

Editorial

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Symposium on Brain Drain: The Merits and Limits of Furthering Normative Solutions in Source Countries

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The radically unequal world distribution of skilled professionals that provide essential goods is a staggering dimension of global inequality. Sierra Leone, one of the countries hardest hit by the recent Ebola outbreak, has 0.2 doctors per 10,000 people. Compare that level of deprivation to the health care prospects of the same number of German citizens served by 39 doctors. Apart from being deeply regrettable, a number of hard moral questions arise when we learn that this inequality is on the rise, partly due to the fact that highly skilled workers emigrate in great numbers from poorer regions to live and work in the affluent world. Despite international commitments to “close the gap,” the complex structural causes that prompt people to leave and the incentives to recruit them in destination countries are difficult to counteract. Coordinated policy effort is needed both at the national and the international levels to render the effects of international brain drain just and fair for all persons affected.

Gillian Brock and Michael Blake’s new book, *Debating Brain Drain: May States Restrict Emigration?* is a landmark contribution in applied political philosophy addressing this urgent problem and furthering normative solutions within source countries. The question the authors ask is what source countries may permissibly do to offset the negative effects of international brain drain. One of the hardest questions about the brain drain is how to balance the claims of source populations with the competing claims of prospective emigrants. Is any kind of restriction on emigration ever justifiable?

The right to emigration is an important safeguard that protects citizens from their own states. The idea that it is an unlimited right has been taken for granted in liberal political theory as well as in international law. It has only recently been questioned in the context of critical labor shortages in resource poor settings. There are two important questions to be settled through normative inquiry. First, on what grounds can the right to emigration be restricted, if any? Second, by what legitimate

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means can it be restricted? It is important to note that placing restrictions on the right to emigrate may or may not come in the form of impeding the movement of persons or their choice of occupation. Emigration restrictions are conditions that persons need to satisfy prior to, during, or after emigration that confer moral legitimacy on the burdens and benefits that arise. It may take the form of temporary service, paying a special tax upon leaving, or paying taxes after emigration based on the host country earnings. Emigration restrictions are not necessarily in conflict with freedom of movement, and when they are, the restrictions may or may not count as justified. What is considered as a justified ground has implications for the range of legitimate policy options available to liberal states.

In order to fully appreciate the value of the arguments developed by Brock and Blake, and their significance for international political morality, it is important to keep in mind that the normative inquiry is restricted in scope in several ways. First, the book takes on the normative perspective of source country governments and assumes that they are responsible agents making good faith efforts at furthering basic justice. It leaves aside the problem of unjust states, where the problem of emigration is equally, if not more, pressing. The authors offer divergent moral guidance concerning the justified grounds and permissible means of emigration, which constitutes the central normative disagreement in the book and in their *Overviews* in this collection. According to Brock, governments of poor countries that respect human rights and take steps to scale up the labor supply, may permissibly attach a carefully designed short-term service requirement to public education; thereby delaying the emigration of graduates by a year. By contrast, according to Blake, preventing persons from exiting their society, even for one day, is impermissible for liberal states. There may be emergency circumstances that justify the suspension of this liberal right, but a set of conditions need to hold true, and source country governments must offer a very compelling justification.

The second assumption lurking in the background is that receiving states, the main beneficiaries of an unregulated high skilled migration regime, do not discharge their duties of global justice towards sending states. So the context in which source countries are in need of plausible normative solutions is under deeply non-ideal circumstances. This is a recurring subject of debate in various commentaries of this symposium. It is very difficult to come up with normatively plausible solutions to the brain drain at the level of source countries without providing a coherent account of all the agents of (in)justice and their responsibilities. Both authors provide such an account briefly in this book and more generally in their previous books on global justice. A comprehensive normative solution to the brain drain requires an account of what it means to fairly distribute burdens and benefits in an international labor migration regime as a demand of global background justice. However, realizing global justice is not

within the power of source countries. Morally permissible solutions are urgently needed here and now, in a deeply unjust world where millions of people's basic needs are unmet, and the burdens of labor migration are systematically skewed towards the most vulnerable populations.

