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NATIONAL IDs IN A GLOBAL WORLD: SURVEILLANCE, SECURITY, AND CITIZENSHIP

David Lyon[*]

New IDs, proliferating around the world, portend a new social and political condition. Not merely a response to post 9/11 anxieties about national security, new IDs are a novel means of governance in a world where surveillance is the dominant organizational mode. Showing a token of legitimate ID is now a basic condition for the exercise of freedom. Now that IDs depend on large-scale databases, biometrics, and sometimes RFID, what does the "new social and political condition" mean for surveillance, security and citizenship?

I. INTRODUCTION

The first decade of the twenty-first century witnessed a veritable explosion of new national ID card initiatives all over the world. They appeared without fanfare, as in Belgium, or with sustained controversy, as in Britain.[1] They are being installed in vast nations such as India and China and much smaller ones such as Mongolia or Angola.[2] Rich countries and poor ones, global north and global south, democratic and otherwise, with previous histories of carrying IDs or not—all kinds of countries are doing the same thing or at least a similar thing. The idea of having a biometric ID card associated with a national registry database has quickly been globalized, although how many national schemes actually take off remains to be seen. Ironically, though, many of the devices being globalized are a means of maintaining national identities.

Such ironies deserve exploration, not least because they have a bearing on three (or more) crucial issues in today's world: surveillance, security, and citizenship. However they are introduced, national IDs involve surveillance. It is not merely that tabs may be kept on populations. Those "tabs" introduce new levels of visibility of citizens such that the state may "see" them so much better.[3] As surveillance has now become the privileged

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[1] DAVID LYON, IDENTIFYING CITIZENS: ID CARDS AS SURVEILLANCE 58 (2009).

[2] *See generally id.*

[3] *See generally* JAMES C. SCOTT, SEEING LIKE A STATE (1999).

mode of many organizations,[4] this is highly significant. Closely related to this idea of surveillance is security that now has to do not only with international relations, but also with urban security and crime. This connects with risk assessments and "prudentialism" that marks a shift from preoccupation with the past to focus on the future. Prevention and pre-emption of crime are now of the essence on national and international fronts.[5] Both prevention and pre-emption of crime tie in with citizenship, a concept that is also undergoing radical change in the early twenty-first century. National identification by definition affects citizenship. But will this be for the better or for the worse—or both? The answer, as we shall see, really depends on which country or region we are talking about. The very concept of citizenship means different things in different countries.

On the one hand, the global growth of national ID systems is striking. Often, these ID systems are interoperable—most incorporate biometrics[6] and some also add radio frequency identification (RFID).[7] Large international corporations compete for procurements and may support ID systems in quite different locations (LaserCard supplies systems in Angola and Italy, and the Canadian Permanent Resident card, for example).[8] The software have some similar protocols, which means that ID systems have similar features wherever they are found. Together, these factors mean that much more than "the state" is involved in IDs. IDs are the product of government departments, but also of business practices, through outsourcing, and technological development which, once directed towards certain ends, becomes in a sense "self-augmenting."[9] The assemblage of technologies sets up a framework within which future developments occur. The combination of "production factors" of new IDs may helpfully be thought of as a "card cartel" which, once established, defines and limits the market for such systems.[10]

On the other hand, while the new IDs have much in common as computerized systems that enhance surveillance capacities—both government and, sometimes, corporate—these IDs also display different faces in

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[4]   *See* Kevin D. Haggerty, *'Ten Thousand Times Larger . . .': Anticipating the Expansion of Surveillance, in* NEW DIRECTIONS IN SURVEILLANCE AND PRIVACY 159 (Benjamin Goold & Daniel Neyland eds., 2009); DAVID LYON, SURVEILLANCE STUDIES: AN OVERVIEW (2007).

[5]   *See* LUCIA ZEDNER, SECURITY (2009).

[6]   *See, e.g.,* LYON, *supra* note 1, at 117.

[7]   *Id.* at 96.

[8]   *See, e.g, id.* at 63, 52, 66.

[9]   *See* JACQUES ELLUL, THE TECHNOLOGICAL SOCIETY (1964).

[10] LYON, *supra* note 1, at 63.

different settings.[11] Chameleon-like, new IDs appear in their local environments in subtly varying guises. The local life of new IDs depends on historical circumstances, political traditions, and cultural differences. Indeed, without exaggeration, IDs may be viewed along a continuum that ranges from democratic documents to tools of tyranny. Marginalized people such as Tibetans in Nepal, or workers suffering abuse in Argentina, seek registration and identification documents as a basic human right. Would-be travelers from Ghana hope that their new IDs will help them avoid the humiliations of border crossings. On the other hand, in contexts of intense surveillance, such as in South Korea or the U.K., there are fears that new IDs may result in a "Big Brother" state.[12] And beyond individual states, groups such as the European Association for the Defense of Human Rights fear that civil liberties will be trampled as interoperable ID systems are deployed within the EU.

