



Libraries and Learning Services

# University of Auckland Research Repository, ResearchSpace

## Version

This is the publisher's version. This version is defined in the NISO recommended practice RP-8-2008 <http://www.niso.org/publications/rp/>

## Suggested Reference

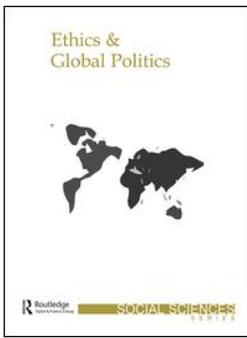
Brock, G. (2016). How should poor developing states blend concern for citizens' needs, liberties, rights, and interests? A defense of some policy proposals. *Ethics & Global Politics*, 9(1), 12 pages. doi: [10.3402/egp.v9.33504](https://doi.org/10.3402/egp.v9.33504)

## Copyright

Items in ResearchSpace are protected by copyright, with all rights reserved, unless otherwise indicated. Previously published items are made available in accordance with the copyright policy of the publisher.

This is an open-access article distributed under the terms of the [Creative Commons Attribution License](#)

For more information, see [General copyright](#), [Publisher copyright](#), [SHERPA/RoMEO](#).



# How should poor developing states blend concern for citizens' needs, liberties, rights, and interests? A defense of some policy proposals

Gillian Brock

To cite this article: Gillian Brock (2016) How should poor developing states blend concern for citizens' needs, liberties, rights, and interests? A defense of some policy proposals, *Ethics & Global Politics*, 9:1, 33504, DOI: [10.3402/egp.v9.33504](https://doi.org/10.3402/egp.v9.33504)

To link to this article: <http://dx.doi.org/10.3402/egp.v9.33504>



© 2016 G. Brock



Published online: 23 Jan 2017.



Submit your article to this journal [↗](#)



Article views: 6



View related articles [↗](#)



View Crossmark data [↗](#)

## REPLY TO CRITICS

# How should poor developing states blend concern for citizens' needs, liberties, rights, and interests? A defense of some policy proposals

Gillian Brock\*

*Philosophy, The University of Auckland, Auckland, New Zealand*

---

This paper is part of the Special Issue: *Book symposium on Debating Brain Drain: May Government Restrict Emigration?* More papers from this issue can be found at <http://www.ethicsandglobalpolitics.net>

---

I am grateful for all the reflective comments offered by the contributors to this symposium. Authors offer an interesting range of responses to my central policy proposals, especially those concerning the permissibility of service obligations once tertiary training has been completed under certain conditions. While some view these proposals as completely unproblematic and more akin to joining the Peace Corps (Ryan Pevnick), others regard the suggestions as forbidden forms of forced labor (Luara Ferracioli). By carefully considering each main set of criticisms separately, I hope to show why my policy proposals are reasonable ones to adopt in the circumstances many developing countries currently face.

A common question that is explored in this article is: How should states blend concern for citizens' needs, liberties, rights, and interests? While this is a question that all states must confront, those in developing countries often face particularly tough choices, given a context in which there is large-scale unfulfilled human needs and limited resources for satisfying many core demands that legitimate states have obligations to meet. In the first section, in response to comments from Alex Sager, I show that the same arguments that are used to justify jury service can apply to cases of limited compulsory service to meet basic human needs; the centrality of protecting core human interests, needs, and rights can ground both instances. In the second section, in response to worries raised by Lucas Stanczyk, we see how there are cases

---

\*Correspondence to: Gillian Brock, The University of Auckland, Auckland, New Zealand. Email: [g.brock@auckland.ac.nz](mailto:g.brock@auckland.ac.nz)

©2016 G. Brock. This is an Open Access article distributed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), allowing third parties to copy and redistribute the material in any medium or format and to remix, transform, and build upon the material for any purpose, even commercially, provided the original work is properly cited and states its license.

