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Does justice require a migration lottery?

Abstract: Starting from the observation that substantively free migration is impossible in a world where millions lack the resources to move country, this article evaluates two contenders for the second-best alternative. On the face of it, arguments from freedom of association and material inequality appear to commend formally open borders, while those from liberty and equality of opportunity seem to favour a migration lottery. However, the argument from liberty gives us only a presumption in favour of freedom of movement, rather than an equal human right. This is not enough to make a compelling case for a migration lottery. Moreover, the idea that equality of opportunity requires a migration lottery rests on the belief that this will facilitate self-realisation. Yet it is free movement which better promotes self-realisation. Therefore, it is concluded that the case for a migration lottery is ultimately unpersuasive.

Key words: Equality of Opportunity, Global Justice, Immigration, Lotteries, Migration

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Overview[1]

The issue of migration has been hotly debated among political theorists, but much of the discussion has suffered from the conflation of two distinct propositions: substantively free migration and open borders. The former implies that everybody who wishes to move country is able to do so, the latter merely that there are no *formal legal* restrictions on international movement. As even under a system of open borders there are many people who lack the resources to move, the two are fundamentally different.

This distinction is significant because of the common contention that if we believe a freedom is important, agents must be provided with the resources to exercise it, if they do not already have them.[2] The mere absence of constraint is insufficient. In other words, open borders offers free movement in only a formal, and not a substantive, sense.

In effect, when borders are open, migration is restricted not by legal controls, but by the scarcity of the resources necessary for moving from one country to

1 I would like to thank Stuart White, who supervised the thesis this article is drawn from; Simon Caney, who helped me revise it for publication; and two anonymous referees. Between them, they have improved the paper dramatically. I am also grateful to my girlfriend and family for their love and support as I take this first step in academia.

2 This distinction between formal and substantive freedom is an old and well-established one in political theory. Marx's criticism of liberal rights in 'On the Jewish Question' is a classic example. For more recent discussions, see Philippe Van Parijs, *Real Freedom for All: What (if Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1995), pp.20-4 and Adam Swift, *Political Philosophy: A Beginner's Guide for Students and Politicians* (Cambridge: Polity, 2001), pp. 55-9.

another. However, once we acknowledge that formally open borders still imply some restriction on freedom of movement, it is no longer obvious that this is the least objectionable type of restriction. The apparent synonymity of open borders and free migration means that it is usually assumed that those advocating one are in favour of the other. But if the two are not identical, it is important to ask whether proponents of free migration would still favour open borders.

The problem with formally open borders is that it fails to address the disadvantage of the very poorest in the world, those who cannot afford to migrate. A compelling alternative is a lottery system, whereby rich and poor are given an equal chance to migrate. Since substantively free migration is unlikely to be realised, this essay compares the attractiveness of these two proposals. It begins by outlining the main arguments in the literature in favour of free migration, and observing that two of them – the arguments from liberty and from equality of opportunity – appear to favour a lottery as a second best alternative to free migration. It goes on to probe each of these values in turn, and suggests that both can be adequately promoted without recourse to a lottery.

This essay is not intended to directly address the question of whether free migration is desirable, nor is it intended to change the mind of anybody already committed to migration controls.[3] Rather, it is meant to investigate the dilemma faced by proponents of free migration once they realise that this ideal is impracticable.

The costs of genuinely free migration

Advocates of free migration must address the obvious question of whether the ideal of a world without borders is a realistic one. It is impossible to predict with any certainty what the consequences of removing all legal restrictions on migration would be. However, a number of political scientists and economists have challenged the assumption that overwhelming numbers of people would in fact choose to migrate if there were open borders.[4]

Yet as Teresa Hayter points out, there is something paradoxical about the position of free movement advocates who seek to play down the number of potential migrants: 'It could be argued that many millions more people should migrate to seek refuge or a chance of economic betterment in the rich countries of the West'.[5] Regardless of the actual level of migration that would follow the

3 There is already a vast literature in political theory devoted to these questions. See, for example, Brian Barry and Robert E. Goodin (eds.), *Free Movement: ethical issues in the transnational migration of people and of money* (London: Harvester Wheatsheaf, 1992).

