# 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.

### 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.

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- 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.