

AGAINST IDENTITY CARDS

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INTRODUCTION

Aside from Eire, Britain is the only country in the European Union not to have some kind of identity card scheme. Elsewhere, it has long been common for people to carry, and be required to produce, identification. Here, by law and custom, there is no need for people to identify themselves, unless they are seeking some positive benefit or have been arrested.

This difference is under attack. The Prime Minister, the Home Secretary, a former Deputy Leader of the Labour Party, and the Editor of the *Sunday Express* — to name just a few — have called for the introduction of identity cards.¹ With the present balance of votes in the House of Commons, it seems likely that these particular calls will come to nothing. Even so, the issue is not one that will go away. With this in mind, I offer the following objections. They are condensed from an earlier piece written for the Libertarian Alliance, which, whatever its merits, has the defect of being too long for general circulation. Readers are advised to buy a copy if they want more information than I have room to give here.²

ONE: THE FIGHT AGAINST CRIME

The commonest argument in favour of identity cards is that they will help in the fight against crime. After all, it sounds reasonable to claim that if we all have to identify ourselves on demand, the opportunities for breaking the law will be diminished.

Reasonable as this sounds, however, it is not wholly supported by the evidence. Let us consider some of the leading claims:

Claim One

According to Fred Broughton, Chairman of the Police Federation:

In relation to crime, terrorism and any investigation, [an identity card scheme] would be a great advantage. It would make the police more efficient because some-

times people lie about their identification, which can be very time consuming.³

Reply — According to Dr Michael Levi, Reader in Criminology at the University of Wales:

In ordinary policing terms, the value of ID cards is hard to discern.

Many police officers to whom I speak tell me that they know, or believe they know, who the offenders are in their neighbourhood. The problem is proving it, given that they don't have the resources to conduct surveillance. In this situation, identity cards are an irrelevance, a tough soundbite that has no practical effect.

I cannot imagine how the chances of detection or conviction will be improved significantly by this measure in any form ...⁴

Claim Two

According to Roy Hattersley, identity cards would make it more difficult for comen to talk their way into pensioners' bungalows ...⁵

Reply — This is a bizarre claim. Telephone engineers, police officers, and all the other people whom comen impersonate already have identification documents. Their victims suffer by not asking to see these documents. I fail to see how providing everyone with an identity card will change matters.

Claim Three

Mr Hattersley again:

[They would] also prevent teenagers renting pornographic videos ...⁶

Reply — Another bizarre claim. There are no pornographic videos legally available in this country. And here, as with drugs and prostitution, illegal suppliers are more interested in how rich their clients are than how old.

Claim Three

According to the Editor of the *Sunday Express*:

Illegal immigrants and dole scroungers would find it impossible to dip their sticky fingers into the welfare pot.⁷

Reply — Not so. According to Peter Lilley, the Secretary of State for Social Security, identity cards would do little to curb benefit fraud, which at the moment is far more a matter of hidden earnings from the black economy than of impersonation.⁸

As for illegal immigrants — according to Peter Lloyd, a former Minister at the Home Office, “the main problem faced by the immigration officers at Dover is fake French ID cards”.⁹

Other Claims

There are similar claims about bank fraud, impersonation at elections and in driving tests, about people who lie in job applications about their age and qualifications, and so forth. But I will not continue making specific reply to specific claims. I will instead observe that they all rest eventually on three assumptions that are, and will for the foreseeable future remain, unlikely: that everyone will carry the right identifi-



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FOR LIFE, LIBERTY AND PROPERTY

cation; that the information to which identity cards give access will be entirely correct; that the costs of an identity card scheme can be precisely known. Consider again:

First, all experience suggests that any document the authorities can produce can be reproduced by criminals. This has long been the case with coins, banknotes, passports, ration coupons, postage stamps, and any other thing of nominal value. In the United States, where official identification has become far more important than it is yet here, one can buy a green card, a social security card and a driving licence for as little as \$120. All passable forgeries, they can be ready within the hour.¹⁰ These are for illegal immigrants needing to work and get their children educated, or for teenagers wanting to drink without official harassment. Doubtless, for criminals or terrorists, much better is available.

