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## Debating Brain Drain: An Overview

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**Abstract:** In my chapters in *Debating Brain Drain*, I offer some reasons for thinking that states may not seek to prevent the emigration of their own citizens – even when those citizens have rare and desirable skills, and might use those skills to improve the lot of their fellow citizens. These arguments are developed in response to those contrary arguments given by Gillian Brock in her own chapters. I try to establish my conclusions by arguing against the empirical and philosophical bases of arguments in favor of the right to prevent exit. I suggest, on the former front, that suppression of the right to exit might well work against the interests of the poor, rather than in their favor. On the latter front, I argue that any proposals for “compulsory service” are both unfair and illiberal. States are not entitled to perpetual allegiance; rather, they must justify their uses of coercive power with reference to the interests and rights of those over whom that power is exercised. Preventing the emigration of a citizen is, on the best understandings of liberal political philosophy, morally prohibited.

**Keywords:** brain drain, migration, inequality

What may a developing state do, in the name of moving its people out of poverty? Are developing states, in particular, permitted to use coercive power to prevent people from leaving their societies of origin, and seeking better conditions in wealthy societies abroad? Gillian Brock and I disagree about the answers to these questions. We agree about a great many things; we are, in particular, liberal political philosophers, of a broadly Rawlsian disposition, who focus on the development of domestic political capacity as part of our theorizing on global justice. And yet, when we discuss the movement of highly-skilled (and expensively trained) people from the global South to the global North, we arrive at incompatible conclusions. This book was written, in part, to understand how this might be so; how is it that two people who are otherwise so similar disagree in such a stark way about the ethics of emigration?

In this brief overview of my own part of the shared book, I will hope only to do three things. The first is to discuss a few *empirical* reasons I disagree with the

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arguments given by Gillian Brock. On my view, the proposals she defends are as likely to harm the global poor as help them. The second thing I want to do is to discuss what I take to be some good reasons to reject Brock's own arguments. I believe her proposals treat talented and educated citizens of developing countries unfairly, in a manner we have reason to reject. The final thing I want to do is to provide brief overviews of my own arguments in favor of the right to leave. The right to leave, on my view, is a moral right on a par with the right to freedom of conscience, and cannot be "managed" or "suspended" any more than the latter right can. "Compulsory service" is, on my view, as morally problematic as forced labor, and a liberal political society should regard itself as without the rights to insist upon either.<sup>1</sup>

I want to begin, though, by noting a few things I won't be discussing. I won't be discussing all the arguments given in favor of compulsory service – including arguments about reciprocity, or conditional repayment schemes; these arguments are important, but I will spend my time here focusing on Brock's core argument, from institutional development. I also won't be focusing on the specific policy proposals Brock and I discuss in the book – again, not because they are not important, but simply because I want to spend my time in this context focusing on the moral issues on which Brock and I disagree. I also note, more importantly, that I am talking specifically about *political* morality, as opposed to the broader notions of morality that might include virtue and personal obligation. I am not opposed, in particular, to taking those educated by a particular society as having a moral obligation to work for that society's success. What I focus on – and what I disagree with Brock about – is whether or not that moral obligation could be insisted upon by the state, through its coercive legal regime. (To use the Kantian language: I want to focus on justice, rather than on virtue.) I am willing to accept, for instance, that Gerard Depardieu is a morally flawed person, for fleeing France's high taxation and settling himself in Russia. I am not willing to accept, though, that we could regard the French government as having any right to insist upon Depardieu's continued residence within France.<sup>2</sup> I am, in short, going to

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1 In the book, I discuss the possibility of an emergency exception to liberalism, in which "compulsory service" (whether military or professional) might be justified with reference to some form of existential risk to legitimate political society; this overview ignores this complication.

2 In fairness, of course, neither would Gillian Brock; Depardieu would meet few of the tests she identifies for the legitimate imposition of compulsory service. I would also emphasize that I take the notion of "morally flawed" to include both cases of insufficient charity, and cases in which individuals fail to live up to the demands of personal and social morality. People may disagree about which of these categories best represents Depardieu's failings. My point here is only to argue against the possibility of those failings being taken as a valid basis for state coercion.

discuss the political morality of the right to leave, and why we are right to think that liberalism must allow those who want to leave the political freedom to do so.

