Chapter 2
Definitional Dilemmas

The introduction of identity theft into contemporary society caused considerable conceptual confusion. The mere terminology became the source of vivid discussions, especially since individuals with a legal background questioned the usage of the word ‘theft’ in association with identity. The main question from the legal front became: can someone steal an identity? Traditional definitions of theft in criminal law conflicted with the meaning of the term as used in the concept of identity theft. Certain sources therefore labelled identity theft a misnomer\(^1\) or referred to the concept as ‘awkward.’\(^2\) Some even demonstrate a complete disdain for the term.\(^3\) Others, on the other hand, embrace the concept and its accuracy.\(^4\) Clare Sullivan supports the usage of the concept of identity theft and states ‘‘[d]ishonest use of an

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\(^1\) The Model Criminal Law Officers’ Committee of the Standing Committee of Attorneys-General (2008): 14 states, “[t]he phrase ‘identity theft’ is a misnomer, as identity theft does not actually deprive a person of their identity. The offence of theft or larceny traditionally involves an appropriation of the personal property of another with the intention to deprive him or her of that property permanently. Wrongfully accessing or using a person’s personal information or forging proof of identity documents, without taking any physical document or thing, would not deprive the person of the ability to use that information.’’

\(^2\) Koops & Leenes (2006): 5 write how ‘‘[i]dentity theft’ is a rather awkward term, since identity is not something that is typically stolen. A characteristic of theft, after all, is that the owner no longer possesses the stolen thing. With identity, this is usually not the case: the victim of identity takeover still retains her identity. We should therefore speak of ‘identity “theft” ’ rather than of ‘identity theft.’’

\(^3\) James Van Dyke, President and Founder of Javelin Strategy & Research, published a blog entry on April 14, 2010 with the title ‘‘[i]dentity theft’: the sooner this term goes away the faster we’ll make the problem do the same.’’ In the post, he states ‘‘I have long disdained the term ‘identity theft,’ but because it’s stranglehold on the untapped power of higher understanding is supported by the highest laws of the land (the last two presidents have created ‘identity theft task forces’ and every federal, state and local law enforcement agency uses this same label) it won’t disappear anytime soon.’’

\(^4\) See for example Le Lievre & Jamieson (2005): 7 who note how despite the difficulty with regard to criminal law aspects identity theft has more of a personal emotive impact than identity fraud because it presents the idea of identity ownership which is then stolen by another individual.
individual’s token identity by another person is a denial of the individual’s right to the exclusive use of his/her transactional identity, and its use by another person fundamentally damages the integrity of the individual’s token identity." The acceptance of identity theft as a concept requires a stretch of the term theft and also a more progressive approach to the idea of property, which is a considerable challenge due to traditional meanings in the legal arena. The availability of a popular alternative—identity fraud—provides those opposed to the use of identity theft as a concept an opportunity to circumvent the problem. Even so, the problems associated with the usage of identity theft as a concept only proved to be the proverbial tip of the iceberg. The much larger challenge remains. This is the challenge of the problem definition. To address this challenge, this chapter shifts the discussion from the ‘legal’ to the public policy arena in an effort to develop a more thorough understanding of the definitional dilemmas. This shift of arena provides for a more comprehensive approach to the issue of problem definitions since it surpasses the rigidity of legal debate.

2.1 Problem Definition

The importance of problem definitions in the development of public policy is evident through the attention devoted to the topic. Problem definitions play a prominent role in the shaping of political agendas and their substance therefore often become the focus of extensive debate. David A. Rochefort and Roger W. Cobb describe how “[a]s political discourse, the function of problem definition is at once to explain, to describe, to recommend, and, above all, to persuade.” These different functions of problem definitions heighten the pressure on those involved to ensure that their interests are reflected in the problem definition used during policy debates. Janet A. Weiss specifically emphasizes the aspect of persuasion of the problem definition when she writes, “… participants in the policy process seek to impose their preferred definitions on problems throughout the policy process. Much policymaking, in fact, is preoccupied with whose definitions shall prevail.” To successfully persuade others to accept a definition also grants the persuader the power to play a prominent role in the determination of the subsequent course of action with regard to the problem. This is because “[p]roblem

