

Citizenship and Global Injustice - A Critical Analysis of Shachar's Birthright Lottery

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Abstract. In her book *The Birthright Lottery*, Ayelet Shachar (2009) offers convincing arguments regarding the connection between birthright citizenship and global inequalities. If bestowing citizenship upon birth leads to the perpetuation of privileges in wealthy states, new approaches to the granting of political membership need to be considered. Hence, Shachar introduces two concepts, the Birthright Privilege Levy and *Ius Nexi*, to resolve the injustices created by the birthright lottery. A critical analysis of her approach might reveal substantial weaknesses in her theory. Indeed, important ramifications concerning capitalism, migration and restricted mobility remain unresolved in the conception of her ideas. This paper argues that only a stringent conjunction of her concepts might fulfil Shachar's aim, to coherently link political membership with global justice. The revision and extension of her theory might hold important implications for migration studies, since it raises essential questions on how to achieve a world with relatively open borders, in which mobility is an expression of individual's autonomy.

Keywords: *citizenship, global justice, inequality, migration, mobility, capitalism.*

Introduction

After the so called "refugee crisis" in 2015, a heated debate about the welcoming of refugees, the right to stay, and political membership emerged in Europe. Conversely, this debate is not new and there exists a rich body of literature about questions on immigration, states' obligation to include refugees, and the allocation of citizenship (Bader 2005; Seglow 2005; Bauböck 2011 a; Smith 2011; Carens 2013; Fine & Ypi 2016; Grundmann & Stephan 2016). Therefore, several scholars have already discussed the exclusion of non-members in the national context (Miller 2005; Wellmann 2008, Wellmann & Cole 2011), while the connection between the principle of allocating political membership by birth and its global consequences yet remained unexplored.

One exception is Shachar's book *The Birthright Lottery* (2009), in which she criticizes the present allocation of citizenship by birth. This new perspective is more

current than ever, as we live in an unequal world characterized by disparities in terms of health, education, employment and income prospects, in which e.g. 17 percent of children born in low human development countries will have died before age 20, compared to just 1 percent of children born in very high human development countries (UNDP 2019, 29). Accordingly, Shachar points to the mechanism of granting citizenship, in which she sees global asymmetries in the distribution of perspectives and life chances perpetuating global injustices. Her book can be described as an original synthesis between theories of political membership and global inequalities, which shed light on the untenable practice of treating citizenship as inherited property.

The aim of this paper is to critically engage with Shachar's concepts. Correspondingly, chapter 1 will analyse Shachar's idea of a *Birthright Privilege Levy*, a tax on privileged citizenship, and identify certain weaknesses in her conceptualisation. In particular, Shachar bases her entire theory on questions regarding global injustice. In contrast, she does not include an approach that explains how global inequalities are produced, which is essential for any theory engaging with global injustices. The next chapter 2 will scrutinize Shachar's concept of *Ius Nexi*. She introduces a novel concept for the allocation of citizenship, *Ius Nexi*, without considering who might profit from this change of the status quo. This paper will argue that these new concepts, established as answers to the injustices of the birthright regime, are no appropriate means to solve the mentioned dilemmas of the birthright lottery. Chapter 3, therefore, will discuss that the introduction of her new ideas is only coherent, if they are conceptualized inherently together. In addition, Shachar's approach remains incomplete, if not including important questions about migration and border regimes, which Chapter 4 will further discuss. Otherwise, the core strength of her theory, the connection between political membership and global inequalities breaks apart. To this regard, it is questionable whether Shachar's theory actually creates a "new balance between political membership and global justice [...]" (2009, 22). This paper further will ask: what other options are there to solve the raised problems of the *Birthright Lottery*?

1. The *Birthright Privilege Levy* as a new concept of global distribution

In order to comprehensively criticise Shachar's concepts, it necessary to previously classify her theory into the broader literature on migration, citizenship and justice.

