

Technocratic Policy Making and Parliamentary Accountability in Argentina, 1983–2002

Javier Corrales

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Acronyms

CDI	Centro de Documentación e Información (Documents and Information Centre)
FREPASO	Frente por un País Solidario (Front for a Country in Solidarity)
INDEC	Instituto Nacional de Estadística y Censos (National Institute of Statistics and Censuses)
IPA	Instituto Programático para la Alianza (Institute for the Alliance's Programme)
MERCOSUR	Southern Common Market
NGO	non-governmental organization
PJ	Partido Justicialista (also known as the "Peronist" Party)
UCR	Unión Cívica Radical (Radical Civic Union)
US	United States

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Summary/Résumé/Resumen

Summary

Many new democracies in the 1990s developed highly technocratic ministries of the economy. These ministries became powerful and assertive actors, bombarding the legislatures with complex bills. Unless they develop comparable levels of technical capacity, legislatures are at a disadvantage in evaluating these bills, and thus in holding the executive branch accountable. The result is a deficit of horizontal accountability.

This paper examines the factors that propel legislatures to develop technical and oversight capacity. Most studies of legislative oversight focus on institutional rules or the career paths of politicians. This paper supplements these approaches by focusing on a set of factors that have received less attention: the strategies adopted by political parties for dealing with the executive. A typology of different strategies, and how each might affect congressional development, are presented and tested against the Argentine case, 1983–2002.

Ruling parties may adopt three possible strategies in dealing with the executive branch: excessive co-operation, obstructionism, or “negotiated support”. In this paper, Javier Corrales argues that legislatures are more likely to exercise accountability when ruling parties adopt the latter strategy. Yet even under this latter condition, the incentives for legislatures to develop accountability capacities remain weak.

Stronger incentives come via the opposition parties. Legislatures will develop more accountability capacity if opposition parties push for it, which in turn also depends on the strategy that they choose for dealing with the executive branch. Opposition parties also face (at least) three strategies. First, they can refuse to co-operate with the executive branch in implementing policies. Second, they can focus on denouncing issues of corruption. And finally, they can decide to become stronger “policy wonks”, challenging the executive on the particular details of policy, rather than merely on the overall ideology. Corrales argues that this last strategy on the part of opposition parties, which he calls “technical match”, is most conducive to the rise of legislative accountability.

The problem in Argentina is that these conditions have been mostly absent or weak. In the 1980s, neither the ruling-party condition (negotiated support) nor the opposition-party condition (technical match) existed. In the 1990s, only one type of pressure (ruling-party negotiated support) operated, starting in 1991. As a result, the legislature became somewhat more willing and able to hold the executive branch accountable, but never to a significant degree. It was not until the late 1990s, and for only a brief period, that the most important pressure for the rise of legislative accountability – an opposition party focusing on policy – became operational.

In short, congressional development of technocratic expertise confronts a hard-to-solve paradox. On the one hand, the opposition party is seldom in the politically strongest position to inject technical expertise. On the other hand, the ruling party seldom has a strong enough desire to scrutinize the executive. The result can be an undersupply of technical expertise in parliaments. Argentina illustrates this paradox, as well as some ways to escape it.

Javier Corrales is Associate Professor of Political Science at Amherst College, Amherst, Massachusetts, United States. He obtained his PhD in political science in 1996 from Harvard University, where he specialized in comparative and international politics of Latin America. His areas of interest include the politics of economic policy reform in developing countries. He is the author of *Presidents Without Parties: The Politics of Economic Reform in Argentina and Venezuela in the 1990s* (Penn State University Press, University Park, 2002).

Résumé

Dans les années 90, de nombreuses démocraties nouvelles se sont dotées d'un ministère de l'économie très technocrate. Ces ministères sont devenus des acteurs puissants et affirmés, bombardant les

parlements de projets de loi complexes. A moins d'atteindre un degré de technicité comparable, les parlements sont désavantagés lorsqu'il s'agit d'examiner ces projets et donc de demander des comptes à l'exécutif. Le contrôle qu'ils exercent laisse donc à désirer.

L'auteur examine ici les facteurs qui poussent les parlements à développer leurs compétences techniques et leur capacité de contrôle. La plupart des études consacrées au contrôle parlementaire portent sur les règles institutionnelles ou la carrière des politiciens. La présente étude complète ces démarches en s'intéressant à des facteurs qui ont moins retenu l'attention: les stratégies adoptées par les partis politiques pour traiter avec l'exécutif. L'auteur présente ici plusieurs types de stratégie, en prenant l'exemple de l'Argentine des années 1983–2002 et en expliquant de quelle façon chacun peut influencer sur l'évolution du Congrès.

Les partis au pouvoir peuvent adopter trois types de stratégie dans leurs rapports avec l'exécutif: la coopération excessive, l'obstruction ou le "soutien négocié". Javier Corrales fait valoir ici que les parlements ont de meilleures chances de demander des comptes lorsque les partis au pouvoir adoptent le dernier type de stratégie. Pourtant, même lorsque cette condition est remplie, les parlements sont peu incités à développer leurs capacités en la matière.

