

# Voluntariness and Migration: A Restatement

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A key question in both the theory of migration and in public debates on immigration policies is when migration can be said to be voluntary and when, conversely, it should be seen as nonvoluntary. Moreover, again both in the theoretical discussions and in public debates, serious normative implications for the migrants' rights and the receiving states' obligations toward them are thought to follow from the determination of the voluntariness of migration. In a previous article, we tried to answer this crucial question by providing a list of conditions we view as sufficient for migration to be considered nonvoluntary.<sup>1</sup> We further considered this question, specifically by analyzing the role of consent in relation to smuggling and trafficking, in a later discussion.<sup>2</sup>

In this article, we take the opportunity to further expand our discussion of the issue. In particular, we concentrate here on one of the conditions that we argued in our previous work is key in making migration nonvoluntary: the lack of acceptable alternatives. This condition is especially controversial and plays a central role in defining the majority of cases of nonvoluntary migration. It is, therefore, crucial to clarify its precise meaning. This is especially relevant in relation to two central dimensions that we deem as important to further develop and specify our analysis. The first dimension concerns the place of migration in relation to the ends pursued by migrants, on one hand, and in relation to the means that are chosen to pursue migration itself, on the other. Migration, in fact, can be seen as a means

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*Ethics & International Affairs*, 37, no. 4 (2023), pp. 406–426.

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doi:10.1017/S0892679423000424

to other ends in life, but also as a goal in relation to the specific path, timing, and means of migration chosen. If we look at migration as a means to people's further goals in life, we can ask whether migration can always be said to be voluntarily chosen when the goals it serves are voluntarily chosen. On the other hand, if we look at the means to which migrants need to resort in order to migrate, we can ask whether those who decide to migrate voluntarily but only have the option of choosing among a limited set of dangerous, harmful, or illegal means for doing so can be said to be forced to choose those means.

The second dimension according to which we further develop our analysis concerns the causal role that voluntary and nonvoluntary choices play in the process that results in migration. This analysis, as we will show, has relevant implications for the condition according to which people migrate nonvoluntarily if they have no acceptable alternatives to doing so. Indeed, there are cases in which migrants could have their needs and fundamental rights met in their own country but at the cost of betraying their own moral principles or conceptions of the good. In these cases, we need to ask if those who migrate because they choose to stick to their own moral principles can be seen as facing "unacceptable alternatives" and therefore should be considered forced migrants, or, instead, whether their decision to migrate should be considered voluntary.

The article develops as follows. In the first section, on the basis of our previous work, we introduce our list of conditions that make migration nonvoluntary. We argue for a particular methodological principle, which we followed in compiling this list of conditions: we should apply to migration the same standards of voluntariness that we employ in other circumstances of our life. We also consider here the question of the normative consequences of voluntary choices in migration, and we reject the assumption that those who migrate voluntarily must pay for all the consequences of their choice. In the second section, we consider the relation between ends and means in the migration process, and the relation of migration to the overall plans and goals of migrants. We argue that, in principle, if the ends are voluntarily chosen, so are the means, and this also holds for migration; however, we also point to important qualifications to this principle. In the third section, we analyze the interplay between forcedness and voluntariness in migration in relation to the dimension of causation. Here we explore the cases in which people are forced to migrate as a consequence of voluntary choices they made, so that voluntariness and forcedness are interlocked in a causal chain, and we ask in particular instances what causal role each element plays in the final decision to migrate.

## DEFINING VOLUNTARINESS IN MIGRATION

In our previous treatment of the topic,<sup>3</sup> we identified four necessary conditions for defining the choice to migrate as voluntary. The first condition is “noncoercion.” The choice to migrate is not voluntary if it is the result of threats or the direct use of force, as when people are kidnapped, trafficked, or induced to move by violent means. The second condition is “sufficiency.” For a choice to migrate to be voluntary, it must not be prompted by the lack of acceptable alternatives, such as when people flee their home to avoid starvation or death. In our account, unacceptable alternatives include not only such extreme cases but also, in general, all those circumstances that imply the unfulfillment of people’s fundamental human needs,<sup>4</sup> where “fundamental human needs” comprise, beyond physical survival and material necessities, also the most important social dimensions of human life, such as the need to be with one’s family, associate with other people, or not suffer forms of severe humiliation.<sup>5</sup> The third condition is the existence of “exit options.” For those who are away from home, migration is nonvoluntary if return would be impossible, or unacceptably burdensome. The fourth and final condition is “information.” Even if all the previous conditions are fulfilled, migration is nevertheless nonvoluntary if the decision to migrate is based on false information, whenever it is the case that if migrants had had the correct information, they would have decided to stay.

The main methodological principle we followed in compiling this list of conditions is that migration should be subject to the same standards of voluntariness that are employed in other circumstances of people’s lives. This principle is meant to prevent the danger that migrants, and notably those coming from disadvantaged backgrounds, may systematically see their migration choices perceived and discounted as the mere result of dire necessity, rather than as genuine and autonomous decisions. The application of abnormally demanding standards of self-determination is how members of disadvantaged groups can be deprived of their status as agents by the reifying gaze of those who are in a position of privilege. This risk has been especially discussed in the debate on how Western societies should relate to minority cultures and social practices, notably in relation to the condition of women,<sup>6</sup> but the same caveat also holds for the treatment of migrants. The antidote to this risk consists in the avoidance of double standards, and the invitation to apply to migrants the same standards of agency and voluntariness that the members of receiving countries apply to themselves in their social

interactions. Wherever the principle of consent in social interactions is honored, political and social institutions rely on standards of voluntariness in setting up the procedures for ensuring that people act voluntarily when they make deals and contracts, get married, or take other important decisions in their lives. These usual everyday standards of voluntariness are strict enough to avoid people's actions being classified as genuine choices when they are instead compelled by necessity or force. But they are not overly demanding, because that would discount most of people's actions and decisions as mere fallouts of circumstances or forces they do not control. We postulate that unless we are willing to subject the assessment of migrants' agency to unjustified double standards, we should also apply these same standards to the decisions made by migrants.

