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Justice, the Brain Drain, and Africa:
Introduction to a Symposium on *Debating Brain Drain*

Gillian Brock and Michael Blake

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How should we respond to losses associated with the brain drain in our unjust world? As we write this introduction, the situation in South Africa continues to be concerning. Thuli Madonsela, the former public prosecutor, has released an influential report concerning state capture and corruption within the Zuma-led government. The "Fees Must Fall" movement has succeeded in shutting down many universities. 63% of young children growing up in South Africa today live in poverty, with woefully inadequate sanitation, access to nutrition, health care and provision for other basic needs (Pretorius, 2016). Reforms on many fronts seem warranted. While people of good faith might well disagree about what is needed and how to prioritise improvements, it would probably be hard to find many citizens who think South Africa today is a place where justice has been achieved.

How are the issues of brain drain that we discuss in *Debating Brain Drain* particularly relevant to the situation in South Africa today? As we see it, there are several important connections. Here we mention three.

Skilled citizens of a country have an important role to play in helping a state reduce poverty and strengthening communities conducive to promoting citizens' wellbeing. They can assist in providing desperately needed healthcare, education, infrastructure, or tax revenue, and can contribute importantly to sustaining vibrant democracies, institution-building, and responsive, effective and legitimate governments. When there are high rates of migration among skilled citizens this can make securing the essentials needed for a just state more challenging. Do skilled citizens have responsibilities to address burdens they create or exacerbate by migrating, and if so, how should they discharge their responsibilities? What may states permissibly do to address deprivation exacerbated by citizens who migrate? What kinds of policies are effective? What might skilled citizens permissibly be asked to do in remedying disadvantage?

Second, many states afflicted by high levels of poverty face severe resource constraints and frequently must make tough choices with limited public funds. While it might be a requirement of a perfectly just state that all citizens should be provided with free tertiary education, in our decidedly unjust world, it might be reasonable to wonder what conditions could permissibly be attached to the provision of free education, where public coffers are severely stretched. Is it permissible for a state to provide free education on condition that the beneficiaries of such education pay additional taxes on future earnings? Would it be permissible to condition the

provision of tertiary education on providing additional service to particular underserved communities (such as those in remote or rural regions that cannot attract sufficient providers relative to local needs)?

Third, high levels of migration affect South Africa in multiple ways. South Africa is both an important destination country for many migrants from the rest of Africa, and an important sending country for many hoping to make new homes for themselves in high-income countries such as Canada, the USA, and Australia. It might then be both a beneficiary of brain drain from elsewhere and a net loser when high skilled citizens trained in South Africa depart. Looking at the empirical evidence is here, as it is elsewhere, an important issue in assessing the nature, scope and magnitude of any gains and losses on the many dimensions of human wellbeing that might be affected. And once that empirical information has been mapped, how should it inform policy? Should South Africa close its doors to those economic migrants from Zimbabwe or Nigeria, who seek a better life for themselves in one of Africa's biggest economies? Does it owe compensation to countries of origin when it benefits from skilled citizens trained elsewhere? Do destination countries that benefit from skilled citizens' departure from South Africa have duties to redress their unmerited gain? Should skilled emigrants trained in South Africa have special obligations to address losses they exacerbate?

More generally, and moving away now from the ways in which this issue is of particular relevance to South Africa, we make a detailed case that high skill migration presents important global justice issues, worthy of sustained attention from philosophers, political scientists, economists, and many others. Skilled citizens can play an invaluable role in the struggle to reduce poverty. They are an important source of demand and supply for resilient institutions and effective, legitimate and accountable states. So policies around creating, retaining and benefiting from skilled citizens have a key normative dimension.

High levels of skilled migration have many complex effects, some positive, others negative. We consider these in *Debating Brain Drain*. When there are net losses associated with the brain drain, what if anything may states do to remedy burdens? Like many complex global justice problems, many agents will have a role to play and therefore have different responsibilities. Agents from high-income countries will have an important set of responsibilities, including strong obligations to remedy the factors that perpetuate global injustice and poverty which are an important component pushing many to seek to migrate. However, when agents from those high-income countries fail to play their part in discharging their responsibilities, what may those who bear the brunt of the brain drain do to solve their problems themselves? Would it be permissible for governments of low-income countries to condition compulsory service (of say one year's duration) on acceptance of tertiary education? Would additional taxes on future earnings of skilled citizens who migrate be justified?

In *Debating Brain Drain*, we explore these questions in ways that take freedom as one important grounding value that we both share. While we both share a commitment to liberty, indeed to a liberal egalitarian conception of justice, we disagree about what just responses to the brain drain are available. Michael Blake believes that proposals to mandate periods of service or additional taxation would be unfair and illiberal. They would be unfair in placing a disproportionate share of the burdens of reducing global injustice on skilled citizens of low-income countries. And they are illiberal in relying on illegitimate views of what the state is entitled to do. Insisting that citizens who wish to emigrate should instead continue labouring within the state is not a course of action available to the just state.