In comparison to Shachar, the activist school of migration studies pictures migrants caught in a constant state of exemption and excluded from basic rights. Scholars analyse the political acts of (irregular) migrants, who are not part of the political community (Nyers & Rygiel 2012; McNevin 2013). Isin and Nielson (2008) describe these actions as “acts of citizenship” and connect them to the broader transformation of political membership. Nevertheless, these processes can only be described as a transformative *potential*, as (irregular) migrants are subjected to legal authorities, without being protected by its laws. Alternatively, Benhabib (2008) and Bosniak (2006) particularly analyse the rights of non-members and the democratic implications of exclusion. While this analysis explains why states exclude aliens, it lacks a normative basis, and therefore, a normative concept for citizenship. As a consequence, both authors do not consider the global significance of citizenship, as embedded in an unequal world. In the same way, Bauböck (2009), despite establishing a new concept of citizenship (*stakeholder principle*), underestimates the immense economic, political and social differences that exist between states, according citizenship an unequal value worldwide. Already Walzer (1985) offers a connection between questions of justice and dilemmas of membership. However, he is justifying a right to exclude in the context of national sovereignty and cultural proximity. Therefore, his theory does not acknowledge that the allocation of citizenship in an unequal world might result in legitimate claims for political membership for certain people. In contrast, Carens (2013) defends a completely different approach on citizenship, criticising the citizenship regime in the Global North as kind of a feudal system. He acknowledges substantial economic global inequalities in his theory, and refers to the opening of borders and free movement as moral questions. Yet, Carens (2016) links political membership to a theory of social membership, and in this way, offers an alternative notion for citizenship. Hence, this might jeopardise the core strength of citizenship, to protect citizens against arbitrary government, since social membership does not correspond to a legal status.¹

To summarise, there are contrary positions if and how states should include migrants, and who is having a right for political membership. However, if we focus on the fact that citizenship is allocated by the arbitrary circumstances of birth, and therefore, privileges are only passed on within wealthy states, we have to question the exclusion of aliens (Shachar 2009). Shachar’s book offers solutions to all of the

¹ Shachar (2009, 42) wants to maintain the concept of citizenship, because for her it is an important principle to assure safety, continuity and identity for citizens.

questions and obstacles mentioned above, which makes her theory on citizenship and global justice worthwhile to analyse in more depth.

In Shachar's perspective modern citizenship is treated as inherited property, which is automatically transferred to the next generation without further contribution. In the same vein, Shachar criticises the inherited character of birthright citizenship as a mechanism of exclusion, perpetuating privileges of members of a political community through the birthright regime. If one believes in the equal moral worth of human beings, this clearly represents a contradiction. To put it more simply, without any distribution of privileges, the current birthright regime maintains inequality through the exclusive mechanism of allocating citizenship. With this argument, Shachar reveals a core injustice that needs rethinking and alternative concepts. As a result, she formulates the *Birthright Privilege Levy*², a tax on privileged citizenship at the global level, "addressing the severe inequalities of starting points" (Shachar 2009, 24). For her, this is an appropriate answer to the different worth of current citizenships worldwide. The logic behind the tax is based on the guaranteed fulfilment of basic needs for citizens in wealthy countries, thus, they should pay a certain amount for every child they grant citizenship upon birth. Consequently, the *Birthright Privilege Levy* is a theoretical tool to distribute resources worldwide and accordingly, to reduce global inequalities. At the theoretical level, her levy has some strength; however, this paper will focus on its weaknesses, as Shachar's conception of such a tax might ignore important implications and causes of modern injustices, which have shaped our world.

To this end, this paper will first criticise the logic of Shachar's *Birthright Privilege Levy* by analysing (1) the political inequality between states, and (2) the *factual* influence of the levy in a capitalist world order. In a second step, it is also important to analyse if her concept is feasible by focussing on (3) the viability of the levy.

(1) First of all, the merely economic rationale of Shachar's concept is problematic. There exist not only economic inequalities between states, but also political ones, which can take the form of unequal access to certain rights and the non-existence of certain freedoms. In this way, it is also important to equally

² The tax basically works like that: there is a ranked list of countries (e.g. UN Human Development Index) and the first in the list (e.g. Norway) would need to pay a certain amount to the last on the list (e.g. Central African Republic) and so on, for every child born in the country, and accordingly, to whom they grant citizenship.

distribute political rights on a global scale (Bauböck 2011b). The *Birthright Privilege Levy*, with its solely focus on the distribution of material resources, does not offer such mechanisms. Without a concept that likewise distributes political rights, parallel to economic well-being, her approach remains underdeveloped.