Our analysis runs against two apparently powerful motives that may extend the category of forced migration well beyond the cases that we recognize as such. The first is the discomfort that the privileged members of most affluent societies feel when they observe that many of the current migratory movements across the globe occur in conditions of deep inequality and injustice. This may induce them to categorize migration as forced not only in those cases where migratory patterns are caused by violence or threats or (according to our sufficiency condition) those cases in which fundamental human needs would otherwise be unfulfilled, but also in most of the "economic" migration that makes people move from poorer to richer regions of the globe. The second motive is constituted by the widespread assumption that only forced migration—for which migrants cannot take any responsibility—generates powerful claims of admission and assistance toward destination countries, while voluntary migrants—whose choice to migrate is not necessitated—must pay for all the costs of their decision and cannot legitimately raise any claim. Based on this assumption, those who advocate a better treatment of immigrants may be induced to insist that most of them, and especially those who move in conditions of disadvantage, must count as forced migrants.

We believe that these two motives, although powerful at first sight, lead us astray in defining voluntary migration and are based on unwarranted assumptions. As far as the first is concerned, we need to distinguish between injustice and forcedness. Not all the choices that we make in circumstances of injustice are ipso facto forced choices. Indeed, this is not how we normally see our lives. Barring those circumstances in which we are compelled by coercion, lack of acceptable alternatives, or fraud, we conceive of our decision to pursue a career, to have children, to buy a house, or to marry someone as a choice we own as

part of our life plan, even if we belong to a relatively disadvantaged group and make those choices under circumstances of injustice. Of course, unjust social and cultural structures constrain and influence people's choices. However, again, we should be careful not to conflate social structures, injustice, and forcedness, and above all, we need to be wary of double standards, only seeing the constraints of social structures where there is disadvantage. The mere fact of being influenced and constrained by social structures does not make actions nonvoluntary because all people's actions are. What is problematic, from a normative point of view, is the fact that some social structures are unjust, so that their constraints constitute privilege for some while imposing disadvantage on others. We need to acknowledge this fact by denouncing injustice and calling for the improvement of the options and conditions of disadvantaged groups in society. Moreover, when people make choices in circumstances of injustice, they may gain a right to a more favorable treatment than those who act in just conditions, especially by those who are responsible for those unjust circumstances. Thus, those affluent societies whose relation to source countries is tainted by a colonial past, or by economic and political injustice, may owe immigrants favorable treatment in recognition of the fact that immigrants make their choices against the background of unfair circumstances. However, in giving migrants their due, there is nothing to be gained by treating all the choices they make under conditions of less-than-full justice as nonvoluntary.

The soundness of this position in relation to migration is better appreciated if paired with the rejection of the assumption that those who migrate voluntarily must take full responsibility for their choice, in the sense that they must bear the full costs and accept all the consequences that ensue from it. This assumption should be rejected because, again, accepting it means applying to migrants special and unduly burdensome standards that we usually do not apply to the rest of us. While it is true that we generally hold people responsible for their choices, in the "normal" course of events, liberal, social, and political institutions accommodate and honor people's voluntary choices concerning the fundamental dimensions of their lives and their most cherished values and goods. We may not do this for choices that are ephemeral or peripheric to a person's life, but liberal-democratic institutions do accommodate important choices, such as, for example, the choice to form a family, to have children, or to practice a religion, and we do not generally expect people to bear the full costs of those decisions. Think here, for example, of the support given to parents by way of, among other things,

subsidized or free childcare. The reason why institutions protect and accommodate these choices is not that they are forced to do so, but, on the contrary, because they are expressions of people's voluntary agency to shape some of the most fundamental dimensions of their lives. There is no reason why in the case of migration, which is a life choice of fundamental importance and often serves crucial goals, the very fact that the choice to migrate is voluntary should count instead as grounds for treating it as a decision that does not deserve accommodation or does not give rise to any legitimate claims.<sup>7</sup> Of course, the shape of fair immigration and emigration policies cannot be exclusively determined by the relevance and force of migrants' claims, since the latter count as *pro tanto* considerations that might be countervailed by other relevant reasons, including the claims of sedentary people in receiving and destination countries. However, the main point is that there is no reason to assume that valid claims only emerge in relation to those choices that are forced and therefore exculpate agents from all responsibility for making them. Therefore, if in assessing the fairness of migration policies, we want to vindicate the relevance of migrants' claims, there is no need to insist that the migration needs to be forced. It is sufficient to argue that also in the case of migrants, as for everyone else, the fact that a person's choice is voluntary, and expresses true agency in relation to the most important dimensions of his or her lives, is a reason for liberal institutions to honor and accommodate such a choice.<sup>8</sup>

On this point, it is worth noting that even though our contribution here is meant to be centrally one of conceptual clarification, what we say also has policy implications, albeit not immediate ones. We feel it is of fundamental importance to clarify conceptually when migration counts as voluntary, as the notion remains relatively undertheorized despite its centrality. We do not aim, therefore, to give direct policy guidelines but rather to contribute to filling this gap. However, it is useful to note how the argument we advance for the decoupling of voluntariness from the assumed normative consequences it often holds can open up spaces for different policy reactions, both in relation to fair terms of integration and for admission policies. Namely, denying that a choice to migrate, when made voluntarily, absolves states from assuming responsibilities for the migrants' needs and from having to accommodate their choices opens up a space for arguing for more generous policies toward all migrants and forestalls arguments that aim at meeting migrants' needs in their country of origin instead of granting them access.

These considerations are especially relevant in relation to the qualm, often raised in both academic and nonacademic debates, that drawing a sharp line between

forced and voluntary migration can be politically dangerous and theoretically misleading. Politically, the worry is that sharply distinguishing between forced and voluntary migrants may lead to more restrictive admission policies and a harsher treatment of asylum seekers, who can then be categorized as mere “economic” migrants and therefore denied the right to refuge.<sup>9</sup> This is a real political risk in fact, but we suggest that the solution to this problem lies in a more careful and less ideologically burdened categorization of migrants rather than in blurring the distinction between the two categories. Moreover, there are also high political costs to blurring the relevant distinctions by overextending the category of “refugee,” or by categorizing all refugees as “forced migrants.”<sup>10</sup> Indeed, doing so may lead to the neglect of the distinctive predicament and claims of refugees<sup>11</sup> with respect not only to economic migrants but also to forced migrants and the specific categories of them. Not less importantly, blurring the distinction between forced and voluntary migration makes it easier to represent all migration as the by-product of catastrophic circumstances in source countries, and therefore a “problem” to be addressed by aiding in the source countries rather than liberal admission policies in destination states that recognize economic migrants’ legitimate decision to move. In the end, seeking a better treatment of migrants by blurring the distinction between forced and voluntary migration means giving in to the assumption that the only possible ground for the admission and fair treatment of migrants is forcedness, instead of calling attention to the claims deriving from the injustice of the present state of affairs, or (what mostly interests us) a migrant’s legitimate interest in seeking opportunities and making life decisions that involve the crossing of borders.