These themes are explored in what follows: new IDs, their global growth, and their local life are examined in relation to surveillance, security, and citizenship. Building on previous work in *Playing the Identity Card: Surveillance, Security and Identification in Global Perspective*[13] and my *Identifying Citizens: ID Cards as Surveillance*,[14] the fresh focus here is the contrast between, on the one hand, the commonalities of global growth, the new technologies (including software), and the political economies of new IDs and, on the other, their local life. None of the common features of global growth determine how new IDs will develop and function in any specific local context. The paradoxical globalization of a means of national identification illustrates broader themes of the diffusion of new technologies and of their varying reception and consequences in different cultural settings.

Such themes presage some changes of major import. During the twentieth century, individual and collective security were managed in different ways. Today, at least two factors challenge this distinction. The distinction between internal and external security is breaking down as real and imagined threats are viewed as both global and national. New IDs exemplify the merger of internal and external security as they are expected to operate both within and beyond "national" boundaries. At the same time, risk technologies are also altering. Whereas these technologies were once based entirely on probabilistic calculation, so that what might happen could be insured against in the present, now both individual and collective aspects

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[11] *See* PLAYING THE IDENTITY CARD: SURVEILLANCE, SECURITY AND IDENTIFICATION IN GLOBAL PERSPECTIVE (Colin J. Bennett & David Lyon eds., 2008) [hereinafter PLAYING THE IDENTITY CARD].

[12] *See* LYON, *supra* note 1, at 118.

[13] PLAYING THE IDENTITY CARD, *supra* note 11.

[14] LYON, *supra* note 1.

are in flux. Individuals are increasingly asked to take responsibility for their own fate, while simultaneously socially-based security is dismantled or reduced to a "safety net" for those unable to insure themselves. But risk is also morphing into uninsurable threats from shadowy forces, so precaution and preparedness become the order of the day.

In this complex context, new IDs play many parts rather than just one role. Because some IDs aspire to be national IDs, they cover not just specific groups such as car drivers, but rather whole populations. This breadth speaks to the theme of preparedness and precaution. Especially since 9/11, having access to information "just in case" has been high on American and other agendas. Although the U.S. Administration is not rolling out new IDs as such, the "Real ID" plan and its successors are intended to fulfill the same goals.[15] Crime and intelligence databases may be linked using IDs, whether "real" or not. At the same time, the use of statistical surveillance methods by government departments means that some groups more than others may be singled out as threatening or risky, such as recent immigrants. Because some groups may score highly in terms of risk along several axes, including economic independence, the chances of what Oscar Gandy calls "cumulative disadvantage" are high.[16] Thus, new IDs address several issues pertaining to today's outlook of multiple uncertainties and represent significant security and surveillance technologies being used for managing populations. These technologies include not only hardware and software, but also statistical expertise. Little wonder that Louise Amoore writes of "governing by identity."[17] Identification is crucial to surveillance, which is quickly becoming a key means of governance.

II. THE PARADOX: NATIONAL IDS AND GLOBALIZATION

New ID card systems nicely highlight a basic paradox. They are used primarily for "national" purposes, even if they are supposed to be interoperable between some states, but their development and spread are simultaneously global. This is a global phenomenon that fosters national difference. New IDs offer a concrete case study in the debates over globalization and the demise or persistence of the nation-state. And it is a case study that illuminates several questions that surround surveillance today. If ID card systems are meant to keep tabs on whole populations, will their promised interoperability also allow for the emergence of a global surveillance sys-

[15] *See id.* at 49.

[16] OSCAR H. GANDY, JR., COMING TO TERMS WITH CHANCE: ENGAGING RATIONAL DISCRIMINATION AND CUMULATIVE DISADVANTAGE (2009).

[17] Louise Amoore, *Governing by Identity, in* PLAYING THE IDENTITY CARD, *supra* note 11, at 21. In *Identifying Citizens*, I argue that this might be better rendered as "governing by identification." LYON, *supra* note 1, at 90.

tem? To what extent and in what ways do new IDs contribute to the quest for local, national, and global security? What impacts do new IDs have on citizenship and, for that matter, what impacts does citizenship have on new IDs?

The paradox mentioned above begins to resolve as soon as the character of contemporary globalization and of today's nation-states is explored. But this exploration involves a particular perspective on these matters. If globalization is seen as a kind of zero-sum game in which its spread sounds the death-knell for nations, then surely enough the puzzle persists. The view taken here is that while several very significant aspects of globalization are indeed at play in the rapid diffusion of new IDs—I am thinking especially of technological and commercial globalization—these aspects of globalization do not diminish the resilience of the nation. In fact, one might be tempted to argue that in some contexts the globalization of ID systems helps to bolster both the fact of, and popular commitments to, the nation.