(2) Another essential logical flaw of the *Birthright Privilege Levy* is its blindness to the capitalist world system. Namely, it is of great importance to not only criticise the effects of global inequalities, but also to analyse its causes. In this light, Capitalism creates dramatic inequalities on a global scale (Altvater 2006). One crucial example of these inequalities is a growing economic gap, in which the top 1% richest individuals in the world captured twice as much growth as the bottom 50% individuals (World Inequality Lab 2018, 13). In turn, global inequalities in the economic realm might create a different worth of citizenship between powerful wealthy states and marginalized poor states (Romero & Margolis 2005). Eventually, the different worth of citizenship is “only” a *symptom* of the inequalities created by capitalism. Even an entire change of the citizenship regime might not resolve the inequalities created by capitalism. Moreover, with regard to the ideology of capitalism, inequality is an essential part of our market-based political system (Buchanan 1975; Hayek 1979).³ Thus, equality is not a conceptual part of capitalist theories, as for these theories, inequality is a result of the natural equilibrium between individuals. Therefore, in such a world system, it might not be possible to ensure equal starting points in life, as Shachar tries to achieve with her levy. Subsequently, this paper assumes that a mere global distribution of resources, according to a *Birthright Privilege Levy*, is not an effective means to reduce inequalities in a capitalist world. *Inequalities* will always *remain*. With this assumption in mind, the *only* solution to effectively reduce global inequalities is either deconstructing the capitalist world order, or, the reinforcement of international migration. Shachar might object that the deconstruction of capitalism is an utopian idea, nonetheless, her levy is also an utopian approach. In this way, it is more a methodical question, whether to keep realistic when facing a system of inequality, or proposing utopian claims for the deconstruction of it (Abraham 2011; Bosniak 2011). Either way, there is no appropriate different framework to global capitalist that proved to be a real alternative. In any case, international migration

³ Developing countries are in a very vulnerable position, if the grant of credits and debt traps lead to further political and economic undermining of these countries, and therefore, to increasing poverty (Luedtke & Strutynski 2009, Butterwegge et al. 2008).

can enable individuals, although living in a capitalist world system, to reach centres of capital in the search for profits, which are not available in their home countries (Goodin 1992). Notwithstanding, to reduce global inequalities through international migration, open borders are an important condition. This paper will further elaborate on this dilemma in chapter 4. In conclusion, a deeper analysis of the causes of global imbalances is inevitable to conceptualise appropriate approaches in the fight against inequality. Shachar analyses global injustice, but she is not elaborating on how capitalism is producing global inequalities, being decisively responsible for the non-fulfilment of basic needs for the majority of the world population.

(3) Besides the logical weaknesses of Shachar's concept, it is also questionable if her levy has a realistic chance to be implemented. In the end, the *Birthright Privilege Levy* represents a substantial change in the global distribution regime, as wealthy states would be obliged to pay the mentioned tax for privileged citizenship. On this account, what should motivate states to pay this levy? Paying the tax implies, that wealthy states will recognise that their allocation of citizenship is an essential element in the intensification of global inequalities.⁴ This represents an assumed conclusion, which is questionable. Especially, if there is no further evidence for a correlation between global poverty and the allocation of citizenship. In addition, Shachar introduces her levy concept *addendum* to the current birthright regime. Under these circumstances, it is difficult to understand how states would not stick to the status quo of birthright, including all the values connected to it, which Shachar deeply criticises in her work (Haywards 2011). The analysis demonstrates that there might be fundamental concerns raised against the levy, which might prevent the implementation of Shachar's concept.

