

The Proper Role of Responsive Democracy, Liberty, and Immigration in Global Justice: Some Clarifications

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INTRODUCTION

Anthony Langlois and Graham Findlay have offered superb challenges and I am grateful for the opportunity their comments have presented to develop my position on various matters of global justice. In the next section I summarize some of their key charges and begin my response to Langlois, especially on the key charge that my account of democracy is defective. Section 3 deepens the analysis by pointing out some important tensions in the desiderata we have for accounts of global justice, such as tensions in trying to secure relevant freedom and equality for all. Democratic Equality tries to resolve such tensions. However, the existence of these tensions also means that there is scope for at least two forms of democracy: a more *agency promoting, participatory kind* and, to supplement where participatory forms of democracy fail, the kind that is more *responsive to interests* and involves considerable *delegation*. This is discussed in section 4. Section 5 discusses how Democratic Equality is compatible with, and can be supported by Responsive Democracy –how indeed they complement each other, especially in my account of global justice. Section 6 takes up several of Graham Findlay’s further challenges concerning the appropriate role for liberty and freedom of migration in an account of global justice.

A SUMMARY OF KEY CHARGES MADE BY LANGLOIS AND FINDLAY AND SOME INITIAL RESPONSES

Langlois is concerned that the individualism at the heart of liberal cosmopolitanism is not adequately accommodated by the kind of Responsive Democracy I endorse. He interprets my talking up the advantages of responsive democracy at the international level as problematic because it is not clear that “the people” would always agree with me about projects that enhance the realization of people’s interests.

The people are –at one remove and then at another– gently sundered from their traditional role within democratic theory as active agents claiming the freedom to determine their political future, and are re-designated as the owners of sets of interests which are articulated for them, and which governance mechanisms are created to satisfy. This, at any rate, strikes me as being the danger at the heart of Brock’s Responsive Democracy. At the theoretical level,

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too, it is difficult to square the individualism of Brock's cosmopolitanism (with all its agency and autonomy implications) with what looks surprisingly like an explicitly paternalistic theory of global governance (pp. 2-3).

Langlois wonders as well whether my account of Responsive Democracy is adequately democratic. He thinks the ideal of Responsive Democracy I present is quite a long way from some other core ideas central to democracy such as self-determination, where the terms of self rule are set by citizens. The flaw, as Langlois sees it, is that when it comes to global governance, there might be great dispute about how to approximate the meeting of needs and interests. And here Langlois believes it is crucial for people to be participatorially engaged in the determination of their own political destiny.

Langlois notes that I am concerned with issues such as abuse of power and notes that I discuss ways to guard against this. But he reckons the real danger lies elsewhere and that is «the real abuse that lies at the heart of democracy is when there is a large gap between people's perception of their interests, wellbeing and needs, and the account of these which is given by the political system» (p. 4). So the real danger is that people become «disenfranchised from a politics and a governance which responds *to* them but with which they have no meaningful connection –rather than being a politics and a governance in which they can participate» (p. 4).

Langlois also draws attention to the fact that Elizabeth Anderson (whose views I largely support) emphasizes participation in her model of democratic equality, whereas I argue that participation has been overemphasized. Anderson stresses the importance of collective self-determination by means of open discussion among equals in actual institutions. Though these can be argued to exist in certain modern democracies, they do not obtain at the global level, and will not in the foreseeable future. My endorsement of Andersonian style Democratic Equality is problematic, according to Langlois, and in some tension with other core components for my account of Responsive Democracy. He says: «But precisely because, as Brock herself accepts, there is no mechanism for global collective self determination, it would seem that this Responsive Democracy is not really the same thing as the democracy articulated in Anderson's Democratic Equality Model. And the fundamental reasons why are these: that not everyone has equal political agency, the rules are not acceptable to all, not everyone is entitled to participate, and others will not listen respectfully and respond accordingly (Anderson's desiderata)» (p. 6). Langlois thinks the cure for my account's problems is for «Anderson's democratic equality to be more rigorously worked into the fabric of Brock's responsive democracy» (p. 7). Langlois continues: «The difficulty that I find with Brock's excellent and engaging book is her case that Responsive Democracy can legitimately downplay the role of agency based arguments for democratic equality. I acknowledge the limitations which she sees in the agency account. I don't accept though that the interest account by itself trumps the agency account» (p. 7).

