

## **BOOK REVIEW APPLICATION IN THE MIGRATION POLICIES CONTEXT: APPLICATION IN THE MIGRATION POLICIES CONTEXT**

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WALDRON, Jeremy. **Political political theory**: essays on Institutions. Cambridge, MA: Harvard University Press, 2016.

"Political Political Theory: Essays on Institutions" by Jeremy Waldron (Harvard University Press, 2016) is a collection of essays that delves into the intricate world of political theory and institutions. Throughout its twelve chapters, Waldron discusses theories addressing politics and the way political institutions house and frame disagreements about social ideals within an orderly democratic system. He does not completely disregard the normative dimension of politics, in fact, he affirms that "we certainly do need a sophisticated philosophical understanding of the layers of value that are implicated in the assessment of political institutions", but he firmly believes that as political theorists the core of the reflections should be the political institutions, as it is through institutions that large-scale modern politics must take place.

He navigates different and remarkable democratic institutions building interesting comments and parallels between them. One of his first affirmations is that "it is a mistake to think of the exercise of political power as something simple". He couldn't be more right. This applies to different perspectives and political scenarios but regarding the migration policies context, there is a specific issue in this book related to this affirmation that is worth commenting on. The exercise of political power brings together a difficulty of representability based on a natural disagreement among people being represented as there is no such unitary thing as "the people," who are ruled by the laws, but there are a diverse amount of persons, so there are many different interests and values that should (or should not) be taken into consideration.

His idea on the issue of divergencies in society starts from an apparently true idea but later develops in an inaccurate frame of reality. He assumes that there is a strong commitment on the part of most members of society to the idea of individual and minority rights. This sounds just about right. When dealing with migration issues, except for usually some nationalists and utilitarian theories, generally, there is an agreement in defending migrants' rights, which one can see corroborated in numerous international documents, for example, the latest two global compacts.

Nonetheless, subsequent to this discussion, Waldron proceeds to articulate certain political notions that may not readily align with the context of migration. He contends that despite the existence of individuals who adhere to a utilitarian perspective emphasizing the pursuit of the common good and embrace majority rule as a general principle in politics, they also recognize that individuals possess specific interests and are entitled to certain freedoms that should not be denied merely for the convenience of the majority. According to Waldron, these individuals advocate for the entitlement of minorities to receive a certain level of support, recognition, and insulation, which is not necessarily guaranteed solely by their numerical representation or political influence. Moreover, Waldron asserts that the intricacies of the prevailing theory of rights require no further elucidation, assuming that this collective commitment to rights across society entails an awareness of the universal concept of human rights and the historical evolution of thought on rights. He posits that this commitment represents an ongoing consensus, continually developing and evolving.

Therefore, he is assuming that general respect for individual and minority rights is a serious part of a broad consensus in society, part of the most prevalent body of political opinion, and certainly part of the official ideology. Nevertheless, in specific thematic contexts, the political element takes on discursive contours. The effectiveness of human rights finds in the difficulties of coercion of the international system an obstacle that requires adhesion of the subjects of international law for its improvement. Adhesion that, in certain circumstances, integrates political processes of a narrative constructed and which does not, therefore, necessarily through endogenous persuasion movements. Thus, one can see there is no consensus in society about human rights, and even if there is, there is every sort of normative element trying to deny it (economic, nationalist, etc.).

Expanding on the topic, Waldron posits that various worldviews can reasonably emerge from different vantage points, contributing to the emergence of diversity. It is impractical to assume that all our differences solely stem from ignorance, obstinacy, or the pursuit of power, status, or economic advantage. Undoubtedly, each politician or political activist holds conviction in their own principles and proposals, believing that they are substantiated not only by their personal will or interests but also by the objective interplay of compelling reasons. The fundamental explanation for such disagreement lies once again in the inherent complexity of the issues at hand and the multitude of perspectives we bring to bear upon them.

Even though he accepts the idea of disagreements in society, considering them major issues of political philosophy with significant ramifications for the lives of many people, and understands that those choices are placed in a context of existing moral and political debates and that are focal points of moral and political disagreement in many societies, his solution to that is basically placed

in the at the institutional level. It happens that the migration context is strongly remarked by the institutional fragility and ineffectiveness of migration regimes.