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6 This challenge maintains a more extensive history through the discussion of data as property. See Prins (2006a).
7 Identity theft and identity fraud are used both interchangeably by some and as separate concepts by others.
8 Rochefort & Cobb (1994).
9 Ibid: 15.
definition is a process of image making, where the images have to do fundamentally with attributing cause, blame, and responsibility.” 11 The causes reflected by the definition assist in the distribution of blame and responsibility. Rochefort and Cobb therefore consider culpability as the most prominent aspect of problem definitions. 12 Nevertheless, Rochefort and Cobb do acknowledge how “… problem definition is about much more than just finding someone or something to blame. Further disputes can surround a situation’s perceived social significance, meaning, implications, and urgency. By dramatizing or downplaying the problem and by declaring what is at stake, these descriptions help to push an issue onto the front burner of policymaking or result in officials’ stubborn inaction and neglect.” 13 This theoretical background assists in the development of an understanding of the discussions about the problem definition with respect to identity theft. Moreover, such an understanding also places the responses to the problem in perspective.

2.2 The Search for a Definition

The preoccupation with a definition of identity theft ‘officially’ began in 1998 when the Government Accountability Office (GAO) of the United States identified the lack of a standard definition of the problem on several occasions. 14 The GAO literally states how “[t]here is no one universally accepted definition of identity fraud.” 15 This conclusion appears based in part on testimonials provided by officials from the law enforcement community 16 as well as the credit card industry. 17 Michael D. White and Christopher Fisher identify the inconsistency in defining the problem as the primary challenge in the fight against identity theft. 18 Despite the introduction of a legal definition of identity theft, through the Identity Theft Assumption and Deterrence Act of 1998, 19 the United States Department of

13 Ibid: 3.
15 Ibid: 11.
16 The GAO (1998): 20 states how, “[i]dentity fraud is difficult to track. Generally, the law enforcement officials we contacted told us that their respective agencies historically have not tracked identity fraud for various reasons. One reason is the lack of a standardized definition of identity fraud.”
17 The GAO (1998): 43 states how, “[a]ccording to an official we contacted at VISA U.S.A., Inc., within the credit-card business, there is no standardized or industrywide definition of identity fraud.”
Treasury highlighted the definition problem in 2005 and wrote, “[t]he lack of a standard definition makes it difficult to collect comprehensive, accurate data for quantifying the costs and incidents of identity theft.” The Department cites various examples, mainly from the financial services sector which demonstrate the discrepancy among definitions used in the United States. Identity theft, according to the Department, is a definition in progress for certain sources in the financial services sector.

Along similar lines, the Fraud Prevention Expert Group (FPEG) of the European Commission writes, “[t]he first difficulty is to define the scope of the problem as there is no clear common definition of what should be understood by identity theft or identity fraud.” Such a “... common definition of what the problem is appears desirable: talking of the same thing facilitates preventing and combating it.” Despite the importance granted to the issue, the FPEG notes how “[f]or the purposes of this paper, however, no attempt to find a common definition will be undertaken. The problem will be referred to as ‘identity theft/fraud.’”

The Organisation for Economic Co-operation and Development (OECD) also states how there is a lack of a common definition among OECD countries which “… may complicate efforts to combat the problem in a comprehensive, cross-border fashion.” Further along, the OECD once again notes the lack of a common definition and its potential to “… stymie efforts to address the problem.”

The Australasian Centre for Policing Research (ACPR) describes the need to establish “... some form of consensus in relation to definitions of identity crime terms, at least within Australasian law enforcement and revenue protection agencies, to assist with:

- Policy development;
- Research;
- Training;
- Marketing and community education;
- Victim assistance measures;
- The treatment and measurement of this phenomenon; and
- The eventual development of comparable national statistics.”