Like Langlois, Graham Findlay also critiques my account of democracy. One important area of weakness Graham Findlay identifies with my account concerns my «strai-

tened understanding of democratic agency» (p. 3). Findlay also challenges the apparent lack of participation in the kind of democracy for which I advocate. He wonders whether the worries identified with Responsive Democracy can be allayed through the use I make of Anderson's notion of Democratic Equality. But, on the contrary, he thinks it brings to light a deep tension in my understanding of democracy: «responsive democracies –with their expert panels, robustly independent judiciaries, auditors, “commissions of enquiry”, etc. –are vulnerable to capture by elites, especially privileged possessors of greater education and capital ... I think the dismal history of development interventions by experts who were hoping to secure people's interests, but were unaccountable to those people, is a cautionary tale that shows the dangers of a responsive conception of democracy. After a long and hard learning process, development practitioners are increasingly seeing not just consultation of, but participation with beneficiaries in development projects as crucial to their sustainability, long term stability and success» (p. 4). Findlay also interprets my view as not entailing much commitment to equality. In sections below (such as sections 3, 4, and 5) I clarify the important role relational equality plays in my account of global justice, and hope to draw attention to the important, though more indirect, way in which standing in relations of equality matters greatly to my account of global justice.

Langlois and Findlay have raised an important set of concerns and I aim to respond more fully to them shortly. But first, I make a few remarks about some of the pitfalls that seem to be more easily avoided in Langlois' list of weaknesses with my view. First, it seems to me there is no prohibition against a highly participative process in the formation of the set of interests we take as offering guidance to more responsive forms of democracy (more about this in due course). I do not have any problem with incorporating inclusive, participatory processes wherever their operation will be consistent with the requirements to respect other core elements of global justice. Most of my worries about participation are that there are certain well-known limit points at which its operation is quite unreliable, and it is at such points that there is scope for responsive rather than participatory democracy. There are multiple levels at which people can and should participate, for instance, in discussion of what our core interests are, and even concerning priorities among them. So participation has an important role to play in matters of global justice. However, sometimes these interests are promoted more effectively through a process of delegation that can complement more participatory processes and this is where there is legitimate scope for more Responsive Democracy to play a role as well. The interest account does not trump the agency account (contra one of Langlois' charges). Rather, the interest account complements and supports the agency view at limit points.

Indeed, participation in governance matters, promoting agency, and self-determination are legitimate and important aspects of securing global justice. But we need to ensure a supportive environment in which self-determination is possible in a more meaningful sense than much of our current realities allow. Rather than losing sight of the importance of self-determination, I aim to ensure its sphere of operation is as wide and meaningful as possible. Participation in democratic self-government as an equal member

of society is central to both Anderson's and my account. I think both are needed, but see myself as emphasizing a more neglected aspect of what makes democracy function well even at limiting points and well-known points of failure. Contra another of Langlois's charges then, I do not believe there is conflict between my endorsement of Anderson's account of Democratic Equality and a commitment to Responsive Democracy. In section 4 I indicate why I think the two forms of democracy complement each other. In the next section I step back for a deeper analysis of some key issues, before drawing them together in section 5, in offering a more complete response to Langlois and Findlay's important set of challenges.

DESIDERATA OF GLOBAL JUSTICE AND MULTIPLE TENSIONS:
SECURING RELEVANT FREEDOM AND EQUALITY FOR ALL

When we add multiple desiderata to a comprehensive account of global justice, there are a number of points of tension. There is an especially important tension that arises from a commitment to secure freedom and some kind of equality for all. I think this tension is at the root of some of the problems Langlois identifies. We certainly do want people to enjoy self-determination, but we also want them to stand in relations of equality with one another globally. Balancing such weighty considerations is bound to lead to points of friction where their spheres of concern and focus collide. But I believe my account does a respectable job of dealing with those difficult issues, giving good consideration to ideas of self-determination and equality. Recall that I advocate for the more responsive forms of democracy only where the agency conception notoriously breaks down. At such points we have, by definition, a break down in whether more participatory models do further important causes, including democratic objectives. So at those places we already have a well-known failure of participatory models to lead to democratic outcomes and would anyhow need to intervene and supplement with some mechanism, or live with undemocratic consequences. In that context, what I propose to fill the void strikes me as no worse than what an agency theorist might recommend and, arguably, somewhat better in that at least it takes seriously the promotion of important interests, already endorsed by the populus as worthwhile, and also attempts to underwrite key ingredients for our standing in relations of equality with one another. Let me explain all of this in more detail by starting with some relevant background.