To suppose that digital technology can change things is to know nothing of computers, and nothing of criminal ability. We can have identity cards with a photograph, a thumbprint, and a full retina pattern — and forgeries would be on the streets within a month. In Singapore, a country not famous for high levels of crime, perfect copies of the most elaborately bank cards presently issued are available as blanks for a few pounds.¹¹

Second, the official information held on us is riddled with errors more or less serious. According to a National Audit Office report, 35 per cent of the 12.2 million driver records, and 25 per cent of the nine million vehicle records, held by the Drivers and Vehicles Licensing Authority contain at least one error.¹² Such levels of inaccuracy would soon wreck an identity card scheme. There would be wrong names on the cards, and wrong photographs. People would suffer perpetual inconvenience from the use of incorrect data.

There is also the certainty of malicious hacking. There is nothing mysterious about hacking. Nor is it difficult. The newspapers are full of stories about information altered, destroyed, or illegally retrieved. Recently in south London, for example, someone broke into the local Health Authority computer, and altered a standard letter that was sent out to 5,000 women before anyone noticed that a request to attend for a cervical smear had been altered to an invitation to drop in and “have your fanny examined”.¹³

Third, The Home Office has estimated that a compulsory scheme using a plastic card, with photograph, fingerprints, date of birth and signature, would cost £500 million to establish, plus £100 million per year to maintain thereafter.¹⁴ These costings we can dismiss unconsidered. Bearing in mind that the civil servants can be expected to buy the wrong computers, and that about five per cent of people each year will lose or damage their cards, the final cost — as with Concorde, and the Humber Bridge, and many other public works — is anyone’s guess.¹⁵

So far as law-enforcement is concerned, the immediate effects of identity cards would be a slight increase in the preparation costs of committing certain kinds of crime, and an expansion of forgery. For the rest of us, they would mean a multiplication of bureaucracy and yet another waste of public money.

TWO: THE DESTRUCTION OF LIBERTY

The objections raised above are important. They are the sort of thing that can worry “right wing” Ministers and the more respectable thinktanks. As such, it is useful to raise them as often as possible. But they are not the most important objec-

tions, and they may not always be valid. Experience and better software will eventually reduce forgery and inaccuracies; and the accessibility of more information will diminish the opportunities for fraud. The primary objection is the very existence of most accessible information. And so far as the secondary objections can be overcome, so this one is magnified.

Until recently, the amount of information that identity cards could make available was limited. There could be a photograph, name, address, and a few other details. For anything else, it was necessary to look through various paper archives — a process so slow and expensive, it was not worth even considering for everyone all the time. Electronic databases remove this limitation. They ensure that information, once gathered, can be stored at almost zero cost, and retrieved at once in any permutation. They are also ensuring that the range and depth of information gathered and stored can be greatly expanded.

Already, MI5 is connecting all the government databases, to give access, “for reasons other than national security” to “personal information held on tens of millions of people, from tax files to criminal convictions”.¹⁶ To this single database the Home Secretary wants to add the DNA records of all suspected criminals — that is, of anyone arrested for any offence.¹⁷

Then there is the information gathered and held by private organisations. Since 1979, financial confidentiality has been abolished in this country. A series of laws, culminating in the incorporation of the Money Laundering Directive, gives the authorities open access to our banking and other financial records. For the moment, these records are stored in databases outside the public network; and the authorities must still ask for them to be produced. But this is too great an inconvenience to be allowed in the long term.

The same will soon be true for our shopping records. My weekly receipt from Asda gives an itemised breakdown of all that I buy there. It also carries my credit card account number. I have receipts from other shops that do the same. A few years more of falling hardware prices, and someone need only think it useful, and there will be no more shopping secrecy. Some of us, no doubt, will start paying in cash — especially for more personal items. But this will not long remain an alternative. The panic about money laundering is too strong; and there is too much talk about the smart card “e-purses” now being tested in America.