First, consider globalization. Both consumerism and communications are vital features and drivers of globalization,[18] and both are also connected with the securitizing of identity and the proliferation of IDs.[19] Consumerism has helped prompt the perceived need for stable IDs—it is often argued that they may curb identity theft—as has the computer-communications revolution, now more usually thought of in terms of "new media," through which a growing number of exchanges occur.[20] But other common features of globalization also speak to a need for universally acceptable tokens of identification. Think of militarization, military intelligence, and mass migration, which prompt again the requirement of reliable means of identification and economic interdependence. The last two, travel and trade, connect the national with the international as well as being indissolubly connected in themselves. For instance, Europe and North America seek to develop IDs that both facilitate the freely moving commercial traffic of goods, while at the same time sorting carefully between different categories of persons who may wish to cross national borders.[21]

Generally, globalization may be thought of as an ongoing transformation of the spatial organization of social relations and transactions as they become more stretched, intensive, immediate, and influential. The outcomes of globalization are increased flows and networks of activity, interaction,

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[18] *See, e.g.,* GLOBALIZATION THEORY: APPROACHES AND CONTROVERSIES (David Held & Anthony McGrew eds., 2007) [hereinafter GLOBALIZATION THEORY]. *See also* DAVID LYON, POSTMODERNITY 69 (2d ed. 1999).

[19] NIKOLAS S. ROSE, POWERS OF FREEDOM: REFRAMING POLITICAL THOUGHT 242 (1999).

[20] *See* Lucas D. Introna, *Making Sense of ICT, New Media, and Ethics, in* THE OXFORD HANDBOOK OF INFORMATION AND COMMUNICATION TECHNOLOGIES 314 (Robin Mansell et al. eds., 2007).

[21] *See, e.g.,* ZYGMUNT BAUMAN, GLOBALIZATION: THE HUMAN CONSEQUENCES (2004).

and the exercise of power.[22] Like any other concept in the social sciences, globalization is contested by those who say that globalization has been overplayed, whether as a description of social reality, a theory of social change, or as a political project.[23] In particular, for those who regard economic relations as the prime movers of all social and political change, globalization as it appeared to many in the 1990s was at most a temporary blip, epiphenomenal to the underlying logics of capitalism.[24]

The largest challenge to globalization appeared soon after 9/11 and related closely to new IDs. In the immediate aftermath of the attacks on America, there was indeed a downturn in global trade along with a palpable shift in political priorities towards reasserted nationalism, a return to geopolitics, a hardening of state power, and the closing of borders (whose openness had so recently been celebrated by pro-globalization enthusiasts). Understandably, given the style of U.S. leadership epitomized by George W. Bush, American military might was also mobilized as a response to the attacks and seen as a key element in the "war on terror." Each of these priorities has a bearing on new IDs. Such IDs symbolize the significance of the national, territorial, and state power and, of course, of borders and boundaries.

Second, nationalism came to the fore with a vengeance following 9/11 and was expressed above all in prioritized notions of "national security." During the twentieth century, in the West the term "security" referred primarily to social security, but this shifted to national security after the Second World War. As Lucia Zedner summarizes, "while social security pursues the full and fair distribution of the basic necessities of human flourishing, national security measures seek to protect the state and its territories primarily by political and military means."[25] Social security is rooted in social justice and care for individuals, while national security is concerned with power politics that see protection of the state from external threats as paramount. The September 11 attacks pushed national security into a prime position, politically, and this in turn propelled a quest for new surveillance technologies and techniques geared toward such protection. This includes, in the requirement of the Western Hemisphere Travel Initiative, presenting "a passport or other approved documents that confirm identity and citizenship when entering the United States."[26]

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[22] *See* GLOBALIZATION THEORY, *supra* note 18, at 4.

[23] Joseph E. Stiglitz, *The Overselling of Globalization*, *in* GLOBALIZATION: WHAT'S NEW? 228 (Michael M. Weinstein ed., 2005).

[24] Justin Rosenberg, *Globalization Theory: A Post Mortem*, 42 INT'L POL. 2, 2–74 (2005). *See also* PAUL HIRST & GRAHAME THOMPSON, GLOBALIZATION IN QUESTION (2d ed. 1999).

[25] ZEDNER, *supra* note 5, at 36.