The third restriction concerns the moral domain and its content. This book is about the *liberal political* morality of emigration. The debate between Brock and Blake focuses on those moral duties concerning high-skilled migration that are enforceable by the state. Apart from a few remarks, they bracket the discussion of personal morality concerning what the emigrating professionals owe to their compatriots. Regarding the content of political morality, the debate takes place within the realm of liberal theory. So one interesting aspect of the book is that the two authors confess their commitments to liberal foundations, yet they reach differing normative conclusions. In spite of this relatively narrow exercise, there is a lot we can learn from such a nuanced debate about liberal theory as well as its implications for migration and labor supply policies.

There is a further empirical premise concerning the net losses that arise from brain drain. This claim is subject to empirical controversy. Here it may either be taken as an empirical premise to be verified with care, or it may take the form of a constraint on the normative argument. Emigration is a cause for moral concern, or a source of "moral tragedy," when it exacerbates critical labor shortages and threatens to undermine the social conditions for those left behind. This does not imply that debating brain drain is only relevant in source countries where it results in net losses. Rather, it highlights how the problem of brain drain is intertwined with absolute deprivation, and prompts us to think further about the ways in which brain drain between affluent countries raises different moral concerns.

This symposium brings together a series of critical commentaries that add further nuances to the debate in the book or bring out more general problems with the strategy of the arguments. I start with the general points and proceed towards more specific ones.

Lea Ypi challenges Blake in his normative premises and in the lack of action guidingness of his principles. If all that liberal theory can do for the brain drain is cry "moral tragedy" without offering a plausible solution, then perhaps we should revise liberalism at its core. She is skeptical that "*liberalese*", as she puts it, is the language we should speak, and examines two dogmas: the doing and allowing distinction, and the idea that there is a distinct self that bears exclusive rights against others. Ypi's argument against Brock challenges the way her burden sharing solution places too great a burden on responsible poor countries, and too little on unjust states, recruiting countries and the migrants themselves.

Darrel Moellendorf challenges the analogy Blake draws between a day of incarceration without fair trial and a one-year medical service requirement.

Moellendorf claims that incarceration is a *violation* of a liberty, while service requirement is a *justified restriction* of a liberty on grounds of justice. In support of this claim he proposes four criteria to test whether a policy is a justified restriction of liberty rather than a rights violation. If the restriction is necessary to promote justice, if there are no available alternatives, if the burden is reasonable and fairly shared, then the restriction is justified.

David Owen raises two important challenges to Blake's view. First, he questions Blake on drawing the analogy between religion and emigration. Owen argues that the analogy does not work because religions can expel their members, which is morally prohibited for states to do. They are different kinds of associations that exercise different degrees of coercion on their members. Hence, the wrongness of managed apostasy cannot be equated with the wrongness of managed emigration. Owen's second line of critique, instead of questioning the use of an analogy, suggests new ones for consideration. If compulsory service is impermissible in the case of professions that experience critical shortages, should we abolish other, commonly accepted, forms of compulsory services, such as military service and jury service?

Merten Reglitz offers three objections to Brock's argument for emigration restrictions that target her claims that emigrating medical professionals engage in wrongful free-riding and exploitation. First, Reglitz argues that publicly funded education is an unconditional entitlement of persons; hence there is no free-riding involved. Second, he argues that if there is a clear case of free-riding, it is committed by affluent states. Third, he argues that, only if we take into consideration the larger scale causes of medical brain drain are we able to see that the real free-riders and exploiters are the affluent states.

According to Daniel Edward Callies, both Brock and Blake claim that when certain necessary conditions obtain, governments may restrict emigration when this restriction is agreed to in a morally binding contract signed by individual citizens receiving publicly funded tertiary education. Callies advances four conditions necessary for such a contract to generate legal and moral obligations for both parties: first, the capacity of the state; second, the capacity of the citizen; third, the mutual assent of both parties; and, fourth, reasonable "consideration," or reasonable terms to the contract. He argues that the substantive disagreement regarding permissible policies between Brock and Blake is smaller than it appears. It concerns how they fill in the details of these general necessary conditions.

The symposium includes both authors' generous but eloquent responses to the challenges laid at their doors. The result is a collection that brings important and original insights into the normative debate on brain drain and lays out some of the core questions and normative cleavages for a new and emerging field, the political theory of emigration.

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