4 See Jonathon W. Moses, *International Migration: Globalization's Last Frontier* (London: Zed Books, 2006); Nigel Harris, *Thinking The Unthinkable: The Immigration Myth Exposed* (London: I.B. Tauris, 2002); Teresa Hayter, *Open Borders: The Case Against Immigration Controls* (London: Pluto Press, 2004).

5 Hayter (2004), p. 155.

opening of international borders, what is crucial is that there should be a flood of immigration to the affluent world. Free movement is advocated by those who believe it will bring numerous benefits, economic and personal. Yet under the limited levels of projected migration, very few will actually be taking advantage of the opportunities they want to create.

The simple and obvious reason is cost.[6] Travelling from the poor to the affluent world requires money to pay for transportation, to establish a new life, to compensate for lost earnings, and so on. As a result, the poor and needy – the very people political theorists want to help through free migration – are unlikely to be able to afford to benefit from open borders.

This means that simply opening borders is not equivalent to securing free movement. It ensures everybody is formally free to move to another country, in the sense that there are no legal obstacles in their path. But substantively, ability to pay emerges as a restriction on free movement in its own right. Trying to achieve substantive freedom of movement would be extremely demanding. The only conceivable means of doing so would be for rich countries to provide all willing immigrants with the resources to set up a new life: paying travel costs, accommodation, and the like.

Doing so would impose huge costs on the citizens of affluent nations in two ways. Firstly, such schemes are likely to be incredibly popular, leading to an influx of immigrants, and placing incredible strain on housing, medical and education services. Secondly, such a generous program would be very expensive to run, leading to tax hikes or significant cuts to government spending. It could well be that wealthy nations simply lack the resources to afford substantively free migration. Even if it is feasible, most believe it would be too demanding to expect the rich world to impoverish itself.[7]

Four arguments in favour of free migration

There are four common arguments in the literature in support of free migration: arguments from liberty, freedom of association, equality of opportunity and material inequality.

6 And, of course, the various personal and cultural attachments that make it difficult for anybody to leave their home. I emphasise cost here because it is morally troubling in a way these other impediments are not.

7 The question of which of these considerations – the shortage of resources, or the demandingness of substantively free migration – is decisive should not affect the rest of the argument. It might be thought that this determines whether the matter at hand is a question of ideal or non-ideal theory. If it is scarcity that makes substantively free migration unrealistic, then this is simply the result of the 'circumstances of justice'. On this view, this means that substantively free migration cannot be plausibly posited as an ideal. However, I am inclined to agree with Stemplowska, who argues that ideal theory ought to be free to include the 'deeply impossible', including ignoring natural constraints (See Zofia Stemplowska, 'What's Ideal about Ideal Theory?', *Social Theory and Practice* 34/3 (2008), 319-340, p.329). Therefore I do not think we need to worry about which of these reasons make substantively free migration impracticable.

The simplest argument for open borders is the argument from liberty. If liberty is good, and its restriction is bad, then liberals must believe that the burden of proof lies with anybody seeking to obstruct the individual's freedom to settle wherever they like. To put this argument more formally, many believe that there is a human right to freedom of movement, and that this ought to hold across, as well as within, states. It is argued that if a state were to prevent its citizens from moving from one part of its territory to another, this would generally be seen as unjustified, and so it is inconsistent to allow it to place similar restrictions on the movement of non-citizens. Indeed, the right to free movement and residence within the borders of a state is upheld by Article 13 of Universal Declaration of Human Rights.

The reason that freedom of movement within a nation is guarded so jealously is because of the important human interests at stake. If people are forbidden from being united with their families, then love is at stake. If they are prevented from being with people of similar cultural or religious inclinations, then cultural and religious freedom is at stake.[8] But these interests are as pertinent to international migration, and so the same reasons which motivate freedom of internal migration ought to motivate free international migration.

