

LUIS CABRERA

Migration, the 'Brain Drain,' and Individual Opportunities in Gillian Brock's Global Justice

Gillian Brock's *Global Justice: A Cosmopolitan Account*, makes significant contributions to a range of debates within international political theory. She engages deftly with rigid nationalists and other critics of cosmopolitanism throughout the work, reinforcing the case for a global application of principles of justice. Further, section two of the book is a model for the nuanced and empirically informed application of theoretical principles to border-spanning issues. Overall, the work is a rare combination of theoretically ambitious arguments and practical, present-day applications.

In this article, I want to offer a sympathetic, mostly immanent critique of Brock's stance on accommodating national identity in a cosmopolitan frame. Specifically, I will suggest that her account does not go quite far enough in addressing the limitations on opportunities available to most persons born into less-affluent states. Brock is right to insist that all individuals should have at least 'decent' opportunities to form and pursue their own life plans, regardless of the state citizenship they hold. However, her reasons for stopping at the minimum, and for imposing some restrictions on individual mobility, are partly grounded in a conception of cultural difference that may be unduly rigid. A conception which creates more space for what individuals within cultures or states may themselves value and want to pursue, including across state boundaries, would be more defensible within a cosmopolitan frame.

Global Decent Opportunities

Cosmopolitanism will be understood quite broadly here as an approach to moral theory in which individuals, not states or other groupings, are morally primary.¹ A non-cosmopolitan approach is generally one in which nation-states and possibly other groups are seen as morally significant in themselves, rather than just instrumentally significant as promoters or protectors of the interests of the individuals they contain.² Brock's approach, as the subtitle of her book proclaims, is firmly in the cosmopolitan camp. Throughout, she is concerned to

1. See Brock (2009), ch. 1; Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd Edition (Cambridge: Polity Press, 2008), p. 175; Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), pp. 3-4.

2. See David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

identify the principles and practices that would flow from treating the individual as morally primary in the global system. A significant secondary emphasis in her work, however, is on accommodating the national sentiment that most persons hold, or creating ‘ample space ... for a legitimate kind of nationalism’ (p. 4).

Brock is clear that giving priority to compatriots in distributions would be justifiable only when the basic needs of all persons in the world have been met (p. 265). She criticizes accounts such as Rawls’s Law of Peoples, which would effectively hold individuals within less-affluent states responsible for the poverty ostensibly produced by their own political cultures (pp. 26-27). She also makes the case for a robust set of basic liberties, including freedom of speech and association, that would obtain within all states (ch. 6). She relies in large part on reasons of cultural difference, however, to justify restrictions on some individual opportunities at the global level. She argues for an emphasis on democratic empowerment and providing minimally ‘decent’ opportunities for all, or removing some of the steepest barriers in the way of individuals achieving their own aims.

No matter what goals people have in life, their achievement is going to be more likely if we eliminate barriers that impede human agency, and these include not having secure access to clean water, food, sanitation, education, health care and so on (p. 62).

A halt at the ‘decent minimum’ is justified in part through a critique of Darrel Moellendorf’s well-known, culture-blind account of global equality of opportunity. This approach holds that a defensible global system would be one in which ‘a child born in rural Mozambique would be statistically as likely to become an investment banker as the child of a Swiss banker.’³ For Brock, such an approach both privileges one kind of culture - Western European in this case - over another, and most crucially, it is seen as giving too little attention to cultural difference. In her words, ‘different cultures value different ends or goods, and the desirability of a position will often vary in accordance with these different valuations’ (p. 59). This emphasis on distinctions between cultures, or the different ends valued by different cultures, is evident in other discussions throughout the book.