2. *Ius Nexi* as a new concept for political membership

Another important aspect of injustice, within the framework of birthright, is the allocation of citizenship at the *local* level. Thus, Shachar demonstrates that the birthright mechanisms of *Ius Soli* (right of soil) and *Ius Sanguinis*⁵ (right of blood)

⁴ The statements from the UN Development Program show how easy it is for these states to point on other reasons for global inequality, e.g. bad governance and corruption in poor countries (UNDP 2000).

⁵ *Ius soli* originates in medieval times and *Ius Sanguinis* in the Roman Empire, which shows the very ancient character of these principles, still prevailing in modern times.

produce *over-* and *underinclusion*. *Overinclusion* includes people into the *polity*, who have no real connection to a certain state, while *underinclusion* excludes members of a society, who might live their entire life in a certain state. Shachar concludes that access to citizenship should be dependent on functional and pragmatic factors, and not on formal criteria like the fortune of birth, as *Ius Soli* and *Ius Sanguinis* applies. Therefore, she conceptualises a new principle for the allocation of citizenship, *Ius Nexi*, which should prevent *over-* and *underinclusion*, while preserving the political and social significance of citizenship. *Ius Nexi* describes an inclusive mechanism for the allocation of citizenship and is based on real and genuine ties with the political community, since “the genuine connection of the person to the polity [counts] as a valid and relevant basis for membership allocation” (Shachar 2009, 167). In other words, *Ius Nexi* suggests that the entitlement for membership results in the *social behaviour* of individuals. The longer individuals live in a certain society, the stronger the social connection to the society, and in turn, the stronger the claim for political membership. Correspondingly, *Ius Nexi* represents a considerable alternative for the allocation of citizenship; nevertheless, it is of great importance to consider who might profit from such a change of the citizenship regime. Again, this paper will focus its analyses on three main criticisms on Shachar’s idea of an *Ius Nexi*: (1) its unclear criteria (2) *Ius Nexi* as complementary to the birthright regime, and (3) the question of who will benefit from the proposed approach.

(1) Real and genuine ties should determine who is having a legitimate right for political membership, but what are the criteria for *real* and *genuine* ties? After all, states are sovereign and decide who they grant entrance, and who they want to exclude (Walzer 1985). So, they will also decide the criteria for *Ius Nexi*. In that case, there might be situations “in which state officials regularly scrutinize intimate relationships” (Shachar 2009, 156). Shachar does not further define “genuine links”, which leaves space for state authorities to establish morally questionable definitions to determine individual’s social connection to a society (Nyers 2011; Junn 2011; Song 2011). In the end, political debates on the criteria of social membership might lead to the exact situation, Shachar criticises; in which people are excluded “whose lives have been greatly shaped by the coercive policies of a wealthy nation but who are not direct participants in its everyday domestic life” (Smith 2011, 15). In contrast, a generous interpretation of *Ius Nexi* might lead to an extreme openness of societies, as everybody who can show any connection to a country, might have a legitimate right to claim political membership. What are the limits of *Ius Nexi*? Does the concept

have limits at all? Obviously, the conceptual design of *Ius Nexi* leaves a lot of open questions.

(2) Shachar offers her concept *Ius Nexi* as a complementary approach next to *Ius Soli* and *Ius Sanguinis* (2009, 112). This leads to the inconsistent situation in which birthright citizenship would *remain* with all its *negative* consequences (Bauböck 2011b). Shachar's goal is to denounce the extensive global impacts of the allocation of citizenship by birth, and to expose its natural character. Accordingly, it is not clear how she can still fulfil her goal, to end the circle of inherited privileges in wealthy states, while retaining *Ius Soli* and *Ius Sanguinis*. As a consequence, inherited privileges might even appear more natural to individuals, since their transfer would still dominate the status quo of the citizenship regime. Finally, it is questionable if Shachar can fulfil her goal to change the birthright regime when conceiving *Ius Nexi* in addition to birthright citizenship.