Les incitations les plus fortes viennent des partis d'opposition. Les parlements vont renforcer davantage leur capacité de contrôle si les partis d'opposition poussent dans ce sens. Or, l'attitude de ces derniers dépend aussi de la stratégie choisie pour traiter avec l'exécutif. Les partis d'opposition ont également le choix entre trois stratégies au moins. Premièrement, ils peuvent refuser de coopérer avec l'exécutif à la mise en œuvre des politiques. Deuxièmement, ils peuvent s'attacher à dénoncer des actes de corruption. Enfin, ils peuvent décider de renforcer leur position de conseillers politiques, en contestant des mesures particulières prises par le gouvernement, plutôt qu'en s'attaquant de manière générale à son idéologie. Javier Corrales estime que, employée par les partis d'opposition, cette dernière stratégie, dite "de contradiction technique", a plus de chances de déboucher sur un contrôle parlementaire rigoureux.

Malheureusement en Argentine, ces conditions ont été la plupart du temps absentes ou faibles. Dans les années 80, ni la condition du parti au pouvoir (soutien négocié) ni celle du parti d'opposition (contradiction technique) n'existait. Au cours de la décennie suivante, un seul type de pression s'exerçait, le soutien négocié du parti au pouvoir, à partir de 1991. En conséquence, le parlement a été un peu plus libre et désireux de demander des comptes au gouvernement, mais n'y a jamais mis beaucoup de vigueur. Il a fallu attendre la fin de la décennie —et encore cela n'a-t-il été que de courte durée— pour que s'exercent des pressions fortes pour un contrôle législatif plus rigoureux, avec un parti d'opposition résolu à se battre sur le terrain des politiques.

En bref, le développement des compétences technocratiques au Congrès se heurte à un paradoxe difficile à résoudre. D'un côté, le parti d'opposition est rarement dans la position politique la plus forte pour injecter des compétences techniques. De l'autre, il est rare que le parti au pouvoir soit très soucieux de contrôler l'exécutif. L'Argentine illustre ce paradoxe, ainsi que certains moyens d'y échapper.

Javier Corrales est chargé de cours en sciences politiques au Amherst College, Amherst, Massachusetts, Etats-Unis. Il a obtenu son PhD en sciences politiques en 1996 à l'Université de Harvard, où il s'est spécialisé dans la politique internationale et comparée de l'Amérique latine. Il s'intéresse tout particulièrement à la réforme de la politique économique dans les pays en développement et au jeu politique qui l'entoure. Il est l'auteur de *Presidents Without Parties: The Politics of Economic Reform in Argentina and Venezuela in the 1990s* (Penn State University Press, University Park, 2002).

Resumen

En la década de 1990, los ministerios de economía de muchas democracias nuevas se convirtieron en entes sumamente tecnocratizados. Dichos ministerios llegaron a ser actores de gran peso político, capaces de bombardear las asambleas legislativas con proyectos de ley complejos. De no alcanzar niveles semejantes de capacidad técnica, las asambleas legislativas corren el riesgo de permanecer en

desventaja a la hora de evaluar dichos proyectos de ley y, por lo tanto, de ejercer su función de exigirle rendimiento de cuentas al poder ejecutivo. Ello se traduce en un déficit de rendición de cuentas horizontal (*horizontal accountability*).

En este documento se examinan los factores que impulsan a las asambleas legislativas a desarrollar capacidad técnica y supervisora. La mayoría de los estudios que tratan de explicar el surgimiento de estas capacidades de supervisión legislativa se centran en normas institucionales o en los incentivos que los políticos enfrentan para avanzar sus carreras profesionales. Este documento complementa estos enfoques al abordar una serie de factores que han recibido menos atención: las estrategias que los partidos políticos adoptan para negociar con el poder ejecutivo. Se presenta una tipología de diferentes estrategias y el modo como cada una de ellas afecta al desarrollo de capacidades técnicas y de supervisión parlamentaria. Dicha tipología se ilustra haciendo referencia al caso de Argentina entre 1983 y 2002.

Al tratar con el poder ejecutivo, los partidos de gobierno pueden adoptar tres estrategias posibles: la cooperación excesiva, el obstruccionismo, o el “apoyo negociado”. Según Javier Corrales, la última estrategia es la que más conduce a que las asambleas legislativas ejerzan su papel de supervisión del poder ejecutivo. Sin embargo, incluso bajo estas circunstancias, los incentivos que enfrenta el poder legislativo para llevar a cabo rendición de cuentas siguen siendo insuficientes.