While diversity is undoubtedly an immutable feature of human society, I will suggest that such a view tips too far toward a view that cultures are monolithic or wholly cohesive, and that they are in some strong sense incommensurable. If cultural difference is a reason to halt at a relatively low minimum of provision and restrict some individuals’ access to life opportunities, that could also give reason to restrict provision of goods and some opportunities within even multicultural or multinational states such as India, Spain, the United States, etc. For example, cultural variations between the Basque, Catalan and Castilian groups within

3. Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, CO: Westview Press, 2002), p. 79.

Spain might be cited as justification by one group to deny some educational or vocational opportunity to members of another.⁴

Perhaps more essentially in the context of this article, a strong emphasis on cultural differences creates significant tension for a cosmopolitan account such as Brock's. That is, a cultural difference critique implies that there is no moral requirement to aid individuals who seek opportunities not valued - or perceived to be valued - by their birth culture. Such an account could deny provision of goods or opportunities above the minimum that individuals want, and which those within a range of affluent states presume as their own birthright, because of a claim that their birth states or cultures don't want them.⁵ It brings a cosmopolitan account much closer to some nationalist ones, in which individuals are said to understand only with co-nationals which social goods should be distributed and at what level.⁶

Most importantly here, it could be in strong tension with Brock's reliance on a global original position exercise, in which participants seek to derive fair principles of global distribution while being ignorant of their own birth cultures or states. It seems clear from Brock's discussion of the global original position why individuals would want to ensure that they would not fall below some minimum floor of social provision, whatever might befall them in life. It is less clear why such individuals should want to deny themselves access to the provision of crucial life goods or broadly desirable opportunities beyond the minimum, should they find themselves situated in less-affluent states once the global veil of ignorance is lifted. Such a point is particularly salient for all-purpose goods such as education. Education arguably is as valuable and necessary to securing human agency as the universal entitlement to democratic participation and responsive institutions posited by Brock, yet to halt at a 'decent minimum' of education - perhaps to

4. See Simon Caney, 'Justice, Borders and the Cosmopolitan Ideal: A Reply to Two Critics,' *Journal of Global Ethics* 3/2 (2007) 269-76.

5. Elsewhere, I have argued at some length against halting at minimum provision of those life goods that can equip individuals to pursue fundamental life opportunities, and for a conception of adequate opportunities that would include much freer movement of individuals across national boundaries. See Chs. 2-3, Luis Cabrera, *Political Theory of Global Justice: A Cosmopolitan Case for the World State* (London: Routledge, 2004). More recently, I have focused on the ways in which a commitment to human rights will tend to support a commitment to more than 'basic rights' for individuals. That is in part because of the ways in which a further commitment to secondary and tertiary rights often is necessary to secure basic rights. The right to life, for example, gives rise to closely related rights to adequate shelter, which themselves may be fully secured only when individuals have robust legal and political rights to security of tenure, habitability, affordability, availability of core services, etc. I have focused also on the importance of enabling individuals to mount their own challenges before a neutral judge to exclusions from specific kinds of opportunities, particularly ones instrumentally important to securing core rights. The issue of just where to set a provision, opportunities, or rights threshold is appropriately settled in part through such contestation, as discussed below in the context of the non-discrimination principle in the European Union. Crucial among cosmopolitan duties would be ones to promote movement toward institutional structures, including above the state, where such challenges can be lodged. See Chapter 2, Luis Cabrera, *The Practice of Global Citizenship* (Cambridge: Cambridge University Press, 2010).

6. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983). See also Miller (2007) and David Miller, 'A Spoonful of Sugar Helps the Medicine Go Down: Gillian Brock on Global Justice,' *Journal of Global Ethics* 5/3 (2009) 253-59. Miller cites approvingly Brock's cultural distinctiveness rejection of global equality of opportunity, while being critical of several aspects of her cosmopolitanism.

basic literacy and computational skills - could leave those in less-affluent states with much lower levels of citizen competence,⁷ and far less able to effectively press their interests within democratic institutions.

