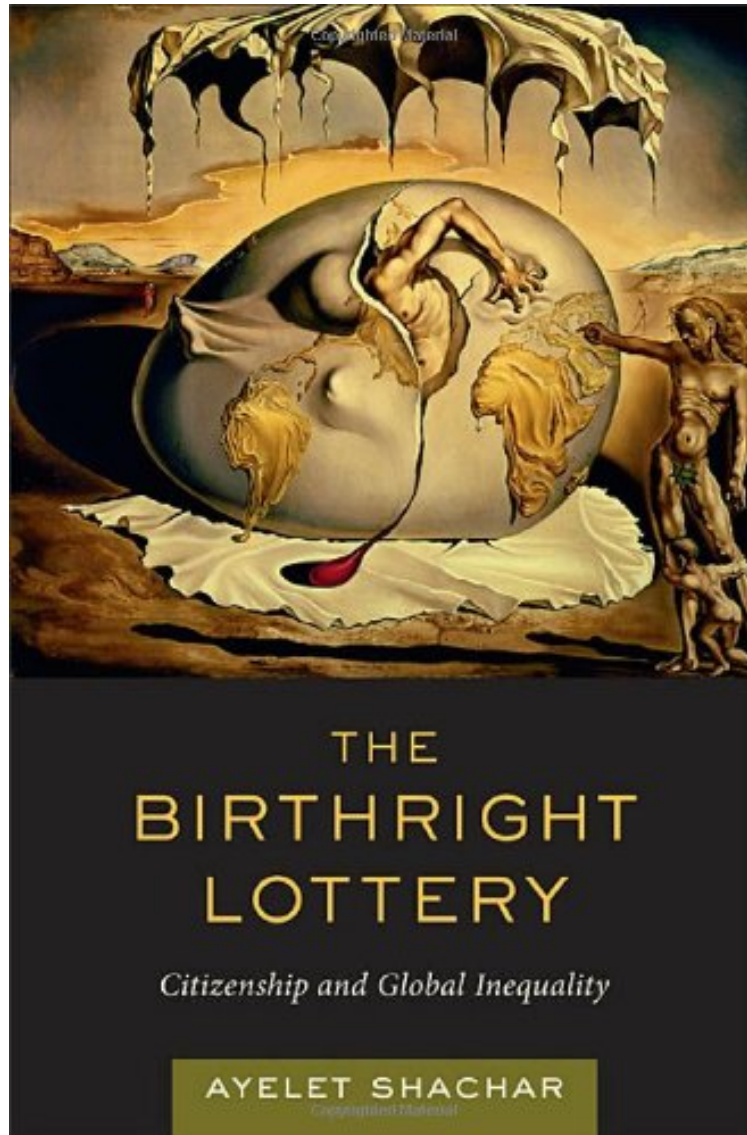


The Birthright Lottery: Citizenship and Global Inequality

Ayelet Shachar

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Ayelet Shachar : The Birthright Lottery: Citizenship and Global Inequality before purchasing it in order to gage whether or not it would be worth my time, and all praised The Birthright Lottery: Citizenship and Global Inequality:

9 of 11 people found the following review helpful. Three New Ideas in One BookBy Simon BurrowIn "The Birthright Lottery" Ayelet Shachar develops three arguments that will have a positive and profound effect on the struggle for more people to gain the legal right to migrate. The book is a series of legal arguments that are easy to follow, convincing and well footnoted. If you are interested in the immigration debate this book belongs on your shelf

between Bill Ong Hing's *Deporting Our Souls: Values, Morality, and Immigration Policy* and Lant Pritchett's *Let Their People Come: Breaking the Gridlock on Global Labor Mobility*. First Shachar shows that where one is born has significant value, that your birthright is property and that it is inherited. She then equates the inheritance of birthright to the discredited ancient laws of entail that allowed the preservation of inherited wealth in Medieval England. Finally she makes a case for the payment of inheritance levies on the citizenship value of those born in the rich countries to benefit those born through the luck of the draw in poor countries. This idea will start people thinking about the inherent unfairness of a system that allocates resources based on birth not merit and proposes a legal framework for fighting to correct it. She also argues that current laws for assigning citizenship either by place of birth or by parentage are unfair in our increasingly mobile world. She uses examples that show that they should be replaced by a system that assigns citizenship based on "nexus." In other words you should be considered a citizen of the country "where your community is." This is important for example to those who move to a new country as infants but under the old rules are not accepted as citizens. Finally she finds a legal argument to defend "illegal aliens." If citizenship is a property right then the common law rules of adverse possession can be applied to gain citizenship for aliens who lived peacefully in another country for a period of time and were not forced out. This book contains brilliant new legal thinking about citizenship and migration. More than likely none of these ideas will ever be implemented but by adding them to the debate Shachar has made it likely that more of the people who won the birthright lottery will acknowledge its value and begin to share its bounty.⁵ of 9 people found the following review helpful. Citizenship as a special kind of property inheritance By ROROTOKO "The Birthright Lottery" is on the ROROTOKO list of cutting-edge intellectual nonfiction. Professor Shachar's book interview ran here as cover feature on August 28, 2009.