On the theoretical side, many prominent scholars have argued that migration is a process involving multiple choices over extended periods of time, and therefore it should not be treated as a one-off decision that can be classified as entirely voluntary or forced.<sup>12</sup> Moreover, even single decisions within that process can have a mixed nature, being partially voluntary and partially forced.<sup>13</sup> Sometimes, to highlight this mixed character of migration choices, scholars argue that instead of drawing a sharp distinction between voluntary and nonvoluntary migration, we should talk of a “continuum” where only few choices can be placed at the extremes at which they count as completely voluntary or nonvoluntary.<sup>14</sup>

It is, of course, true that the choices people make in their lived experience, with all its messiness, often resist too neat and ideal a classification. However, acknowledging this complexity should not lead to the blurring of the relevant categories. The very image of a continuum, in this respect, can be misleading for two reasons. First, it

may lead us to simply categorize most forms of migration as “mixed,” and therefore to abstain from achieving better analytical clarity on the interplay between the elements of forcedness and the elements of voluntariness in migrants’ decisions. Secondly, and relatedly, the idea of a continuum seems to suggest the existence of a one-dimensional space along which all the choices to migrate can be ordered.

Instead, exactly in light of the complexity of real-life circumstances, we should think of the choices involved in migration as occupying a multidimensional and composite space in which the complex interplay between forcedness and voluntariness can be mapped along different lines. Marta Bivand Erdal and Ceri Oeppen, for example, pay special attention to the temporal dimension of migration, highlighting how migrants’ choices can be seen as forced or voluntary depending on which moment in the migration process we consider.<sup>15</sup> We followed a similar line in applying our standards of voluntariness to different moments in the migration path of trafficked people.<sup>16</sup>

However, the interplay between agency and forcedness can also be mapped along other dimensions than time. In the following sections, we focus on two such dimensions. The first is the relation between ends and means in the migration process, and the relation of migration to the overall plans and goals of migrants. Migration, in fact, can be seen as a means to other ends in life, but migration can itself be seen as a goal in relation to the specific path, timing, and means of migration chosen. There is room to ask, then, whether migrants’ decisions are forced or voluntary at each of these different levels of the chain of ends and means that constitutes the migration process. The second dimension along which we analyze the interplay between forcedness and voluntariness in migration is causation. There are cases in which people are forced to migrate as a consequence of voluntary choices they made, so that voluntariness and forcedness are interlocked in a causal chain. In particular instances, then, we can ask what causal role each element has played in the final decision to migrate. As we will see, the discussion of both points will mainly revolve around interpretations and applications of the “sufficiency condition” in our definition of what counts as voluntary migration.

## ENDS AND MEANS IN THE MIGRATION PROCESS

In this section, we consider the relationship between ends and means in the migration process in two specific ways. We consider, first, the relation of



migration to the overall plans and goals of migrants and, second, the relation between ends and means in the migration process. As mentioned, indeed, migration can be seen as a means to other ends in life, but can also be seen itself as an end, in relation to the specific means of migration chosen. Here we consider the question of whether migrants' decisions are forced or voluntary in both respects.

Let us begin, then, by asking how we should conceive of the relationship between migration and the overall plans and goals of migrants. It is conceivable, of course, that in some cases migrants may choose migration as an end in itself, that is that the primary goal of migrants in moving is simply being elsewhere. Moving away from one's place of habitual residence, for instance, may be pursued as a way of emancipating oneself from local cultural and social strictures to experience new social spaces and cultures, or simply as an adventure.<sup>17</sup> However, as we know from a large empirical literature on the subject, in most cases migration is pursued by those who undertake it as a means to achieve other ends inscribed within their overall life plans, such as, for example, economic advancement through better opportunities.<sup>18</sup> In this sense, migration is a means for migrants, motivated by the pursuit of ends central to the migrants' overall life plans and objectives; migration is therefore in these cases instrumental to the pursuit of other ends. How does the relationship between voluntariness and forcedness play out in this context?

We hold that, in general, if one chooses ends voluntarily, then one chooses means voluntarily, too. This is because if you choose to pursue your ends voluntarily, in the sense of the term we have specified above, then you could equally choose not to pursue them, and therefore cannot be said to be forced into pursuing the means even when necessary to the achievement of your ends. Thus, if migrants have chosen their ends voluntarily, within the context of their overall life plan, then they equally choose migration, as a means, voluntarily. One cannot be said, generally, to have been forced to choose means to an end that he or she has chosen voluntarily. This holds also for the second relationship we want to consider in this section, when migration is itself a goal in relation to the specific path, timing, and means of migration chosen, though we will furnish some qualification to this statement in relation to both issues discussed here later in this section. But before we move on with the rest of our discussion, it is important, in order to avoid misunderstandings, to better specify the consequences of defining migration as a means to the ends pursued by migrants, or, to put it differently, the

consequences of defining migration as merely instrumental to the pursuit of the ends of migrants, as we have done here.

Defining migration as a means to other ends does not discount its own value, nor does it make it dispensable and substitutable by any other means that may achieve the same ends. One may be tempted to reach both conclusions; however, as Christine Korsgaard has argued,<sup>19</sup> when thinking about the value of things, or their goodness, there are two separate distinctions to be made. The first distinction is the one between things that are valued for their own sake and those things that are valued for the sake of something else. The other and quite separate distinction is instead between things that have their value in themselves and things that derive their value from an external source, such as instrumental goods, whose value is conditional on the existence of certain other facts and goods (the ones that make them useful as instruments). This clarification helps us see that although migration has instrumental and conditional value because it is most commonly chosen as a way to pursue some further ends, this does not mean that migration cannot be valued for its own sake, such that nothing would be lost if migration were not to be a viable part of the migrants' plans any longer.