Further, if the conditions for securing human agency - where agency is understood as the ability to formulate and pursue a life plan from a reasonably broad menu of options - are foremost among the concerns of a cosmopolitan such as Brock's, then restrictions on human movement can be highlighted as one of the key barriers impeding the full exercise of agency in the current global system. Brock does, in fact, entertain the idea that immigration restrictions could be justified in ideal theory by the value some persons place on 'cultural community' in their own life plans, and ways in which an influx of outsiders could change a culture (p. 191). It is not *prima facie* evident, however, why those persons' interests in maintaining some closed cultural grouping would outweigh others' interests in pursuing more than the minimum in life opportunities, or why a general preference for those perceived as one's own kind should be viewed as innately valuable or worth accommodating. The range of opportunities available to those born into a less-affluent state, even one where the decent minimum has been met for all persons, still would be far more limited than that available to those born into affluent states. They could have very strong reasons to want to pursue opportunities in other states that are not available at home, even if their access to resources and opportunities at home meets some minimum sufficiency standard. The issue is taken up below in the context of free movement within the European Union.

Immigration, Free Movement and the Brain Drain

Brock certainly is aware that individuals in the current system often move across state boundaries in order to improve their own set of opportunities,⁸ and her practical discussion of immigration issues is typically nuanced and instructive. She offers important warnings against seeing immigration itself as a cure for global poverty and related problems, and she considers some limited and short-term conditions under which freer immigration could be both justifiable and advisable. I will focus here on a relatively narrow issue that is treated at some length in Brock's work: the 'brain drain' from the Global South. In this context, a key question is whether individuals such as physicians have strong duties to remain in their home states and contribute to economic and development efforts, or the more essential relief of suffering. Conversely, the question arises whether it would be justifiable to restrict the migration of such individuals. Clearly one of the most vital unmet needs for those within less-affluent states is access to adequate

7. See Stephen L. Elkin and Carol Edward Soltan (eds), *Citizen Competence and Democratic Institutions* (University Park, PA: The Pennsylvania State University Press, 1999).

8. More than 213 million persons worldwide are estimated to be living as immigrants. United Nations Population Division, 'World Migrant Stock: The 2008 Revision,' <<http://esa.un.org/migration/>>

health care. The World Health Organization has estimated that the world as a whole faces a shortage of 4.3 million physicians, nurses, and other health care workers.⁹ Critical shortages are identified in many states of sub-Saharan Africa, south Asia, Central America and other less-affluent regions. Meanwhile, shortages related to aging populations and inadequate investment in medical training have led many affluent states to actively recruit health-care professionals from less-affluent states.¹⁰

Private labor brokers in various countries aggressively recruit for health-care and other employers, simultaneously selling employers the prospect of a well-trained or easily manageable work force, and employees the prospect of 'American dream' style material prosperity and stability.¹¹ Such recruitment raises significant issues in a global justice frame, since it actually can constitute a subsidy paid by less-affluent states to affluent ones, as when a physician or nurse's full course of training is subsidized by the poorer state and that person then is persuaded to take a position in the richer one. Some affluent states have, in fact, adopted codes of ethical medical recruitment, responding to just such concerns, and the World Health Organization and other organizations have advocated the widespread adoption of such codes.

In the United Kingdom, for example, the 2004 'Code of Practice for the International Recruitment of Health Care Professionals' offers a set of best-practice benchmarks in accordance with the understanding that 'Active international recruitment must be undertaken in a way that seeks to prevent a drain on valuable human resources from developing countries.' Recruitment should not be undertaken at all, the code specifies, in states that do not have specific agreements with the British government. It also specifies, however, that individuals from less-affluent states who 'volunteer themselves by individual, personal application' may seek employment in the British health system.¹² As Brock rightly notes, such codes, being voluntary on those health agencies or recruiting firms actually targeting overseas health care workers, are limited in their power to effect change (p. 202). She argues persuasively for the creation of an international agency that would have the power to obtain compliance with an international code of practice accepted by all states, including the power to levy fines on violators.¹³

9. World Health Organization, *World Health Report* (2006) <<http://www.who.int/whr/2006/en/>>

10. Paul Clark, James Stewart, and Darlene Clark, 'The Globalization of the Labour Market for Health-Care Professionals,' *International Labour Review* 1451/2 (2006), 37-64; Bridget Keuhn, 'Global Shortage of Health Workers, Brain Drain Stress Developing Countries,' *Journal of the American Medical Association* 298/16 (2007), 1853-55.