[26] Press Release, Datacard Group, British Columbia Uses Datacard Solution for New Enhanced Driver's License Program (June 29, 2009), http://www.datacard.com/news/

While new surveillance regimes depend in part on a revived empha-
sis on national security, it is also the case that the revived emphasis on na-
tional security depends on the existence of deep veins of nationalism, or at
least of commitments to the nation-state. However, just as some theorists
became skeptical about the significance of globalization, other theorists who
are committed to some version of globalization theory have doubted wheth-
er nations have any future in a world of globalizing trends. Historian Eric
Hobsbawm, for example, sees the cultural significance of both nationalism
and the nation shrinking as a result of a more global sense of identity,[27] and
anthropologist Arjun Appadurai sees the nation-state in "serious crisis" as
globalization has "de-territorialized the nation."[28] Yet there seems to be
plenty of evidence, well beyond the understandable recourse to "the nation"
after 9/11, that nations, let alone nationalisms, are not on the wane.[29] In-
deed, while the perceived security crises following 9/11 may have spurred
efforts at reinforcing national security and while technological corporations,
eager for new contracts, may be knocking on many "national" doors to offer
their wares, the "nations" under threat seem to be real enough entities.

The doyen of studies on nations and nationalism, Anthony D.
Smith, insists that while various layers of globalization definitely do make a
difference in the ways that nations are conceived and considered, nations
themselves persist for a number of compelling reasons. His is an "ethno-
symbolic" approach that shows how nations are "historical intersubjective
realities" based in a sense of the sacred, attached to social processes and
cultural resources.[30] For Smith, various kinds of processes contribute to
nation-making: self-definition, myth and memory-making, territorialization,
public culture, and law-making.[31] Smith's analysis refers primarily to the
Western world but some of his insights apply elsewhere. As he points out,
"hot" nationalisms in newer nations such as Latin America and Africa are
often associated with ethnic conflicts.[32]

Smith acknowledges the threats posed to an ongoing sense of na-
tional identity in each area but counters these helpfully with evidence that
that "sense" still persists. For instance, self-definition may be diluted by

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news_releases/news_content.jhtml?recordId=N9r9UrGJGWnnQi&contentId=NewsReleases
ByDate.

[27] E. J. HOBSBAWM, NATIONS AND NATIONALISM SINCE 1780, at 163 (1990).

[28] Arjun Appadurai, *Sovereignty Without Territoriality: Notes for a Postnational Geogra-
phy, in* THE GEOGRAPHY OF IDENTITY 41–65 (Patricia Yaeger ed., 1996).

[29] *See, e.g.,* MICHAEL BILLIG, BANAL NATIONALISM 19–21 (1995).

[30] Anthony D. Smith, *Nations in Decline? The Erosion and Persistence of Modern Na-
tional Identities, in* NATIONALISM IN A GLOBAL ERA: THE PERSISTENCE OF NATIONS 20 (Mit-
chell Young et al. eds., 2007).

[31] *See generally id.*

[32] *Id.* at 22, 28 (citing BILLIG, *supra* note 29).

multiculturalism and the expansion of hybrid national identities,[33] but even in Canada a "national culture" is still apparently strong—and may well pride itself, rightly or wrongly, on its capacity for tolerance. Again, with respect to the intensifying of economic interdependence, this has not seemed to produce a "deterritorialized" situation. To take the Canadian example again, the fact that Canada has the world's "largest undefended border" does not mean that Canadians will defend not only cultural differences that supposedly differentiate them from Americans, but also the integrity of the "land" on the Canadian side of the border. As far as laws and customs are concerned, it is true that governments have had a harder time maintaining legitimacy and even credibility in recent decades. The increasing regulation of everyday life may alienate the public, mass immigration may weaken national consciousness, and the fear of absorption into broader blocs such as the EU or the North American Free Trade Area may become a reality.

But in each case, interestingly, new IDs relate. In the example already given, of Canada and the U.S., mass migration in both countries has raised questions about national identity and about material expressions of this identity in forms of ID. The Mexican "Matricula Consular" ID is now used in the U.S.,[34] and the Canadians developed a "Permanent Resident Card," also known as the Maple Leaf Card, to issue to residents who are not yet citizens.[35] Crossing the increasingly defended border has become a controversial and risky experience and new ID surrogates—"Enhanced Driver's Licenses"—have been introduced as part of the attempt to shore up security, in addition to other ID requirements at airports.[36] As these are interoperable systems, the sense of threatened incorporation of Canadians into a larger, perhaps alien entity brings up the concept of national identity once again.

A.   National IDs as Surveillance

Modes of national identification have always had surveillance purposes. However, new IDs have surveillance capacities that are enhanced significantly compared to earlier systems. The surveillance dimension is seen above all in the national registry, upon which all such schemes necessarily rely. This repository of names and related identification information

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[33]   *See generally* Smith, *supra* note 30, at 23.

[34]   *See* Press Release, U.S. House of Representatives, Committee Leaders Urge Curbs on Acceptance of Consular ID Cards (July 10, 2003), *available at* http://judiciary.house.gov/legacy/news0710.htm.

[35]   *See* Canadian Citizenship and Immigration, Permanent Residence Card, http://www.cic.gc.ca/english/information/pr-card/index.asp (last visited Mar. 30, 2010).