With that in mind, we can proceed to examine the worries I have about Brock's proposal; I will start with the empirical concerns.

## 1 Empirical aspects: the Brain Drain and development

There is something appealing about the thought that we might make people go (or stay) where they are most needed – especially when those purposes for which they are needed are essential for liberal justice. Malawi needs primary physicians much more than Beverly Hills needs more cosmetic surgeons. So, why can't we simply use state coercion to ensure that Malawi gets to keep those few surgeons it has developed? What possible reason could we have for preventing Malawi from preventing those surgeons from selfishly departing, making the impoverished of Malawi worse off as they do?

I will discuss the moral reasons in the next two sections; here, I want simply to make the case that it is *possible* – not necessary, but possible – that programs designed to make sure Malawian physicians stay in Malawi might end up making things *worse* for the impoverished citizens of Malawi. Whether this possibility holds is, of course, an empirical question, but the concerns here cast some doubt on the proposals Brock offers. What is true for Malawi, of course, might be true for any number of proposals designed to ensure that the highly-educated citizens of a developing society stay where they are for some period of mandatory service.

Why, then, might we worry about the effects of a program designed to make it more difficult for highly-educated citizens of a developing country to leave, and to leave at their own pace? Devesh Kapur and John McHale identify three possible ways in which such a program might sometimes make things *worse* for the society in question:<sup>3</sup>

1. **Prospective migration.** Simply put, the awareness that education tends to lead to greater possibilities – to the right to leave a less-developed society, and enter a more-developed one – tends to increase the number of people who want that education. The ability to leave provides a powerful set of

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<sup>3</sup> Devesh Kapur and John McHale, *Give Us Your Best and Brightest: The Global Hunt for Talent and its Impact on the Developing World* (London: Centre for Global Development, 2005).

incentives. It should be noted, though, that these incentives apply even for those who do not, in the end, have the ability to leave the country; they may lack the wealth to leave, might not find a willing employer, and so on. The net result of this is that there may be, under some circumstances, a *reduction* in the number of people obtaining a particular qualification, when those with that qualification are prevented from leaving.

2. **Diaspora effects.** The existence of foreign-born workers resident abroad has a number of powerful effects upon the home country, simply in virtue of the fact that there are now people with the linguistic and social competences required to mediate between different societies. There are at least three ways in which these diaspora effects may assist in the development of low-income societies: trading links between societies are facilitated by the existence of linguistic and cultural intermediaries; knowledge is transferred by diaspora communities to and from the society of origin; and, most importantly, remittances represent an *enormous* source of income for the citizens of the developing society – over half a *trillion* dollars flowing by 2016 from the developed world to the developing one.<sup>4</sup>
3. **Return effects.** When people leave a place, they do not always stay abroad. Kapur and McHale estimate that between thirty and fifty percent of people who leave for employment abroad will eventually return. This fact holds true for those coming from developing societies, who often maintain cultural and affective links to their countries of origin. Those who develop sufficient capital abroad to become economically secure in their countries of origin may choose to return to those countries origin. This fact, though, brings with it benefits to that country; those who return have new skills and habits that may help build new institutions in their societies of origin. These skills and habits can be of enormous importance for institutional innovation in the developing society. I would add two distinct empirical concerns to those discussed by Kapur and McHale, which go to the proposals defended by Brock:
4. **Substitutability of human capital.** Brock's argument insists that those who are prevented from leaving are precisely those who would be most capable of building responsive and effective political institutions. I am not sure this is so. To see this, note that one of the most powerful drivers for nurses to exit from developing countries is not simply wage differentials, but physical security; to think that precluding the exit of nurses would

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<sup>4</sup> World Bank press release of October 2, 2013, available at <http://www.worldbank.org/en/news/press-release/2013/10/02/developing-countries-remittances-2013-world-bank>.