11. See Anna Romina Guevarra, *Marketing Dreams, Manufacturing Heroes: The transnational labor brokering of Filipino workers* (New Brunswick, NJ: Rutgers University Press, 2009).

12. United Kingdom Department of Health, 'Code of Practice for the International Recruitment of Health Care Professionals' (2004), <http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4097730>.

13. See also Devesh Kapur and John McHale, 'Should a Cosmopolitan Worry about the 'Brain Drain'?' *Ethics & International Affairs* 20/3 (2006) 305-19.

The creation of such an agency, presuming it actually would have the powers to obtain compliance with a globally agreed code, could bring significant benefits. We must first inquire, however, into the principles that would guide the creation of such a code, in particular the principles that would help to determine individuals' physical and social mobility. This is where the question of the justifiable restrictions placed on those within less-affluent states becomes quite salient. For example, a stringently nationalist approach could hold that doctors and nurses, who represent valuable resources to their compatriots in less-affluent states, would have very strong duties to remain in their home states and contribute to overall efforts to improve material circumstances and life chances there.¹⁴ A code guided by such a focus on the needs of less-affluent sending communities conceivably could incorporate restrictions on the movement of health professionals under most circumstances.

Yet, to impose such rigid limitations on the physical and social mobility of individuals could be to make the 'luck of birth' doubly disadvantageous to them. They already have faced the challenges inherent to being born into an impoverished state or region, making it more difficult in general for them to attain access to adequate life resources and opportunities. A restrictive emigration code could mean that even if they are able to position themselves, through diligent study and a range of personal sacrifices made over many years, to enjoy some social mobility by undertaking a physical move, it will be that same birth placement that will forbid them from making such a move.¹⁵ No such restrictions, presumably, would be put in place on the movement of those who already had been fortunate enough to have been born into an affluent state, undertaken the same training, and been able to avail themselves of the package of benefits that accompany the role of the highly skilled medical professional in such a state.

Brock, whose discussion of the brain drain again offers a number of useful insights and practical proposals, would nonetheless support some mobility restrictions on skilled professionals. For example, she suggests that physicians and nurses trained within less-affluent states could be subject to some compulsory service requirement in their home states, and that developing states should reinforce such requirements 'for instance, by not issuing visas to those who have yet to perform the necessary service' (p. 202). Such a requirement certainly would hold the prospect of improving health-care coverage in severely underserved states. Yet, it also could unfairly penalize those health-care professionals.

14. See Miller (2007) and Lea Ypi, 'Justice in Migration: A Closed-Borders Utopia?' *The Journal of Political Philosophy* 16/4 (2008) 391–418.

15. See Jagdish Bhagwati, 'Borders Beyond Control,' *Foreign Affairs* 82/1 (2003) 98–104.

Two sets of considerations are important here. The first are the circumstances under which compulsory service requirements are widely presumed to be acceptable. For example, it is common practice in many states for individuals undergoing training for some professions to accept relatively generous scholarship and other support packages in exchange for an explicit, contractual promise to work for some period of time in an underserved area after graduation. In the United States, for example, the National Health Service Corps has since 1972 offered significant scholarship or loan support to medical trainees who agree to assignments to underserved rural or inner-city areas. A few years of service at the designated site results typically in student-loan forgiveness or related benefits.¹⁶ Nearly 70 similar programs have also been operated by U.S. states themselves, separate from the federal program.¹⁷

Individual students are not expected, however, to be bound to a specific site in exchange for more routine educational subsidies. Those physicians trained in medical schools supported by a specific U.S. state, for example, are not required to remain in that state upon completing their training. Certainly they are required to repay any loans they have taken, whether low-interest loans subsidized by government or standard bank loans, but if they have not entered a contract providing them specified benefits in exchange for serving some period in an underserved area, they are free to move to another state, or indeed another country. We must ask why it would be justifiable, rather than simply expedient in a global system marked by vast inequality, for the mobility of medical trainees receiving only the routine subsidies that underwrite public higher education to be restricted.