What is relevant to our discussion here is precisely the fact that migrants choose migration as the means to achieve their ends that makes migration valuable in this instance. This is because "the distinction between a thing that is intrinsically good and a thing that is extrinsically good yet valuable as an end allows for the possibility that the things that are important to us have an objective value, yet have that value because they are important to us."<sup>20</sup> The value of migration, in this case, lies precisely in the fact that migrants voluntarily choose it as their preferred means to their overall ends. Migrants take their destiny into their own hands and take action by moving, to achieve the ends they have chosen for themselves. It is being chosen as a means that gives migration its objective value.

Having clarified how the interplay between voluntariness and forcedness plays out in the relation of migration to the overall plans and goals of migrants, we will move now to discussing this same interplay when migration is itself a goal in relation to the specific path, timing, and means of pursuing migration chosen. After all, migrants do not just choose whether or not they will migrate in the pursuit of their life goals but are also faced with the choice of how they will move. For many, depending on their specific circumstances and given the punitive border regimes implemented by destination countries, the choice of means to migrate is often limited and consists of expensive, dangerous, and often illegal avenues. Does it make

sense, then, given this reality, to insist that the means of migration are voluntarily chosen when migration itself is voluntarily chosen? Again, when the conditions for voluntariness we have outlined above hold, and migration itself can be judged to be voluntary, we must conclude that even afflictive means of migration are chosen voluntarily. This is, again, because if an end is voluntarily chosen, as we are assuming here, then it cannot be claimed that the means to pursue that end are not since one has the choice, by definition, to avoid them by simply refraining from pursuing the end. Therefore, if one chooses ends voluntarily, then one chooses means voluntarily, too.

However, while this is generally true, there are important considerations that qualify this statement. In thinking about the voluntariness of the choice of means, it is important to reflect on how people develop life plans and choose their ends and goals and the role that our ends play in our life plans, as well as the temporal arc along which these choices are made and plans conceived. First, we need to consider the role a goal can have in the life of a person. As we have argued elsewhere,<sup>21</sup> assuming that a goal freely chosen can easily be given up is fallacious. When we begin structuring our lives around a set of ends, we engage in a process of investment, in terms of identity, commitment, and resources around these aims that gives them increasing centrality in our lives. This centrality may mean that giving up such a goal could upset the whole meaning and directions of our life and our plans for the future. Therefore, abandoning such central, albeit voluntarily chosen, goals after a certain point may be excessively costly for an individual.

Second, it is important to take into consideration the temporal arc of the development of life plans; that is to say, it is important to remember that one may develop and structure central aims in his or her life long before having a clear idea of the means at his or her disposal to pursue them. Sometimes, those means will change and avenues will open and close while one is still in the process of defining the best ways and identifying possible means of pursuing the ends. Thus, this person may find that the only available means of achieving his or her ends are of a kind he or she would not have otherwise chosen, but only once those ends have become central to his or her life plans. Now, if a goal has only a marginal place in one's life, then finding out that the means for pursuing it are very costly or risky is a very good reason to give it up. However, this option is much harder for goals that are central to a person's life. This is very much, and maybe even particularly, true of migration as a means to achieve one's ends. Avenues for migration,

especially to wealthy liberal democracies, are often scarce and very much dependent on current geopolitical as well as socioeconomic conditions—the very much unexpected COVID-19 pandemic is a dramatic case in point. It is conceivable, therefore, that one may find that his or her options for migration are such that he or she would not have chosen them voluntarily, when it is too late, too costly, or too hard to abandon the ends that migration is meant to achieve. In this situation, we argue, it is reasonable to claim that one has chosen migration voluntarily, but not reasonable to claim that one has voluntarily chosen the means of migration.

## VOLUNTARINESS AND MORAL CHOICES

In this section, we consider another dimension of the complex interplay between voluntariness and forcedness in migration, which concerns those cases in which migration, although forced, results from people's voluntary choices. David Bartram has insightfully pointed out that this is the case with many migrants who, according to established international standards, count as refugees.<sup>22</sup> For example, during the Cold War, the dissidents who fled the Soviet Union because they chose to stick to their own political views rather than adhering to a totalitarian regime were recognized as refugees deserving protection by Western countries. According to Bartram, these are rightly classified as instances of forced migration, but it is nevertheless true that they involve an important element of voluntary choice: Those dissidents, after all, could have chosen to silence their political beliefs and live a safe life in their own country. If they had to flee, it is because they chose instead to be loyal to their conscience and acted accordingly.

Bartram claims that the same categorization should also be extended to cases of “economic” migration in which mere survival could be secured in one's country of origin but at the cost of subjecting his or herself to undignified conditions of work or violations of human rights. He mentions the case of the young Eritreans who leave the country to avoid military conscription, whose terms, underlying rationale, and goals are contrary to human rights standards and dignified conditions of service.<sup>23</sup> He claims that these cases are analogous to the ones involving political dissidents, because the people involved could choose to stay safely in their own country by accepting conscription, but they leave, instead, because such a choice is morally unacceptable to them.

Where does our definition of “voluntary migration” stand in relation to these relevant cases, in which forced migration is prompted by migrants' exercising

their moral agency in rejecting unjust or undignified options? Bartram suggests that our sufficiency condition would in principle allow us to classify these cases as forced migration because, according to our definition, migration is forced not only when people have no alternatives to migration but also when the alternatives are unacceptable because they are not “good enough.” However, he also points out that we do not engage in a detailed discussion of what counts as unacceptable alternatives and, most importantly, we only seem to consider, as standards for assessing when the available alternatives are not “good enough,” the unfulfillment of basic survival needs.<sup>24</sup> This appears to leave out all those cases in which the fulfillment of survival needs is possible, but at the cost of compromising one’s conscience, dignity, or moral principles. Therefore, to account for such cases as those of the political dissidents or the Eritreans who refuse conscription, Bartram suggests that our definition of the sufficiency condition should be broadened to include among the alternatives that count as unacceptable those situations that are morally repugnant or involve the violation of human rights.<sup>25</sup>

We agree with most of the conclusions of Bartram’s insightful discussion, and we fully endorse its main purpose. Representing all forced migrants as powerless and passive victims struggling for bare survival is oblivious to a key form of moral agency that is involved in forced migration and, above all, to the fact that in the current practice the exercise of this form of agency is already recognized as a reason to accord special protection to the migrants involved. However, we are hesitant to endorse the qualification that Bartram makes of our sufficiency requirement by also counting as unacceptable the alternatives that involve the violation of migrants’ ethical or political convictions or their human rights broadly understood. We feel instead that we should stick to our original definition of the sufficiency condition, according to which migration is nonvoluntary if it is chosen because the alternatives to migration would involve the unfulfillment of *fundamental human needs*, and for that reason would be unacceptable to migrants.