increase respect for the rule of law, though, requires us to think that a nursing degree will assist in building an adequate police and judicial infrastructure.<sup>5</sup> Why, though, should we think that this is so? While nurses are undoubtedly well-equipped to treat the sick, it is far from clear that they are therefore necessarily well-equipped to build responsive political institutions. Even a more moderated version of this claim – that nurses can increase *demand* for responsive institutions, even if they cannot supply those institutions – depends upon empirical results that cannot be simply assumed to hold true. Those who are provided with specialized education may indeed end up effectively pressing for democratization and better institutions; much depends, though, upon both the nature of the education, what the market at home is for the skills provided by that education, and the existing institutions against which pressure is brought. It seems, in short, an empirical claim that the educated will tend to act effectively to increase institutional transparency – and it seems at least possible that this empirical claim is sometimes false.<sup>6</sup>

5. **Effectiveness of coercion.** Humans do not like being coerced. They especially do not like being coerced to remain in places they do not want to be; the number of undocumented residents in the world, from the United States to the United Arab Emirates, is testimony to that.<sup>7</sup> If many emigrants are motivated primarily by poor conditions within their own societies, they may well cross borders even if told they are not allowed to do so. The result of this, though, may costly, both in terms of the human lives affected by the coercive violence, and in terms of the training that is often sacrificed in the name of emigration. Ghana has, for example, recently begun withholding nursing certificates from those who do not practice for some time within Ghana. This program may lead to some Ghanaian nurses remaining within

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5 One recent analysis found that wage differentials were “overwhelmed by other determinants of nurse migration,” including professional development, linguistic similarity, and presence of existing diaspora community. Sue J. Ross, Daniel Polsky and Julie Sochalski, “Nursing Shortages and International Nurse Migration,” *International Nursing Review* 52 (2005): 253–262, at p. 260. See also James Buchan, *Here to Stay? International Nurses in the UK* (London: Royal College of Nurses, 2003), which echoes the idea that wages were a comparatively minor determinant of migration patterns.

6 I am grateful to Eszter Kollar for urging me to be more precise on this point.

7 The United Nations estimates that, as of 2000, there were 175 million migrants in the world, of which approximately 15% were irregular migrants. See *World Migration Report 2005: Costs and Benefits of International Migration*, report of the International Organization for Migration, available at [http://publications.iom.int/bookstore/free/wmr\\_2005.pdf](http://publications.iom.int/bookstore/free/wmr_2005.pdf).

Ghana; it may also lead to some nurses fleeing Ghana, to work elsewhere outside the medical field. This problem – referred to as “brain waste” in the economic literature – tells us against any easy confidence that our coercive interventions will always produce the results we desire.<sup>8</sup>

I introduce all this because I want to note that Brock’s justification ultimately demands that coercive prevention of exit lead to good results – and that this is an empirical result that may not always hold true. We cannot be confident – at least, not without some empirical work – that coercively preventing the talented from departing will actually make the institutions of the coercing society more justifiable.

What I want to discuss in more detail, though, is the moral theory undergirding Brock’s proposal. As I have said, I agree with a very great deal of Brock’s political philosophy. I believe, though, that the right to leave is morally central, which she denies; as a result, I believe her proposal is illiberal. In the next section, I want to provide some reasons to think this is so.

## 2 Moral aspects: the Brain Drain and liberal politics

Consider four possible cases of precluded exit:

### 2.1 Kidnapped foreigner

Malawi takes hold of an individual Japanese doctor, and forcibly transports her for a year to Malawi. The doctor is talented and well-trained, and will preserve the lives of untold numbers of Malawian citizens; these Malawian citizens have the right to medical care, and the doctor will help protect that right.

### 2.2 Prevented foreigner

As above, except that Malawi refuses to allow the exit of a visiting Japanese tourist, until she has spent a year working for the health of Malawian citizens.

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<sup>8</sup> See generally Martine Rutten, “The Economic Impact of Medical Migration: An Overview of the Literature,” *The World Economy* 32 (2009): 291–325.

## 2.3 Kidnapped local

As above, except that Malawi forces one of its citizens, who has scarce medical training, to spend a year working as a physician in Malawi. The individual was trained in a public university, but has signed no contract accepting the duty to use her training. She has discovered she dislikes medicine, and wants to spend her time working in her father's restaurant.

## 2.4 Prevented local

As above, except that Malawi refuses to allow the exit of a Malawian citizen, who has scarce medical training, to spend a year working for the health of Malawian citizens. The doctor is not interested in spending more time than she already has within Malawi; she is interested in the comparative freedom and professional opportunities offered elsewhere.