Citation: *Ethics & Global Politics*, Vol. 9, 2016, <http://dx.doi.org/10.3402/egp.v9.33504>

where attention to meeting needs should be prioritized over respecting certain liberties and that this position enjoys excellent liberal pedigree. In the third section, I consider Luara Ferracioli's proposal to shift responsibilities to recipient states and away from states of origin, and show why the alleged advantages in doing so do not play out. In the fourth section, I consider some of Ryan Pevnick's pragmatic fears and explain why I remain cautiously optimistic about the progressive potential of the core policy proposals defended in *Debating Brain Drain*.

### **SERVICE ON COMPLETION OF TERTIARY TRAINING: FORCED LABOR OR REASONABLE REQUIREMENT? A RESPONSE TO ALEX SAGER**

Alex Sager is concerned about several issues in my arguments; pre-eminently, perhaps, he worries that my proposals involve an unjustified level of 'forced labor'. Before I respond to that central issue, I note a few other points he makes and offer some brief replies.

Sager takes my argument to rest on a number of empirical claims about which I, generally, remain agnostic. Indeed, in Chapter 10, I survey some empirical literature on the effects of high levels of skilled migration to show how matters are complex and the situation for different states can be quite variable depending on a range of factors such as population size, geography, and skill levels among country of origin residents. The questions I wish to explore in *Debating Brain Drain* are conditional on certain premises being the case, and it is only when those premises hold that the core normative question is activated. Perhaps, this is more a matter of style than substance, but I would reject Sager's description of my view as resting on the truth of certain empirical premises, such as that uncompensated losses *always* result from high skill migration. Rather, the question I explore is this: *In those cases in which uncompensated losses result for countries of origin*, what may they permissibly do to mitigate those losses? It is not the case that there are always losses associated with high levels of skilled migration. As I discuss, considerable benefits that may outweigh losses may sometimes result. Nevertheless, it is still true that there are certain cases in which there appear to be severe net losses and the normative questions are relevant in that context.

I argue that compulsory service may sometimes be a permissible measure poor countries may adopt to address losses associated with brain drain. Sager notes that this 'policy intervention rests on a causal claim: compelling workers (e.g. through compulsory service) to remain and work will at least partially alleviate health care shortages'.<sup>1</sup> Is such an assumption unreasonable? Sager expresses reservations about this on the grounds that it is unclear whether the workers compelled to remain will provide health services that will make a difference to health outcomes, at least not without substantial other concurrent reforms. I would certainly agree that other concurrent measures may well be needed before compulsory service yields the desired benefits for fellow citizens. I do not claim that compulsory service is sufficient to eliminate all the problems facing poor developing countries nor that it is necessary. Rather, the view is that compulsory service is a *permissible* and sometimes prudent

measure to take, in certain kinds of cases carefully described. Other policy measures may also be permissible and prudent. And all policy interventions will require a conjunction of further conditions to be the case before the imagined gains will materialize. That is generally true of any proposed policy intervention.

Moving toward Sager's central concerns with unjust coercion, while he acknowledges that my policy of compulsory service is for a strictly limited period, he cautions that we 'should consider carefully to what extent such a community can be built on policies that abridge rights. Coercive means may undermine the very good we hope to achieve'.<sup>2</sup> While the note of caution is well taken, the history of western democracies suggests that it is not only entirely possible for sufficiently just communities to be built on policies that temporarily abridge rights, but that it will, in all likelihood be necessary, given that this history has already involved patterns of considerable rights violations.

In Sager's normative discussion he says that 'we should balk at labeling "just" a society that produces its wealth on the backs of indentured laborers, even if the forced labor is temporary and under acceptable conditions'.<sup>3</sup> But it seems to me that similar concerns can be raised about many practices we consider permissible and reasonable in most liberal democracies such as expecting students to take out large loans to fund their tertiary training. In contemporary liberal democracies, most students must borrow heavily to make tertiary study a possibility. These loans can commit them to enormous debts at a young age, such that they are effectively turned into indentured laborers, with their forced labor extending many more years into the future than the 1 year of service I propose. Now, perhaps, we should also balk at labeling 'just' societies that do this, but my point in drawing attention to this continuity with contemporary practice is to show that what I have in mind is certainly no worse, and is arguably far milder, than practices widely thought to be permissible in most contemporary liberal democracies.