I briefly recap some core features of Anderson's account. Egalitarian political movements, such as those that oppose racism, sexism, and class oppression, have typically been about altering unequal social relations, relations in which some are seen as superior and others inferior. They aim to instantiate better the equal moral worth of persons which, as Anderson elaborates on the ideal, «asserts that all competent adults are equally moral agents: everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfill a conception of their good».¹ Real egalitarians focus on abolishing oppression and trying to bring about

the kind of social order that recognizes each person's equality, namely, a democratic community. So, while living in an egalitarian community involves being free to «participate in and enjoy the goods of society, and to participate in democratic self-government» it also involves being free from oppression.ⁱⁱ Citizens must have effective access to levels of functioning sufficient to stand as an equal in society. Democratic equality guarantees such access by underwriting a package of capabilities to which all law-abiding citizens are entitled at all times. Everyone is entitled to enough resources to avoid oppression and to function as an equal in society. What counts as enough may vary individually, with social or cultural norms, and with environments.ⁱⁱⁱ Standing as an equal in society includes not only the possession of resources, but «social relations and norms, and the structure of opportunities, public goods and public spaces».^{iv}

Real egalitarians focus on abolishing oppression and bringing about the kind of social order that recognizes person's equality, namely, a democratic community in which (among other things) all are entitled to «collective self-determination by means of open discussion among equals».^v How should we extend this focus to the global context? It would be nice if people of the world could engage in collective self-determination through open discussion among equals, and we should promote mechanisms that enable this (for instance, through a second chamber of the United Nations, global media, and other fora for global discussion). But at any rate, this agency-based conception of self-determination must also be constrained by other mechanisms, where the agency-based view notoriously has limitations. In the next section I discuss how Responsive Democracy can usefully complement this idea of Democratic Equality.

WHY DO WE NEED RESPONSIVE FORMS OF DEMOCRACY?

We can assess global governance arrangements in terms of two main desirable variables, which are sometimes in tension: effectiveness and accountability. A key aim of global governance should be to secure both. I argue that a system of governance that both effectively attends to people's interests and is suitably accountable can claim to have adequate democratic credentials on the Responsive Democracy account. I briefly recap the central moves in the argument next.

Leading theorists in accountability, Robert Keohane and Ruth Grant, define the term thus: «accountability implies that some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of those standards, and to impose sanctions if they determine that these responsibilities have not been met».^{vi} There are two central models of accountability: a «participation» model and a «delegation» model. The International Criminal Court is an example of an accountability mechanism that does not involve participation, but rather the delegation of power to judges, lawyers, and other experts on legal matters. An effective accountability system should combine elements from both the participation and the delegation models. So far much emphasis has been placed on the role of participation in legitimating governance.

There are often reasons to prefer the delegation model, for instance where complex issues are at stake that require significant expertise and detailed knowledge of relevant factors. Another example would be where there are tensions between what is in our collective interest and yet might be so immediately unpopular that those who take bold but necessary action will be punished at the next election. A clear instance of this might be a panel (comprised of scientific, economic, and other experts) empowered to formulate policy that has binding force in addressing the problem of climate change. In all probability, the policies such a panel needs to recommend would involve significant costs to current generations, but ones that it may not be unreasonable to expect them to bear. Would the existence of some panels empowered to make such decisions threaten the democratic credentials of our global governance arrangements? I argue that it would not by discussing two central models of democracy.

There are two conceptions of democracy discernible in practice and theory, and their differences are prominent when we ask about the point of global democratic reform. On the first (and arguably dominant) model, global democracy is desirable because it would enhance political agency. Because human beings should ideally be agents of their fates, more democracy at the global level should allow more participation in collective decision-making at the global level. On the second account, realizing more democracy globally would be desirable because it would enhance the realization of people's interests. On the interest account, which I refer to as «Responsive Democracy»^{viii}, if you want to improve democracy at the global level you have to make it more responsive to people's interests and make it better at securing people's interests. There are several reasons to think that if this is an important aim of democratic institutions, then it is not enough simply to give people more opportunities to voice beliefs about their interests. We will need to supplement with institutions that correct several shortcomings that the agency view has. These include the following three. First, cases of collective action problems. These can occur when we identify situations that, though they are collectively rational for us to pursue, require the necessary assurance that others will be made to play their parts if it is not to be more rational to act selfishly. Second, the agency view does not always take account of all the relevant people whose vital interests will be affected, notably, future generations. Democratic institutions may enhance the agency of those adults who currently participate in the collective decision, while undermining the interests of other agents not party to the decision, namely future generations. Third, we may be able to identify our interests yet be unsure about how to design policies that will best realize those interests. Examples include how to deal adequately with global warming or an avian flu pandemic. For instance, though we all can identify the interest in minimizing the impact of avian flu on humans, there are a number of possibilities as to how this might best be achieved and it is not clear that without the necessary expertise the average citizen is well placed to make this decision. Deciding the best course of action would require more understanding of the issues than the average citizen is likely to have or be willing to gain.