The Ministry of Justice in the Netherlands also underscored the need for a demarcation of the concept of identity theft. This decision came as a result of the written commitment made by the Minister of Justice in 2004 to develop a policy.

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20 United States Department of Treasury (2005).
23 Ibid.
24 Ibid.
26 Ibid.
framework in response to identity theft after the Royal Constabulary published a study on identity theft and travel documents. Part of the development of such a policy framework was a workable demarcation of the problem of identity theft. This led to a study in 2007, which aimed to provide the government with a definition of the problem and an analysis of the applicability of existing instruments of criminal law.

Through a comprehensive overview of the available literature and the various perspectives, the researchers needed to determine whether identity theft required a separate legal provision. Bald de Vries et al. provide an overview of the definitions set forth in the Netherlands, the United States, the United Kingdom, France, Belgium, and the European Union. The exclusion of Australia is remarkable due to the availability of and the effort made by certain actors to create a more consistent approach toward a definition of identity theft, as noted above. Even so, the report produced by de Vries et al. is substantial and provides a thorough dissection of all the definitions discussed. In their report, de Vries et al. propose the following definition of identity fraud. According to the researchers, “[i]dentity fraud is obtaining, taking, possessing or creating false means of identification intentionally (and) (unlawfully or without permission) and to commit with them unlawful behavior or: to have the intention to commit unlawful behavior.” Important to note is how the usage of false means of identification in the definition refers to means of identification “… when they do not truthfully identify the person who uses it.” The value of the study is difficult to determine as the definition set forth by the authors fails to surface in discussions on the topic. On a different dimension, the Ministry of Justice used the results to strengthen its decision not to criminalize identity theft for the foreseeable future (see Sect. 3.1.2). The definition also became the object of criticism, albeit limited. There is merit to such criticism as the outcome of the study fails to surpass previous attempts and as such makes little to no contribution to the discussion.

29 De Vries et al. (2007).
30 270 pages.
32 Ibid.
33 Representatives from the consumer complaint center and the expert center for identity theft described how they used the definition as a (rough) guideline. Otherwise, the definition seems to not have been embraced in the policy debate in the Netherlands.
34 In an epilogue to his Master thesis, Peter van Schijndel reflects on the research conducted and the conclusions offered by de Vries et al. Van Schijndel recognizes the comprehensive character of the research conducted, but refutes the conclusions drawn by the authors. He even considers the potential acceptance and subsequent implementation of the definition by the Ministry of Justice dangerous. The definition set forth by de Vries et al. is, according to van Schijndel, a poor imitation or a bad copy of the definition presented by the Identity Theft Assumption and Deterrence Act of 1998 in the United States.
Other academic attempts however manage to successfully accomplish such progress. Bert-Jaap Koops & Ronald E. Leenes defined identity theft as “… fraud or another unlawful activity where the identity of an existing person is used as a target or principal tool without that person’s consent.”\textsuperscript{35} There is a simplicity in this definition which is absent in the definition provided by de Vries et al. This simplicity embodies the craving for a broad range of the concept. As John Gerring notes, “[a] concept that applies broadly is more useful than a concept with only a narrow range of application. A good concept stretches comfortably over many contexts; a poor concept, by contrast, is parochial—limited to a small linguistic turf.”\textsuperscript{36} Other academic contributions to the discussion on definitions are more specific as these contributions focus on the highly contested definition of financial identity theft (see Sect. 2.3).

