



The revolutionary thing about saying “no, that cannot be law”

December 1, 2022

A very interesting new public policy manual has just come out in the US. From the point of view that what is public is revolutionary is to go against the current or against the prevailing common sense. It is uncomfortable, it proposes fewer laws and more policies and economic measures that many would not agree with. In short, it is a good reference manual for critically comparing what we are doing well and what we are doing wrong in the region in terms of spending and effectiveness in the provision of public goods.

In the manual available online, **David Boaz** of the CATO Institute develops a review of these in the introduction but a sentence in which it expresses the following was striking and I quote it verbatim: *Roger Pilon calls on members of Congress to examine the constitutionality of proposed laws and muster the strength to tell voters when necessary: "I don't have the authority to do what you want me to do." To those tasks we could add that members must resolve not to support baseless accusations of stolen elections.*

If we bring that phrase to our context and put it in a new public policy manual for our federal and local context, it would be exactly and punctually accurate.

Insist that not all the problems we have are solved with laws and that neither are all electoral acts beforehand or necessarily acts of political corruption per se They are facts that we must banish from common sense

In it, two common behaviors are also highlighted in our reality that at times may seem politically incorrect or may also be directly apolitical.

The first, when he asks to exercise an act of political teaching by giving an account of what are the powers that each elected or appointed official can carry out, is a great topic of discussion and confusion on a continuous basis. By way of example, many continue to think of basic education as a matter proper to the national ministry. The issue is much more complex and the authorities involved are innumerable.

And to this, if we take it to the level of petitions to the legislators of the national congress or of the provincial legislatures, the problem of understanding is phenomenal. All of this increases when

urgency is added to the technical issue of each area of law and politics. The combo is usually distressing for those who need solutions today, but their demands have been going on for decades and many could have been resolved by a director or coordinator of the executive branch or even with civil society organizations.

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The damage that is done to democratic practice here is done by over-offering particular solutions through erroneous mechanisms, thus generating illusions that shortly after become expressions of apathy and widespread discontent of citizens with their representatives. Baglini's famous theorem.

In economic matters, this has direct and enormous implications for the public treasury. The oversupply of private solutions through laws in many cases transferred unsustainable costs to citizens by not applying studies or analysis of evidence to support the application of these funds.

Regarding the second sentence, in relation to the very common complaints about stolen elections, suspicions about pollsters, political apparatuses that move voters, among other expressions, what must be highlighted is that more and more the occurrence and incidence on final results is minimal. Of course, each vote is sacred in a representative system and that in highly polarized elections a vote more or less makes a political scandal if an electoral crime is discovered. But what is highlighted here is the use of rumors, false news and even the *fake news* without documentary support of the facts to generate uncertainty and discredit.

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In the latter case, it is important to account for the important damage that is generated and directly affects the representative mechanism and the electoral act beforehand. It is common for the fact to be encouraged and for spokespersons or partisan and militant journalism to operate that possibility only as a discursive strategy to mitigate a possible defeat, but in that very act they put the credibility of the entire electoral regime at stake. Electoral justice is the actor and the constitutional mechanism to evaluate these improper conducts and the executive power responsible for making the resources available so that the election is carried out under equal conditions for all official candidates.

The doubts that are imposed on the electoral corruption agenda have a decisive impact on the investment plans of SMEs and multinationals. It is enough to see today all that the economy does not move, added to the indicators and incentives that do not contribute to growth, but that in many cases already have as part of their possibility of realization the lack of credibility, certainty and unclear future scenarios some.

For this reason, insist that not all the problems we have in our society are solved with laws nor do they need laws to be solved and that neither are all electoral acts beforehand or necessarily acts of political corruption. *per se* They are facts that we must begin to banish from common sense.

This does not imply in any way to stop observing and participating civilly in democratic processes to take care of the institutions and mechanisms of participation and representation. But neither the leadership nor the citizenry should join campaigns that encourage or cause legislative inflation or electoral paralysis, since the costs in terms of human rights and peaceful life in

society are known to all. Democratic and electoral history in 2023 will celebrate 40 years of uninterrupted acts. Let's do the same to improve institutional quality and the communication of public and political affairs.