[36]   *See* Western Hemisphere Travel Initiative, Enhanced Driver's License, http://www.getyouhome.gov/html/lang_eng/eng_edl.html (last visited Mar. 30, 2010).

has always been a significant power container (to use Anthony Giddens' term for the state itself),[37] and offers opportunities for fair and equal treatment of all registered as well as the possibility of singling out certain groups for differential treatment. Thus, new immigrants may be delighted to receive a national ID, symbolizing their inclusion in the adopted country. Equally, the use of IDs may open doors to negative discrimination, such as in Kenya where place of birth and tribal origin may jeopardize access to credit or educational opportunities.[38]

If surveillance is the gathering and storing of information in order to supervise people's behavior, then registration and identification systems qualify as methods of surveillance *par excellence*. In Foucaldian terms, it is where biopower meets older forms of discipline. By statistical means, such as the national census, or the citizen registry, tabs may be kept on the population. These tabs actually serve to categorize the citizen in particular ways, producing people as members of certain categories such as "taxpayers" or "seniors." But when linked to an ID card, state officials or police may demand that such cards be presented as a means of direct discipline. No card means no benefit, privilege, or right.

From time to time such surveillance capacities are augmented by technological means. The move towards electronic databases and biometric verification is the latest and most far-reaching technological development. Several innovations are made at once: greater speed of communication, more connections between the system and the individual, enhanced ability for authorities to pull data together into one place, and larger storage.[39] These technological developments could be read as signs of an Orwellian drift towards tyranny. James Rule first discussed these capacities as presaging a "total surveillance" situation,[40] but such technological capacities are better thought of as part of a complex system, the outcomes of which are far from clear. This lack of clarity has partly to do with the unknown results of trying to manage very large-scale databases or to find optimum ways of ensuring that biometrics really do function as promised by device manufacturers, but also with the outcomes of ongoing negotiations and conflicts within which new ID systems are found.

In countries such as France that have had a universal ID card system in place for several decades, upgrading bureaucratic techniques for reg-

[37] *See* ANTHONY GIDDENS, THE CONSTITUTION OF SOCIETY: OUTLINE OF THE THEORY OF STRUCTURATION 136 (1984).
[38] Prevent Genocide International Group Classification on National ID Cards, www.preventgenocide.org/prevent/removing-facilitatingfactors/IDcards/sources.htm.
[39] *See* DAVID LYON, THE ELECTRONIC EYE: THE RISE OF SURVEILLANCE SOCIETY 51–52 (1994).
[40] JAMES B. RULE, PRIVATE LIVES AND PUBLIC SURVEILLANCE: SOCIAL CONTROL IN THE COMPUTER AGE 348 (1974).

istration and deployment has followed the logic of shifting government priorities. Concerns such as law enforcement, social policy, and health policy have been evident in the past, while border control for international travelers, new criteria for who is "dangerous," and a desire to outsource identification processes have characterized the development of new biometric IDs in the early years of the twenty-first century.[41] At the same time, the intervention of several actors from the *Conseil nationale de informatique et libertes* (CNIL), the French press, political parties, and trade unions have raised serious questions about the viability and fairness of France's INES (*identité nationale eléctronique sécurisée*) program, and in 2007 brought it to a grinding, if temporary, halt.[42] In 2010 it has yet to be fully implemented.

As a means of surveillance, IDs have huge importance. IDs not only bring together biopower and more direct discipline, but they also act as a hinge linking state with citizen. New means of identification are sought in an era of information technology dependence and these means of identification operate through a ripple effect with widening circles of influence. Notions of information management have come to dominate the managerial state with its actuarial leanings and, within such management, accurate identification is of the essence. Government departments seek new efficiencies, economies, and speed of response, for which the mantra of e-Government has become a popular rallying cry. The potential benefits for individuals of government efficiency and responsiveness are palpable. Who would object if driver's licenses, hospital admissions, building permissions, and unemployment benefits arrived in the correct mailboxes faster?

At the same time, the simple idea that ID surveillance connects state and citizen deserves closer inspection. On the one hand, the nation-state is not quite the singular entity suggested by that concept. Above all, and especially in a world suffused by information technologies, identification systems depend heavily on suppliers of software and hardware. These are complete *systems* that include personnel, expertise, and know-how, as well as integrated circuits, telecoms links, and plastic cards. The complex links between governments and corporations, which also involve actual technical choices to which later generations are then locked-in,[43] now mean that these governments can do very little by way of national registration and identification. ID systems are produced by a "card cartel" of interests, stakeholders, and protocols. Where John Torpey rightly spoke of a "monopoly on the

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[41]   *See* Pierre Piazza & Laurent Laniel, *The INES Biometric Card and the Politics of National Identity Assignment in France, in* PLAYING THE IDENTITY CARD, *supra* note 11, at 199.

[42]   *See* LYON, *supra* note 1, at 149.