From the above, it becomes obvious how a general consensus exists about the lack of a standard definition of identity theft. This is partly a result of the versatile nature of identity theft. The connection between identity theft and other crimes demonstrates this versatility and supports the complexity of the problem. Individuals misuse identities, whether real or fabricated, in an effort to carry out acts of terrorism, illegal immigration, human trafficking, and money laundering. The connection between identity theft and these other categories of crime challenges the establishment of policy ownership. As Joseph R. Gusfield notes, “[o]wnership constitutes one piece of the structure of public problems. It indicates the power to define and describe the problem.”\textsuperscript{37} This power is not clearly delineated with respect to identity theft due to the lack of explicit policy ownership.

Another part of the complexity is the ‘novel’ character of the problem. Whereas disagreements exist about the novel character of the phenomenon, many contend that the incorporation of digital technology certainly provided the phenomenon with innovative aspects which make the overall problem display a sense of novelty. Rochefort and Cobb identify the aspect of novelty in relation to problem definitions and describe how “… issues that have not been seen before are difficult to conceptualize and they lack familiar solutions. Thus a tension arises as the issue is publicized and onlookers expect resolution, yet no consensus exists within the political system on how to tackle the problem.”\textsuperscript{38} This observation made by Rochefort and Cobb is particularly important in light of the continued emphasis on the lack of a standard definition.

When the GAO identified the lack of a standard definition in 1998, this seemed logical due to the ‘novelty’ of the problem. More than ten years later, the preoccupation with the lack of a standard definition might demonstrate a lack of consensus about the approach to the problem rather than the problem itself. Julia S. Cheney remarks how “[a]fter much discussion, Lois Greisman, of the Federal Trade

\textsuperscript{35} Koops & Leenes (2006).
\textsuperscript{36} Gerring (2001): 54.
Commission (FTC), suggested that perhaps the definitional debate is not the real roadblock, and in fact, such debate may be primarily about semantics.”

The ‘real roadblock’ concerns the approach to the problem, which might be the underlying reason reflected in the statements made about the lack of a standard definition. This observation also receives support from the discrepancy between the reiteration of the absence of a definition despite considerable efforts made by the academic community to clarify the meaning of the concept and its related terminology.

2.3 Financial Identity Theft

Since the focus of this research is on financial identity theft, this section shall concentrate on the problem definition issues specifically related to financial identity theft. Unlike the previous sections, which demonstrate how many sources emphasize the absence of a definition or a general consensus about the meaning of the concept, the definitional challenges of financial identity theft are more concrete. These challenges mainly originate from the distinct interest of the relevant parties, including governments, especially the law enforcement community, financial service providers, and in a more limited capacity, interest groups. The problem definition of financial identity theft is of vital importance for financial service providers, especially since the definition provides a reflection of causation and responsibility. The starting point for the United States is the legal definition established through ITADA, which states that identity theft occurs when someone “… knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law.”

This definition takes a comprehensive approach to identity theft in general and therefore includes various types of fraud.

Such a broad definition became an object of resistance for the financial services industry after the passage of the Fair and Accurate Credit Transactions Act in 2003, when the FTC received the opportunity to establish, among other things, identity theft definitions. Whereas ITADA established a criminal definition of identity theft in 1998, the FTC needed to establish civil definitions of identity theft as a result of FACTA in 2003. The definition set forth by the FTC embraced the previously

40 See for example Sproule & Archer (2006) and Koops et al. (2009).
42 Cheney (2005).
43 FACTA states in Sect. 111(3) how “[t]he term ‘identity theft’ means a fraud committed using the identifying information of another person, subject to such further definition as the Commission may prescribe, by regulation.”
identified broad character. As such, the FTC defined identity theft in its final rule as “… a fraud committed or attempted using the identifying information of another person without authority.” The definition set forth by the FTC is the result of the Commission’s intent to cover “… all bona fide victims and conduct …”