Furthermore, it is seen as an anomaly that the right to free emigration is generally uncontested, but that its natural corollary, the right to free immigration, is rejected.[9] Few would deny that it is unjust for a state to hold people within its borders without their consent – this is also explicit in the UDHR. Yet people cannot be free to leave their country unless other states are willing to take them in.

A second argument for free movement proceeds from the principle of freedom of association.[10] Carens argues that individuals ought to be free to enter voluntary exchanges with other individuals as long as nobody's rights are violated in the process.[11] The state is unjustified in interfering in these legitimate transactions, even when they occur across borders. Consequently, employers ought to be free to import labour from wherever they wish, unimpeded by migration restrictions.

Another argument for open borders is derived from a commitment to equality of opportunity. Given the greater choice of careers and improved prospects of economic prosperity in the rich world, many argue that it is unfair to block off this avenue of advancement to individuals in poor countries. Carens, for instance, has likened restrictions on immigration to attempts to preserve a feudal hierarchy.

8 Joseph H. Carens, 'Aliens and Citizens: The Case for Open Borders', *Review of Politics* 49/2 (1987), 251-273, p.258.
9 Seyla Benhabib, *Another Cosmopolitanism* (Oxford: Oxford University Press, 2006), p. 30.
10 Freedom of (dis)association has also been invoked in arguments in favour of migration controls. However, since this article is not attempting to address any of the arguments against free migration head-on, this argument is ignored. See Christopher Heath Wellman, 'Immigration and Freedom of Association', *Ethics* 119/1 (2008), pp.109-141.
11 Carens, (1987), pp.252-4.

Just as in feudal societies the aristocracy had far better life chances solely by virtue of the family they were born into, so, in the modern world, our opportunities are greatly determined by the morally arbitrary fact of our birthplace. For Carens, 'In this context, limiting entry to countries like Canada is a way of protecting a birthright privilege'.[12]

The great inequality in living conditions between the global rich and poor offers a fourth motivation for free migration. As at the national level, global egalitarianism can have a variety of theoretical underpinnings: the intrinsic value of material equality, diminishing marginal utility, the desire to eradicate brute luck. Global sufficientarians or prioritarians – while not strictly egalitarians - share many of the same impulses, by virtue of their desire to improve the lot of the global poor. The crucial point is that greater material equality between individuals in different countries is desirable to all of them. Many believe that migration can be a useful tool towards this end. As Goodin puts it, 'If we cannot move enough money to where the needy people are, we shall have to count on moving as many of the needy people to where the money is'.[13]

It is important to distinguish between the third and fourth motivations. While those who favour fair equality of opportunity will almost certainly care about material standards of living, they do so only insofar as these tilt the level playing field. The equality of opportunity argument guarantees only an equal position at the starting gate; the argument from material inequality worries about the distributive outcome.

When are lotteries appropriate?

James Woodward points out that these arguments pull us in different directions. Arguments which focus on the capacity of free migration to alleviate inequality are inconsistent with arguments based on human rights and equality of opportunity. This tension is unproblematic so long as both lines of reasoning conclude in favour of open borders. However, the contradiction emerges once we admit the necessity of restrictions:

> 'if we think immigration policies giving priority to the most needy are justifiable, this is an indication that we do not really think that there is a basic human right to immigrate or that restrictions on immigration are the moral equivalent of feudalism'.[14]

Woodward argues that if we accept the human rights or equality of opportunity arguments this commits us to reject any form of prioritising in the allocation of

12 Joseph H. Carens, 'Migration and Morality: a liberal egalitarian perspective', in Barry and Goodin (1992), 25-47.
13 Robert E. Goodin, 'If people were money…', in Barry and Goodin (1992), 6-21, p. 8. See also Jeff Dayton-Johnson and Louka T. Katseli, 'Migration, Aid and Trade: Policy Coherence for Development', *OECD Development Centre: Policy Brief No. 28* (Paris, OECD:2006).
14 James Woodward, 'Commentary: Liberalism and Migration', in Barry and Goodin (1992), 59-82, p.62.