Real-world institutions of democracy incorporate a number of practices and institutions that aim to better secure people's interests when more agency-oriented democratic institutions fail. These include schemes to ensure forced saving aimed at counteracting ignorance of our long-term good, provision of public goods to offset collective action problems, child and environmental protection mechanisms, and public insurance schemes. Such mechanisms complement democratic institutions' ability to realize citizens' interests, though they may themselves be paternalistic in their operation. When there is a tendency of democratic decision-making procedures to ignore or discount certain kinds of interests, we may supplement with mechanisms aimed at protecting these.^{viii} All mature, modern democracies instantiate the interest model, and there is something theorists should learn from this real world practice. Ideally, we can realize both the agency and the interest conceptions of democracy at the global level, but there will sometimes be reasons to prefer the latter over the former, such as in the three kinds of cases in which the agency conception has the shortcomings outlined above.

In mature democracies there are three ways individuals who are entrusted with political power are connected to the electoral process. Some are directly elected, others who have legislative power are selected by elected officials, for instance, judges on high courts and cabinet ministers. Yet others are selected by elected officials and have no direct legislative power. In some countries these would include auditors general, ombudsmen, public health officials, ethics commissioners, and commissions of inquiry. So, several central tasks are performed in modern democracies by appointed officials whose role is to protect citizens' fundamental interests against the sometimes more perverse consequences that can result from democratic institutions.^{ix} Though it may be important that some connection with elections be maintained, albeit an indirect one, it may be good that such officials are not directly elected because it is important that some officials have partial independence from popular opinion to allow the integration into policy-making of a more dispassionate and temporally extended view of the public interest. But the link to authorization and constraint is important if our basic interest in avoiding domination is not to be threatened.

A reasonable concern with such delegation of responsibility for decision-making to expert panels is the potential abuse of power. However, the idea of placing trust in experts to act responsibly arises frequently in our complex societies and good mechanisms to ensure that trust is well placed have been developed. It is reasonable to trust persons empowered to act in my best interests when there are adequate mechanisms in place to make such trust reasonable, such as rules governing an appropriate process of skills' acquisition and accreditation, bodies that regulate professions, peer scrutiny, appropriate reporting requirements, adequate opportunities to impose sanctions for inappropriate conduct, legal protections, and so forth. In general it is reasonable to place trust in certain others to act as good judges of our interests when they have been adequately «selected, empowered, and constrained».^x Furthermore, ensuring the separation of powers and clear demarcation of the domain of authority dramatically reduce the scope for abuse of

power. Detailed attention to institutional design is also helpful, as are professional codes of ethics, independent commissions of appointment and review.^{xi} It is crucial, then to design adequate mechanisms of institutional and role accountability. It is pleasing to note that there is already a rich literature developing in this area.^{xii} The key to adopting effective policies at the global level that can gain wide support from citizens is ensuring that decision-makers are held suitably accountable. In this way we would truly have realized a more responsive and meaningful form of democracy.

Having argued for the importance of responsive democracy, I now need to show how the Responsive Democracy discussed in this section and Democratic Equality discussed in section 3 are compatible and fill distinct roles, especially in my account of securing global justice. This I do in the next section.

WHY RESPONSIVE DEMOCRACY AND DEMOCRATIC EQUALITY COMPLEMENT EACH OTHER

Responsive Democracy and Democratic Equality complement each other in important ways. I explain this important thesis in more detail next. A key task for relational egalitarians is to eliminate oppression and to create communities in which people stand in relations of equality to one another. There is a natural affinity between this project of Democratic Egalitarians and that of the Responsive Democracy advocates. The key idea according to Democratic Equality is to promote our standing in relations of equality with one another in a democratic community and Responsive Democracy has as its goal to secure interests that promote relations of equality when an agency-based conception of democracy is notoriously unreliable in doing this. Responsive Democracy thus nicely complements the idea of Democratic Equality and together these accounts deliver a comprehensive view of how to foster standing in relations of equality with one another. I draw attention to some of these complementarities next.

Relational egalitarians focus on abolishing oppression in trying to bring about the kind of social order that recognizes each person's equality; namely, a democratic community. Responsive Democracy complements this notion of Democratic Equality because it underwrites the conditions that make such standing meaningful. Responsive Democracy also allows us a wider view about all those to whom we should stand in relations of equality, such as both current and future generations. As well, the theory notes the limits of agency-promoting views of democracy and recognizes the need to underwrite the conditions for achieving Democratic Equality when these would not be secure.