(3) Most importantly, Shachar underlines quite strikingly that ours is a world shaped by global injustices, which have led to the impoverishment of the majority of the world population, and to dramatic differences of life chances. She formulates both of her concepts, the *Birthright Privilege Levy* and *Ius Nexi*, to reduce global inequalities. Nevertheless, with her focus on justice and equality, it is of great importance to ask: who would benefit from *Ius Nexi*? With view on Shachar's predominant focus on unequal life chances, one might expect that similar to the *Birthright Privilege Levy*, *Ius Nexi* should improve the situation of those individuals, who are most negatively affected by the birthright lottery. However, this does not seem to be the case, since it is doubtful that those individuals, who lack financial resources, and living in harsh economic and politic conditions, have the capacity to migrate to another state. Only through migration, they can establish social connection to a new state and ultimately profit from *Ius Nexi*. Clearly, for the mentioned group of persons, there are no real legal options to migrate to wealthy states. In Carens words "borders have guards and the guards have guns" (1987, 251). In the present time, migrants need to pay vast sums to human traffickers, who smuggle them illegally into the destination country. For the world's poorest, this is absolutely no option, since they do not have sufficient financial resources to pay human traffickers (Bader 2005; Bauböck 2011a). Under these circumstances, individuals who suffer most from the birthright lottery are the ones who do not gain from *Ius Nexi* at all. So, who would actually benefit from Shachar's novel concept?

It seems like *Ius Nexi* would be a blessing "for mobile diasporic elites who

travel, have or specialize in cultural capital, and can afford multiple residences or otherwise enjoy a Gold Card as much as a Green Card” (Abraham 2011, 8). Surely, Shachar did not designed *Ius Nexi* for the global elite, yet, without offering a perspective how the world’s most vulnerable can benefit from it, she misses her objective to change the dramatic situation of the majority of the world population. Saying this, Shachar’s previously praised synthesis between theories of political membership and global inequalities clearly fades.

It might be objected that this critique misinterprets the aim of *Ius Nexi*, to overcome the negative effect of birthright at the *local* level.⁶ However, it is highly relevant to consider who might benefit from a change of status quo. In addition, Shachar’s distinction between global (*Birthright Privilege Levy*) and local (*Ius Nexi*) level might not be plausible and leads to the question, whether we can actually distinct both levels that strictly. Same applies to her two concepts: How are they connected and how do they interrelate?

3. Missing connection between *Birthright Privilege Levy* and *Ius Nexi*

As mentioned above, Shachar’s work is methodologically split into two parts, in order to introduce her two different concepts as solutions for the *Birthright Lottery*. Correspondingly, she examines problems of distributive justice and problems of political mechanisms of allocating citizenship separately „to reduce the significance of membership in a territorially bounded community in order to address the former, and to change how access to membership is regulated in order to address the latter” (Haywars 2011, 8). Nevertheless, with such a division, the relationship between the two concepts remains unclear, especially as Shachar dedicates no space for the connection of both concepts in her book. When further analysing her work, the impression arises that Shachar establishes an “either-or” option, to formulate an “introduction of birthright privilege levies *or* declining membership entitlements” (Shachar 2009, 93). This implies the author orders dilemmas of distributive justice and the regulation of citizenship into two *different* fields. Shachar confirms these assumptions when explaining “if affluent political communities wish to continue to bestow membership according to birthright [...]

⁶ Shachar, by purpose, divides her concepts on local and global level, nevertheless, both levels overlap and it is not clear why a strict division should be an advantage, since Shachar quite strikingly reveals the global consequences of the local allocation of citizenship.

they must accept a corresponding obligation“ (Shachar 2009, 15). To put it in another way, this means, if states introduce a new mechanism to allocate citizenship, e.g. *Ius Nexi*, they are no longer accountable for the intensification of injustices created by the birthright lottery. Hence, the obligation for states to distribute resources on grounds of the impacts of the birthright regime would vanish.⁷ Consequently, her argument for the *Birthright Privilege Levy* would lose strength, and therefore, political persuasiveness. Thus, designing the *Birthright Privilege Levy* and *Ius Nexi* isolated from each other leads to essential problems, which the paper will outline in two scenarios below.