The financial services industry offered its disapproval through its comments on the proposed rule and the definition therein. The disapproval concerned the broad character of the definition and especially the inclusion of attempted fraud. Wells Fargo & Company expressed its dissatisfaction with the definition and wrote, “[w]e are concerned that defining ‘identity theft’ to include ‘attempted’ fraud would greatly expand the scope of conduct that entities must take steps to prevent and would significantly increase the number of consumers authorized to take advantage of the rights that the FCRA confers upon identity theft victims.” Furthermore, by “[e]xpanding the definition of identity theft beyond the traditional notion of an individual opening an account or obtaining a loan in another person’s name would divert significant resources away from actual identity theft and its victims in order to assist those who have avoided any meaningful harm of identity theft.” Here the issue is mainly the inclusion of account takeover as part of the definition which also concerns others who claim how the broad definition leads to a dilution of the industry’s efforts because such a definition provides victims of account takeover with the same benefits and priority as victims of true identity theft. Such a dilution of efforts is unbefitting to victims of ‘true’ identity theft since they fail to receive a higher priority in comparison to victims of ‘less debilitating crimes’ such as account takeover. This assertion of account takeover as a less debilitating crime is (highly) subjective since such a crime can still contain the necessary consequences for the victim, especially if such a takeover concerns a checking or savings account which may leave the individual (temporarily) without any funds.

Overall, Julia S. Cheney summarizes the position of the financial services industry when she writes, “[t]o optimize strategies to combat identity theft, the industry wants more nuanced definitions as determined by the specific form of fraud and by the process used to identify and respond to its losses and its customers.” The ‘nuanced,’ or better yet restricted or limited, definitions therefore serve as tools for strategy optimization. This could be because more restrictive definitions limit their applicability to particular products within the sector of financial services. As Rodger Jamieson et al. note, “[p]rivate organisations interviewed saw identity fraud, identity theft and identity deception acts in much narrower focused terms than government agencies.”

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45 Ibid.
46 Ibid: 8.
47 Ibid.
48 Ibid: 10.
50 Jamieson et al. (2008).
The specificity of the form of fraud is also important in the Netherlands, where the Dutch Banking Association described how banks categorize fraud according to the specific type of ‘product’ involved. Banks in the Netherlands therefore often speak of skimming and Internet banking fraud, which clearly indicate which product perpetrators misused to obtain the victim’s financial assets. This categorization occurs because different products reveal diverse vulnerabilities. Moreover, identity theft or the misuse of identities or identifying information is a common thread through most, if not all, types of fraud which take place in the banking industry. The Dutch Central Bank therefore refers to the concept of identity theft as a containerbegrip or umbrella term.

Yet, the controversy witnessed about the term in the United States appears largely absent in the Netherlands with respect to the financial services sector. The National Forum on the Payment Systems reflects on the substance of identity theft and dissects the problem according to the stages identified in Sect. 1.2. The Forum states how identity theft can be divided into two actions which include the acquisition and collection of information and the subsequent misuse of such information. Whether the Forum also incorporates account takeover as part of this definition remains unclear, especially since the Forum, along with its participants, exclusively refer to specific types of, or rather methods used to accomplish account takeover, such as skimming and phishing.

Whereas the providers of financial services primarily frame their preference or need for more restricted and specific definitions in light of strategy optimization, others focus on ulterior motives held by the industry. As sergeant Ed Dadisho indicates, many financial service providers object to the usage of a broad definition by the FTC in particular and the government in general because such a definition ‘... trigger certain duties for the financial institutions, thereby allocating additional resources and system changes to respond to new identity theft complaints by consumers. This is purely a financial concern that would not merit any reason to change how law enforcement agencies report and investigate identity theft crimes.’