En cambio, los incentivos son mayores si provienen de los partidos de oposición. Las asambleas legislativas incrementarán su capacidad de supervisión si los partidos de oposición presionan para ello, lo que a su vez depende de la estrategia que elijan dichos partidos para negociar con el poder ejecutivo. Los partidos de oposición suelen adoptar al menos tres estrategias. En primer lugar, pueden negarse a cooperar con el poder ejecutivo con respecto a la aplicación de políticas. En segundo lugar, pueden dedicarse a denunciar asuntos de corrupción. Por último, pueden convertirse en expertos en políticas públicas, desafiando al poder ejecutivo sobre los detalles particulares de las mismas, en lugar de meramente cuestionar la ideología general del gobierno. Corrales afirma que esta última estrategia por parte de los partidos de la oposición, que él denomina “enfrentamiento técnico”, es la que más fomenta la supervisión legislativa.

En Argentina, el problema radica en que las condiciones favorables para el surgimiento de rendición de cuenta ante el parlamento han sido, en su mayor parte, débiles o inexistentes. En el decenio de 1980 no estaba dada ni la condición idónea por parte del partido de gobierno (apoyo negociado), ni del partido de oposición (enfrentamiento técnico). A partir de 1991, surgió un tipo de presión (apoyo negociado por parte del partido de gobierno), con lo cual el poder legislativo se volvió algo más dispuesto y capacitado para supervisar al poder ejecutivo, pero nunca de un modo muy significativo. La presión más efectiva para que aumentara la supervisión—partidos de oposición interesados en enfrentamientos técnicos—no ocurrió sino hasta finales de 1990, y sólo durante un tiempo muy breve.

En conclusión, el desarrollo parlamentario en materia de tecnocracia y de supervisión enfrenta a una paradoja difícil de resolver. Por una parte, el partido de la oposición rara vez ocupa la posición política más influyente para impulsar al parlamento a ejercer estas funciones. Por otra parte, el partido en el poder casi nunca está muy dispuesto a someter al poder ejecutivo a un escrutinio riguroso. El resultado puede ser una insuficiencia de tecnocratismo, y por consiguiente, de capacidad de supervisión por parte del parlamento. Argentina ilustra esta paradoja, así como algunas formas de escapar de la misma.

Javier Corrales es Profesor Asociado de Ciencias Políticas en el Amherst College, Amherst, Massachusetts (Estados Unidos). Se doctoró en ciencias políticas en 1996 por la Universidad de Harvard, donde se especializó en política comparativa e internacional de Latinoamérica. Entre sus campos de interés figuran la política de la reforma económica en los países en desarrollo. Es el autor de *Presidents Without Parties: The Politics of Economic Reform in Argentina and Venezuela in the 1990s* (Penn State University Press, University Park, 2002).

Introduction

Years of continuous economic crisis and uncertainty usually impel states to increase their “technocratic capacity” (Schneider 1998; Grindle 1996). The need to solve complex economic woes encourages heads of state to appoint highly technocratic policy innovators, often known as “technopols” (Domínguez 1997). These technopols are charged with generating and implementing politically difficult remedies to deal with the crises, and they often become the most powerful figures in cabinets (Williams 2002; Centeno and Silva 1998; Domínguez 1997).

Technocratic policy making poses certain dilemmas for democratic regimes. Suddenly, some of the most powerful politicians at the state level—the technopols—speak a language that is not easily understood by non-experts, who constitute the vast majority of the population. Technocrats tend to speak the language of their respective professions—they communicate well with their fellow economists, for example, but less so with everyone else. Furthermore, technocrats often feel that, due to their level of education, they have a “monopoly on knowledge”, which often makes them reluctant to appreciate the plurality of opinions that is at the very core of democratic politics (Centeno 1998). Consequently, technopolitics risks causing lay citizens to feel disconnected from the state and unable to understand the technocrats, or to make themselves understood by them.

The technocratization of the state can thus lead to “democratic dissonance”, whereby state officials justify economic policy by using technocratic arguments while groups from civil society feel unable to “talk back” to the state because they do not speak the language of technocrats (Conaghan 1996). This lack of common language can exacerbate the “opacity of power” at the state level and frustrate the efforts of civil society and their representative institutions to hold the state accountable (Schedler 1999).

How can this problem of accountability be solved? This paper addresses this question by looking at one particular institution—the Argentine Congress—and asking if the increase in the technocratic capacity of the executive branch in the 1990s encouraged or discouraged the Argentine Congress to develop its own technical capacity and, by extension, to act as a more effective scrutinizer of the executive branch. Another way to pose the question is, if the conditions were ripe for an increase of technocratic capacity in the executive branch—for example, the need to solve complicated economic crises, the availability of trained individuals, the pressure from international actors, the need to signal credibility—why did not other branches of the state produce comparable levels of technical expertise?

The research literature on congressional development offers some clues in answering these questions, pointing to three factors that help determine the propensity of congress to develop institutionally: (i) the availability of resources; (ii) the imperiousness of the executive branch; and (iii) the rules under which legislators advance their careers in congress. The first two factors are not controversial. Low levels of resources or high levels of executive branch “hypertrophy” can clearly frustrate efforts to strengthen congress as an institution (Carey 1996; Samuels 1999; Morgenstern 2002).