[43]   *See* KINGLSEY DENNIS & JOHN URRY, AFTER THE CAR 54–59 (2009).

means of movement" with respect to the passport, we now have to consider the rise of the "oligopoly of the means of identification."[44]

But if the state is a far from simple entity, then so is the citizen. I refer back to earlier comments about the ways in which citizens are constructed through the means of identification. Whereas freedom was once regulated within systems designed to include everyone who could lay claim to citizenship and offer equal protection, and treat them the same as possible before the law or in terms of their access to benefits and rights, increasingly the onus is on individuals to take responsibility for themselves within a range of possibilities. And while ID systems have always been based on the exclusion of the outsider as well as the inclusion of insiders, the new emphasis on individual responsibility is significant. Citizens are sorted according to certain criteria, and this process is facilitated by new IDs. Searchable databases are best suited to classifying and profiling different population groups so that they may be accorded different treatment. This may depend on age, gender, residence, country of origin, or even religion (for instance, the category "Jew" appeared on Bolivian IDs in 2008).[45]

Although the categories may be fairly fixed, to do with supposed ethnicity or religion, the ways in which citizen profiles are presented to government departments also derive from ongoing, shifting criteria. And here too the influence of private corporations in creating those profiles becomes evident. In the U.K., for example, risk-managed service delivery of forms of identification such as driver's licenses means that applicants are screened not only for obvious factors such as previous disqualification, but also for their "trust score" discovered through their commercial transactions as analyzed by Experian, a private data-management company.[46] In this layering process, higher scores are associated with customers' clearing bank transactions than with others' dealings with mail-order companies, and only if a specific score is reached can the applicant proceed to the next stage.[47]

B.   *National IDs and Security*

One justification for new IDs is their claimed contribution to security, by which—in the West—is meant to be *national* security. Although national ID systems are generally still very much in flux, where national secu-

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[44]   David Lyon & Colin J. Bennett, *Playing the ID Card: Understanding the Significance of Identity Card Systems, in* PLAYING THE IDENTITY CARD, *supra* note 11, at 11 (quoting JOHN TORPEY, THE INVENTION OF THE PASSPORT: SURVEILLANCE, CITIZENSHIP AND THE STATE 1 (2000)).

[45]   *See* Martin Arostegui, *Bolivia Raises Hackles with ID; Star of David Seen on Cards,* WASH. TIMES, Apr. 10, 2008, at A1.

[46]   LYON, *supra* note 1, at 48.

[47]   *See* John Taylor et al., *Information-Intensive Government and the Layering and Sorting of Citizenship,* 27 PUB. MONEY & MGMT. 161 (2007).

rity is a stated policy goal, some kind of new ID system is being imple-
mented. The fully-fledged universal systems touted by politicians and en-
trepreneurs after 9/11 have in some cases—such as the U.K. and France—
run into serious problems. For instance, in the U.K. technological failure
and mismanagement have fueled public doubts, and in others, such as the
U.S. and Canada, fears of intensified state intervention and worries about
lost privacy have slowed or redirected ID policy efforts. But even where the
original aspirations for national IDs have shrunk, hopes of enhancing na-
tional security still offer strong incentives to adopt some means of biome-
tric-based identification.

As far as the War on Terror is concerned, national security is at a
premium. External threats abound and shoring up borders and entry-points
is a paramount task. While some of this enhanced border protection may be
achieved by means of fences, land-based and aerial video-surveillance, and
security patrols—as is the case on the Canadian and Mexican borders of the
U.S., for example—monitoring border crossings of goods and especially
persons is crucial. Hence the new paraphernalia of watchlists and no-fly
lists, intensified baggage checks and searches, visas, passports, and other
identification documents. One has to be identified at least once at all borders
and several times during transit in airports. In some European countries,
national IDs and trusted traveler cards may be used as alternative means of
verification to passports at the border, and in North America both enhanced
driver's licenses and trusted traveler cards work the same way.

Let me note in passing that the mention of Mexican national securi-
ty measures is not insignificant. While that country is a member of the Se-
curity and Prosperity Partnership of North America (SPP), Mexican security
is not isomorphic with that of Canada and the U.S. In Mexico, the notion of
security conjures up visions of distressed and conflicted urban areas with
their gated communities set against the *favelas* of the dirt poor, ferocious
drug wars, organized crime, systematic femicides, and the like. Indeed the
disjuncture between American and Mexican views of security is considera-
ble. For instance, U.S. demands for Mexicans to use military personnel in
their internal security operations are unconstitutional according to Mexican
law.[48]

A contrast was previously made between early and contemporary
modes of identification, suggesting that now new weight is being placed on
IDs as a means of governance. In the name of security, today's ID schemes
go well beyond conventional registries of personal information, where past
records provide the main evidence, towards trying to incorporate what is as
yet unknown into the calculus. The idea is not just to verify identity, but

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[48]   Nelson B. Arteaga, *The Merida Initiative: Security-Surveillance Harmonization in Latin America*, 87 EUR. REV. LATIN AM. & CARIBBEAN STUD. 103, 108 (2009).

also to pre-empt particular outcomes and prevent certain risky bodies from entering certain spaces.[49] The apparent imperative at work here is that some risks have themselves become unknowable, incalculable.