I take it for granted that we are unlikely to think any of the first three cases are morally permissible. The first two cases seem obviously and immediately wrong; even if we bracket the prudential worries involved in cross-border kidnapping, there is no moral right to use the persons of others in this way, even if we could thereby preserve some important moral good. (This is true, I think, even if the people in question were given some advance warning that there was a risk of this sort of thing happening; advance warning makes the tyrant polite, but does not make his action anything other than tyranny.) The third case seems similarly problematic, if less obviously so. The doctor has been trained by her society, but having been so trained, she is rightly understood as a full person, who is entitled to the same range of freedoms as anyone else – including the freedom to choose a job other than the single most beneficial one for her fellows. These cases clearly impose an undue burden on an individual person to bear the costs of compliance with a duty of justice. The individual Japanese citizen, in *kidnapped foreigner*, is simply asked to do too much in the name of justice; she has the same burdens as others to help make the world a just place – but she has, too, a significant interest in the development of her own life, and she is asked to sacrifice that when others are not. Perhaps she is more talented than others; that fact, though, seems morally irrelevant in the justification of forced exile. She has a right, like others, to bear only a proportionate share of the costs of making the world just – and, here, she is being treated unequally, so much so that she is being made to give up a central interest in her own life, when others are not being asked to do anything like the same. Similar things can be said of *prevented foreigner*; that

individual is simply being asked, because she happens to have the right attributes – geographic and personal – to sacrifice herself for the rights of others. She would be, I think, a deeply admirable person – indeed, a moral saint – if she were to volunteer for this sacrifice; a just state, though, does not force that sacrifice upon the unwilling.

What is true of the kidnapped foreigner, though, seems equally true for the *prevented local*. Assume, now, that the Malawian is prevented from leaving. While the Malawian has some political obligation to help make Malawian institutions responsive, she has no more or less of a responsibility than that held by any other person. (In the realm of personal morality, of course, we might think that the Malawian is selfish if she chooses to only do her fair share of the job; we are, though, here concerned most directly with what can be made the object of political coercion.) Whereas those other people are being asked to sacrifice comparatively little, though, this person is being made to bear a significant cost, one which directly implicates the course of her life and her own evaluations of what makes that life go well or poorly. This is, to put it bluntly, morally perverse. We cannot balance our moral ledgers by placing such a strong duty precisely on those people who have the least protection, the worst institutions, and the lowest prospects. They would be, perhaps, noble for choosing to remain; they would be saints, who sacrifice their own lives in the name of others. But we cannot force sainthood upon them. Their governments, more to the point, should not think that liberalism gives them a pass to demand such sacrifices. Even if the goal is noble, the path is prohibited.

In response to this objection, Brock argues that liberals who are comfortable with progressive income taxation must be comfortable with compulsory service as well; taking money from some for reasons of justice, after all, seems akin to taking time from them as well. This doesn't seem quite right to me. This is the inverse of an argument made by Robert Nozick, that taxation for the purposes of redistribution is tantamount to forced labor – although, where Nozick wanted us to become less comfortable with taxation, Brock wants us to become more comfortable with forced labor.<sup>9</sup> For my part, I think the reply to Nozick might suffice as a reply to Brock: we should regard redistributive taxation as akin to forced labor *only if* we think that people are fully entitled to whatever property they can acquire in the open market through the use of their talents. Those of us who are of a Rawlsian disposition, though, do not

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<sup>9</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).



think that we have any reason to do that. Redistribution is not the taking of what is owned, but a recognition that when it comes to fungible property – to, bluntly, the making and owning of *stuff* – we are rightly able to develop different principles of ownership in response to the needs of social justice. We have the right to decide what to do with our persons and our talents; we do not have the right to whatever proceeds our talents might bring us in the open market. Nozick's argument then – and Brock's now – ignore this relevant moral difference. Nothing here, therefore, should make us feel comfortable with forced labor, since redistributive taxation should not be thought to resemble forced labor.