That is not to say that individuals in any situation cannot justifiably be enlisted or socially conscripted for relatively brief periods in times of acute need. Nor is it to say that those with special abilities to alleviate suffering might not have special duties to help do so, in somewhat the same way that the very rich could be asked to contribute more of their wealth to the alleviation of poverty. It is to suggest that there is little justification for placing burdens on professionals in less-affluent states that would not also routinely be asked of those in affluent states. Some form of incentive program, which is also among Brock's suggestions, would seem more defensible, as discussed below.

A second reason why we should not want to promote restrictions on the mobility of individuals within less-affluent states as a means of alleviating suffering or

16. T.J. Cullen, L.G. Hart, M.E. Whitcomb, R.A. Rosenblatt, 'The National Health Service Corps: Rural Physician Service and Retention,' *Journal of the American Board of Family Practice* 10/4 (1997) 272-79; National Health Service Corps, 2009, <<http://nhsc.hrsa.gov/about/>>.

17. D.E. Pathman, T.R. Konrad, T.S. King, D.H. Taylor Jr., and G.G. Koch, 'Outcomes of States' Scholarship, Loan Repayment, and Related Programs for Physicians,' *Medical Care* 42/6 (2004) 560-68.

promoting development, is that the perceived empirical constraints underlying such a prescription actually may be in doubt. I will not attempt to draw any firm conclusions on the empirical matters here, but it is important to note that there has been significant specialist debate about the benefits that can be produced for even very poor sending countries by the emigration of highly skilled professionals. Such benefits have been explored in the context not only of remittances, but in the promotion of trade, technology transfers, and possibly in the enhancement of higher education in the sending country. That is, the prospect of overseas employment may encourage individuals to undertake advanced training, with some number of those actually electing to stay in their home states.¹⁸ Remittances do tend to provide uneven benefits within less-affluent states, and there are reasons to be skeptical of any firm expectations that skilled workers will remit more money than others.¹⁹ However, the possibility that the emigration of medical professionals and similarly highly skilled workers may provide significant benefits, along with the more obvious costs, to less-affluent states, should caution against any narrow thinking about appropriate prescriptions.²⁰

Of course, the severe and ongoing deprivations in health care access, compounded by many other deprivations in developing states, should not be ignored simply because it would not be justifiable to place a disproportionate burden on professionals in less-affluent states. Aid from affluent-state governments, NGOs and other sources can be targeted to specific such needs. Within a cosmopolitan framework, émigré medical professionals from targeted countries could justifiably be asked to discharge general duties to others with special emphasis on their home states or regions. We need not refer to some primordial or nationalistic connection to establish such a duty, but to the special knowledge that those reared and trained in a specific context will tend to have of the needs there. Such an understanding of duty is foregrounded, for example, in the International Organization for Migration's program, 'Migration for Development in Africa,' begun in 2001 and now involving more than a dozen countries on the continent. The program seeks to match volunteers in Africa's professional diaspora to training and other needs that they can help to fill in their sending states.²¹

18. Lucas, Robert E.B. Lucas, *International Migration and Economic Development: Lessons from Low-Income Countries* (Cheltenham, UK: Edward Elgar, 2005), pp. 371-80; see Andrew Mountford, 'Can a Brain Drain be Good for Growth in the Source Economy?' *Journal of Development Economics* 53 (1997) 287-303.