The controls on borders and airports are especially significant in this context because they express a key feature of the post-9/11 security climate: the mobility of international trade and travel are of utmost priority, but they must also be made secure. This is best expressed in the title of the SSP that emerged after 9/11 between Canada, Mexico, and the U.S. Although the *Report on the 9/11 Commission* and the subsequent Western Hemisphere Travel Initiative mandated new ID schemes that are means of pursuing these goals,[50] the SPP gives it a public face each time the leaders of these three nations meet to discuss common aims and policies.

What is striking about what has actually occurred on these borders and in the airports of North America are the ways that new or reinforced security also has the effect of increasing insecurities. Louise Amoore shows how the RFID chip in immigration documents may be used to locate already existing personal data, which neatly connects security with mobility once again.[51] Indeed, where a potentially risky body may have been has become an increasingly important factor in all border identification regimes. So, in some high-profile cases in Canada, maps and ticketing information, among other things, were used to subject to extraordinary rendition and torture several citizens—Maher Arar, Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin—in 2002 and 2003.[52]

This brings me to note that the post 9/11 preoccupation with national security has frequently been at the expense of any consideration of human security. While the focus is on national security, with its prioritizing of protection against external attack, attention seems to divert from other kinds of security, notably those of freedom from want or from fear. With human security, the focus is on the individual and her immediate concern with protecting families and livelihoods. The state of exception, as has been widely discussed, has been normalized and a certain carelessness in handling personal data and the routine mistreatment of suspects has arisen. In the context of national IDs, however, this issue is perhaps best addressed in terms of citizenship.

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[49]	*See* Amoore, *supra* note 17, at 24–27.

[50]	NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., THE 9/11 COMMISSION REPORT 393–403 (2004), *available at* http://www.9-11commission.gov/report/911Report.pdf; *see* U.S. Embassy, Consular Services Canada, Western Hemisphere Travel Initiative (WHTI), http://www.consular.canada.usembassy.gov/whti.asp (last visited Mar. 30, 2010).

[51]	Amoore, *supra* note 17, at 28–29.

[52]	*See* Arar v. Ashcroft, 585 F.3d 559 (2d Cir. 2009); *The Cases of Almalki, Nureddin and El Maati*, CBC NEWS, Oct. 22, 2008, http://www.cbc.ca/news/background/arar/torture-claims.html.

C.   National IDs and Citizenship

National IDs are offered to those who are citizens of a given state. Even the more limited forms of biometric ID such as enhanced driver's licenses contain or connect with citizenship data.[53] As we have seen, however, neither the notion of citizenship nor the concept of the state has the kind of stability once imagined for them, at least in Western countries. National citizenship is undoubtedly prized by some, but what is meant by that phrase varies from place to place and is also undergoing historic transformations. Citizenship that was once in the West a means of warding off the vagaries of arbitrary rule and of holding governments accountable appears to have such capacities attenuated, especially within states of exception following 9/11. Indeed, new border ID practices seem to many to foster a sense of insecurity and arbitrariness, and opportunities to hold the government accountable recede as secrecy and surveillance by policy rule rather than by democratic debate become the order of the day.[54]

Let me make one or two further observations about new IDs and citizenship. First, although I argue that the screen and not the card, the database and not the piece of plastic, is the key to understanding new IDs, the card itself is not insignificant. Unlike booklet-style passports or single-fold ID papers, the card follows the now common format for credit cards and other commercial-use IDs as well as licenses and access cards such as for health-care. In many Western countries, the citizen-consumer has been in the ascendancy for some time, as neo-liberal restructuring has been entrenched. Consumer behavior is successfully eclipsing older forms of citizenship, and this is symbolically expressed in the shape and feel of new IDs. Some new IDs, such as the Malaysian *MyKad*, have built-in commercial applications and others have been developed with such multiple uses in mind, which again suggests a continuum of similar practices.[55] Such IDs typically offer access to places or privileges from which others will necessarily be excluded.[56] This in itself is a by-product of bureaucratic organization, but what is all too often veiled in obscurity is the operative criteria.

Secondly, new IDs relate strongly to questions regarding citizenship, such as who is included and excluded and why? New IDs are based on a social sorting logic in which actuarial principles predominate. What makes some bodies risky and others less so? Why does this person and not that one obtain needed benefits? Responsibilization regimes that devolve what once were public responsibilities onto individuals are in tension with the argu-

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[53]   *See* LYON, *supra* note 1, at 6.

[54]   *See generally* TECHNOLOGIES OF INSECURITY: THE SURVEILLANCE OF EVERYDAY LIFE (Katja Franko Aas et al. eds., 2008).