Yet, beyond these basic aspects, the factors that determine changes in congressional accountability are not fully understood or agreed upon. An area of controversy, for instance, concerns whether the technocratization of the executive branch encourages or discourages the institutional development of congress, including its capacity and willingness to exercise oversight. This paper argues that a technocratically developed executive branch can stimulate—rather than hinder—the rise of accountability on the part of the legislature.

Another area of controversy relates to the various political incentives and pressures on legislators. The literature shows that a congress will engage in those activities that legislators themselves deem likely to advance their own careers. Thus, a congress will become more technically developed if legislators find such development useful for their own political advancement.

Consequently, the research here focuses on the rules that determine the career path of legislators—for example, how legislators become candidates for congressional seats, the size and characteristics of their districts, the timing of elections, how easy it is to seek re-election—and the impact those rules might have.

Rather than settling the debate about which electoral rules produce which congressional results, this paper expands it by examining an additional set of political pressures. While career rules are important in shaping congressional outcomes, they alone do not sufficiently account for congressional outcomes. Equally, if not more, important are the characteristics and operating practices of the political party system. Specifically, congressional development depends on the strategies that parties adopt in dealing with the state, since these strategies significantly shape the extent to which Congress will invest in institutional development. This paper offers a typology of party-state interactions and how each affects the accountability of legislatures.

The Country Case and the Argument

In the early 1990s, Argentina exemplified democratic dissonance caused by increasing technocracy. Decades of macroeconomic instability culminated in a series of hyperinflationary episodes from 1989 to 1991 and led to the rise of a powerful Ministry of Economy (Corrales 1997). Together with a team of like-minded technocrats, Minister of Economy Domingo F. Cavallo (1991–1996) implemented tough economic policies, going further in transforming the economic landscape than any previous minister, including those under military rule.

Unaccustomed to dealing with a technocratically sophisticated executive branch, the Argentine Congress was, institutionally speaking, at a disadvantage in negotiating with it. The common view in Argentina is that Congress simply failed to rise to the challenge, entirely neglecting the task of bolstering its capacity to develop technical expertise and thus compete more favourably with the executive branch. A sign of this neglect, the argument goes, was the legislature's failure to create an office for technical advice.

There is no question that the Argentine Congress remained a fairly underdeveloped institution. Yet, within this overall dismal situation, there was some, though mostly unnoticed, institutional improvement. The Argentine Congress was far from reaching the level of executive branch oversight that is typical of modern legislatures, but this capacity did not remain completely undeveloped.

What can explain the generally insufficient yet not entirely insignificant level of technocratic development of the Argentine Congress? One way to address this question is to frame the issue in terms of factors that shape the “demand” for technical capacity. Congressional accountability of a hypertechnocratic state is impossible if the legislature itself lacks comparable levels of technical development. Furthermore, congressional demand for technical development is not contingent on a single variable, but rather on a constellation of factors including: (i) state characteristics; (ii) available resources; (iii) the nature of executive branch–ruling party relations; and (iv) the “strategy” and “mood” of the leading opposition party. These factors need to be collectively and appropriately aligned in order to create compelling incentives for congress to buy technical expertise.

The problem in Argentina was that over the years these factors were not aligned in the right direction since there was always at least one factor, and often more, that discouraged Congress from investing in technical expertise. Only recently have a majority of the factors coalesced and become more conducive to congressional technical development. The most serious obstacle, other than minimal resources, was the failure of political parties to become more technically minded. As long as political parties in Argentina remain uninterested in propping up their own technical capacity, the Argentine Congress will remain insufficiently interested in fortifying its technical capacity.

Incentives for Congress to Buy Technical Expertise

Technical expertise could be considered a purchasable commodity that legislatures might buy – an investment with both actual and opportunity costs. The actual costs involve the resources that must be appropriated to buy or acquire technical guidance. The opportunity costs consist of the funds that legislatures typically utilize for other purposes – for example, patronage, pork-barrelling, campaign spending, perks and privileges. Under what conditions would buying technical expertise be worth the necessary costs? The next section discusses several incentives.

Technocratic capacity of the executive branch

The argument has been made that a rise in technocratic policy making may undermine a legislature (O'Donnell 1994). Technocrats place a high premium on “policy purity”, which translates into a preference for superseding the legislature for fear that political negotiations would compromise the technical correctness of proposed projects. Evidence of technocrats attempting to eschew legislative involvement exists in Argentina. From 1986 to 1989, President Raúl Alfonsín's minister of economy attempted, unsuccessfully, to stabilize the economy by minimizing consultations with Congress. Between 1991 and 1996, President Carlos Menem issued a record number of decrees with the intention of circumventing congressional negotiations. Furthermore, Minister of Economy Cavallo's first reaction to the “Tequila Crisis” of December 1994 was to seek “special powers” from Congress to privatize without consultation.