19. Riccardo Faini, 'Remittances and the Brain Drain,' Institute for the Study of Labor (IZA) Discussion Paper No. 2155, June (2006), <<http://ftp.iza.org/dp2155.pdf>>.

20. For an instructive summary discussion of positives and negatives associated with skilled outmigration, see Kapur and McHale (2006) pp. 309-13.

21. International Organization for Migration, 'A Global Strategy of Migration for Development Beyond the MIDA Approach to Mobilizing and Sharing of Human and Financial Resources of the Overseas African Community: 2006-2010 (2006), <http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/mida/global_strat_mida.pdf>.

Conversely, as well elaborated by Brock (pp. 208-209), when affluent states or labor brokers actively recruit within less-affluent states, they can be expected to pay compensation for the disruption. Even if it were the case that emigration by medical professionals and other highly skilled workers provided a net economic benefit in the aggregate, its near-term and local social effects can be jarring, especially in communities or regions where a single physician serves thousands of individuals and departs without immediate replacement. In terms of aid again, less-affluent states can make use of targeted payments to train and provide retention incentives for skilled professionals. Malawi, for example, undertook in 2004 a six-year 'Emergency Human Resources Programme.' With \$278 million in funding from Britain, the Global Fund to Fight AIDS, and other sources, the country provided pay raises to more than 5,000 physicians and health care staff, and recruited 700 health care staff and worked to improve working and living conditions for them.²² Other retention efforts have focused specifically on the problems that AIDS epidemics in specific countries pose, including in cases where a significant proportion of health workers have become infected and died.²³ Even amid these kinds of efforts, such states face significant challenges to training and retaining skilled professionals, but the efforts are representative of ways of addressing the issue that would be consistent with an approach in which individuals are seen as morally primary.

Opportunities to Contest

It remains legitimate, I think, for the cosmopolitan to question why national sentiment should be treated differently from other forms of group identification, including racial or ethnic identification.²⁴ Moral and distributive priority to co-racials has generally come to be seen as illegitimate, in that it often fails to fully respect the humanity of the other. National sentiment, though not without its challengers, is viewed in general as much more benign or positive. This may be attributable to the structure of the current global system, where mostly discrete nation-states remain the final decision-making authorities in most areas, and where they mostly tell their own stories about and to themselves. An alternative that can be considered by the cosmopolitan is a more tightly integrated system in which individuals have greater mobility across borders, and where they have some greater ability to challenge political decisions or procedures that have impact on their lives, including above the state.

Brock would include the latter kind of impact or 'all-affected' principle among the basic liberties that should be enjoyed by all persons within all states. It is

22. Keuhn (2007).

23. World Health Organization, 'Taking stock: Health worker shortages and the response to AIDS' (2006), <http://www.who.int/hiv/toronto2006/TTR2_eng.pdf>.

24. See Paul Gomberg, 'Patriotism is Like Racism,' *Ethics* 101/1 (1990) 144-50.

rendered in the domestic context as ‘the ability to have influence, equal with that of others, in decisions that affect one’ (p. 155). She also advocates a number of global institutional changes intended to achieve greater democratic equality or forms of ‘responsive democracy’ in the global system. These include the above-mentioned body to oversee the international recruitment of health workers, a body to oversee fair collection of tax revenues and administer distributions through a ‘global justice fund,’ and a global body to address climate change (p. 310). The more closely integrated institutional alternative, which can only be outlined in the space available, would be aimed in part at affording individuals more concrete input through transnational parliaments or similar elective bodies - agency democracy in Brock’s account - and also to enable them to challenge their own exclusions via relatively strongly empowered suprastate judicial bodies - a form of responsive democracy.