Let us clarify. As briefly mentioned earlier in this article, our notion of fundamental needs is broad and does not just include bare physical survival but also encompasses important social dimensions of human life, such as the need to be with one’s family, associate with other people, or not suffer forms of severe humiliation.<sup>26</sup> Following David Miller, we could say that fundamental needs comprise all the conditions for a minimally decent human life.<sup>27</sup> However, though much more extensive than mere physical survival, the list of fundamental needs we refer to in defining forced migration does not translate into the full list of the

ethical or political standards that principled individuals may uphold. In fact, it does not even translate into the full list of human rights of the Universal Declaration of Human Rights adopted in 1948. That extensive list comprises rights that should be secured to fulfill the requirements of domestic justice, as opposed to merely securing a decent human life.<sup>28</sup>

In our definition of “nonvoluntary migration,” we refer to mere conditions of decency and to the list of fundamental needs, rather than to conditions of justice and to the full list of human rights, because—as already mentioned—we want to acknowledge the difference between forcedness and injustice, and the fact that usually we do not deem nonvoluntary all the choices that people make in circumstances of less-than-full justice, but only those in which the conditions of forcedness we have listed play a substantial role. So, for instance, although the right to periodic holidays with pay is clearly an essential requirement of justice, which is rightly recognized in the Universal Declaration of Human Rights, claiming that someone whose right to paid holidays is not adequately fulfilled in their country is being forced to emigrate would stretch the meaning of forced migration beyond any reasonable measure.<sup>29</sup>

With these clarifications in mind, we can now look at their implications for the assessment of the cases highlighted in Bartram’s discussion, characterized by a complex interplay between agency and forcedness in migration. We can divide the relevant cases into three main categories.

Under the first category, we can include those cases in which people emigrate in circumstances where staying in their country would mean leaving one or more of their fundamental needs severely unfulfilled. According to our understanding of what counts as a fundamental need, these cases would not just include those in which people’s survival or material needs are at stake but also those in which their staying in the country would significantly undermine their social status, dignity, or capability to live a minimally decent social life. This is the case, for instance, when the only way to survive would imply submitting oneself to forced labor (this is in fact what serving in the army would amount to for Eritrean citizens, according to most reconstructions of this case),<sup>30</sup> or accepting demeaning and mortifying deals that would alienate one from the rest of the community or break essential familial ties, like selling one’s organs or children. On our account, the migration that happens in these circumstances is forced because staying would imply unacceptable conditions that undermine fundamental human needs. Accordingly, we would classify these as cases of pure nonvoluntary migration.

A second category is constituted by those cases in which by staying people face severe deprivations of their fundamental needs, but their position is the result of choices they made to abide by the dictates of their conscience, their cherished religious or political principles, or their ethical standards. This is the predicament of those who decide to openly oppose a tyrannical regime and are persecuted for that reason, or those who defy the intolerant laws of their country by publicly embracing their religious creed. In these cases, there is an obvious element of moral agency involved. The people who face these dangers have voluntarily chosen to stick to their creed or principles, even if they knew that doing so would put them in a risky position. Nevertheless, once they are in danger, according to our definition of the sufficiency condition, their decision to leave the country becomes a forced one: as a matter of fact, staying represents an unacceptable alternative because it would expose them to serious deprivations of their fundamental needs, including, in some cases, their physical integrity and survival.

We can also place in the same category the cases in which people decide to flee their country even before they are actively persecuted. Political dissidents who are involved in secret resistance organizations or who are simply firmly, but not yet openly, opposed to the regime know that by cultivating their dissident political opinions they put themselves in great danger, but they nevertheless stick to them. As a consequence, they expose themselves to a serious risk, one that makes it perfectly reasonable to say that they are forced to leave the country even before they become actively persecuted. We agree with Bartram, then, that these count as cases of forced migration, while still involving a relevant element of agency.

Note, though, that our account and Bartram's significantly differ in the explanations offered of why these count as cases of forced migration. According to our account, based on fundamental needs, these count as cases of forced migration because of the objective risk that the people involved would run if they stayed in the country, as a consequence of their voluntary choice to stick to their moral convictions. Bartram would say instead that these are cases of forced migration because, for the people involved, the alternative of staying in the country is *morally* unacceptable, given the fact that to avoid persecution they would have to betray their personal convictions. We believe that our account better represents the interplay of voluntariness and forcedness that characterizes these cases for two reasons. The first is that unlike Bartram's, our account does not involve just one forced choice, but two separate choices, one voluntary and one forced. We see as forced only the choice to leave the country, but this forced choice comes as a

consequence of a previous, perfectly voluntary, choice that consists in sticking to one's beliefs or principles. This account better highlights the role of moral agency and voluntariness involved in these kinds of cases, by clearly separating them from the forcedness and coercion suffered by the agents. The second and related reason is that in Bartram's account, as opposed to ours, moral principles end up being counted among the constraints to people's choices, rather than elements of their voluntary agency. This implication appears evident once we consider that according to Bartram's account, it is the fact that people are bound by moral principles that makes their choice forced. This is counterintuitive; we should think that what forces people to migrate is persecution or feared persecution, rather than their moral standards. More generally, the notion that holding moral principles makes people's choices nonvoluntary generates the paradoxical conclusion that every time there is one correct moral choice to make, those who act morally can be said to be forced to make that choice because they have no morally acceptable alternatives. In short, all moral actions performed because they are clearly the right thing to do would be ipso facto nonvoluntary. This is a second way in which introducing moral standards among the conditions that make migration forced risks obliterating the important element of voluntary agency and choice that is involved in many cases of forced migration when migrants face dramatic moral choices.