In fact the idea of forced labor is and probably will be a key component of any just society, if we think practices such as jury duty or income tax justifiable. (And both of these are certainly core components of the liberal tradition of justice.) By examining the arguments for such practices, we see that perfectly good arguments can be offered for the permissibility of certain kinds of coercion with respect to how one deploys one's labor. To illustrate, let us consider jury duty in more detail. Jury service is a requirement of citizenship in many liberal states. All sufficiently competent citizens are required to serve on juries (or at least make themselves available for selection to such juries). Why is this practice reasonable? A justification might proceed as follows. We need a fair way to secure significant interests protected by an important basic human right, namely the right to a fair trial. Those who have the relevant capacities to a sufficient level (i.e. are sufficiently competent to participate effectively in trials) are the ones who can secure the interests and ensure the rights are protected. Though burdens are placed on particular individuals, they are for strictly limited terms. So consider that for the duration of a particular trial, a juror will be expected to prioritize service on the jury, which may well mean deferring other plans including work arrangements. So it will routinely be expected that the juror will put her other important life projects and plans on hold on a temporary basis. This expectation of forced labor and deferment of plans is justified because of the

importance of the interests, needs, and rights involved, along with our connection to others in sustaining a well-functioning community. The interests being served and the rights at issue are ones that are intimately tied in with core issues for all human beings, and the state's legitimate role in helping to secure these.

If we find this sort of argument for jury service compelling, as I do, similar arguments can be made for the protection of other core interests bound up with important human rights, such as rights to primary education or healthcare. After all, enjoying basic education and healthcare are the sorts of conditions that must be met for us to be able to enjoy or exercise any of our fundamental liberties properly. So, there does not seem to be anything in principle wrong with asking citizens to perform certain kinds of service aimed at protecting human rights of fellow citizens on a temporary basis. Indeed, it is already a practice woven into our ideas about the just liberal state.

### **CLAIMS OF NEED AND THE PRIORITY OF BASIC LIBERAL RIGHTS: A RESPONSE TO LUCAS STANCZYK**

In his insightful essay, Lucas Stanczyk argues that under some circumstances compulsory service type programs, which make it prohibitively costly or impossible for skilled professionals to emigrate, are more difficult to justify than I have supposed. While the policies may be permissible, this will require addressing difficult and 'as-yet unanswered questions about the priority of basic liberal rights'.<sup>4</sup> What is missing, in his view, is an account of why the basic needs of one person should outweigh the basic liberties of another. When what one person needs is 'simply' the skillful services of a teacher, doctor, or nurse in order for them to deliver healthcare or education, why should such needs trump the liberties of the person who is in a position to provide such services? Stanczyk suggests that such a justification might be particularly difficult to supply from within liberal theory.

In the previous section, I canvassed one such defense, indeed one that should appeal to Stanczyk as it used his preferred justificatory tools of appealing to the importance of securing for everyone the basic liberties of citizenship. Here I discuss others. As Stanczyk himself points out 'perhaps the most promising route would be to say that each person has an identical overriding claim to the social conditions that make any of one's liberties worth having'.<sup>5</sup> John Rawls has proposed such a strategy. Because of his prominence in contemporary political philosophy, especially in the liberal tradition, it is worth reviewing some of those points.