We should also note, finally, that there is a difference between coercively affecting the distribution of *fungible* goods, and coercively insisting upon *relationships and plans directly*. The two are linked, of course; what I can do depends upon how much money I have. But we have, rightly, differentiated between principles telling us how much *money* we will earn with our talents, and how we must use our talents. The latter seems to many of us more dangerous and difficult as a site of coercion, and therefore interventions that propose to prevent actions are often more difficult to justify than those that affect earnings. We think, accordingly, that it is one thing for us to have inadequate funds to go on a pilgrimage – and another thing entirely for the government to coercively *prevent* that pilgrimage, when I would otherwise have the means to go. This distinction might be justified with reference to the work of John Rawls, of course, but we might as easily just take it as a part of our ordinary moral experience: it is one thing to offer differential tax burdens, and another thing entirely to impose differential degrees of freedom.

### 3 In defense of the right to exit

All the above only says that Brock's proposals would unfairly distribute the burden of making the world a just place, by placing a disproportionate burden upon the skilled and educated residents of developing societies. I want to go further than this, though; I believe a liberal society is precluded from coercively preventing exit, even if these concerns about fairness were not present. To defend this idea, I will discuss three distinct arguments in favor of the right to exit. I will describe them as the arguments from *practice*, from *interests*, and from the *separateness of persons*; I will present them in this order, from most applied to most theoretical.

### 3.1 The argument from practice

It is one thing to say that, in a particular case, a given act might produce laudable results; it is entirely another to think that the right to do that thing should be generally endorsed, with the associated state apparatus set up to allow acts of that type. Think, in conjunction here, with the act of torture. Many of us would be willing to accept that, in certain ticking-bomb hypotheticals, the act of torturing would be permissible. (I do not think all of us would; some of us would be absolutists about torture, as many of us are about slavery.) To say this much is emphatically *not* to say that the government should set up the apparatus to allow state torture, to hire efficient torturers, to create an infrastructure of torturing sites, and so on. The reason for this is fairly simple: when one has a hammer, one is tempted to go out looking for nails.

This is Henry Shue's argument against torture, but I believe it applies with equal force to the right to coercively prevent the exit of one's own citizens.<sup>10</sup> It is one thing to say that such preclusion would, in a given case, bring the society closer to justice. It is quite another to say that this right is, in the general case, one justly held by all (or even by all "poor but responsible") governments. Even if we are confident in the initial case, we are not – and should not be – confident in the results that would follow from acknowledging the right to act in this case. The right to keep one's own citizens from exiting is simply a right that would, predictably, lead to bad results if announced as a general right under international law. To allow the guns of the border to be turned towards one's own citizens, so as to prevent the exit of those citizens by force of coercion – this is always bad policy, however benign the circumstances are under which the desire to do it emerges.

This might seem, of course, rather unfair; Brock's proposal, after all, gives a right only insofar as that right is able to preserve or support just institutions – it is not a general right to suspend the norms articulated in the UDHR. My worry, though, is that the *announcement* that the rights of the UDHR are capable of being suspended does several deeply problematic things. First, it sends the signal to malign states that the right of exit is not, after all, such an important international norm; it provides aid and comfort to those who want to treat their own citizens as a resource pool, rather than as sources of moral claims. Second, and perhaps more worrying, it is not clear that such a right, even if used only by legitimate and decent states, will always be used by them in a legitimate and decent way – nor that such states will always

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<sup>10</sup> See Henry Shue, "Torture," *Philosophy and Public Affairs* 7 (1978): 124–143.

*stay* legitimate and decent. When states start to tip into human rights abuses, or begin to fail the dictates of liberalism, individuals often respond by seeking to exit those states. Indeed, Albert Hirschman has argued that emigration from East Germany was one of the most powerful goads that forced some degree of reform onto the East German leadership. Widespread emigration of skilled Germans led those left behind to begin thinking critically about their government; pressure for reform mounted as skilled emigration rose – precisely the opposite effect to that described in Brock’s argument.<sup>11</sup> Most skilled emigration, again, is the result of dissatisfaction with where one is, more than envy over where one is not; we flee bad places, rather than simply desire good ones. If places that were starting to become bad, though, are able to simply suspend the right of exit, then they are likely to do so, and save themselves the embarrassment of widespread exit. This, though, would seem to have bad consequences, for both the would-be emigrants and for the society itself.