migration opportunities. Rather, he contends,

> 'the natural way of respecting the force of this right, within an egalitarian framework, would be some policy that can be justified in terms of the equal treatment of all who wish to exercise that right (e.g. a lottery system that gives every prospective migrant, rich or poor, an equal chance to enter, or some other system that embodies some other notion of equality of opportunity or access)'.[15]

This section investigates Woodward's claim that the arguments from liberty and equality of opportunity call for an immigration lottery, while the others do not.

Barbara Goodwin identifies two major advantages of lotteries as a decision procedure - their ability to ensure equality and their impartiality.[16] Everybody is assumed to have an equal entitlement to the good in question, and therefore an equal chance of receiving it. However, this strength can easily be turned against lotteries to criticise them for excessive and inappropriate equality, ignoring relevant differences, such as those in merit or desert. This is why the use of a lottery as a decision procedure seems perfectly natural to us in some settings, but appalling in others. Drafts are seen as acceptable during wartime because there is no relevant difference between those eligible for the draft which would give some a greater claim to avoid military duty than others. There are no legitimate criteria on which to determine who should be called up and who should not.[17] On the other hand, where there is an obvious set of criteria for discriminating between people, it is wrong to use a lottery. It would undermine faith in the justice system if people were punished randomly according to the results of a lottery since there is a relevant difference between the guilty and the innocent.

The issue then hinges on whether there are relevant criteria for determining who should be allowed to move country. On this question, the different rationales for free migration appear to give us different answers. Human rights, by their very nature, are meant to be universal – they should apply equally to all humans.[18] This would seem to imply that everybody has an equal claim to be able to move across borders. Therefore, we have a situation where there are numerous people

15 Ibid., p. 61.

16 Barbara Goodwin, *Justice by Lottery* (London: Harvester Wheatsheaf, 1992), pp. 45-6.

17 Of course, even in a draft, total impartiality would be inappropriate - this is why the old and the infirm are excluded.

18 John Rawls, *The Law of Peoples: with, The Idea of Public Reason Revisited* (London: Harvard University Press, 1999) argues that under 'unfavourable conditions' the lexical priority of the first principle of justice no longer obtains. In other words, securing equal basic rights for all need not be a precondition of other considerations of justice. It might be suggested that where everybody's basic right to migrate cannot be satisfied, this caveat should be invoked, and consideration for fair equality of opportunity or the position of the least well-off ought to guide migration policy. But in this case, the argument from liberty has collapsed into the argument from equality of opportunity or material inequality, the third and fourth arguments for free migration above.

with equal right to a good, but too little of the good to give it to everybody – the archetypal background conditions where a lottery is appropriate. A similar argument can be made with reference to equality of opportunity. Nobody, at least on the face of it, appears to have a stronger claim to equality of opportunity than anybody else. Once again, we have equal claims which cannot all be satisfied.

The argument from freedom of association, on the other hand, does not imply a lottery. Where the arguments from freedom and equality of opportunity see no relevant distinctions between would-be migrants, according to this line of reasoning there is a difference in moral status between those who are invited to their new countries, and those who just turn up there. According to the argument from freedom of association, recall, the wrongness of restricting migration stems from the state's lack of respect for these invitations. To invite somebody from another country to live or work with me is an expression of our freedom of association, which cannot be violated without wronging us both. A lottery would equally disregard such invitations, and consequently would show equally little concern for freedom of association.