In *Justice as Fairness: A Restatement*, Rawls clarifies the Principles of Justice and in particular the nature of the priority to be accorded to his famous first principle of justice: 'Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all'.<sup>6</sup> Rawls adds this important footnote concerning the principle: 'This principle may be preceded by a lexically prior principle requiring that basic needs be met, at least insofar as their being met is a necessary condition for citizens to understand and to be able fruitfully to exercise the basic rights and liberties'.<sup>7</sup> For a defense of such views he cites

Rodney Peffer's *Marxism, Morality, and Social Justice*.<sup>8</sup> In part, Peffer's argument makes use of Henry Shue's argument that if we consider civil and political rights to be basic, security and subsistence rights are equally basic because their enjoyment is essential for the enjoyment of civil and political rights. At any rate, Rawls clearly concedes that a principle of basic needs fulfillment may well be lexically prior to the principle of equal basic liberties. Thus, within the liberal canon we can find perfectly good support for this priority.

It is interesting to note that in *Justice as Fairness* Rawls also adds further qualifications:

no priority is assigned to liberty as such, as if the exercise of something called 'liberty' had a preeminent value and were the aim, if not the sole, end of political and social justice. While there is a general presumption against imposing legal and other restrictions on conduct *without a sufficient reason, this presumption creates no special priority for any particular liberty*. Throughout the history of democratic thought the focus has been on achieving certain specific rights and liberties *as well as specific constitutional guarantees*, as found, for example, in various bills of rights and declarations of the rights of man. Justice as fairness follows this traditional view.<sup>9</sup>

To be clear about just how important attention to our needs are, he adds that '... a social minimum providing for the basic needs of all citizens is also a constitutional essential'.<sup>10</sup> And he emphasizes that 'the first principle... covers constitutional essentials'. So, here we have further confirmation of the at least equal standing of needs and liberties, at least as equally important constitutional essentials.

A further point about the priority we are to accord liberties is worth underscoring. For Rawls, 'in asserting the priority of the basic rights and liberties, we suppose reasonably favorable conditions to obtain. That is, we suppose historical, economic and social conditions to be such that, provided the political will exists, effective political institutions can be established to give adequate scope for the exercise of those freedoms'.<sup>11</sup> So, any precedence to be accorded basic liberties is premised on reasonably favorable conditions obtaining. Note that Rawls does not comment on what may be justified when those reasonably favorable conditions do not exist. We might view my arguments as an attempt to supplement liberal theory for such cases. At any rate, the standard liberal edifice that many would like to appeal to in objecting to my policy proposals cannot be invoked since the grounds on which it applies—that there are reasonably favorable conditions—does not hold in the case of the poor developing countries which are the focus for discussion.

So, to recap some central points, even if there are reasonably favorable conditions, attention to basic needs can be lexically prior to respect for liberties. Once we understand that there is a lexically prior principle requiring basic needs to be met before citizens can fruitfully exercise their equal basic liberties, it is no surprise how, from within the Rawlsian framework, we can justify asking those with skills in the provision of health and educational services (for instance) to delay their personal plans. Indeed, such a move falls out quite neatly from the clarified Rawlsian position.

Having made my case that needs can trump liberties under certain conditions, this is not to deny that there are hard questions that remain concerning the weight needs should have relative to liberties in all cases, such as when some people have basic needs for other people's body parts as in the case of the need for kidney transplants and so forth. This is not, however, the current primary difficulty we must confront in poor developing countries. Here the challenge for governments is that they cannot provide very basic healthcare that is relatively morally unproblematic, easy, and inexpensive to provide in developed countries, given the availability of suitably trained healthcare workers and other resources. Inability to provide for these basic needs for standard healthcare and education, satisfaction of which is necessary to make any of our liberties worth having, can have a bearing on what people are at liberty to do with their skills after taxpayers have subsidized the very acquisition of those skills.