The importance of recognizing voluntary agency in moral choice, and the difference of our account from Bartram's in this respect, appears to be even more evident if we look at a third category of cases in which no persecution or unfulfillment of fundamental human needs is involved. These are cases in which people choose to leave their country because staying would make them complicit with a political system they find ethically despicable, rather than because they reasonably fear persecution. We may think here, for example, of the case of white South Africans living under apartheid. Those who are fundamentally morally opposed to such an egregiously racist and unjust system might have chosen to leave, despite not fearing persecution were they to stay. An analogous case is one in which people leave because if they stayed, they would have to work and live in conditions that they find morally unacceptable, even if they do not compromise their fundamental social and material needs. In these cases, according to Bartram's analysis, we might conclude that emigration is forced, because staying would imply morally unacceptable alternatives. According to our account, these would, instead, count as voluntary choices, because, by hypothesis, no fundamental needs are at stake. This conclusion, we believe, better reflects the fact that in these cases no forcedness is



present, but they are instead pure instances of voluntary agency, in which people shape and decide the course of their lives according to the principles they cherish. Of course, in these cases people pay a price for their decisions, and they act in the context of unjust circumstances; in fact, the very meaning of their actions is constituted by the fact that they are dramatic and highly expressive ways to respond to injustice. However, we would not respect and recognize the moral agency of those who make these costly moral choices if we were to treat them as forced.

In response to an analogous point made by Ben Colburn in the context of the philosophical debate on the notion of voluntariness,<sup>31</sup> Serena Olsaretti has argued that we can acknowledge the moral agency of those who act for moral reasons while still claiming that their choices are forced if we distinguish between two senses of voluntariness.<sup>32</sup> In the first sense, voluntariness is synonymous with intentionality and deliberation, while in the second sense voluntariness means the absence of forcedness. According to this distinction, we can see a choice as nonvoluntary in the second sense while still acknowledging it as voluntary in the first, and therefore as genuinely attributable to the moral agency of the subject. However, this qualification does not really rescue the intuition that in the cases like those just considered people are not actually compelled to leave the country. Moreover, even allowing Olsaretti's distinction between two kinds of voluntariness, the odd conclusion would still follow that every time there is something morally right we have to do, we can say that we are forced to do it. In these cases, we could say that choices are voluntary only in the sense that they are reflected upon, but we would still need to consider them to be forced. The relevant point here is that it can at least be argued, following a long philosophical tradition,<sup>33</sup> that what is distinctive about moral action is not simply its being reflected upon and intentional, since those are also features of many actions that we take for prudential reasons; rather, its distinctiveness lies in the fact that it is not necessitated, so that a moral action, by definition, cannot be "forced" in the relevant sense discussed in the context of the debate on forced migration.

Olsaretti's position is motivated by the concern that if we did not recognize moral choices as forced, then those who choose to act according to their morality could be held responsible for the consequences and costs that would follow from their choices. But this only holds if we assume that voluntariness is a sufficient condition for making people pay for whatever ensues from their choices, which is a presumption we explicitly discard in our account of voluntariness in migration. As mentioned earlier in the section "Defining Voluntariness in Migration,"

our account is precisely meant to recognize that when migration is voluntary, the very fact that it is part of a chosen life plan represents a valid *pro tanto* reason for accommodating the claims of migrants, rather than a reason for making migrants suffer whatever consequences follow their decision to migrate. More specifically, in the case at hand, where people leave their country because they take sides in the battle against political injustice, the very fact that they exercise moral agency by making such a dramatic and costly decision in the name of justice can constitute a reason for recognizing their special claim to be admitted to countries that uphold just political principles.<sup>34</sup>

## CONCLUSION

Building on our past work, in this article we focused on two central dimensions according to which the interplay between forced and voluntary choices in the migration process can be analyzed. The first concerns the relation between ends and means in the migration process, and the relation of migration to the overall plans and goals of migrants. The second concerns the role that voluntary choices play in the causal chain that leads to forced migration. Along both dimensions, our analysis has highlighted important elements of voluntariness in cases that under other accounts would be classified as instances of forced migration. The conclusions reached are in line with the general inspiration of the analysis found in our previous work on voluntariness and migration, which consists exactly in acknowledging the voluntary nature of many migratory decisions and processes, despite the fact that they take place in circumstances of deep injustice.

The dimensions explored are surely among the most relevant ones for the analysis of the distinction between voluntary and nonvoluntary migration, along with—as mentioned at the beginning of our discussion—the temporal dimension that demarcates different moments in the migration process. However, there are many other possible dimensions along which the interplay between forcedness and voluntariness in migration could be analyzed. Besides the specific substantive conclusions we have reached as the result of our discussion, we hope that our discussion can also serve as an illustration of how unpacking and separating forcedness and voluntariness in specific contexts can perform a useful analytical purpose, and can help move the analysis beyond the observation that many instances of migration have a “mixed” character and can be aligned along a continuum on which only a few can count as fully voluntary or fully forced.