However, the opposite argument could also be made; namely, that the rise of technocratic capacity of the executive branch could act as an incentive for more congressional engagement in policy making. There are at least two reasons for this.

1. Technocrats' hunger for “credibility” and for “locking in” policies might propel them to seek legislative endorsement. Recent literature on political economics often identifies this as “the search for credible commitments”. Congressional endorsement of economic measures is an effective way of signalling such commitments.
2. Congress might see the rise in technocratic capacity as an incentive to compete as an institution with the executive branch. The fact that the executive branch might send an increasingly voluminous and complex set of reforms to Congress could encourage legislators to rise to the occasion by improving their own technical capacity, if for no other reason than to be able to match the political momentum of the executive branch.

For these reasons, one could hypothesize that the rise of technocratic capacity in the executive branch serves as an incentive for legislatures to assume a more involved role.

In Argentina, the technical capacity of the executive branch peaked during Cavallo's first tenure as minister of economy (1991–1996) and was characterized by the following aspects (Corrales 1997).

1. Concentration of power – The president made Cavallo the most influential figure in the cabinet.
2. Cohesiveness – Cavallo recruited a cadre of highly trained, like-minded technical experts to fill bureaucratic positions.
3. Crusadism – Cavallo had a deep commitment to change the economic system; in his first year in office he introduced the largest number of economic reform bills in any single year.
4. Agglomeration – All units of the executive branch involved in economic affairs (departments such as energy, finance, industry and trade, which in other countries usually hold cabinet ranking) were subordinated to the Ministry of Economy. The Ministry of Economy governed state-owned banks and, since Cavallo selected its president, the central bank was unofficially subordinated to the ministry. The Ministry of Public Works was merged with the Ministry of Economy.

5. Linked independence – Cavallo established links with political parties and businesses, but was not beholden to them; he had ties, but not chains, to these groups, allowing him to elicit co-operation from them.
6. Think-tank-based – Cavallo enjoyed the backing of an independent think-tank, Fundación Mediterránea.

All these attributes combined to create the most powerful Ministry of Economy ever assembled in Argentina’s democratic period. This was the peak of the state’s technocratization. Previous and subsequent ministers shared some of these characteristics, but none to the same extent (see table 1). President Alfonsín’s second minister of economy, Juan Sourrouille, came close, but he never matched all of Cavallo’s political resources, partly because his team was smaller and internally divided and partly because he did not enjoy the subordination of other economic officials. Cavallo’s successor, Roque Fernández, had more political resources than Sourrouille, but fewer than Cavallo since he had neither the same concentration of power nor the crusadist agenda. Fernández introduced reforms in a piecemeal fashion mostly because President Menem lost interest in major reforms after 1997.

Table 1: Political resources of Argentina’s ministers of economy, 1983–1999

	Bernardo Grinspun 1983–1985	Juan Sourrouille 1985–1989	Miguel Roig^a 1989	Erman González 1989–1991	Domingo Cavallo 1991–1996	Roque Fernández 1996–1999
Power concentration		✓	✓	✓	✓	
Cohesive team					✓	✓
Crusadism		✓	✓	✓	✓	
Subordination					✓	✓
Linked independence					✓	✓
Think-tank support					✓	✓

^a The ministers in between Sourrouille and Roig are not listed due to the short duration of their tenure. **Sources:** Smith (1991), Huneus (1998), Corrales (1997).

There were two important signs of the strengthening of the Ministry of Economy under Cavallo. First, as part of his efforts to enhance the operation of the Ministry of Economy, Cavallo modernized the ministry’s information services. Until 1993, there were only three data banks available to ministry staff: (i) a general library; (ii) a depository service for the Secretary of Economic Programming; and (iii) a library of legislative affairs. All of these units were strapped for resources and provided fragmented, spotty, difficult-to-use services. Cavallo merged the three data banks into a three-floor facility called the Center for Documentation and Information (Centro de Documentación e Información/CDI) and endowed it with more personnel (approximately 50 staff members), mandated that the services be available to all ministry staff as well as external users, and installed the most modern online technologies and established computer links to other libraries in the country (Ministerio de Economía y Obras y Servicios Públicos 1993).¹ In addition, Cavallo launched the modernization of technology and implementation procedures of the most important office of statistical information—the National Institute of Statistics and Censuses (Instituto Nacional de Estadística y Censos/INDEC). As a result, the Ministry of Economy became a paragon of technological and information innovation that by far outpaced all other public entities in the country (Ciai et al. 1998).