I make one final point before I leave Stanczyk's powerful arguments. He claims that I do not fully explain why the sacrifice demanded of the departing citizen is not unreasonable. The case for what constitutes a reasonable or unreasonable sacrifice must be made contextually, and I believe I have offered several considerations that are relevant here. Carefully designed compulsory service programs can meet the reasonableness test. For instance, consider how withholding certification for 1 year (certification which can be mailed to the migrant once she is abroad) would not at all restrict her movement, should she wish to leave immediately. There is no important sacrifice required with such programs, in my view. I believe a similar case can be made for many of the more conventional programs. Asking citizens to delay their plans for 1 year can be reasonable, especially when that training was supplied using very scarce public resources, when they are not prohibited from leaving such countries, have signed contracts which they may buy out of, and so forth.

### **HUMAN RIGHTS, LIBERAL ADEQUACY, AND THE DUTIES OF RECIPIENT STATES: A RESPONSE TO LUARA FERRACIOLI**

Luara Ferracioli believes that I do not take sufficient account of the interests of persons affected by my proposals in cases of high skill migration. We need a better understanding of which migration regime best protects those whose basic human rights are threatened and this she aims to provide. On her analysis, the ethics of emigration should meet two desiderata:

1. Human Rights Fulfillment. An account of the ethics of emigration must be in line with the pursuit of a world where all persons have secure access to their most basic human rights. The core idea here is that quite apart from whatever else justice may require at the global level, justice certainly demands that domestic and international institutions and arrangements be shaped so as to ensure that all persons, regardless of their citizenship status, have their most basic human rights protected and promoted.<sup>12</sup>
2. Liberal Adequacy. An account of the ethics of emigration must be in line with securing relations of freedom and equality for members of all societies, irrespective

of their level of development. In particular, states should not undermine the basic interests of some of its members in order to secure the basic interests of others. (That is, they must respect the separateness of persons). A successful account of the ethics of emigration must also distribute the burdens of securing domestic justice in a way that acknowledges the basic interest that all citizens have to pursue the projects and relationships that they care deeply about.<sup>13</sup>

Potentially, there is considerable tension within the liberal adequacy requirement that contains multiple requirements. And there is potentially considerable tension between the two main desiderata. These are tensions that my account attempts to navigate. In the previous two sections, I have shown that we have to confront these issues within all states, including liberal ones and, moreover, that there are plausible ways to balance these significant concerns. John Rawls offers some insights into how this balancing might occur. We have also seen how similar balancing strategies must be deployed in marshaling a case for jury duty, and performing jury duty is often taken as a core requirement of liberal justice. I argued in the first section that if the case for jury duty successfully meets the liberal adequacy and human rights criteria, the case for compulsory service to protect other core human rights, such as for basic health or education, is similarly persuasive.

As Ferracioli seems to have a particularly strong view about what is entailed in enforcing compulsory service programs, she believes the service programs for which I argue bend too far in the direction of violating the liberal adequacy requirement. But, as I explain below, the case she presents would not be a permissible way to enforce compulsory service programs, so does not undermine the case for service programs.

Ferracioli argues that the measures I defend ‘involve unduly severe restrictions of freedom’.<sup>14</sup> She is concerned that I defend what she sees as forced labor in complying with the terms of a contract. If people sign contracts to perform service and wish to change occupational direction, she believes I am committed to a position in which it is permissible to force people physically to perform work. She illustrates with her case, *Prevented Local*, in which:

Malawi prevents a citizen of 26 years of age to work in her father’s restaurant by sending government officials to guard the restaurant’s doors. It justifies this decision by claiming that this citizen is required to first work as a doctor for a year because she was trained in a publicly funded university and has signed a contract when she was 18 committing to work as a doctor at the end of her studies.<sup>15</sup>

This example is not a problem for my account since there is nothing in my view that would sanction the permissibility of such actions. A key issue is how we should best enforce contracts when people no longer wish to comply with their terms. There can be some option choice as to how the service is performed, and taking account of individual experiences or preferences can yield more productive possibilities for compromise. In many cases, we can easily balance consideration for individual’s life plans while still making use of additional knowledge or capacities that can play a useful role in addressing high need in low resource situations as I show elsewhere.<sup>16</sup> So Ferracioli’s example of *Prevented Local* does not drive home the point that my

account is insufficiently liberal. At any rate, as I hope to have shown in the previous sections, I believe she has underestimated the resources available to us in the liberal tradition. Blending concern with needs, human rights, and liberties is a complex issue, and my solution has good claim to a liberal pedigree, as I have tried to illustrate by looking at the case for jury duty along with some of the Rawlsian corpus. I believe that my solutions do therefore meet the liberal adequacy requirements. So, let us here move on to other new issues raised by Ferracioli.