What about the possibility of too many invitations being extended? In this case, all the invitees would have an equal entitlement to an immigrant place, but with too few places to get one each. This would imply that there should be a lottery among those invited to migrate. The question, though, is whether situations in which there are 'too many' invitations would ever occur. Remember that the only reason we accepted restrictions on migration before was because the destination country lacked the resources to support immigrants. If only invited migrants were permitted, it is extremely likely that they would be supported by their sponsors, who in most cases will be employers, spouses or family. Thus a lottery of invited immigrants should be unnecessary.[19]

If all cannot migrate, global egalitarians might be tempted by the possibility of a lottery among the most deprived. Yet their argument posits a clear goal that free migration is a means towards - greater global equality and/or poverty reduction. With this target in mind, it surely makes more sense to try to shape migration than to leave it to chance. The most direct way to reduce inequality would be to give priority to as many of the global poor as possible, starting at the very bottom. Alternatively, if we accept the principles of trickle-down economics, it might be better to give priority to skilled migrants from developing countries.[20]

19 Such an immigration regime might remain open to abuse. What if people invited immigrants that they had no intention of supporting? If such a situation arose, there would still be ways of prioritising restriction. My argument has extended freedom of association to personal relationships, but Carens only mentions the rights of employers – freedom of association arguments could be limited in this way to businesses. Alternatively, if too many personal invitations are extended, they could be prioritised in terms of closeness e.g. parents before cousins.

20 Assessing these alternatives against a lottery system was the subject of my undergraduate thesis. See Aveek Bhattacharya, *Reluctantly Closed Borders: A Non-Ideal Theory of Immigration* (BA thesis, University of Oxford, 2010)

On the face of it, then, the arguments from freedom and equality of opportunity suggest that a migration lottery is the second best alternative to substantively free movement, while the ones from freedom of association and material inequality go against this proposal. Of course, many people may hold mixed views, supporting free movement for a combination of these reasons. If they accept either the argument from freedom of association or from material inequality, they are also likely to be against a lottery. Remember that a lottery is a last resort – a way of deciding between people when there are no other fair criteria to judge them on. But the arguments from freedom of association and material inequality imply there exist some criteria which we can use to avoid random chance.

Does the argument from freedom really imply a migration lottery?

Rights, especially human rights, hold a particularly sanctified status in political theory. If there is indeed a human right to free movement, this would be of paramount moral concern. Securing this right would 'trump' other moral demands.[21]

Moreover, the argument above has made clear that open borders are insufficient for securing real freedom of movement for all. While this would clearly remove all legal obstacles, many people would be unable to exercise this freedom, rendering the right an empty formality for millions. As Woodward argues, a genuine commitment to the human right to free movement implies a willingness to secure it for everybody.

However, the idea that there should be an unqualified human right to migration has been convincingly resisted, with telling points from David Miller and Brian Barry. Miller observes how regularly this freedom is curtailed.[22] Our acceptance of private property means that we cannot trespass on land that is not ours.[23] We abide by the opening hours of public buildings and obey traffic lights. Thus the principle of freedom of movement does not imply the abolition of all restrictions on our movement.

Barry further argues that the analogy between inter and intra-national migration simply demonstrates that there may be occasions when it is advisable to limit migration within a country: he suggests the black exodus from the American South to New York and Chicago has caused numerous socio-economic problems that it would have been legitimate to pre-empt.[24]

21 Ronald Dworkin, 'Rights as Trumps', in Jeremy Waldron (ed.), *Theories of Rights* (Oxford: Oxford University Press, 1984), 153-167.

22 David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), pp. 201-230.

23 The priority of the right to private property over the right to free movement is not absolute: for example, ramblers maintain the right to walk on private property. However, the point that we can at least sometimes legitimately restrict freedom of movement holds.

24 Brian Barry, 'The Quest for Consistency: A sceptical view', in Barry and Goodin (1992), 279-287.

The notion that a right to free emigration necessarily implies free immigration is also mistaken. Many have drawn an analogy with marriage.[25] The fact that a person has a right not to marry any given person does not imply that they have a right to marry whoever they please. The problem with this analogy is that, in the modern world, leaving one nation requires us to join another. While we can choose not to marry at all, we cannot choose not to live in a nation. All this implies, though, is that for the right to free emigration to be enforced, nations must share refugees between them, so as to ensure every emigrant had a country to house them. While this would be a considerable improvement on the status quo, it remains well short of open borders, as the emigrant retains no choice over their destination.