The European Union provides a partial model. The EU blueprint cannot, of course, be exported wholesale to other regions of the world. However, the union’s still-evolving institutional forms serve as an invaluable living laboratory for the study of both what may be possible to achieve in the creation of institutions above the state, and how such institutions may enable individuals to enhance their own access to rights protections. In the context of fair opportunities for individuals, the EU is significant as an instance of a system in which individuals from various member states, who arguably have seen their ‘decent minimum’ met in terms of needs, nonetheless have been able to exercise free movement in order to pursue higher-level educational, vocational and other opportunities in other states. Large numbers of individuals from relatively less-affluent, recently acceded member states such as Poland have made use of such opportunities in recent years.²⁵ Crucially here, individuals, including from some more affluent states, have increasingly been able to challenge in a suprastate court some exclusions from distributions as migrants. For example, in a European Court of Justice case decided in 1998, a Spanish citizen living in Germany successfully challenged her exclusion from the German child-raising allowance.²⁶ In a separate case decided in 2001, the Court ruled that Belgium was wrong to withhold public funds from a French student who had applied for the Belgian subsistence allowance.²⁷ More recent cases have also challenged differing levels of provision to students from other EU member states,²⁸ and cases dealing with a much broader range of

25. The United Kingdom, Ireland and Sweden waived phase-in requirements for citizens of eight Eastern European states after their EU accession in 2004. The number of Polish citizens living in other EU states more than doubled from 2004-07, to 1.9 million. World Bank, ‘In Focus: An Update on Labor Migration from Poland’ (2008), <<http://siteresources.worldbank.org/ECAEXT/Resources/258598-1225385788249/infocuslaboroct08.pdf>>.

26. Case C85/96 *Martinez Sala vs. Freistaat Bayern* (1998), ECR I-2691; see Willem Maas, *Creating European Citizens* (Lanham, MD: Rowman and Littlefield, 2007), pp. 64-65.

27. Case C-184/99 (2001). *Rudy Grzelczyk v Centre public d’aide sociale d’Ottignies-Louvain-la-Neuve*.

28. Adam Cygan and Erika Szyszczak, ‘Current Developments: EU Citizenship,’ *International and Comparative Law Quarterly* 55/4 (2006) 977-82.

potential rights violations have been adjudicated within the European Court of Human Rights.²⁹

While the EU still lacks a cohesive or robust social-welfare regime at the regional level, the above highlights some mechanisms by which individuals can seek more robust opportunities and challenge their own exclusions within a more integrated system.³⁰ They do so as members of diverse cultures and states joined in a set of common political and juridical institutions. The discussion, while again only illustrative,³¹ points to ways in which a more tightly integrated supranational system, at the regional and possibly global level, could provide checks against unfair limitations of individuals' life opportunities. It would be a system in which individuals, including those born into less-affluent states, would be able to choose from a broader range of opportunities via movement across national boundaries. It also would be a system aligned with Brock's own emphasis on enabling individuals to press for democratic equality and broader democratic responsiveness from institutions. As such, it could be an appropriate cosmopolitan ideal, both for the near and longer terms. In the near term, the caution with which Brock treats societal 'strains of commitment' throughout her work is highly salient, and sweeping demands for system integration or much more liberal immigration regimes are highly likely to be rejected. An emphasis on the rights-enhancing potential of integration can, however, inform such immediate questions as Turkish accession to the European Union, as well as the question of deeper integration among Mexico, Canada and the United States. In the much longer term, the more integrated alternative provides a global institutional model that could more fully satisfy demands of fairness to individuals within the cosmopolitan frame, in part by giving them the means to lodge their own challenges to exclusions.

Luis Cabrera
University of Birmingham
a.l.cabrera@bham.ac.uk



29. See Helen Keller and Alec Stone Sweet (eds), *A Europe of Rights: The Impact of the ECHR on National Legal Systems* (Oxford: Oxford University Press, 2008).

30. See also Andrew Linklater, *The Transformation of Political Community* (Cambridge: Polity Press, 1998), pp. 191-92.

31. See Cabrera (2010) for a more comprehensive treatment.