### 3.2 The argument from interests

Being precluded from leaving involves an interference with the forming of new relationships. That much is obvious; the one who is prevented from moving to the United States is, thereby, prevented from forming new personal, professional, and political relationships with and in the United States. She is also made to continue relationships – including, again, personal, professional, and political relationships – against her will. I believe these are significant facts, and that they stand in the way of any right to suspend or condition exit from political society. There are two particular aspects of these ideas I want to discuss here, each of which rests upon the value of these *chosen* relationships. Violations of the right to leave involve, first, interference with voluntary acquisition of new forms of relationship; and, secondly, the continued maintenance of an unwanted form of political relationship. I will discuss these in turn.

The first idea begins with a simple notion: when one moves to a new place, one forms new relationships. These relationships are social, of course, but also political. There is value to such relationships; our lives are given value, from the inside, from the things we build together with consenting other people. When one proposes to do a thing with some consenting other set of people, the state has to be very careful before it thinks it has the right to use coercive force to

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<sup>11</sup> Albert O. Hirschman, “Exit, Voice, and the Fate of the German Democratic Republic: An Essay in Conceptual History,” *World Politics* 45 (1993), 173–202.

prevent that thing from happening. I think we understand this quite well when it comes to intimate relationships; if a state were to prevent a person from marrying a consenting other person, we would rightly be outraged. Interference with the right to marry might be justifiable, were the world to take a particular consequential shape, but the burden should be on the state to explain its decision. The same is true, though, with the decision to form a new political relationship with some other state. The bond is not intimate, perhaps, as it is with marriage – although the political relationship is perhaps just as pervasive as that of marriage. The political bond, though, is part of what creates the identity of the person, just as the bond of marriage does; naturalized citizens generally experience the process of naturalization as an emotionally significant event. To prevent this process from occurring – to insist that a person cannot leave what is unchosen, in the name of what is chosen – is to rob some value from the world, for the person who desires to leave.

The second moral notion I want to discuss, though, is the inverse of this idea: it is the idea that we should not, in general, be forced to remain within a relationship by a party to that relationship. If there is a way in which I can cease to be a party to that relationship, then the other party to that relationship commits a *pro tanto* wrong by coercing me into remaining. Nothing I say here prevents states from regulating, for example, the terms on which a marriage ends. Here, though, in entering into a marriage, I have – explicitly or implicitly – accepted certain contractual (and statutory) terms, which preclude my exercise of my freedom to leave. I have, then, waived my right to exit, simply in virtue of my free choice to enter into a particular form of voluntary relationship. The state, though, is not such a relationship – or, rather, it is not always such; most people are resident in a state in which they were born, and accordingly had very little say in the matter of their citizenship. For such a state to prevent them from exiting is for that state to coercively maintain a particular relationship against the wishes of one party to the relationship. This is, I believe, morally wrong; it may sometimes, as with the right to form new relationships, be overridden, but the showing of why it may be overridden *here* must be made. We are, in general, hostile towards the idea that persons may be made to play roles, or perform jobs, that they would not in general choose to do. Most states, for example, are very hesitant to award specific performance as a remedy for contractual breach; the United States, as discussed in the previous chapter, grounds this antipathy towards specific performance in the anti-slavery provisions of the Constitution. We are, that is, hostile towards the idea that one part of a relationship may coercively ensure that it continue, when the other party is willing and – apart from that coercion – able to abandon it.

I want to be fairly careful here; I do not think that there is an absolute right to leave a state, if by that we mean a duty on the part of other states to allow us to enter. Some thinkers – notably Phillip Cole and Lea Ypi – have argued that we have no reason to value the right to exit, when we do not have an equivalent right to enter some other state. Those who are forced to remain in a particular place because that place will not let them leave, on this argument, are in no different situation than those who cannot depart because no other state will let them enter. Cole intends for this argument to ground a right to enter, but we might reverse its intention: why should we not, on this account, abandon the right to exit, since that right is useless in a world without a right to enter?