The absence of an unrestricted right to free movement need not fully undermine the argument from freedom. It may still be the case that there should be a presumption against restricting such freedom unless it is entirely necessary. But this greatly weakens the force of the argument. In the first place, it downgrades its significance from a 'right' to a mere 'presumption'. Moreover, the weaker form of the argument does not depend on equality in the same way as an appeal to human rights. Remember it was the fundamental equality of human rights that led us to the idea of a lottery in the first place – nobody can be said to have a stronger claim to their human rights than anybody else. Once we abandon this commitment, the argument from freedom ceases to lead naturally to the lottery.

Does the argument from equality of opportunity really imply a migration lottery?

Equality of opportunity is commonly justified on three different grounds.[26] The first is desert: it seems intuitively right that a person who is more capable of doing a job has a greater right to it. To put it another way, it is natural to think that an injustice is done whenever the person most capable of filling a position is passed over. A second justification is efficiency. The argument is that society as a whole loses out in the absence of equality of opportunity as it prevents the identification of individuals best suited to any given role, and in the process wastes society's potential. A third possibility is that equality of opportunity has value for individuals, regardless of its social consequences. To block off certain life paths for a person before they are even exposed to competition is to deprive them of something important. To use a well-worn analogy, even if individuals have no chance of winning the race on their own merits, they ought to be free to enter and to compete without any formal disadvantage (e.g. a head start, obstacles in their path).

25 Miller (2007); Barry (1992); Wellman, (2008),
26 Stuart White, *Equality* (Cambridge: Polity Press, 2007), pp. 201-230.

From this it should be clear that advocates of the lottery system would have to insist on the last point to justify their position. Recall that a lottery is based on the assumption that all involved have an equal claim to the good in question. The only argument which implies that everybody has an equal claim to equal opportunities is the third one. If we believe in equal opportunities for the sake of rewarding merit or desert, then it seems likely that open borders is better suited to protecting these values. Even the most ardent anti-free marketer would have to admit that, in spite of its failings, the free market is better at identifying merit than random chance.[27] The metaphor of a race is again instructive. Equality of opportunity implies that everybody should be allowed to enter the Olympic 100 metres. However, if we can hold only one race, the first two justifications of equality of opportunity imply that we ought to give priority to those with the best chance of winning the race. The third denies the fairness of such prioritisation.

Thus the conclusion that equality of opportunity demands a migration lottery depends on the belief that its value is independent of its social effects. Rawls appears to argue for something like this when he insists on the lexical priority of fair equality of opportunity over the difference principle. In other words, he claims that the reduction of inequality of opportunity is justified even if this were to worsen the position of the least advantaged.

This reflects his commitment that 'the reasons for requiring open positions are not solely, or even primarily, those of efficiency'.[28] To deny people equality of opportunity is bad not simply because it adversely affects their income and wealth, but also because 'They would be deprived of one of the main forms of human good'.[29]

What is this deprivation people suffer in the absence of equality of opportunity? Rawls claims that unequal opportunities result in people being 'debarred from the experience of the realisation of self which comes from a skilful and devoted exercise of social duties'.[30] He tries to make the case that equality of opportunity is good not only because it allows those that were previously disadvantaged access to income, but also because it confers the capacity on everyone to make the most of their natural abilities.

It is perhaps useful to take a step back at this stage and remember what the issue at stake is. Our question is rather different to the ones usually posed by theorists

27 Of course, this depends on the assumption that the kind of merit that those seeking equality of opportunity wish to reward is the same as that rewarded by the market. This assumption follows naturally from the idea of equality of opportunity. Equality of opportunity seeks a level playing field, or to eliminate disadvantages at the starting gate. It does not seek to change the rules of the game. Demands for equality of opportunity are not demands that talents be rewarded differently. They merely call for the recognition of talents that ought to be rewarded within the current socioeconomic framework and are not.