I argue for several mechanisms in *Global Justice* that are good illustrations of this complementarity. I show how supporting press freedom has a vital role to play in promoting channels for presenting and understanding different viewpoints. In many countries, special attention needs to be paid to supporting press freedom that might not be respected in the course of ordinary market, civil, and political interactions. Freedom of the press plays a key role in keeping people accountable and thereby can promote Responsive De-

mocracy, transparency, the rule of law, development, and security. Responsive forms of democracy would ensure mechanisms are in place to protect press freedom, at both the domestic and global levels. In addition, the important work the International Criminal Court does creates an environment conducive to accountability and securing domestic justice. The ICC can act as a back-up guarantor of accountability, when this is not effectively secured within states. A body that oversees the recruitment of health care workers is another good example of Responsive Democracy in action, because it protects the interest in health that we all have but which can come under threat in developing countries when health care workers are recruited to work in developed countries. An International Tax Organization could network the activities of tax authorities that currently exist within states and could better secure our interest in ensuring that adequate revenue is available for states to function well. The mandate of this organization would be to promote the fair collection of tax revenues, such as through assisting in the elimination of tax evasion and facilitating transparent reporting of resource sales and purchases.^{xiii}

For Anderson, standing as an equal in society includes not just having resources, but «social relations and norms, and the structure of opportunities, public goods and public spaces».^{xiv} As Anderson rightly notes, standing as an equal presupposes all these additional components, notably public goods and an appropriate structure of opportunities. One of the aims of Responsive Democracy is to secure such public goods and opportunity structures, especially when these would otherwise be under threat when the agency-based conception notoriously breaks down, such as in dealing with climate change or public health issues. We need bodies that have global authority if we are to tackle such issues effectively. Many of the international bodies for which I argue, such as the International Tax Organization, The Organization to Monitor Recruitment of Health Care Workers, The Organization to Promote Responsible Press Freedom, or the International Criminal Court, have as their target being responsive to important interests that can be threatened if not given special protection. These interests include interests in everyone's paying their fair share of taxes, in promoting a transparent and non-corrupt environment in which a culture of accountability is made possible, in non-domination, in securing public goods necessary to sustain decent lives, in health, in protection for basic liberties, in being enabled to meet our needs, and so on. Protecting such interests is also important to preserve equality in structures and opportunities. One of the tasks of Responsive Democracy is to block opportunities for inequalities in our social and political arrangements from translating into relevant injustices in our relations, especially where they are likely to thwart our interest in avoiding domination, such as where it affects ownership of the media, disproportionate influence over elections, and the like. Responsive Democracy must regulate affairs where such injustice is possible.

We are now in a position to draw several threads together that have been developed and clarified over the last few sections, to ensure a powerful response to Langlois and Findlay is available. In a comprehensive account of global justice we need to ensure we resolve tensions between promoting freedom and equality, and ensure maximum scope

for participatory democracy while recognizing an important role for more Responsive Democracy where agency-based notions are notoriously unreliable at securing interests. My solution to some of these important desiderata is to endorse Democratic Equality and Responsive Democracy where necessary to complement and assist Democratic Equality. Furthermore, I aim to secure a robust space for self-determination is available through protection of the background conditions that enable this meaningful self-determination by endorsing mechanisms that come into play through Responsive Democracy and what is needed to secure Democratic Equality. My challenge to Langlois and Findlay would be that it would be interesting to hear from them how they would navigate these multiple desiderata and tensions and arrive at a position that secures for individuals more space for participation than I have been able to allow, while not at the same time being vulnerable to some important threats to our freedom, equality, and other desiderata of global justice.

THE APPROPRIATE ROLE OF LIBERTY AND IMMIGRATION IN AN ACCOUNT OF GLOBAL JUSTICE

Graham Findlay argues that despite the many merits of my account, I present an overly minimalist conception of equality and democracy and he explores some ways in which this minimalism affects my practical recommendations. He also criticizes the fact that I do not endorse a priority rule that favors liberty over other elements of a decent life. So, he argues, «there is no fundamental obstacle to trading off ... liberties against other components of the minimally decent life» (p. 2). He worries in particular about how my account might license authoritarian societies trading off liberty in the name of preventing potential harms. He argues that a strict priority principle would block such possibilities. He is also troubled by my position on immigration on several counts discussed in detail below. Let me start with responding to the concern about my alleged lack of priority for liberty.