## NOTES

- <sup>1</sup> Valeria Ottonelli and Tiziana Torresi, “When Is Migration Voluntary?,” *International Migration Review* 47, no. 4 (Winter 2013), pp. 783–813.
- <sup>2</sup> Valeria Ottonelli and Tiziana Torresi, “Rethinking Consent in Trafficking and Smuggling,” in Alex Sager, ed., *The Ethics and Politics of Immigration: Core Issues and Emerging Trends* (London: Rowman & Littlefield, 2016), pp. 125–41.
- <sup>3</sup> Ottonelli and Torresi, “When Is Migration Voluntary?”
- <sup>4</sup> Our account falls within the category of what Jamie Draper defines as “broad” views of nonvoluntary migration, according to which people move nonvoluntarily when they face an inadequate range of options. “Narrow” views, instead, only count nonvoluntary migration as “reactive movement . . . precipitated by sudden events and changes.” See Jamie Draper, “Justice and Internal Displacement,” *Political Studies* 71, no. 2 (2021), pp. 6–7.
- <sup>5</sup> As David Miller suggests, a useful way to conceptualize fundamental human needs is thinking of them as those needs whose fulfillment is required for a decent human life. We endorse here a broad understanding of this notion, which includes psychological and societal needs. See David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), pp. 180–85. For a convincing account based on the capability approach, see Karl Widerquist, “The Physical Basis of Voluntary Trade,” *Human Rights Review* 11, no. 1 (March 2010), pp. 83–103. The fine-tuning of the list of basic needs, as Sarah Fine has rightly suggested, must be sensitive to the opinions and claims of migrants themselves. See Sarah Fine, “Refugees, Safety, and a Decent Human Life,” *Proceedings of the Aristotelian Society* 119, no. 1 (April 2019), pp. 25–52.
- <sup>6</sup> See the enlightening treatment of the issue by Anna Elisabetta Galeotti in “Relativism, Universalism, and Applied Ethics: The Case of Female Circumcision” (*Constellations* 14, no. 1 [March 2007], pp. 91–111); and Anna Elisabetta Galeotti, “Autonomy and Cultural Practices: The Risk of Double Standards,” *European Journal of Political Theory* 14, no. 3 (July 2015), pp. 277–96.
- <sup>7</sup> For a full discussion of this point, see Valeria Ottonelli and Tiziana Torresi, *The Right Not to Stay: Justice in Migration, the Liberal Democratic State, and the Case of Temporary Migration* (Oxford: Oxford University Press, 2022), ch. 5.
- <sup>8</sup> Of course, this is not to deny that forced migration also gives rise to legitimate and powerful claims. However, it does so on different grounds than the consideration for people’s agency in shaping the course of their own lives. Indeed, the claims generated by forced migration originate, among other reasons, from the harm that is done to people when their voluntary life plans are disrupted.
- <sup>9</sup> Roger Zetter, “More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization,” *Journal of Refugee Studies* 20, no. 2 (June 2007), pp. 172–92; Heaven Crawley and Dimitris Skleparis, “Refugees, Migrants, Neither, Both: Categorical Fetishism and the Politics of Bounding in Europe’s ‘Migration Crisis,’” *Journal of Ethnic and Migration Studies* 44, no. 1 (January 2017), pp. 48–64; and Tazreena Sajjad, “What’s in a Name? ‘Refugees,’ ‘Migrants’ and the Politics of Labelling,” *Race & Class* 60, no. 2 (October 2018), pp. 40–62.
- <sup>10</sup> James C. Hathaway, “Forced Migration Studies: Could We Agree Just to ‘Date’?,” *Journal of Refugee Studies* 20, no. 3 (September 2007), pp. 349–69.
- <sup>11</sup> Max Cherem, “Refugee Rights: Against Expanding the Definition of a ‘Refugee’ and Unilateral Protection Elsewhere,” *Journal of Political Philosophy* 24, no. 2 (June 2016), pp. 183–205.
- <sup>12</sup> Oliver Bakewell, “Unsettling the Boundaries between Forced and Voluntary Migration,” in Emma Carmel, Katharina Lenner, and Regine Paul, eds., *Handbook on the Governance and Politics of Migration* (Cheltenham, U.K.: Edward Elgar, 2021), pp. 124–36, at p. 125.
- <sup>13</sup> Anthony H. Richmond, “Reactive Migration: Sociological Perspectives on Refugee Movements,” *Journal of Refugee Studies* 6, no. 1 (January 1993), pp. 7–24; Nicholas Van Hear, with Rebecca Brubaker and Thais Bessa, *Managing Mobility for Human Development: The Growing Salience of Mixed Migration*, United Nations Development Programme Human Development Reports Research Paper 2009/20 (New York: United Nations Development Programme, April 2009), [hdr.undp.org/content/managing-mobility-human-development](https://hdr.undp.org/content/managing-mobility-human-development); and Austin Charron, “Somehow, We Cannot Accept It’: Drivers of Internal Displacement from Crimea and the Forced/Voluntary Migration Binary,” *Europe-Asia Studies* 72, no. 3 (March 2020), pp. 432–54.
- <sup>14</sup> Anthony H. Richmond, *Global Apartheid: Refugees, Racism and the New World Order* (Oxford: Oxford University Press, 1994); Graeme Hugo, “Environmental Concerns and International Migration,” in “Ethics, Migration, and Global Stewardship,” special issue, *International Migration Review* 30, no. 1 (Spring 1996), pp. 105–31; Stephan Scheel and Vicki Squire, “Forced Migrants as ‘Illegal’ Migrants,” in Elena Fiddian Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona, eds., *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014),