Gillian Brock argues that, under certain conditions, policies that entail limited service obligations or additional taxes for skilled citizens may be justified. Many factors must line up, however, including that the government must reach a legitimacy threshold, there must be a high level of deprivation in the country of origin which is not reduced by migration, scarce public resources must have been wisely invested in creating human capital to address that deprivation, migrants must have received significant benefits in countries of origin, what is required by the policy proposal must not entail an unreasonable sacrifice, and so on. The details of particular policies matter greatly, and they must be respectful of migrants' relevant freedoms, interests, rights, opportunities, and aspirations. This limits the scope and nature of what the state may permissibly do: while a short period of service can form part of a just package of proposals, requiring skilled citizens to remain for long periods or even permanently would not be justified. In short, while the details matter greatly, Brock argues that, contra Blake, states have a much wider range of defensible options available to them in dealing with the problems they face.

This debate raises many issues related to justice, both local and global, and this volume collects just a small but important sample. What role should people's sense of identity with a community play in their obligations to that community? Samantha Vice explores how the problematic identity of being white in the South African context complicates policy solutions to problems presented by the brain drain. Relatedly, Dylan Futter raises the issue of whether white skilled citizens in South Africa are part of the solution or the problem in remaining in their countries of origin. Perhaps they have duties to emigrate rather than remain if, as he argues, their presence may impede progress. Jeremy Snyder examines whether solidarity can play a useful role in fortifying arguments for obligations to remedy disadvantage associated with the brain drain. Christine Hobden offers an intriguing analysis of the obligations of citizens in source states, arguing that these should be thought of as individual shares to uphold a collective duty to ensure the functioning of their state. In a context in which there is radical background injustice, the obligation is one of "taking up the slack" and it can accommodate individual differences in capacity, efficacy, levels of benefit and political ties.

Several papers offer arguments for skilled workers having stronger obligations to contribute to their states of origin than those identified by Brock. These include arguments by Alfonso Donoso, Alejandra Mancilla and Adam Hosein. In Hosein's case, these obligations can be justified without prior contracts having been signed (as is the case on Brock's view). Donoso and Mancilla argue that states are *obligated* to implement the sorts of programs Brock thinks are merely permissible. Papers by Thaddeus Metz and Abraham Olivier offer insights from a communitarian perspective based in ideals of communion salient in the sub-Saharan moral tradition, providing alternative justifications for robust obligations to redress the brain drain.

Louise Du Toit offers three important lines of resistance to Brock's argument, such as challenges concerning the framing of the normative issues and whether some are being unfairly burdened, indeed, exploited, by Brock's policy proposals. Papers by Sean Miller and Devesh Kapur provide interesting engagements with the empirical literature, in some cases challenging important aspects of what people think they know about the results of high skill migration. Amy Reed-Sandoval makes a plea for broadening out the conversation to include unskilled workers as well, since many of the same issues apply in their case. Uchenna Okeja applies insights from the brain drain debate to the problems of reverse migration, which exist when former citizens who have renounced citizenship wish to return to states of origin. In the final two

essays, Gillian Brock and Michael Blake respond to some of the many insights and challenges presented.

The critics' papers are diverse in their responses to our work and we welcome this broadening of the conversation. We are grateful to all the contributors in this symposium and we continue to hope that more exchanges such as these occur in the future. What is happening in South Africa, like what is happening elsewhere, requires us to gain some clarity about how we ought to understand what (if anything) those who want to leave owe to those who do not – and how all of us ought to respond.

We would conclude, finally, by saying something about our “standing” to write about these issues. We are both skilled citizens now residing in high-income countries. However, we are both currently living in countries different from our countries of origin. Brock was born in South Africa and lived there for 24 years before moving to the USA for graduate studies. She now lives in New Zealand. Blake originally hales from Canada but works in the USA, though he also spent time while growing up in the United States and in Switzerland. Perhaps because of these personal biographical details we vividly appreciate the multiple salient factors that must be carefully weighed in arriving at just solutions to the problems high skill migration can present. And this is no less true in the case of South Africa, given its unique history, complex sub-communities, and challenging current realities. The debates surrounding the brain drain require philosophers to recognize, and to learn, the complex empirical circumstances in which those debates take place – and to understand the limitations imposed by their own personal histories. With this in mind, we would once again like to thank those who have written articles for the present exchange – both for the criticisms they have offered, and for the chance to better understand the shared world in which we are all citizens. We would also like to express profuse gratitude to Andrea Hurst who kept this symposium on track, even while facing significant challenges during the university shutdowns in late 2016.

References

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