28 John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1999), p.84.

29 Ibid.

30 Ibid.

of equal opportunities. Since we have already conceded that it is not possible for everyone who wants to do so to move to rich countries, we are faced with a situation where equal opportunities are effectively rationed. What we are trying to establish is whether there is any justifiable criterion for prioritisation - whether anybody has a greater claim to equality of opportunity. The lottery proposal rests on the assumption that everybody's claim to equality of opportunity is the same: to put it more pithily, we ought to have an equal opportunity of equality of opportunity.

The strength of the lottery is that it reflects an intuition that regardless of ability, we all ought to have the chance to make the most of our talents, and that this is a good in itself, the loss of which cannot simply be compensated for with money. On this account, the concept of equality of opportunity is decoupled from the notion of competition. To return to the analogy of the running race, merely participating in the race, and being given the opportunity to maximise your potential is valuable, even if you have no chance of winning. We need not necessarily see people as competing against each other, so much as trying to improve and self-realise.

This is a bit abstract, but in more concrete terms, we can paint the picture of an immigrant without exclusive focus on material wealth. Moving to a wealthy country brings cultural and educational opportunities that are worth more than just the income they generate.

This then raises the question of whether access to the opportunities of the rich world are really so important for self-realisation. Many of these advantages are not exclusive to rich countries. For example, while educational opportunities are more easily available in rich countries, it is certainly not necessary for people to move to the rich world to make the most of these. Indeed, many of these opportunities are closely correlated with prosperity, so if we ignored the idea of self-realisation and focused only on economic efficiency and prosperity, we might find more universities and jobs opening up, and an indirect improvement in general self-realisation.[31] Further, it is unrealistic to ignore the idea of competition altogether. Many of the goods necessary for self-realisation, like education or a job, are conditional on being more meritorious than your rivals. Considering this, it does not seem implausible that people of greater natural ability are more likely to benefit from the opportunities for self-realisation offered by the rich world. This implies that greater self-realisation may occur on balance under open borders than a lottery system, because the sort of people who are migrants under the former scheme are better placed for self-realisation.

31 This argument is not necessarily an argument in favour of open borders. It only insists that migration be managed in order to secure efficiency and prosperity. This might, for example, be consistent with migration restrictions to avoid the problem of 'brain drain'.

It may be objected that such an attempt to 'maximise' self-realisation misses the point of the argument. Equality of opportunity, someone might insist, is supposed to give everybody an equal chance to achieve self-realisation. This appears to depend on interpreting self-realisation as a categorical phenomenon: something we either have or have not achieved. But it makes sense to speak of gradations of self-realisation, being closer or further away from achieving one's potential. The argument here is that immigrants are likely to have fewer resources to self-realise if they are plucked randomly rather than selected, and are likely to do less to help those in their country of origin to self-realise. In other words, specially selected 'winners' would probably be better off than lottery-picked 'winners'; and those left behind would be better off than lottery 'losers'.

Conclusion

This article begins from the observation that producing the conditions necessary to secure substantively free migration for all is next to impossible in the world we live in. Even if the formal legal restrictions on migration are repealed, many will still lack the resources necessary to give them the genuine option to leave their country. If restrictions are inevitable, perhaps a lottery is the best way to enforce them?

Two common arguments for free migration – arguments from freedom and equality of opportunity – seem to suggest that there are no legitimate criteria on which to favour some migrants over others. However, this is misleading. The argument from liberty is merely a presumption in favour of the freedom to migrate, rather than an unrestricted human right. Equality of opportunity can imply a lottery only if we see it as a means to self-realisation. Even then, it is not clear that this value is not better realised by managed migration which actively selects those likely to benefit from migration. Thus, despite its initial attractiveness, a migration lottery fails to deliver on its promise.

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