Looking ahead, there are developments that can only now be imagined. At the moment, many of us must wear identity cards in our places of work. This helps the security staff. I have no doubt that someone will think it equally helpful for us to do the same in public. It will then be possible for digital video cameras to monitor and record identities from the wearers of interactive identity cards. Moving somewhat further ahead, it will be possible to match the faces of people caught on video to digital images stored centrally — thereby dispensing with much of the need for identity cards. This again is a matter of no more than storage space and processing speed.

I see the progressive integration of every record ever opened on us — from our first weighing in the maternity ward to our assessed susceptibility to dying of heart disease. In this new order of things, an identity card must be seen not as a thing in itself, but as the key that each of us must carry to a vast electronic filing cabinet of information.

Nothing to Hide, Nothing to Fear

Now, I hear the *mantra* endlessly chanted against this sort of argument: “Those with nothing to hide have nothing to fear”. We do not live in a police state, but in a democracy. We have independent courts and a free media. And I must admit that the present and likely extensions of surveillance are not the result of some evil conspiracy. Each extension can be justified by reference to some benefit. Once again, consider:

- If I fall under a bus and am rushed to hospital, to imagine the value of a card that will give instant access to my blood group, my allergies, any other medical conditions that I may have, and my next of kin;
- If some non-invasive way is discovered of verifying DNA against details centrally recorded, how it will save billions in credit card and social security fraud;
- If a terrorist bomb explodes, to think how the police computers might scan the street videos for the past six months, identify everyone there and check for previous convictions, or anything suspicious in any other records — the purchase, perhaps, of garden fertiliser;
- If a woman is raped and left for dead in a park, how it will be possible, even if the rapist wore a condom and left no other body fluids, to profile the population — to see who has a taste for violent images, as recorded by the book and video shops, who is shown by evidence from other sources to have a tendency to violence, and who lives within easy distance of the park, or whose movements took him close to there; and who, therefore, is likely to have committed the crime, and should be pulled in for questioning.

Agreed, these are benefits. But everything has a cost. And I can think of two very plain costs involved in this scheme of total surveillance.

First — Any government that is able to know so much about its subjects is able to single them out for persecution. Even paper identity cards have been repeatedly used for purposes that range between the vexatious and the murderous. Without details of religion stamped on their papers, the Jews of Central Europe would not have been so easily herded into the concentration camps. The same is true of the massacres in Rwanda: it was the word *Tutu* or *Hutsi* on identity cards that let the murderers find their victims. I am not suggesting that the British Government will turn this nasty. But there are other, gentler forms of persecution. At the moment, for example, smokers are sometimes being denied medical treatment on the NHS.¹⁸ There are suggestions for the licensing of childbirth, to bring an end to “irresponsible” procreation.¹⁹ For the moment, we can lie when the doctors ask if we smoke. We can put on suits and smile at the social workers, and hope they will not guess what substances we once consumed, or what we still do in bed. But identity cards will make that harder where not impossible.

Anyone who is happy to have every last detail of his life known to the Government is gambling on the future. We are all members of some minority: and there is nothing that we are and nothing that we do that is not unpopular with someone who is, or may one day be, in authority.

“Those with nothing to hide have nothing to fear”? Well, this is fine enough for those who can believe that something about them presently innocuous will not one day be used

against them, or their children or grandchildren. But who can infallibly believe this?

Second — even if governments refrain from these mild persecutions, identity cards will tend to establish a despotism. This will not be openly horrible. It will in its outward appearance be gentle and reasonable. It will remain democratic, in the sense of allowing elections to office and the discussion of authorised topics. Its uses of power will be more or less in accord with public opinion. But it will allow no individuality.

