

THE BIRTHRIGHT LOTTERY: CITIZENSHIP AND GLOBAL INEQUALITY

Within the space of one year, Professor Ayelet Shachar has spoken all over Europe, in several capitals in the Middle East, in addition to teaching at Ivy League universities such as Harvard and Stanford in the United States. Her work from a previous book on multiculturalism and women's rights has been cited by the Supreme Court of Canada and the Archbishop of Canterbury. The recent publication of her new book *The Birthright Lottery: Citizenship and Global Inequality*, and the groundswell of interest in it, will no doubt continue to keep this Faculty of Law scholar similarly busy throughout the next year.

"This book aims to advance our understanding of citizenship by moving beyond the standard emphasis on status, rights and identity. It adds a global justice component by highlighting the way in which citizenship is transferred: by birthright," Shachar explains. "The harsh reality on the ground is that most people alive today – indeed, 97 per cent of the global population – are assigned citizenship by the lottery of birth and either choose, or are forced, to keep it that way."

Citizenship, she explains, is passed to a restricted group with very strict conditions for transfer. Traditionally, it is passed by two legal methods: *jus soli* (by right of territory) and *jus sanguinis* (by right of bloodline). "Gaining privileges by such arbitrary criteria as one's birthplace or bloodline is discredited in virtually all fields of public life, yet birthright entitlements still dominate our imagination and our laws when it comes to allotting membership in a state," she says.

Professor Shachar suggests that an entirely new category of citizenship transfer is necessary to correct global injustice: *jus nexi* – citizenship by connection to the country. This would ease the tremendous injustice facing individuals who have resided in certain countries for extended periods of time, but do not have a traditional claim to citizenship. It's a revolutionary new concept that she hopes will encourage spirited debate among academics and policy-makers throughout the world.

"The implications of the birthright citizenship lottery are dramatic – it grants to some a world filled with opportunity and condemns others to a life with little hope. A child born in Mali might not have access to clean water or access to education, but a child born in Canada will," she explains. "By deploying a creative framework for understanding citizenship as a form of inherited property, we can see membership inheritance in a fresh light: it operates as a distributor – or denier – of opportunity on a global scale."

Shachar believes that winning the birthright lottery creates an obligation to give something back to the rest of the world, and by developing the analogy to inherited property this book, published by Harvard University Press,

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provides a theoretical framework for addressing the most glaring global inequalities that attach to birthright citizenship. Drawing on insights from law, economics and political philosophy, she offers concrete legal-institutional ways in which that could be accomplished.

One such idea, she explains, is to introduce a "privilege levy" on citizenship inheritance in affluent policies, distributing these revenues to specific projects designed to improve the life opportunities of children in the world's poorest nations – regardless of their (unchosen) birthplace or ancestry. She says that without thinking about new ideas to change the world, change can never occur and scholarship is precisely about introducing new ideas to the world that can have a significant impact.

"A serious consideration of the privilege of citizenship will also take into account the need for people to give back to the world. It's really a matter of global justice and democratic fairness, and it's exciting to be able to put the concepts together in this way, and bring these ideas about citizenship as public inheritance to the world," she says smiling. ■

