

Why do some countries embrace digital ID cards while Britain resists them?

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Why do some countries embrace digital ID cards while Britain resists them? Is it down to history and legal culture — the difference between civil law systems that codify what citizens *may* do, and our common law tradition where you're free to do anything unless it's prohibited?

The *legal culture* in the UK is very different from that in countries like France, and that difference helps explain why some nations embrace national ID systems while Britain instinctively resists them.

1 □ Legal traditions: Common Law vs. Civil Law

- **UK (and other Anglophone countries):**
 - Built on **common law** tradition.
 - Principle: **everything is permitted unless specifically prohibited.**
 - Rights are presumed to belong to the individual by default. The state must justify intrusions with clear legal authority.
 - This is why ID cards feel like a *reversal*: citizens being required to prove legitimacy to the state, rather than the state having to prove suspicion against the citizen.
- **France, Germany, much of continental Europe:**
 - Built on **civil law** tradition (Napoleonic code, Roman law roots).
 - Principle: the state often plays a more **directive, codifying role** in defining what is permitted.

- Rights still exist, but the culture is more comfortable with **codified obligations** on citizens — including mandatory ID.
 - It's not “you can do nothing unless permitted,” but rather a stronger expectation that **citizenship and rights are administered through state structures**.
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2 □ Why continental countries have digital/mandatory ID

- **Historical & cultural reasons:**

- In continental Europe, carrying ID has been normalised for decades. France introduced its carte nationale d'identité in **1940** (wartime occupation context), and it stuck. Germany has had mandatory ID since the 1930s.
- These systems became everyday tools for administration: registering to vote, opening a bank account, health insurance, driving, travel, etc.
- Because they are embedded in civil law traditions, the legal culture sees them as part of orderly governance, not as an infringement.

- **Administrative role of the state:**

- Continental systems rely on a strong central administration. Digital ID often builds on this (e.g. **Estonia's e-ID** is both a civil registry and a digital services portal).
- In Britain, by contrast, the state has traditionally been more fragmented, decentralised, and reluctant to hold comprehensive citizen registers.

3 □ The British instinct against ID

- The UK has **no written constitution**, but it does have centuries of case law and convention protecting individual liberty from state overreach.
- ID cards were only ever compulsory in wartime (1939-1952) — and were scrapped once the “emergency” ended, precisely because they clashed with that tradition.
- When Labour introduced the **2006 Identity Cards Act**, it was repealed in 2010 after heavy public opposition. The argument wasn’t just cost, but that it violated our **common law spirit** of freedom.

4 □ Why the “other countries do it” argument is weak

We hear politicians justifying the proposed digital ID system by citing how many other countries do it.

- Yes, many European nations have ID systems — but they’re rooted in **different legal traditions and historical contexts**.
- Importing them wholesale into the UK ignores the **constitutional temperament** here, where we resist presumptions of state control.
- What works in France or Germany is not automatically appropriate in Britain, because our default principle is **freedom first, unless law restricts**.

□ **So the distinction is right on point:**

- In the UK tradition: *you may do what you like unless prohibited*.
- In civil law countries: the state often defines and codifies permissions more actively.

That's why digital ID feels natural in one system and alien — even threatening — in the other.