity constitutes a set of pertinent characteristics defining an individual and allowing to identify him from the outside. This component of identity, then, is more relevant to the position of a subject within culture and society, and is found in civil status. It is defined as social identity. Personal identity is based on the subjective apprehension of identity, which refers to concepts such as self-conscience and self-definition. Personal identity also includes feelings, representations, experiences, and future projects relating to an individual. This subjective identity is anchored in past experiences and a certain cultural context. It is affected by each relationship and interaction, so it is constantly reproduced. Personal and civil-status identities cannot be dissociated.

Before we finish, it is necessary to specify that identity is not a treasure, and a newborn baby is not a blank slate. Identity is based on an individual's nature, but is created by a person's environment and his interactions with others.

Indeed, civil-status identifiers, from the time they are recorded, influence the identity of human beings. A clear example is that certain Jews understood that they were Jewish when they were persecuted. If the forename reflects much about the past of one's family, similarly, the family name, date, and place of birth can, depending on the age of the individual, reflect his past, his present, and contain the orientation of his future.

Traditional civil-status indicators incarnate man's social identity and reveal many truths to those who are ready to examine them. It is self-evident that these truths become intelligible only if a dialogue is created between the individual and the person wishing to identify him.