Ferracioli's positive solution to the problems associated with brain drain involves making recipient states primarily responsible for blocking would-be migrants' plans. She argues that there are duties on recipient states to prevent harmful brain drain. 'Given that recipient states implement discretionary skill-based migration programs which contribute directly to the brain drain, they have a negative duty not to open their borders to skilled workers when doing so enables a situation whereby vulnerable populations are unable to enjoy secure access to their basic human rights'.<sup>17</sup> Two conditions must be satisfied for the duty of exclusion to be triggered for recipient states:

1. 'it is foreseen (or should be foreseen) that skill-based migration will bring about or exacerbate harm in the form of human rights deficits (when the ratios of professionals to the overall population are such that migration will render vulnerable populations less able to access an adequate level of essential services)',<sup>18</sup> and
2. 'when there are decently paid jobs that are sufficiently attractive to prospective skilled immigrants so that they can adequately employ their professional skills if they do not emigrate'.<sup>19</sup>

Condition (2), almost by definition, will be difficult to satisfy. After all, if there are 'decently paid jobs that are *sufficiently attractive* to prospective skilled immigrants so that they can adequately employ their professional skills if they do not emigrate',<sup>20</sup> the would-be migrant would not be seeking to migrate in many cases.

Note also that the two conditions that trigger the duty place a high epistemological burden on recipient states. They have to obtain sufficient knowledge of labor markets within another state along with levels of service provision and population requirements in core human services, make judgments about which predicted shortages will exacerbate harm and human rights deficits, gain access to remuneration levels in source countries, prospective employee preferences, and so on. They also have to acquire more knowledge about the distribution of those jobs and how these correlate with job-seekers' preferences. After all, there may be jobs in some regions that fulfill the requirements but, perhaps for reasons such as schooling preferences for children, job-seekers are disinclined to take up such positions.

Another curious feature about this proposal is that recipient states need to make judgments about what work the person seeking to migrate will perform, as judgments about admission or exclusion rely on such knowledge. This seems to presuppose that particular people will be performing certain jobs. While I believe this is reasonable,

Ferracioli suggests that this assumption amounts to a commitment to forced labor. But does it really matter whether the agent doing the ‘forcing’ is the state of origin or the recipient state? Why does this make a relevant difference, since from the would-be migrants’ perspective the result is the same? The proposal would seem to violate her own liberal adequacy requirement.

Ferracioli identifies alleged advantages with her approach:

1. It appropriately identifies the correct ‘duty-bearer whose action will otherwise be causally implicated in harmful brain drain’.<sup>21</sup>
2. It ‘does not impose undue restrictions on the right to freedom of occupation. After all, prospective emigrants are simply denied entry in a recipient country, not forced to temporarily labor for their country of citizenship. To be sure, most of those who will be excluded will in fact work as educators and healthcare workers in their own country of citizenship. But given that they will chose to employ their skills at home rather than be forced to do so, I take it that this is exactly the result we want’.<sup>22</sup>
3. It ‘does not violate the right to exit one’s country of citizenship or residence, which must be treated as unconditional by all states in order to help sustain an effective refugee protection regime. In fact, to argue that there is a duty to exclude, when some conditions are met, is not to deny that there is a separate duty to include, which is triggered by refugees and equally vulnerable individuals’.<sup>23</sup>

If a person is forced by recipient states to stay in her country of origin she will, in all probability, be forced into taking up whatever jobs are available, whether they be in her field of training or otherwise. In practice, this policy may involve much more forced labor than Ferracioli fears is the case with my policy, since after the service term (of one year) is completed, the migrant’s duties have been discharged and she is completely free to leave. Ferracioli’s proposal would seem to have no expiration date, so a would-be migrant might indeed be prohibited from migration *for her entire life* if conditions in her country of origin remain essentially the same. On the scale of illiberality, this proposal is at the far end, or at least much further along that scale than my proposals. And so the alleged advantages described in 2) do not play out.