The other sign of the strengthening of the Ministry of Economy was the regularization of the budget process. One of the most important domains of executive branch–legislative interaction is the process of submitting, debating and amending the annual budget. Ideally, the president

¹ Additional information was provided in an interview with Araceli García, director of CDI.

should submit budget bills several months prior to the start of the fiscal year. Between 1984 and 1991, this standard was consistently violated in Argentina – not a single budget was submitted, let alone approved, on time. Budgets were approved seven to nine months late. This chaos peaked from 1989 to 1991 – the budgets for 1988 and 1989 were approved one year late; the bill for 1990 was submitted after the year 1990 ended and Congress did not even bother to approve it. Though Argentina operated without an approved budget in its first year of democratization in 1983, between 1991 and 2001 the budget process acquired a degree of regularity unprecedented in Argentina.

By every account, therefore, the technocratization of the Ministry of Economy peaked under Cavallo from 1991 to 1996. Not coincidentally, the result was greater congressional demand for technical expertise.

Resources

The operating budget of the legislature is another determinant of technocratic capacity. The fewer the resources available, the less likely congress would “buy” technical expertise. In the 1990s, Argentina underwent a major reform at the federal level that involved significant cut-backs in the operating budgets of federal agencies. Congress was not immune to these cuts and between 1995 and 1998 it faced tighter and declining budget allocations (see table 2).² Most components of the Argentine Congress experienced reductions in their operating budgets; the Senate increased its budget, but only because it increased in size by one third in 1996. Despite increasing resources since 1998, overall there were few resources earmarked for technical assistance for legislators. For the most part, the budget allowed deputies to hire no more than one to three full-time aides (Mustapic 2001).

Table 2: Congressional budget, 1993–2000 (in thousands of US dollars)

	Senate	Chamber of deputies	Library	Printing press	Benefits	People’s defence	Auditing commission ^a	Total
1993	109.7	211.7	26.7	22.9	22.1	NA	NA	393.0
1994	119.0	229.9	28.9	23.5	21.8	NA	NA	423.2
1995	118.7	237.6	29.7	23.9	21.4	16.0	NA	447.3
1996	139.8	201.8	29.0	20.3	18.1	9.1	NA	418.4
1997	115.4	178.4	27.9	19.1	17.0	9.6	NA	367.4
1998	123.5	163.4	28.1	19.0	16.7	10.5	NA	361.6
1999	139.2	181.3	29.8	18.6	16.3	10.1	NA	395.3
2000	161.9	226.5	30.2	21.6	17.5	9.9	1.5	468.9

^a Joint Auditing Committee (Comisión Mixta Revisora de Cuentas). **Sources:** Data for 1993–1998 from Molinelli et al. (1999), charts 2.135 and 2.136. Data for 1999–2000 from Argentina’s annual budget.

Another congressional resource is staff size. Though figures for the 1980s are incomplete, it is clear that the Argentine Congress cut staff between 1993 and 2000, with major reductions in 1994, 1997 and 2000 (see table 3). Despite an expansion in the size of the Senate, the legislature operated with 13 per cent fewer staff in 2000 than in 1993. These reductions in staff need not imply decreased technical capacity per se, but perhaps a reduction in unproductive labour. Nonetheless, they demonstrate that Congress operated with shrinking resources.

² Detailed figures on the budget of the Argentine Congress are incomplete, with data missing from the 1983 to 1992.

Table 3: Congressional staff, 1984 and 1993–2000

	1984	1993	1994	1995	1996	1997	1998	1999	2000	Per cent change, 1993–2000
Congress										
Total	NA	11,505	10,760	10,833	10,944	10,030	10,040	10,040 ^a	9,987 ^a	-13.2
Permanent							7,019	7,019	7,014	
Temporary							3,021	3,021	2,973	
Senate										
Total	2,675	2,856	2,857	2,837	2,947	2,713	2,713	2,713	2,713	-5.0
Permanent							1,841	1,841	1,841	
Temporary							872	872	872	
Chamber of deputies										
Total	3,881	5,908	5,374	5,374	5,469	4,914	4,914	4,914	4,914	-16.8
Permanent							2,840	2,840	2,840	
Temporary							2,074	2,074	2,074	
Library										
Total	NA	1,270	1,058	1,071	1,072	1,010	1,010	1,010	965 ^b	-24.0
Permanent							970	970		
Temporary							40	40		
Printing press										
Total	NA	850	850	850	850	790	790	790	782	-8.0
Permanent							755	755	755	
Temporary							35	35	27	
Social services^c										
	NA	621	621	556	536	471	471	471	471	-24.2
People's defence										
	NA	NA	NA	145	120	132	142	142	142	-0.02 ^d

^a For 1999 and 2000 figures, total permanent and temporary staff were calculated based on data from Argentina's annual budget.
^b All library staff became permanent in 2000. ^c All permanent. ^d The per cent change covers the 1995–2000 period as the office did not exist prior to that date. **Sources:** Molinelli et al. (1999). Data for 1999 and 2000 from Argentina's annual budget, under the rubric "Human Resources of the National Legislative Power".