The argument against this, though, is simple: rights are not reducible to the states of affairs they make possible. We are, in general, concerned not just with what a particular state of affairs brings about, but also with the relationship between the parties in question. A liberal state cannot rightly act to prevent an agent from leaving; it is not the right agent to bring about the result in which that agent remains *in situ*. That state's act is different in kind from the act of another state that refuses to allow the would-be emigrant from acquiring a new status within that latter society. The acts are different in the same way that my decision not to let you *into* my house differs from my decision not to let you *leave* my house. The former is, generally, a valid use of my discretion; the latter is, generally, a felony.

### 3.3 The argument from the separateness of persons

The final argument I want to consider here is the most theoretical, and it begins with a very basic question of liberal political philosophy: what is it that justifies a state in having, and exercising, a particular sort of coercive power? Different theorists, of course, have had different answers to this question. Utilitarian thought, for example, regards it as a sufficient justification for the use of coercion that it maximize social benefit. Utilitarians would therefore feel unshamed, in justifying coercion to a given individual, about citing greater benefits to others. Imagine an impoverished citizen, who asks of a utilitarian society: why am I so poor, relative to the other members of society? In that society, it is a sufficient reply for us to say: you are poor, because the rest of us benefit from your poverty. The overall consequences for *us* are so good, that it is justifiable for *you* to be poor.

Rawls's work began with the rejection of this methodology.<sup>12</sup> (Indeed, I think it would be fair to say that much of Rawls's early work consists in the attempt to come up with a better reply to that impoverished citizen.) What was wrong with this methodology was that it required the individual to identify with the others in his society so strongly that he did not regard his own welfare, his own self-development or moral personality, as a distinct category of reasons. Rawls's criticism of utilitarianism thus amounted to the claim that it could not adequately respect the *separateness of persons*. The idea, here, is that justification of a particular sort of coercive policy would have to be made to the person, considered as an individual, with a certain sort of veto power over being used as a mere means for the benefit of other citizens. What this veto required, of course, was enormously complex; Rawls's own work identifies a particular sort of choice situation, from within which people are able to decide fairly upon what rights and principles of distribution shall be used to evaluate society. We need not be concerned directly with the specifics here at present. What we should note, though, is that Rawls insisted – rightly, in my view – that some such veto would be required. People cannot be coerced, on this account, simply because their being so coerced would be *useful*. This is true even if the coercion would effectively lead to results we would all have reason to value; people have the right not to be so used, even in the name of what is rightly regarded as morally valuable.

What, then, can the Rawlsian say to the would-be emigrant? Imagine that someone is crossing from Ghana into the United Kingdom. Assume, for the moment, that both the United Kingdom and Ghana are rights-protecting states, capable of imposing moral duties. Assume, further, that Ghana would like the power to coercively prevent the exit of its citizens. What might it say, to justify its actions here? I cannot see any way in which it can do so. The emigrant is, by definition, going to have her rights adequately protected within the United Kingdom; none of her rights are at stake here. The *only* thing that can be said to her is some variant on the theme of: you are *useful*, for others, and we will coerce you so as to extract this benefit. If Rawls's is right, though, this is precisely what a liberal state cannot say.

All the above, of course, only goes some way towards establishing the moral centrality of the right to leave. I believe that these ideas may, with some degree of refinement, ground a human right to leave that is morally akin to the right of

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<sup>12</sup> I am focusing here upon John Rawls's methods in *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); I believe, however, that nothing I say here would stand in tension with what Rawls said in his later work.

freedom of conscience. The moral right, in other words, is powerful and central; even if it may be overcome in some circumstances, it is in general a standing right worthy of our respect. This right, further, should in general be respected by states, even if there might emerge cases in which the state could produce good results by ignoring the right. And, finally, even if all these considerations were to be ignored, we would have to face up to the fact that to refuse the right to exit would be to impose a disproportionate cost on those who seek to exit – it would be, that is, to treat the residents of developing societies unfairly in the shared task of responding to injustice. These considerations, put together, would seem to me to represent a fairly significant bar in the face of any proposal to coercively restrict exit from developing societies. My conclusion, then, is that proposals of compulsory service of the sort defended by Brock are morally impermissible. I am unsure of whether or not the proposals Brock describes would make the developing world better off, if put into practice; I am quite sure, though, that the developing world – if the political morality of liberalism holds true – has no moral right to find out.

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