3) presents as a false advantage, since people are not prevented at the border from leaving on my account. I propose that just as in the case of those who assume student debt and fail to pay it back are free to leave the country, a similar position should hold in the case of those students who fail to comply with their service agreements. Penalties for non-compliance must be pursued by other means such as through garnishing wages in recipient countries. So my proposal is in line with other ways in which we deal with many other cases concerning violation of contract.

As for the alleged advantage described in 1), I have made a case that I think states of origin have significant primary duties to address losses associated with high skill migration. While recipient states may well have various duties *as well*, I don’t see that the recipient states are the primary duty bearers in a way that states of origin are not. Both have responsibilities and so 1) becomes another false advantage.

Note that her proposal focuses on secondary agents. In this context the primary duty bearers for securing human rights on their territory are the poor, developing states. My focus in the book is what may they do as the primary agents of justice. By shifting the attention to others' duties, it appears that Ferracioli's answer to the question of what poor developing states may do to secure the human rights of those on their territory is: nothing, at least nothing by way of compelling people who have undertaken state-subsidized training to provide essential services. In the book and the previous two sections I have offered different kinds of arguments about why I believe that states have more tools at their disposal in showing that there are relevant obligations for citizens, and that these cases can be marshaled from within the liberal paradigm, *inter alia*, so can easily fulfill both the liberal adequacy and human rights requirements.

### **VOLUNTARINESS AND PRAGMATIC CONCERNS: A RESPONSE TO RYAN PEVNICK**

On Pevnick's view, my proposals amount to voluntary service programs which are typically unproblematic. However, he objects to my observation that non-voluntary service programs are commonplace and that this should be taken as an indication of their permissibility. He also suggests that practical problems with granting states the authority to restrict emigration provide strong grounds for opposing non-voluntary service programs, and these provide possibly stronger grounds than philosophical ones for rejecting them. I explain why I remain cautiously optimistic about practical concerns and respond briefly to several other worries.

Pevnick presents a case, that of Richlandia, to show that voluntarily entered into agreements to participate in service programs are justified even if no one is made vulnerable by an emigrant's departure and even when it is not the case that scarce resources are devoted to her training. This compelling case provides further support for the permissibility of compulsory service programs but is not a refutation of my argument. The case I present for poor developing countries being permitted to engage in voluntary compulsory service agreements attempts to provide only *one* sufficiently plausible argument for the view. It does not attempt to provide a set of necessary conditions, just a set of *sufficient* ones. So, that there are other permissible cases in which the policies would also be justified is a welcome result.

Pevnick views my policy proposals as a 'lot more like joining the Peace Corps than registering for the draft',<sup>24</sup> as they are ones engaged in voluntarily. I agree! But a note of caution deserves emphasis as well. Voluntariness certainly matters, but voluntariness is not sufficient. Voluntariness under the right conditions can be sufficient. I aim to show that the right conditions obtain. The fleshing out of several background conditions and other qualifications are necessary to fill out that the right conditions are met. So the additional information seems relevant as to why the terms of the contract are reasonable and resulting voluntary agreements are robust.

When I argue that compulsory service programs are quite widespread I am referring particularly to those in healthcare. Seventy countries currently have such

programs in the health sector. I am not typically referring to military service programs. By introducing information about what currently happens in the world in the health sector, I aim to show that such programs are reasonably widespread, even within highly liberal societies such as the U.S. and Canada. Sometimes we fear what we do not know. Understanding the form, content and prevalence of these programs can sometimes demystify what might otherwise seem strange. Introducing such material is also relevant to concerns about feasibility. If something actually exists and operates reasonably well, fears about its feasibility can be allayed.