- pp. 188–99; and Kristin Yarris and Heide Castañeda, introduction to “Special Issue: Discourses of Displacement and Deservingness: Interrogating Distinctions between ‘Economic’ and ‘Forced Migration,’” *International Migration* 53, no. 3 (June 2015), pp. 64–69.
- <sup>15</sup> Marta Bivand Erdal and Ceri Oeppen, “Forced to Leave? The Discursive and Analytical Significance of Describing Migration as Forced and Voluntary,” in “Aspiration, Desire and the Drivers of Migration,” special issue, *Journal of Ethnic and Migration Studies* 44, no. 6 (April 2018), pp. 981–98.
- <sup>16</sup> Ottonelli and Torresi, “Rethinking Consent in Trafficking and Smuggling.”
- <sup>17</sup> Sylvie Bredeloup, “The Migratory Adventure as a Moral Experience,” in Nauja Kleist and Dorte Thorsen, eds., *Hope and Uncertainty in Contemporary African Migration* (New York: Routledge, 2016), pp. 148–67; Karen Fog Olwig, “Migration as Adventure: Narrative Self-Representation among Caribbean Migrants in Denmark,” *Ethnos* 83, no. 1 (January 2018), pp. 156–71; Brigitte Suter, “Migration as Adventure: Swedish Corporate Migrant Families’ Experiences of Liminality in Shanghai,” *Transitions: Journal of Transient Migration* 3, no. 1 (March 2019), pp. 45–58; and Margaret Kitchen, “Korean Migration: ‘The First Reason for Coming to New Zealand Is Adventure,’” *New Zealand Population Review* 40 (2014), pp. 111–26.
- <sup>18</sup> The literature investigating the drivers of migration—economic opportunity being a key driver—is, of course, too extensive to cite here, but for a recent review of push-and-pull factors, see Nicholas Van Hear, Oliver Bakewell, and Katy Long, “Push-Pull Plus: Reconsidering the Drivers of Migration,” in “Aspiration, Desire and the Drivers of Migration,” pp. 927–44.
- <sup>19</sup> Christine M. Korsgaard, “Two Distinctions in Goodness,” *Philosophical Review* 92, no. 2 (April 1983), pp. 169–95, at p. 170.
- <sup>20</sup> *Ibid.*, p. 195.
- <sup>21</sup> Ottonelli and Torresi, “Rethinking Consent in Trafficking and Smuggling.”
- <sup>22</sup> David Bartram, “Forced Migration and ‘Rejected Alternatives’: A Conceptual Refinement,” *Journal of Immigrant & Refugee Studies* 13, no. 4 (October 2015), pp. 439–56.
- <sup>23</sup> *Ibid.*, p. 447.
- <sup>24</sup> *Ibid.*, p. 450.
- <sup>25</sup> *Ibid.*, p. 451.
- <sup>26</sup> See the section “Defining Voluntariness in Migration.”
- <sup>27</sup> Miller, *National Responsibility and Global Justice*, p. 181.
- <sup>28</sup> It is worth clarifying here that though the Universal Declaration comprises important conditions of domestic justice, it does not cover *all* of them. We think, in fact, that some rights required by justice are not listed in the declaration. Differentiating rights required by domestic justice from those that apply beyond state borders, such as human rights, is a distinctive position in the debate on global justice, held most prominently by David Miller (see Miller, *National Responsibility and Global Justice*); for the opposite, cosmopolitan position, see Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005). For a normative account of human rights that also considers the rights in the Universal Declaration, see, instead, James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2009).
- <sup>29</sup> It may be worth noting that the fundamental needs we refer to are not coextensive with the full list of universal human rights, not only in the sense that there are universal human rights that do not count as fundamental human needs but also in the sense that there are fundamental needs that fail to be covered by universal human rights. For a fundamental need to translate into a human right, the conditions for establishing the relevant claims and duties must be in place, and this is not always the case. For instance, if someone leaves his or her country to receive an extremely expensive, lifelong medical treatment that is only available abroad, that person can be said to be forced to emigrate, because a fundamental need (the person’s survival) is threatened. However, if the treatment he or she is seeking is experimental and extraordinarily expensive, it would be legitimate to claim that it is not encompassed by the fundamental human right to basic health care that is due to the individual. In this case, then, although a fundamental need is at stake, no corresponding right is.
- <sup>30</sup> See, for example, Mirjam van Reisen, Makeda Saba, and Klara Smits, “‘Sons of Isaias’: Slavery and Indefinite National Service in Eritrea,” in Mirjam van Reisen, Munyaradzi Mawere, Mia Stokmans, and Kinfe Abraha Gebre-Egziabher, eds., *Mobile Africa: Human Trafficking and the Digital Divide* (Bamenda, Cameroon: Langaa, 2019), pp. 115–57; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”: How Indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea (Human Rights Watch, August 2019), [www.hrw.org/report/2019/08/09/they-are-making-us-slaves-not-educating-us/how-indefinite-conscription-restricts](http://www.hrw.org/report/2019/08/09/they-are-making-us-slaves-not-educating-us/how-indefinite-conscription-restricts); and Gaim Kibreab, “Forced Labour in Eritrea,” *Journal of Modern African Studies* 47, no. 1 (March 2009), pp. 41–72 (also amply cited by Bartram in “Forced Migration and ‘Rejected Alternatives,’” p. 447). It should be pointed out, however, that in contrast with these accounts, Bartram seems to suggest that conscription

in Eritrea does not amount to plain forced labor but involves serious forms of injustice that can prompt the moral choice of not complying with the system (see, for example, Bartram, "Forced Migration and 'Rejected Alternatives,'" pp. 451–52). Under this description, the case of the Eritrean youth who flees the country to avoid conscription falls in the next category to be considered, which comprises those cases in which persecution is the result of moral choices.

- <sup>31</sup> Ben Colburn, "Debate: The Concept of Voluntariness," *Journal of Political Philosophy* 16, no. 1 (March 2008), pp. 101–11.
- <sup>32</sup> Serena Olsaretti, "Debate: The Concept of Voluntariness—A Reply," *Journal of Political Philosophy* 16, no. 1 (March 2008), pp. 112–21.
- <sup>33</sup> The obvious reference here is to the Kantian tradition, which shares important continuities with authors such as Samuel Clarke and Thomas Reid, who in the eighteenth century insisted on a non-determinist account of morality. Such a tradition is of course contiguous with the long line of Christian thought that couples morality with free will. However, the coupling of morality with voluntary action is not a prerogative of the Kantian tradition, nor of theories that are based on a strict separation of free will and the natural world. The idea that moral action is voluntary in the sense considered here amounts to the more widespread claim that the direct cause of moral action cannot be a physical compulsion or necessitation of circumstances of the kind we have in mind when we say that an action is nonvoluntary. This kind of view, for example, can also be found in Aristotle; see Susan Sauvé Meyer, *Aristotle on Moral Responsibility: Character and Cause* (Oxford: Oxford University Press, 2011).
- <sup>34</sup> The notion that ideological alignment and commonality can be a powerful source of obligation is salient in Walzer's account of the duties to refugees: "We can also be bound to help men and women persecuted or oppressed by someone else—because they are persecuted or oppressed because they are like us. Ideological as well as ethnic affinity can generate bonds across political lines, especially, for example, when we claim to embody certain principles in our communal life and encourage men and women elsewhere to defend those principles." See Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. 49.

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Abstract: A key question in the theory of migration and in public debates on immigration policies is when migration can be said to be voluntary and when, conversely, it should be seen as nonvoluntary. In a previous article, we tried to answer this crucial question by providing a list of conditions we view as sufficient for migration to be considered nonvoluntary. According to our account, one condition that makes migration nonvoluntary is when people migrate because they lack acceptable alternatives to doing so. In this article, we take the opportunity to further explore and clarify this crucial condition. More specifically, we focus on two main sets of questions. First, we ask whether migration is always voluntary when it serves goals that are voluntarily chosen, and whether those who decide to migrate voluntarily but only have the option of choosing among a limited set of dangerous, harmful, or illegal means for doing so, can be said to be forced to choose those means. Second, we ask whether what counts as "nonacceptable" alternatives should also include cases in which people could have their needs and fundamental rights met, but at the cost of betraying their moral principles or conceptions of the good.

Keywords: voluntary migration, forced migration, sufficiency, rejected alternatives