First, if the *Birthright Privilege Levy* would be solely implemented, people might have the chance to fulfil their basic needs. Appropriately, Shachar’s aim to guarantee equal starting points in life worldwide would be more or less complied.⁸ However, as argued previously, in a capitalist world system immense global inequalities might still remain. In such a world of continuing inequality, people would have limited chance to increase their perspectives in life. Without the option to increase social, political or economic perspectives in life, it is hard to see how this approach is actually increasing global equality. Migration would not represent a possible option, since it is costly in a world of closed borders and migrants might be excluded from political and social membership due to the prevailing birthright regime.

Second, if *Ius Nexi* would be solely implemented, migration and the opportunity to gain political membership in another state would be possible only for individuals having the resources to make use of their freedom of movement. Even Shachar admits “those most in need in global terms of unequal opportunity are not the ones in a position to jumpstart the process of international migration“ (2009, 132). Without an *effective* distribution of resources, global inequalities will remain, and might even be intensified due to the politico-economic system (Pogge 2011). In such a scenario, the inclusive character of *Ius Nexi* would encourage privileged individuals, who are already mobile. The poorest people in the world would not benefit and could still not fulfil their basic needs.

⁷ Beyond the *Birthright Privilege Levy*, Shachar (2009, 106) supports a further distribution of resources in order to fight global inequality, however, states would not be obligated to do so when implementing *Ius Nexi*.

⁸ Shachar’s approach aims to realise equal starting points in life worldwide as expression of global justice. For the introduction of her theory, this limited definition of global justice roughly represents the fulfilment of global equality (Shachar 2009, 24).

In summary, Shachar's ideas only work together and, therefore, are closely interlinked and mutually dependent: Only if resources are *effectively* distributed on the global scale, individuals of all backgrounds can migrate and use an inclusive approach of granting citizenship, to become political members of a certain *polity*. Only if states implement an inclusive approach of allocating citizenship, individuals can migrate to gain political membership in a world of reduced inequalities. In conclusion, only if we see the distribution of resources and new forms of citizenship together, it is possible to find solutions to enhance global equality. Connecting both of Shachar's concepts might be a pivotal part of such a solution. Yet, there is still a crucial weakness in Shachar's theory left to discuss.

Even if her theory would interlink both of her concepts, an essential problem still remains. She assumes that her *Birthright Privilege Levy* would roughly restore global equality. *Ius Nexi*, accordingly, might improve the allocation of citizenship and prevent *over-* and *underinclusion*. Be that as it may, with reference to the assumptions in chapter 1, sole material distributive tools might have an ineffective impact on global equality in a capitalist world system. In that event, instead of only distributing material resources, increased human mobility might be a suitable addition to reduce global inequality⁹. The opportunity to migrate, as an expression of people's autonomy, might enable individuals to pursue their social, political or economic ambitions (Mezzadra 2011). Nonetheless, it could be objected that migration is no option to increase global inequality in a world of closed borders, as implied before, which leads to the final revision of Shachar's theory.

4. Global mobility as a precondition for *Ius Nexi*

We are living in a world of relatively closed borders, in which states determine who they want to grant entrance to (Kukathas 2011). This indicates a considerable gap in Shachar's conception of *Ius Nexi*. Individuals need to reach a country in the first place, in order to establish relevant social connection with a state. With view on existing border regimes⁹, it is dubious how individuals should fulfil the criteria for *Ius Nexi* in a world of relatively closed borders. There is a human right to exit a country, unfortunately, there is no corresponding right to enter a country (Cole

⁹ Migration is no panacea for development and global equality. However, international migration has the potential to positively contribute to these factors, as *remittance* flows in 2019 represented three times the amount of development aid (World Bank 2019, xvii).

2006). Therefore, global mobility is a precondition for *Ius Nexi*. The restriction of mobility constructs a global inequality in itself, on which Shachar keeps widely silent¹⁰. Indeed, the allocation of citizenship by birth distributes privileges globally unequal; nonetheless, the *restriction* of mobility can be used to perpetuate privileges by excluding outsiders. Thus, not having the chance to increase opportunities through migration represents an essential inequality (Carens 2016, 222.). Shachar underlines the risks of open-admission policies as “many more people, including those now discouraged by legal restrictions or the risks of unlawful crossing, might choose to improve their situation through immigration” (Shachar 2009, 83). Despite the fact that completely open borders might lead to serious risks for societies, the conception of *Ius Nexi* depicts a contradiction, if not introduced with a coherent approach of relatively open borders.