Pevnick's main concerns with my proposals are not with the normative arguments but rather with pragmatic issues.

It seems to me, then, that even if we can conceive of circumstances in which governments would be justified in enacting non-voluntary service programs, those circumstances may be sufficiently uncommon that we would be better off simply refusing to countenance such programs. Even if there are unusual circumstances in which they may be justified, it may not be worth pursuing them given (1) the alternative mechanisms through which healthcare delivery may be pursued, (2) the potential that public officials will abuse the associated restricted power, and (3) the increased likelihood, in a world that does not proscribe them outright, that they will be enacted in inappropriate circumstances. These pragmatic considerations strike me, anyway, as the most compelling line of argument against permitting programs that hinge on emigration restrictions.<sup>25</sup>

Because contra (1), I am doubtful that there are sufficiently strong alternative mechanisms through which healthcare can be pursued for those in poor, developing countries who suffer large net losses from brain drain, and contra (2), because I see enough evidence from those countries that have compulsory healthcare programs that officials do not generally abuse this power, and contra (3), I do not see much evidence yet that there are countries which have deployed such programs in inappropriate circumstances, I am cautiously optimistic about matters of implementation. I do not weight the practical concerns that trouble Pevnick as sufficiently important to block attempts at implementation. And the fact that these have been implemented reasonably well in seventy countries so far should provide some further reassurance.

## **ACKNOWLEDGEMENTS**

I am grateful for all the reflective comments offered by the contributors to this symposium. I thank Michael Blake, Luara Ferracioli, Ryan Pevnick, George Rainbolt, Alex Sager, and Lucas Stanczyk for their thoughtful views.

## **NOTES**

1. Alex Sager, 'Productive Justice and Compulsory Service', *Ethics and Global Politics*, 9 (2016): 33499.
2. Sager, 'Productive Justice'.
3. Sager, 'Productive Justice', 6.
4. Lucas Stanczyk, 'Managing Skilled Migration', *Ethics and Global Politics*, 9 (2016): 33502.

G. Brock

5. Stanczyk, 'Managing Skilled Migration'.
6. John Rawls, *Justice as Fairness: A Restatement* (Cambridge: Harvard University Press, 2001), 42.
7. Rawls, *Justice as Fairness*, 44 (emphasis mine).
8. Rodney Peffer, *Marxism, Morality, and Social Justice* (Princeton, NJ: Princeton University Press, 1990), especially 14.
9. Rawls, *Justice as Fairness*, 44–5 (emphasis mine).
10. *Ibid.*, 48.
11. *Ibid.*, 47.
12. Luara Ferracioli, 'Vulnerable Populations, Refugees, and the Duty to Exclude', *Ethics and Global Politics*, 9 (2016): 33501.
13. Ferracioli, 'Vulnerable Populations', 3.
14. Ferracioli, 'Vulnerable Populations', 5.
15. Ferracioli, 'Vulnerable Populations', 6.
16. Gillian Brock, 'Debating Brain Drain: An Overview', *Moral Philosophy and Politics* 3, no.1 (2016): 7–20.
17. Ferracioli, 'Vulnerable Populations'.
18. Ferracioli, 'Vulnerable Populations', 9.
19. Ferracioli, 'Vulnerable Populations', 9.
20. Ferracioli, 'Vulnerable Populations', 9 (emphasis mine).
21. Ferracioli, 'Vulnerable Populations', 9.
22. *Ibid.*, 9.
23. *Ibid.*, 9–10.
24. Ryan Pevnick, 'Brain Drain and Compulsory Service Programs', *Ethics and Global Politics*, 9 (2016): 33503.
25. Pevnick, 'Brain Drain', 8.