[55]   LYON, *supra* note 1, at 139.

[56]   *Id.*

ment that the test of good governance is through observing the care of the weakest and most vulnerable members of a given nation-state, and it is the former that guides new ID systems. Thus, these ID systems tend to maintain existing marginalities and to reinforce cumulative disadvantage. They do this, I argue,[57] by having six features. They are (1) remote rather than face-to-face; (2) interoperable and thus based on cognate categories internationally; (3) categorical; (4) tending to conflate risky categories; (5) focused on behavioral and bodily criteria, seen especially in the use of biometrics; and, of course, (6) exclusionary. These new IDs represent what Didier Bigo calls a *ban*opticon that singles out exceptions as opposed to a panopticon that is all-inclusive.[58]

Plainly, new IDs are key players in new modes of citizenship emerging in many countries around the world in the twenty-first century. These IDs reflect changing priorities and over time will become conduits for directing practice in terms of those same priorities. But citizenship also has an active dimension relating to political involvement and democratic direction. How may citizens who believe that such active dimensions are significant respond and contribute to the rise of new IDs and to governance by identification in general? Opportunities exist at several levels, from technical, legal, and policy measures to awareness-raising, education, media, and public protest.

One important banner that has been raised is inscribed with the word "privacy." As a means of mobilization this can be effective in some quarters and privacy advocates have a noble history of resistance to the steady expansion of surveillance.[59] A focus on privacy may help to maintain civil liberties and through Privacy Impact Assessments contribute to greater care with personal data handling. At the same time it has to be said that privacy as a concept is a very limited weapon to wield against encroaching surveillance by IDs. When ID regimes are used to govern pre-emptively or to secure mobility, it makes little difference that some data are anonymized or that trivial "private" data are maintained as such.[60] Moreover, the screening enabled by data mining and record linkage goes far beyond the fixed records and images of older ID technologies by building up complex and constantly updated profiles. As Amoore says, "[i]t is not so much a lack of privacy that is the political problematic, but rather a lack of social space in

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[57]   *Id.* at 142–48.

[58]   *See* Didier Bigo, *Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon, in* BORDERSCAPES: HIDDEN GEOGRAPHIES AND POLITICS AT TERRITORY'S EDGE (Prem Kumar Rajaram & Carl Grundy-Warr eds., 2007).

[59]   *See* COLIN J. BENNETT, THE PRIVACY ADVOCATES: RESISTING THE SPREAD OF SURVEILLANCE (2008).

[60]   Amoore, *supra* note 17, at 32.

which we can see and be seen, engage with the differences and difficulties of our world."[61]

As noted at the outset, new ID systems are in flux. There is a flurry of activity on a number of fronts, driven by a variety of rationales, but it remains unclear how or when these systems might stabilize. The paths taken will depend, on the one hand, on government momentum, corporate decisions, and technical choices, and the responses of ordinary citizens and of concerned groups on the other. With regard to the latter, there are many examples of critique, opposition, and constructive proposals regarding ID schemes in several countries.

One significant factor is that much hangs on the public understanding that databases, not cards, are the key issue. An international survey carried out at Queen's University in Canada shows clearly that the more people understand the nature of surveillance in general, the more they resist.[62] This survey also gives some indication of how popular opinion plays out when the implications of the national registry come into focus.[63] When asked about the desirability of holding national IDs one finds a fair degree of cautious assent, but when asked how far the same respondents believe governments would protect their personal information within departmental databases and the national registry, there was a marked drop in confidence.[64] In the eight countries surveyed, the proportion of agreement declined by about half.[65]

III. CONCLUSION

Much political concern has coalesced around new ID systems, not just in Western Europe and North America but also in Japan and elsewhere.[66] This clearly indicates how NGOs, technical and academic coalitions, and civil liberties and privacy groups might yet make a difference within some modes of active citizenship. The question of national IDs and their surrogates is just one of several issues that concern new uses of personal information in the twenty-first century, but it is a crucial one if one considers the opportunities and constraints on individual life-chances that hang upon it. Like those other issues, unless serious attention is paid to the ways in which personal data are so deeply consequential for life and liberty,

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[61] *Id.* at 33.

[62] David Lyon, *National ID Card Systems and Social Sorting: International Public Opinion, in* SURVEILLANCE, PRIVACY, AND THE GLOBALIZATION OF PERSONAL INFORMATION: INTERNATIONAL COMPARISONS (Elia Zureik et al. eds., 2010).

[63] *See id.*

[64] *Id.*

[65] *Id.*

[66] *See, e.g.,* BENNETT, *supra* note 59, at 137–43.

already marginalized and disadvantaged groups will continue to bear the brunt of the negative impacts associated with access to such data. Days are dark but, as I have explained, some cracks that admit light are evident.