
Review

Debating brain drain: May governments restrict emigration?

Gillian Brock and Michael Blake

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Many developing states lose their highest skilled citizens to developed states; the problem is particularly acute in the medical field, but it is also true across skilled fields, including engineering, information technology, and so on. As a result, developing states are struggling to create and sustain political and economic institutions. Taking these facts largely for granted, although to differing degrees, Gillian Brock and Michael Blake consider what tools developing states possess to mitigate ‘brain drain’. In Part 1 of *Debating Brain Drain*, Brock proposes that developing states may coercively restrain citizens from exiting; in Part 2 of the book Blake resists this claim. In Parts 3 and 4, Brock and Blake engage with each other more directly. Although the introduction to the book suggests significant disagreement, in fact both Brock and Blake are willing to accept that developing states can restrict the exit of some citizens in some, highly constrained, cases.

Both Brock and Blake agree that the global environment is riddled with inequalities, which are created, sustained and perpetuated by wealthy states; as a result, citizens of many poor countries are unjustly consigned to abject poverty, in states which possess limited resources – materially, institutionally – to do much about that poverty. Both agree that a commitment to a core ‘liberal intuition’ – ‘that persons, all of them, are alike in moral dignity and must be treated as such by the institutions that shape their lives’ (Introduction, p. 4) – readily serves as a critique of the global environment as it is now structured. Where they purport to differ is with respect to the tools possessed by *developing* states to respond to the exit of skilled migrants, who demand the right to practice their profession outside of their country of origin.

In Part 1, Brock surveys the possible options available to developing states, in the face of brain drain, and proposes that they have two justifiable options. Developing states may tax their citizens, either via an exit tax or via ongoing income taxation schemes. These taxation schemes may not impose unreasonable burdens on emigrants, and they must ‘respect the[ir] core concerns and interests’, as well as the concerns and

interests of the sending and receiving countries (Brock, p. 72). More controversially, developing states may also require potential emigrants to complete compulsory service requirements before they exit; to put it differently, developing states may have the right to compel high-skilled potential emigrants to carry out duties they have incurred, as a result of having accepted tertiary education at the expense of the state. In particular, *if* citizens accept tertiary education at the expense of the state, *and* know in advance that accepting this education carries a compulsory service obligation, their exit may be restricted until such time as they complete this service obligation, or engage in some alternative (again, known-contractually in-advance) compensation for this education before exit (Brock, pp. 73–79). An additional criterion is essential to make compulsory service obligations just: only *legitimate* governments may impose these constraints. A legitimate state focuses on the needs and interests of its citizens, and makes ‘good-faith plans’ to meet them, with the purpose of trying to ‘build robust, well-functioning institutions and the necessary ingredients to sustain decent lives for citizens’ (Brock, pp. 60–61).

Brock offers myriad reasons to think that, under the quite strict conditions she outlines, skilled potential emigrants have duties to repay the cost of their education in the form of payment of tax or participation in compulsory service schemes. These duties find their source in a combination of fairness and reciprocity; the importance of compensating for the creation of disadvantage that their exit may create; and duties of loyalty to those who have shared in the institutional schemes that have supported potential emigrants’ accumulation of valuable skills; and more (Brock, pp. 65–68). Brock means none of these reasons, alone, to operate as a knock-down reason in favour of the policies she defends; rather, she intends to show that the weight of reasons in favour of understanding skilled potential emigrants as duty-bound to repay the cost of their education and departure is significant.

In Part 2 of *Debating Brain Drain*, however, Blake disagrees, or at least he appears to at first glance. Whereas Brock believes that developing states have tools at their disposal to remedy at least one source of their poverty – the exit of high-skilled migrants educated at state expense – Blake argues that in fact very few options are available to these states. Strangely, Blake describes himself as defending the *status quo* (Blake, p. 112), but Brock observes that there are 70 policies that restrict exit of skilled professionals in operation at present (Brock, p. 49). Blake’s scepticism about the options available to developing states, in their attempts to curb emigration of skilled citizens, is partly empirical and partly normative. Empirically, he concedes only that ‘perhaps’ there is evidence that the effects of brain drain are problematic (Blake, p. 119). He is additionally not impressed by evidence suggesting that restricting the exit of high-skilled migrants will remedy the harms caused by brain drain; moreover, in his review of this evidence, he observes that there are many potential harmful effects to restricting exit (though he does not distinguish between short- and long-term or permanent exit restrictions, Blake, pp. 160–167). Normatively, the relevant factor is whether citizens can exercise their basic, human right to leave their state: ‘any attempt



by a state to forcibly prevent people from leaving that state – to coercively insist upon allegiance and obligation, against the wishes of the would-be emigrants – [is] fundamentally unjust, and a violation of the most basic norms of human rights’ (Blake, p. 111). The main purpose of the right to leave (that is, to exit and to renounce citizenship) is protective; citizens at risk of violence or persecution at the hands of an oppressive state must, at all times, have the right to leave their state. Schemes that prevent citizens from leaving, including the high-skilled, thereby violate a fundamental and basic human right.

To make his case, Blake invites us to examine a series of hypothetical examples. He asks us to imagine whether locals or foreigners with medical skills can be legitimately kidnapped, and forced to deploy their skills, or whether they can be simply prevented from leaving developed states in which they are already present, until such point as they have adequately deployed their skills to generate some benefit for locals (Blake, p. 130). In the most plausible of cases that he considers, the so-called ‘prevented local’ – a Malawian skilled professional educated at Malawian state expense – cannot legitimately be required to stay in Malawi, since it is a violation of her right to leave. She is meant to be the paradigmatic example of an individual whose rights, justifiably according to some (but not Blake), may be restricted by attempts to prevent her from leaving once she signals her desire and intention to do so.

Blake repeatedly returns to the ‘prevented local’. But, *crucially*, as he conceives the example, this individual has ‘signed no contract accepting the duty to use her training’ upon completion of her education (Blake, p. 131), and thus had no way of knowing in advance that she would be prevented from exiting. Brock, too, would agree that restricting the exit of the ‘prevented Malawian’, under this condition, is problematic. When he finally considers Brock’s specific position, that skilled professionals, whose skills are the result of state-funded training, offered by a legitimate state, be made aware of the conditions of their accepting education *in advance*, he asks, ‘could developing societies not take greater advantage of this methodology and use contracts to constrain the exit rights of those they educate? The answer, I think, is a very qualified yes’ (Blake, p. 215). Fully spelled out, Brock’s position appears to mitigate all of Blake’s concerns. Under the conditions she identifies, the right to leave is not thereby constrained, at least not in the critical sense that it is made unavailable to individuals who need safe exit options to protect themselves from an oppressive state.

Debating Brain Drain, as a whole, does an excellent job at raising some of the key issues that are essential to understanding the nature of brain drain, the normative challenges it poses, and what sorts of strategies can be legitimately deployed to defend against its supposed harms. Both thinkers offer compelling and sophisticated arguments to justify their respective positions. The back-and-forth between Brock and Blake is extraordinarily helpful for readers attempting to understand the nuanced views that both theorists offer. Ultimately, however, the execution of the debate is imperfect. As a result of writing second, and thus as a result of moving between defending a general position against exit restrictions and responding to Brock’s



specific claims, it is too often unclear whether Blake is intending his objections to be targeted at exit restrictions in general versus the more specific, and narrow, position that Brock defends. Given that they ultimately converge on the legitimacy of a specific policy proposal, it is hard for readers to get a grip on the more general relevance of specific differences in the views presented.

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