For two reasons, however, looking at allocated domestic resources does not present the entire picture. First, an important source of funds for technical expertise was external. In the 1990s, several multilateral organizations – such as the Inter-American Development Bank – funded the development of the technical capacity of legislatures in the region. Yet the Argentine Congress did not take advantage of those resources. Second, allocated resources simply could have been a reflection – rather than a cause – of a lack of interest in technical development. Lack of domestic resources was therefore not a reliable determinant of modest levels of technical expertise.

Political pressures and the role of political parties

Another determinant of congressional technocratic capacity stems from political pressures on legislatures. Scholars recognize that the rules that determine the career prospects of legislators create political pressures – specifically, the way in which legislators are elected to congress explains the type of activity that they are likely to engage in.

In the case of Argentina, scholars are divided over the effect of electoral rules on legislative behaviour. Jones et al. (2000) maintain that electoral rules discourage legislators from participating in legislative activities. Legislators are elected under a closed-list proportional representation system in which the party boss determines who is nominated for re-election. Because the electorate votes for lists and not for individuals, legislative candidates have no incentive to demonstrate "responsiveness" toward constituencies. Moreover, Argentine parties treat legislative seats as rewards offered to party leaders and consequently have an interest in rotating the individuals who occupy those seats so as to always have an ample supply of rewards to offer to party friends. Thus, turnover rates are high. Jones et al. (2000) calculated that from 1983 to 1997 the average member of Congress served only one four-year term. The average re-election rate of

deputies was 20 per cent, compared to approximately 80 per cent in the United States during the same period. Many legislators started their careers outside Congress, stayed in Congress briefly and quickly moved on to more desirable political appointments. Consequently, both career objectives and electoral rules discouraged legislators from specializing in public policy and developing technical capacity.

Mustapic (2001, 2000), however, disagrees. She argues that party bosses did not enjoy unilateral power over appointments and that would-be legislators competed in internal primaries, suggesting that at some level they were responsive to the electorate. Furthermore, rules of conduct in the legislature itself provided many opportunities for legislative initiatives. Electoral rules per se, therefore, did not necessarily preclude, and may have actually stimulated, congressional interventions (Eaton 2001).

However crucial the debate about the role of rules, it does not capture all of the political pressures on congress. Equally important is the pressure stemming from the strategies adopted by political parties to interact with the executive branch. Specifically, for congress to develop technical capacity, the larger parties need to develop an interest in it as well. There are two party-related factors that help determine this: (i) executive branch–ruling party relations; and (ii) the strategy and mood of the opposition.

Executive branch–ruling party relations

The nature of the ruling party's response to the executive branch affects the propensity of congress to develop technical expertise. When confronted with a highly technocratic executive branch, ruling parties adopt three different approaches: rubber-stamp support; hostility/conflict; and negotiated support (Corrales 2002a).

1. The rubber-stamp approach means that the ruling party endorses the executive branch with very little conditionality.³ Presidents do not worry about party discipline since ruling party legislators tend to vote in alignment with the executive branch. Examples include Mexico until the early 1990s, Peru in the 1990s, Venezuela since 1999 and Cuba to this day.
2. At the other extreme is the "hostile" ruling party. Usually triggered by disagreements over implementation of economic change, ruling party leaders may turn against the executive branch or, at least, against economic authorities. The ruling party becomes a quasi-opposition force interested in blocking the executive branch's agenda – for example, Venezuela and Brazil in the early 1990s, and Ecuador, Haiti and Paraguay in the mid-1990s. When a party is led by extremist activists, it finds the executive branch too centrist; when a party is led by more moderate politicians, it finds the executive branch too extremist (Stokes 1999).
3. The intermediate position is "negotiated support" whereby the ruling party supports the executive branch in return for concessions, such as granting legislators "a seat at the policy table", which translates into allowing legislators to scrutinize and modify bills.⁴

Each of these responses affects the congressional demand for technical capacity. Rubber-stamp and hostile ruling parties are the least likely to purchase technical capacity. Rubber-stamp parties have no interest in developing technical expertise because they agree with the executive branch regardless. Hostile ruling parties are more interested in technical capacity than rubber-stamp parties, but less so than negotiated-support parties, since ultimately they are interested in blocking policy, not in negotiating it.

On the other hand, ruling parties that embrace a negotiated-support position become stronger demanders of technical capacity. Precisely because they seek to negotiate with the executive

³ Stokes (1999) uses the term "incumbent hegemony".

⁴ Cox and Morgenstern (2001) use the term "workman".

branch, they need to acquire the technical guidance to do so. In addition, these parties do not want to give the impression of being obsequious to the executive branch. Ruling party legislators carefully select the issues on which to challenge the executive branch, while co-operating with others for no other reason than to signal to their constituencies that they play a role in policy making.

Elsewhere I have argued (2002a) that the nature of the relationship between the executive branch and ruling parties in Argentina has evolved toward a more intermediate position since 1983 (see table 4). Thus, it can be hypothesized that the 1991–1996 period (negotiated support) should be associated with an expansion of congressional technical capacity.