Moreover, the application of a broad definition carries the potential for unintended consequences, such as the development of unwarranted fears among

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51 Interview February 9, 2010, Amsterdam.
52 Skimming refers to the copying of the information on the black magnetic stripe on the back of a debit card in an effort to duplicate the card, obtain the pin code, and drain the account.
53 Interview February 9, 2010, Amsterdam.
54 Interview January 12, 2010, Amsterdam.
56 In the yearly report of the National Forum on the Payment System in 2007, there is no reference to identity theft. Instead, the report specifically highlights evolving problems with respect to skimming and phishing. See Maatschappelijk Overleg Betalingsverkeer (MOB) (2008). Even so, the following year, the Forum once again referred to the problem of identity theft in its yearly report. See Maatschappelijk Overleg Betalingsverkeer (2009).
57 Dadisho (2005).
consumers about the use of electronic payments and commerce.\textsuperscript{58} Such unwarranted fears may occur as a result of the publication of statistical data on the problem. Fragmentation, or the publication of data based on specific banking products, circumvents this problem since such data makes the problem appear less dramatic. The Netherlands provides statistics specifically on skimming and on internet banking fraud. This exemplifies the fragmented approach.

In the United States, the publication of prevalence data by the FTC heightened the industry’s concerns. Certain sources, including the American Bankers Association Senior Federal Counsel Nessa Feddis, claimed that the figures associated with identity theft exaggerated the problem since all kinds of fraud were ‘redefined’ as identity theft.\textsuperscript{59} The inclusion of all forms of unauthorized credit card use by the FTC also received criticism from Avivah Litan, a research director at Gartner, Inc. Litan describes how “[n]obody ever did it that way before.”\textsuperscript{60} This is rather peculiar given that the GAO published a study in 2002 and reported how “[t]he two major payment card associations, MasterCard and Visa, use very similar (although not identical) definitions regarding which categories of fraud constitute identity theft. Generally, the associations consider identity theft to consist of two fraud categories—account takeovers and fraudulent applications.”\textsuperscript{61} This appears to be contradictory since the conventional meaning of account takeover concerns the unauthorized use of existing credit cards. The explanation is concealed in a footnote where the GAO states, “[o]ther fraud categories that the associations do not consider to be identity theft-related include, for example, lost and stolen cards, never-received cards, counterfeit cards, and mail order/telephone order fraud.”\textsuperscript{62} The exclusion of all these types of fraud leads to confusion about the payment association’s definition of account takeover since many of the fraud categories mentioned in the footnote certainly fall under the account takeover umbrella. The inclusion of account takeover is a form of ‘definition creep’ which may lead to ‘public confusion.’ Rosie Lombardi claims how identity theft “… is now being used to sex up crimes reported in the media that were considered plain ordinary fraud in the past.”\textsuperscript{63} This is problematic for the industry since the more encompassing the definition of identity theft becomes the more prevalent the problem appears to be. As Stacey L. Schreft notes, lumping new account fraud together with existing account fraud makes identity theft appear more prevalent, which might raise more alarm among the public than financial service providers find necessary. Schreft furthermore writes, “[t]he latter argument, along with a desire of financial

\textsuperscript{58} Cheney (2005): 17.
\textsuperscript{59} O’Sullivan (2004).
\textsuperscript{60} \textit{Ibid}. 8.
\textsuperscript{62} \textit{Ibid}.
\textsuperscript{63} Lombardi (2006).
institutions to minimize the perceived prevalence and seriousness of the crime, is likely driving the objections to the ITADA’s definition ...” 64

Whereas the financial services industry actively lobbies for a limited definition of financial identity theft, the government, especially law enforcement, continues to embrace a broad definition. Interest groups also express a preference for the usage of a broad definition. These interest groups represent the plight of victims of identity theft which enhances their preference for a broad definition in an effort to assist all victims rather than a selected group. The Identity Theft Resource Center (ITRC) in particular aims to capture the experiences of all types of victims of identity theft, including financial and criminal. For the victims of financial identity theft, the ITRC includes both victims of account takeover and true name fraud. The ITRC demonstrates its inclusion of both forms of financial identity theft, when the interest group writes “[d]ue to the constant availability and exposure of financial account information and Social Security Numbers, it is relatively easy for an identity thief to either open new lines of credit or use/takeover existing accounts.” 65 Along similar lines, the Electronic Privacy Information Center describes the many different types of identity theft on its website. For financial identity theft, the Electronic Privacy Information Center (EPIC) refers to credit card fraud as well as new account fraud. 66 The Privacy Rights Clearinghouse also captures both account takeover and application fraud as types of financial identity theft. 67 All three of the interest groups involved in consumer and victim advocacy demonstrate an all-encompassing approach to the problem of financial identity theft. This appears to be a logical result of their focus on consumers and victims of identity theft.