Even without other punishment, to be watched is often to be deterred. Most of us, after all, are quite timid. We do not pick our noses in public, or scratch our bottoms, or cast openly lustful glances, for fear of how we shall be regarded by the world. Shame is a natural, indeed a necessary feeling. But to let shame act as a restraint in all our acts means a return to the minute surveillance of village life from which our ancestors so gladly escaped. We are looking at a future world in which there will be no privacy, no anonymity, no harmless deception, in which we shall all live as if on a stage under the watchful eye of authority.

This homogenising pressure will be reinforced by economic policy. The state I am imagining will not be socialist in the old sense, of central planning. There will be enough of a market to ensure minimal coordination. But this will not be enough to lift the economy from permanent recession, with high unemployment and periodic bursts of inflation — and, most importantly, few prospects of personal independence.

Until quite recently, it was possible for many people to say and do almost as they pleased, free from any need to court or keep the good opinion of others. I think of Edward Gibbon. I think of Charles Darwin. I think even of Friedrich Engels. These were men who outraged the dominant opinion of their age, but whose independent means placed them beyond the effects of this outrage. Today, most incomes are earned, and all are heavily taxed. Few of us have time for dissenting speculation; and then we must take care not to upset our employers or customers beyond an often narrow limit.

The combined effect of surveillance and economic dependence will be an invisible but effective control. There will be no definite formulation of what we must not do, no Act or article in a code against which protest might be made. Instead, people will come to realise that safety lies in trying to behave and to think exactly alike. The exposure consequent on doing otherwise will be too awful if vague to contemplate. There will, of course, be some exhibitionists, willing — and perhaps happy — to expose their lives to the interested scrutiny of others. But I will not think much of a world in which such people have become the only individuals.

And the death of individuality will mean the end of progress. The causes of the mass-enrichments of the past three centuries are difficult to separate and weigh. But it is obvious that much is owed to individual genius. Think of the steam engine, the telephone, the aeroplane — even the computer: these have been much improved and cheapened by common ingenuity; but they all came in the first instance from the mind of some inspired individual or sequence of individuals who were often denounced in their own time as cranks or monsters, where not physically attacked. Cut down that tree of individuality — or, as I am now discussing, merely starve its roots — and it will blossom no more. The lack of overt regulation in this future state may delight the standard Thatcherites. But with an economy less formally hampered than

the one in which the Internet has emerged, our descendants may sit as stagnant and self-satisfied as the Chinese were when the Jesuit missionaries first arrived.

THREE: POSSIBLE RESTRAINTS

For many, this will seem wildly pessimistic. I have entirely neglected the possibility of a legal and institutional framework in which the dangers of identity cards will be restrained. Roy Hattersley, for example, believes that the corrupt or domineering use of

information — who was where, when — [c]ould be made a criminal offence.²⁰

Otherwise, we can have a privacy law, to let us say “no” to many demands for information, and give us legal redress against damaging uses of what information we must make available.

It is, however, wishful thinking to suppose that the sinister potential of identity cards can be abolished by a few changes in the law. It is possible to establish a scheme in which information collected for one purpose cannot be used for another — so that a doctor could have access to medical but not shopping or tax records, and a Policeman access to details of criminal convictions but not of a sex-change operation. It is possible to make laws against the passing of information, or the means of obtaining information, to unauthorised persons.

But the value of a unified database is that the information on it can be shared very widely. We can start with all manner of good intentions about limiting access. In practice, these will soon become a dead letter — at the insistence of those now calling for identity cards, and perhaps of those who now talk about restraints. Why should a hospital not have access to a patient’s immigration status? Why not to his sexual inclinations? Why should the Police not be able to check what books a suspect has borrowed from the library, or what bus journeys he makes? Why should a Social Security official not have access to a claimant’s tax and banking records, and details of spouse and children? Why should an insurance company not have access to a customer’s medical records, to see what predisposition he may have to an expensive illness or early death? Why not to his shopping records, to see if he has filled out his lifestyle questionnaire truthfully? Why should a senior manager, in a “national champion” company not have access to the full range of a subordinate’s private life — to see if he is drinking too much, or smoking, or taking bribes from a foreign rival, or putting on a wig to pick up sailors on a Friday night?