The vast majority of the global population acquires citizenship purely by accidental circumstances of birth. There is little doubt that securing membership status in a given state bequeaths to some a world filled with opportunity and condemns others to a life with little hope. Gaining privileges by such arbitrary criteria as one's birthplace is discredited in virtually all fields of public life, yet birthright entitlements still dominate our laws when it comes to allotting membership in a state. In *The Birthright Lottery*, Ayelet Shachar argues that birthright citizenship in an affluent society can be thought of as a form of property inheritance: that is, a valuable entitlement transmitted by law to a restricted group of recipients under conditions that perpetuate the transfer of this prerogative to their heirs. She deploys this fresh perspective to establish that nations need to expand their membership boundaries beyond outdated notions of blood-and-soil in sculpting the body politic. Located at the intersection of law, economics, and political philosophy, *The Birthright Lottery* further advocates redistributive obligations on those benefiting from the inheritance of membership, with the aim of ameliorating its most glaring opportunity inequalities.

An exceptionally important work from one of the leading theorists of citizenship law. Shachar is the first scholar to put the rich theory of property law to work in the realm of citizenship. Taken on its premise, it is a highly successful effort. Citizenship theory is ripe for destabilization, and *The Birthright Lottery* delivers on its promise to shake up our thinking on the question. (Peter J. Spiro, author of *Beyond Citizenship: American Identity After Globalization*) Prepare to be challenged, at times even outraged, but always stimulated. This book is for the intellectually brave. (J.H.H. Weiler, co-author of *European Constitutionalism Beyond the State*) An original, learned, and ambitious book. *The Birthright Lottery* will make a significant contribution to the fields of immigration and citizenship studies and to studies across the disciplines on global justice. (Linda Bosniak, author of *The Citizen and the Alien: Dilemmas of Contemporary Membership*) *The Birthright Lottery* provides us with a strikingly novel way of thinking of the intergenerational reproduction of global inequality. It has the potential to redefine completely the terms in which debates about global justice are conducted. (Daniel M. Weinstock, author of *Global Justice, Global Institutions*) Shachar's fundamental insight is to suggest treating the material benefits of citizenship as a form of property. That recasts citizenship as an inheritance...that ought to be taxed...For those who would argue that it is repellent to pay for your birthright--a sort of head tax in reverse--Shachar attacks the notion that citizenship is a natural right. How, she asks, could anything based on the artificial construct of national borders be natural? A child born in one spot has a chance in the Dominican Republic. If she's born a few feet the other way, she's trapped for life in the desolation of Haiti...For those living comfortably on the socially conscious left, Shachar has raised the bar on the discussion of equality. (Cathal Kelly Toronto Star 2009-05-02) OK, you were lucky enough to be born in one of the wealthier countries of the world. But what makes you entitled to enjoy the benefits of this accident of birth while others in poorer countries are starving to death through no fault of their own? Ayelet Shachar argues that the privileges of hereditary entitlement to citizenship may be legitimate, but so too are the claims to citizenship of those born elsewhere who have developed bonds of community involvement. Birthright citizenship is a special kind of inherited property, and a society has a right to impose restrictions and qualifications on what rights flow from the chance occurrence of "being born here." This book is an important jumping-off point not only for the immigrant rights movement, but also for all of us who would like to see the eventual dismantling of restriction on immigration, or even of all national boundaries. (Tikkun 2009-07-01) So universal is birthright citizenship as a legal norm--and so

comfortably does it sit with our own interests--that this extraordinary and unjust system of allotting life chances passes unquestioned. If it did nothing else but open our eyes to this anomaly, this book would make a signal contribution to the immigration debate...Shachar makes an effective and impassioned case that we cannot avert our eyes from the injustice of current immigration law and the unearned privilege it confers upon the native-born majority. It is not sufficient justification that it pleases us. (Andrew Coyne Literary of Canada 2009-07-01)The Birthright Lottery is a timely and relevant contribution to the modern theory and practice of citizenship. It will be of interest to scholars of citizenship and those new to the subject. By situating the discussion in the rich context of literature on citizenship theory, borders, migration, and global inequality, the book provides an excellent introduction to existing discourse. Those already familiar with these topics will find the author's novel perspective on citizenship and her creative proposals for change both refreshing and stimulating. Indeed, the value of this book lies not only in its important contribution to citizenship theory, but also in its explosive power to spark new debates and inspire innovative work in this area. (Sasha Baglay Osgoode Hall Law Journal 2009-09-01)About the AuthorAyelet Shachar is Professor of Law, University of Toronto, and Canada Research Chair in Citizenship and Multiculturalism.