The Birthright Lottery: Citizenship and Global Inequality by Ayelet Shachar

Three New Ideas In One Book

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 She deploys this fresh perspective to establish that nations need to expand their membership boundaries beyond outdated notions of blood-and-soil in sculpting the body politic.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 redistributional obligations on those benefiting from the inheritance of membership, with the aim of ameliorating its most glaring opportunity inequalities.

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My Personal Review:
In "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 "nexis." 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 shares its bounty.

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