To recap, Shachar’s theory should be revised as follows:

1. The proposed *Birthright Privilege Levy*, besides distributing material resources, should also include additional means (e.g. international migration) to enhance global equality more efficiently.

2. *Ius Nexi* can only be coherently implemented in a world with relatively open borders.

3. Both concepts are inherently dependent and only work together.

In this light, there are still unresolved issues that cannot be discussed in this paper. Especially, questions on how to increase global equality in a capitalist world system and how to enhance more open borders need further analysis. In any way, to make a world of more open borders feasible, it is important to stress the advantages, and to invalidate the main counterarguments of this scenario. Besides the diverse economic benefits of more international migration (Legrain 2007), it is often stressed that an open borders policy and, thus, a dramatic increase of international migration would jeopardise the maintenance of public order. However much this reflects a serious danger for societies, if global equality is enhanced through a revised and interlinked implementation of Shachar’s concepts, the pressure to migrate out of economic reasons might significantly reduce in a world of diminished inequality. In that case, the main argument against relatively open borders would lose ground. Furthermore, there is enriching literature arguing that

¹⁰ She admits that “the final decision concerning acceptance or rejection of one’s admission petition occurs at the point of entry, the border itself” (Shachar 2009, 129), without contextualising this remark in a wider context as necessary preconditions for *Ius Nexi*.

immigration controls are representing injustices in its own right (Hidalgo 2019). Of course, there are more concerns against open borders, including questions of territorial integrity and cultural identity, which need further revision. Ultimately, more open borders and increased opportunities for international migration could resolve the inconsistencies of Shachar's concepts, and might restore her strived balance between political membership and global justice.

Conclusion

The aim of this paper was to critically engage with Shachar's theory. *The Birthright Lottery* successfully changes the focal point of the discourse on citizenship and global justice by demonstrating the striking connection that exists between the bestowal of citizenship upon birth and global inequalities. At first glance, both of her concepts meet this ambition. A closer look, however, revealed gaps in the conceptualisation of her approaches. In spite of the fact that receiving citizenship binds people to a corresponding state, this mechanism itself does not create global inequalities. Rather, this paper argued, it is the nature of capitalism that causes inequalities, which, in turn, constitute the basis for global injustice. The *Birthright Privilege Levy*, which is supposed to distribute merely material resources, might have limited impact on the decrease of global inequalities in a capitalist world. This paper also argued that, alongside global distribution of resources, increased opportunities for international migration might represent a relevant tool to reduce inequality in a capitalist world. Moreover, *Ius Nexi* only makes sense if implemented in a world of relatively open borders, in which people have the chance and resources to migrate. Only a combination and extension of the *Birthright Privilege Levy* and *Ius Nexi* could establish a true synthesis of global justice and political membership, thus solving the dilemmas of the birthright lottery. Such an extension of Shachar's concepts would require further research. On this account, it would be interesting to work on a possible answer, how to effectively distribute resources in a capitalist system. I suppose the only resources in this manner might be nonmaterial ones. Indeed, such a distribution should improve education and science, and hence effectively fight poverty (Herfkens 2002). In this respect, it is also worth mentioning that *remittances*, although mainly distributing material resources, might increase development and perspectives on a global scale (Zotova & Cohen 2016). Additionally, further research on *Ius Nexi* and how to achieve a world with relatively open borders would be

valuable. Studying the impact of an inclusive mechanism of granting citizenship on societies might also be beneficial (Kabeer & Gaventa 2005), especially when focused on the transformative potential of changing values in societies (Lister 2007).

In conclusion, an enhancement and unification of the academic debate on migration, membership and justice is essential to generate new and fresh answers to current and urgent problems. Only with such an uniting approach can migration restore human mobility – understood as an expression of people’s autonomy – in a world of relatively open borders. To this end, Shachar’s work offers original starting points for achieving a world defined by free mobility, in which, at the same time, global justice prevails.

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