From the academic arena more fruitful efforts aim to develop an approach which provides not only both the specificity of the different aspects often grouped together as financial identity theft, but also maintains the umbrella perspective. Megan M. McNally provides a continuum of victimization which demonstrates the degrees of financial identity theft and the potential severity for its victims. 68 The continuum increases in terms of severity from left, existing accounts, to right, new activities. McNally places account takeover in the middle of her continuum. The left side of the continuum concerns fraudulent transactions on existing accounts which has as its worst case scenario account takeover. The right side of the continuum on the other hand reflects on the more serious form of financial identity theft, true name fraud. This continuum demonstrates how the definition of financial identity theft can be broad and nuanced simultaneously.

65 ITRC (2009).
2.4 Conclusion

The treatment of the problem definition of identity theft in general and financial identity theft in particular sets the stage for its future in the realm of public policy. For many years, the main message has been that there is an absence of a standard or universally accepted definition of identity theft. This message is important, as its truth value is rarely questioned. Nor is the message about the need for such a standard definition ever challenged. As such, the definition of identity theft remains an object of preoccupation, despite the availability of the academic literature which attempts to unravel its complexity. Nevertheless, through maintaining the message of a lack of a standard definition, those involved managed to steer away from difficult choices. These choices must occur when they select a definition which inevitably identifies causes and distributes blame and responsibility. Not everyone in the arena is oblivious to this. In the minutes of the second meeting of the core group of experts on identity-related crime, the rapporteur notes how in relation to the discussion on definition, prevalence, and related matters “… Ozaki compared some of these issues to a ‘chicken and egg’ problem. Without legislation, there is no definitional basis for data gathering and an analysis and without data there was often no basis or perceived need for policy development and legislation.”69 As such, the reasoning remains circular and the absence of a definition functions as a vehicle to professionalize the art of procrastination. Interesting to note is how the minutes furthermore reflect on how Ozaki noted that the lack of a definition “… was not necessarily an insurmountable obstacle, however. There is no global definition of terrorism, but a reliable typology has been developed of some of the more problematic types, and international legal instruments, statistical analysis and technical assistance work had all been successfully carried out based on that typology.”70 This can be done for identity theft as well.71

Another reason to refute the preoccupation with the need for a standard definition of identity theft in an effort to respond to the problem is the (near) tradition of the existence of multiple definitions in the policy arena. Weiss notes, “[a]s policymakers struggle through the process of authoritative decision making, they typically face not only multiple options for addressing a given problem, but multiple definitions each implying its own family of solutions.”72 These multiple definitions, according to Weiss, “… may survive to haunt the implementation process …”73 Therefore, while standard definitions may serve to optimize strategies they are not required to take action, unless such absence is a convenient

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69 Minutes of the second meeting of the core group of experts on identity-related crime, Vienna, Austria, 2–3 June 2008.
70 Ibid.
71 Koops et al. (2009).
73 Ibid.
justification to disguise the absence of ideas about how or a willingness or capacity to tackle the problem. Edgar A. Whitley and Ian R. Hosein write, “Given this complexity in even identifying identity fraud, it is not immediately obvious which branch of government should be responsible for implementing measures for combating the problem.”\textsuperscript{74} And as such, the emphasis placed on the absence of a definition by stakeholders manages to postpone culpability and responsibility.

\textsuperscript{74} Whitley & Hosein (2008): 98.
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