Migration, particularly its international management, is an inherently dynamic phenomenon that gives rise to significant disagreements rooted in normative theoretical inquiries and empirical assertions made by various stakeholders. These actors encompass countries of origin, transit, and destination—both developed and developing—as well as refugees, asylum seekers, and immigrants. In essence, the diverse participants in this complex phenomenon continuously formulate and revise a wide array of strategies, practices, and policy frameworks. From the perspective of normative political theory, these endeavors reflect fundamental principles, bases, and values, often characterized by competition and contradiction. Political values such as freedom, equality, equity, justice, security, sovereignty, and democracy are subjects of discourse, yet the corresponding institutional changes required to translate these aspirations into workable realities are frequently absent.

In sequence, Waldron understands that members of the community are committed to rights, but they disagree about rights. In fact, he believes most issues of rights are in need of settlement not so much to dispose of the issue— nothing can do that— but to provide a basis for common action when action is necessary. That is precisely where we find the most obstacles in migration law. Usually, the States adhere to the structures of protection of the human being, contribute to the construction discourse of the universality of these rights and, when are being confronted with the need to act definitively to promote what is concretized in the norm, they are reluctant. Thus, Political needs create the right and the same policy later resists the effectiveness of the established regulatory body.

In his analysis, Waldron asserts that it is essential for individuals to recognize that occasional discrepancies may arise between what they perceive as the morally correct choice and the decision generated by the legitimate decision-making procedure they endorse. He references Richard Wollheim's "paradox in the theory of democracy," which represents a broader paradox encompassing any political theory that combines its prescription of what should be done with an account of how decisions should be made in situations where there is disagreement about what should be done. This paradox has implications for democratic institutions, as it occasionally results in the enforcement of unpopular decisions regarding rights. However, when a citizen who dissents from a new law questions why she should comply with it, democratic institutions should be structured and trusted sufficiently to be able to affirm that vigorous and robust debates took place during the law's deliberation. Furthermore, they should emphasize that the law was enacted through a fair process of deliberation and decision-making, respecting the due process of law. Consequently,

democratic institutions, along with the democratic process itself, maintain integrity throughout the political-making process.

It happens that in migration issues, the factual limits imposed by politics go beyond the analysis of institutionality. This institutionality, even subject to criticism, represents an undeniable improvement of structures when placed in a not-too-distant historical perspective. Nevertheless, the current common legal structures, the example of international integration organizations, often seem incapable of responding to imbalances between sovereignties and of correcting compromised power relations. Thus, the normative discourses that claim neutrality lose their meaning when confronted with reality and end up silenced. Lost or not sure how to rationally meet those challenges, international actors tend to fail to rationalize concrete situations legally and end up abandoning the search for definitive parameters to the dynamics of power that arise in the international political context related to migration issues.

While Waldron recognizes that maybe there are circumstances— peculiar pathologies, dysfunctional legislative institutions, corrupt political cultures, legacies of racism, and other forms of endemic prejudice—in which these costs of obfuscation and disenfranchisement are difficult to deal for the time being, he also agrees with the idea that “there must be some frontiers of freedom which nobody should be permitted to cross. According to Waldron, the realm of rights presents a disheartening reality: agreement is scarce. Despite the necessity for resolution, the presence of disagreement persists. The imperative for settlement does not magically dissolve the existence of discord; instead, it necessitates the creation of a shared foundation for collective action amid the fervor of our disagreements.

Especially in migration political contexts, normativity precisely limits and manages institutions and their power. The claim to exclude morality from the center of the normative debate would lead to the impossibility of recognizing politics and consequentially the law, transforming migration policies into an unsustainable fiction. Even though institutions are essential in those political process that involves millions acting for various reasons, individually or in groups, there is raggedness, there is redundancy, there are overlaps, there are continuities, and there are above all normative dimensions that should take into consideration. Even though, as stated by Waldron, the disagreements will persist (even when related to the most basic rights), (re)centering the normative dimension might be a good start to a common basis for the actions that have to be forged in the heat of our disagreements.