First, there are a few fundamental obstacles that would be encountered should authoritarian regimes plan to override important basic liberties. Indeed they would meet resistance to such a strategy from each of the four central components that define core ingredients of a decent life on my view, namely ensuring due attention is paid to (1) enabling all to meet basic needs, (2) securing basic liberties, (3) fair terms of co-operation in social endeavours and (4) that social and political arrangements are in place that support (1)-(3). So to take each element in turn, we have basic needs, such as for autonomy, which would provide important constraints on trade-offs aimed at securing other objectives. Furthermore, enjoying liberties is a central component of a decent life, so the second core feature of a decent life provides resistance. Violations of fundamental liberties would also almost certainly violate fair terms of social cooperation in social endeavours, and undermine social and political arrangements that express and support key elements of a decent life. So it is not clear that authoritarian governments will be able to make many inroads trading off important fundamental liberties in the name of alleged harm prevention, as

proposed actions are likely to conflict with other core ingredients of what it is to have a decent life.

According to Findlay, my recommendations surrounding immigration policy apparently show some important dangers in failing to give lexical priority to a liberty principle. Furthermore, in contrast with my apparently restrictive view of immigration, Findlay claims that more migration would lead to more well-being in the world today, since many potential migrants lack minimally decent lives and more open migration allows such individuals to achieve this. He suggests that I have, therefore, (inter alia) not taken agency, especially migrants' agency, sufficiently seriously. But this charge of failing to take migrants' agency seriously seems too quick for several reasons. Here are two. It is not clear that allowing more migration does improve the prospects for decent lives for those left behind or indeed is the best option to pursue for the migrants themselves, especially in advancing their own agency. Many migrants would prefer to have a real choice to stay in their countries of origin, if only conditions were improved. I take this seriously by trying to focus rather on policies that would improve situations in home countries that give potential migrants the real choice to stay. Furthermore, because of the significant losses that must be born by those who remain when more skilled migrants leave, their situation is badly undermined and so this significantly affects their agency. I say more about these views shortly but continue for now with brief responses to other concerns Findlay presents concerning a further catalogue of additional complaints about my account of immigration.

Findlay also criticizes my account of global justice on three further grounds: (i) the skilled health care worker case I discuss is not «emblematic of international migration», (ii) the migration of individuals from poor countries to wealthy ones is an inappropriate «engine of global justice», and (iii) my alleged «suggestion that immigrants from overpopulated countries be required to live in underdeveloped parts of wealthy countries subjects immigrants to unfair coercion, restricts their freedom of movement compared to citizens in a discriminatory way and makes them a tool of the wealthy country's economic policy» (p. 5).

I address some of these complaints next. My discussion of the case study of health care worker migration is meant to be representative of one dominant kind of migration flow: that of skilled migrants from developing countries to the developed world. Not all migration follows this pattern, but it is a useful case study to show some important losses that must be acknowledged and that also mean that the policy which we support should attempt to address important setbacks to people's core interests, the minimal satisfaction of which are necessary for a decent life. To address the second issue, I do not think that migration of individuals from poor countries to wealthy ones is an inappropriate «engine of global justice». Rather, the position is more nuanced: certain kinds of migration programs are to be denounced as good ways to realize global justice, but others can be perfectly permissible, namely those that instantiate what I call «win-win» situations (to be discussed below). And other policy changes may yield further gains in progressing towards global justice still (about which more below as well). To address the third issue, I

do not believe that anyone should be required to live in a particular place as Findlay suggests in the claim cited in (iii) above. Rather, I describe a particular program in which various conditions are set on movement that are agreeable to all parties and work in everyone's favour and one important condition of this movement is that migrants must move to a particular location within a country. Furthermore, the particular kinds of migrant worker programs that do result in win-win situations, would by definition exclude those programs that involve the ills to which he refers in many actual real world migrant worker programs –high levels of coercion or surveillance– as it is hard to see how they meet the “win” criterion for the migrants themselves.

But first, some background will assist, especially understanding my motivation for writing the chapter on immigration in the way I did. Since much had been written (by cosmopolitans, in particular) about the ways in which increasing immigration to developed countries can be such an enormously progressive step, part of my aim in drawing attention to some detrimental effects was to make more visible some of the undesirable features of such movement that should give us pause, especially as cosmopolitans, in wholeheartedly supporting increased immigration, *without considering the rich possibilities for more nuanced options*. My ultimate aim is to stimulate thinking about what I unimaginatively call “win-win” situations, namely better policy proposals that work for all key stakeholder sets: source and home countries along with migrants (and these sets can be more finely dissected as well, since there are multiple stakeholders in each of the three main groups as well). I try to give some examples of what might count as such policies in *Global Justice*, section 8.2.4. where important losses are addressed in the details of the policies that are endorsed.