I do not need to ask what pretence will be made for each specific knocking down of the original barriers. But, once the principle of identity cards has been conceded, it is a matter of time alone before everyone with a right to inspect part of the information to which they give access will have claimed and obtained a right to inspect the rest. And all else will follow from that.

CONCLUSION

As said, the present calls for an identity card scheme are unlikely to succeed. Too many Conservative MPs have promised to oppose them on principle — and have promised too vehemently for even politicians to back smoothly away. To others who have no principled objection, but who still cannot think of the poll tax without shuddering, cost may be a safe excuse for opposition.

But only for the moment — not in the long term. On present trends, identity cards must come. That we do not yet have them is an aberration. It is like an area of the beach still dry long after the incoming tide has soaked all around it. The central database exists, and it is rapidly filling with new information. The full evil of surveillance will require identity cards, so that we and the information held on us can be conveniently matched. But there is evil enough now without them; and more will inevitably follow.

The only real salvation lies in recognising this fact. The great majority of those who are currently against identity cards take it for granted that a government large enough to impose and use them is a good thing. They like the welfare state, and have nothing against a large bureaucracy. But this consensus must change. The one sure means of emptying the database is to bring about a permanent reduction in the size and power of the State. The welfare state must go. The war against drugs must be conceded. The snoops and regulators must be sent looking elsewhere for jobs.

Of course, what I am asking is that everyone who dislikes identity cards should endorse and start calling for the full Libertarian Alliance agenda. I cannot imagine that this will ever happen. But I can still hope.

NOTES

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3. Source: “National identity card high on Tories’ agenda”, *Independent*, 10th September 1994.
4. Speech in Birmingham to the Council of Mortgage Lenders; Source: Christopher Elliott, “ID cards ‘will not reduce crime’”, *Guardian*, 15th October 1994.
5. Hattersley, *op. cit.*.
6. *Ibid.*.
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10. Sean Mac Carthaigh, “Californians ponder cost of a proposition they didn’t refuse”, *Times*, 2nd December 1994.
11. Simon Davies, “Please may I see your identity card, Sir?”, *Daily Telegraph*, 13th October 1994.
12. See Dr Edgar Whitley, “Too many errors on the cards”, Letters to the Editor, *Daily Telegraph*, 12th August 1994. The National Audit Office report mentioned was reported in *ibid.*, 22nd December 1993.
13. Source: “Hacker hunt after smear campaign”, *Computer Weekly*, London, 20th October 1994. According to the Audit Commission, hacking and other computer fraud are endemic. There are almost no controls on access to sensitive data, and few intrusions are noticed until after harm has been suffered: see the Audit Commission, *Opportunity Makes a Thief — An Analysis of Computer Abuse*, Her Majesty’s Stationery Office, London, 1994.
14. Source: Richard Ford, “Ministers facing a minefield”, *Times*, 14th October 1994.
15. The figure of five per cent was estimated by the Australian Government in 1988, when it was considering an identity card scheme. See Simon Davies, “Please may I see your identity card, Sir”, *Daily Telegraph*, 13th October 1994.
16. David Hencke and Richard Norton Taylor, “MI5 hacks its way into privacy row”, *Guardian*, 19th October 1994.
17. Howard, *op. cit.*, p. 13.
18. For details, see Petr Skrabanek, *The Death of Humane Medicine and the Rise of Coercive Healthism*, Social Affairs Unit, London, 1994, p. 123 *et passim*.
19. See Judy Jones, “Top doctor urges legal controls on parenthood”, *Observer*, 7th August 1994. See also Skrabanek, *op. cit.*, pp. 158-59.
20. Hattersley, *op. cit.*.