Many of the important reforms that are needed to address poverty are of an institutional nature. According to the institutional view, a key factor in addressing poverty is improving the quality of local institutions, for instance the rule of law that operates in the country, which includes institutions that provide dependable property rights, can manage conflict, maintain law and order, enable social and political stability, and sustain its regulatory capacity. Institutions that promote the rule of law make for an environment conducive to growth, innovation, investment in education, health, and infrastructure, all important in addressing poverty. So if creating better institutions is a significant component in helping people out of poverty, it may be that what helps particular groups of migrants meet their basic needs in the short term actually undermines the meeting of more profound needs, or more fundamental ways to meet needs, for those left behind in the longer run. These are the sorts of trade-offs we must squarely face if there is compelling evidence concerning such tensions.

High rates of migration can undermine the ability of those in source countries to meet their needs and promote other essentials of global justice, in securing basic liberties, fair terms of co-operation and social and political arrangements that support core ingredients for justice. Some of this failure happens through institutional damage but other damage occurs more directly, for instance, when fewer nurses are left in a country who are then able to attend to the health needs of developing country citizens. Another central

complaint is about the unreliability of remittances in securing core ingredients for global justice. I note the following negative effects which are observed for home countries: (1) the inflow of funds can create dependence for recipients; (2) dependence can encourage further migration, especially among the working age, productive adults; (3) both home and host countries can become dependent on continuing the arrangements; (4) economic activity can become depressed in countries of origin, which encourages more immigration; (5) needed economic reforms can be neglected, as are the creation of rewarding opportunities in the home country; (6) remittances decline over time –remittance flows are at their strongest between three and five years after departure; and (7) remittances may have a positive effect on transient poverty, but do not by themselves reduce structural poverty. While drawing attention to some negative effects, I also note a number of the positive effects of remittances as well: remittances put money directly in the hands of those who need assistance, consumption choices can have multiplier effects that spillover to others, the sheer magnitude of remittances (in many cases greater than the total for Foreign Direct Investment and other major exports) suggests that they are a considerable force, and so on.^{xv} While one might concede the value of remittances, one can also, quite consistently, express concerns about observed negative effects. I then suggest ways in which some of the negative effects can be addressed through skillful policy design.

Overall, my aim is to stimulate better policy design which takes account of positive and negative effects. The appropriate response to detrimental effects of brain drain is not to limit migration generally, rather it is to endorse policies that are “win-win” for all relevant stakeholders. Nuanced policy analysis needs to ensure everyone does gain adequately from migration policy and frequently this means more attention needs to be paid to the losses developing countries will sustain, losses which in many cases can be addressed through compensation though, interestingly, not always. (Though loss of service and funds are easier to compensate for, it is not always easy to see how to remedy institutional damage.)

While freedom, especially freedom of movement is important, just how it must be weighed against a variety of other equally important goals requires significant discussion. So, does specifying terms of exit undermine our legitimate freedom of movement? My overall position is that while everyone should share the costs associated with remedying global injustice, skilled professionals from developing countries can also be called upon to play their parts. Giving back a year of service, paying back funding received for tertiary education and the like, can be viewed as fair policies and, moreover, ones that do not importantly undermine freedom. As already noted, there is compelling evidence to suggest that institutions matter greatly in improving prosperity, whatever other factors are also significant.^{xvi} One of the most worrisome setbacks developing countries suffer from emigration is damage to institutions, institution-building, and therefore the loss that is sustained in opportunities for development and escape from poverty. When a highly skilled citizen of such a community leaves to take up employment elsewhere, there are a number of costs she now imposes on the community she leaves. Notably, there are the training

costs which are frequently heavily subsidized by the community, but there are others that are likely to have just as important an effect on development, such as the stream of services she would have provided, the loss of income from taxed wages, the loss of progressivity in fiscal arrangements, the fact that worse off citizens must now bear more of the cost of public goods, the contribution that person would have made to a well-governed community including participating in civic and political affairs, and, in general, the loss of people likely to be both important sources of demand and supply for better institutions. The departing individual therefore imposes burdens and as a beneficiary of the community's hospitality, nurturance, and protection, she has a duty to address the loss she has created for the community that helped her become the person she now is, notably, one who has been educated to a sufficiently high level that she is able to take up well-paying opportunities in a global employment market. She has clearly derived benefits here and therefore has incurred some relevant duties.

By leaving *without compensation*, emigrants create disadvantages for others. Those left behind are made more vulnerable by the emigrants' decisions, as the viability of their enjoying a decent society could be under threat, so they deserve protection from the disadvantages the emigrants have now created for them. Furthermore, when governments invest scarce resources in creating human capital to provide for the needs of their citizens, they are entitled to fair returns on their investment and so they are entitled to claim compensation from those who will benefit from their investment; indeed, not to do so would be to squander public resources.

By specifying terms of departure –such as the permissibility of developing countries implementing compulsory service programs or that developed countries may be required to pay compensation– are we undermining the freedom of emigrants unfairly, or unfairly limiting their opportunities? In response, I note that this kind of objection focuses on the freedom of those who choose to leave, rather than the freedom of those left behind: Should they not also be able to enjoy the freedom to live and work in their home country? Without compensatory or interventive measures, members of the developing country face important losses which we should not reasonably ask people to accept. We should try to secure for all a genuine opportunity to live and work in their home country. Failing to take action or “doing nothing” is not in fact “doing nothing” but rather ignoring the disadvantages the most vulnerable must face, and favoring the interests of the better off over the less well-off. Equal consideration of the interests of the less well-off, requires that their needs and interests be given at least equal weight to the interests of the emigrants.

Would imposing costs (such as one year of compulsory service) on those who wish to leave not be a way of unjustly limiting the freedom of movement of these people? Though freedom of movement is an important liberty that we should be allowed to enjoy, even within the most well-functioning communities this liberty always has various limits attached to it. I may not freely move about in ways that conflict with people's property rights, for instance, I may not freely move into your house without your permission. Other

cases where limiting freedom of movement can be justified include: quarantining people for public health reasons or limiting people's abilities to use particular threatened habitats in efforts to protect them. The limits of my freedom of movement often coincide with harms or setbacks to others' important interests, and so it is precisely an open question if we have identified setbacks to others' important interests that should have some appropriate weight. While we do generally think freedom to dissociate should have some considerable force, notice that we do sometimes think exit costs are appropriate. Our practices around fair dissolution of marriages recognize the permissibility of specifying terms under which dissolution may proceed, especially the permissibility of requiring financial transfers to be made to parties whose important interests would otherwise be compromised and requirements concerning ongoing care for vulnerable parties, notably children. So we already have quite established practices of how to recognize and acknowledge the importance of freedom while balancing this freedom in sophisticated ways with addressing losses. There is no reason why similar arrangements concerning migration would show any less respect for our freedom when they also set appropriate conditions on the exercise of that freedom.

NOTES

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- ⁱ Elizabeth Anderson, "What is the Point of Equality?" *Ethics* (1999): p. 312.
ⁱⁱ *Ibid.*, p. 315.
ⁱⁱⁱ *Ibid.*, p. 320.
^{iv} *Ibid.*, p. 319.
^v *Ibid.*, p. 313.
^{vi} Ruth Grant and Robert Keohane "Accountability and Abuses of Power in World Politics" *American Political Science Review* 99/1, 2005: 29-43.
^{vii} This is a term introduced by Andrew Kuper to describe a model not at all dissimilar to the interest-account Weinstock discusses. See *Democracy Beyond Borders* (Cambridge: Cambridge University Press, 2004).
^{viii} Daniel Weinstock, "The Real World of (Global) Democracy", *Journal of Social Philosophy* 37 (2006): 6-20, p. 9.
^{ix} *Ibid.*, p. 14.
^x Kuper, *Democracy Beyond Borders*, p. 84.
^{xi} *Ibid.*, p. 113.
^{xii} See, for instance, Allen Buchanan and Robert Keohane "The Preventive Use of Force: A Cosmopolitan Institutional Proposal" in Christian Barry and Thomas Pogge (eds.) *Global Institutions and Responsibilities: Achieving Global Justice* (Malden, MA: Blackwell, 2005): 253-279; David Held and Mathias Koenig-Archibugi (eds.) *Global Governance and Public Accountability* (Malden, MA: Blackwell, 2005); Kuper, *Democracy Beyond Borders*; and Anne Marie Slaughter *A New World Order* (Princeton: Princeton University Press, 2004).
^{xiii} For more on these arguments for improved global institutions see, Gillian Brock *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009), Chapters 5-9.
^{xiv} Anderson, "What is the Point of Equality?", p. 319.
^{xv} See *Global Justice*, Chapter 8, for more on these arguments.
^{xvi} See, for instance, Dani Rodrik (ed.) *In Search of Prosperity: Analytic Narratives on Prosperity* (Princeton: Princeton University Press, 2003).