Table 4: Status of executive branch–ruling party relations, 1983–1999

Period	Status	Comments
1983–1985	Quasi-rubber stamp	Alfonsín enjoyed enormous support from the ruling party (UCR). Congress approved about 80 per cent of executive branch bills for 1983–1985.
1985–1989	Conflict	In response to Alfonsín’s turn to austere stabilization policies (the Austral Plan), tensions in executive branch–ruling party relations increased. Congressional approval of executive branch bills declined, internal bickering surfaced within the party and the cabinet.
1989–1991	Conflict	The new ruling party (PJ) was dismayed at President Menem’s extreme and secretive turn to the market after winning office in 1989.
1991–1996	Negotiated support	The PJ adopted a position of negotiated support. The majority of reform-minded laws were approved by the PJ, which focused on modifying proposed bills in order to ensure greater participation in policy, more spending on social issues and blocking several initiatives (for example, labour market flexibility).
1997–1999	Conflict	Executive branch–ruling party tension resurfaced stemming from the PJ’s resentment over Menem’s efforts to seek re-election.

Source: Corrales (2002a).

The opposition

There is no question that the strongest demand for congressional technical capacity should come from the opposition party rather than from the ruling party. Even when the ruling party adopts a negotiated-support stand, its willingness to control the executive branch is imperfect and biased. It consists of “control within the family” whereby both the ruling party and the executive branch overlook each other’s “misbehaviour” in exchange for political favour, leading to a mutually convenient exchange of services. The ruling party meets its demand for technical advice by relying on the information provided by the executive branch—that is, free-riding. In return, the executive branch obtains ruling party co-operation in getting bills passed and defending the administration in the public opinion arena. This imperfect exchange is one reason that the ruling party under Menem did little to develop an office of technical assistance for Congress. Alberto Pierri, the former president of the Chamber of Deputies under Menem, routinely blocked efforts to develop such an office.

Opposition parties, however, have more consistent and intense interest in checking the power of the executive branch (Morgenstern 2002). It is likely, therefore, that opposition parties would

be more interested in boosting the technical capacity of the one branch of the federal government that they have access to—that is, the legislature—as a way to bolster their capacity to compete with the executive branch. The problem is that too often opposition parties utilize alternative strategies for dealing with a technocratic administration. Just as Cox and Morgenstern (2001) argue that the executive branch changes strategies depending on the type of opposition that it expects to encounter in congress, opposition parties also adopt different strategies depending on their perception of the vulnerability of the executive branch. In general, three strategies are followed: recalcitrant refusal; transparency watch; and technical match.

1. Recalcitrant refusal—Frustrated by the overwhelming power and crusadism of the ministry of economy, opposition legislators may panic and opt for a strategy of rejecting the direction of economic policy as a whole, usually justified on ideological grounds. They are not interested in negotiating the reforms, but in stopping them and signalling to the electorate that they want nothing to do with these policies.
2. Transparency watch—The opposition may prefer instead to challenge the executive branch by focusing on transparency issues and anticorruption monitoring. Often, reform-minded executive branches are susceptible to accusations of corruption and procedural impropriety; and, in the quest to change everything quickly, they employ expeditious procedures that raise concerns about the transparency of the reforms. Opposition parties may gamble that focusing on this vulnerability is electorally savvier than trying to compete technically with the executive branch.
3. Technical match—The opposition may decide to compete against the executive branch by challenging its claim to a monopoly on technical correctness. It prefers to criticize the government less for ideological reasons than for the technical flaws of proposed policy, whether or not the proposed policy actually accomplishes its intended goals. The focus is less on “complaining” about the administration, than on proposing alternative public policies.

Each of these strategies generates different degrees of demand for congressional technical capacity. Recalcitrant refusal yields the lowest demand. The opposition party downplays the importance of technical development because it is not interested in improving policy, but in blocking it—a strategy that discourages the executive branch from working with the legislature. In addition, citizens become frustrated with a legislature that appears to be a source of obstruction rather than a source of solutions. With both the executive branch and the citizenry developing anti-parliamentary sentiments, a political climate is created that discourages politicians from investing in the legislature, a discredited institution.

The other two strategies, on the other hand, create more demand for congressional technical competence. When the opposition wants to challenge the level of transparency and technical merit of the executive branch initiatives, it needs strong technical skills to do so.

Only recently, Argentina’s opposition parties favoured technical strategies over recalcitrant refusal and transparency watch. Between 1983 and 1995, the preferred strategy was recalcitrant refusal. Under Alfonsín, the main opposition party—Partido Justicialista (PJ), otherwise known as the “Peronist Party”—adopted recalcitrant opposition toward the administration, repudiating most major economic policy initiatives. Although a more moderate wing of the PJ—the Renovators—emerged in 1987, leading to an improvement in executive branch–opposition party relations, the overall position of the PJ in the 1980s was complete rejection of the executive branch’s major initiatives.

During Menem’s first administration (1989–1995), the leading opposition party—Radical Civic Union (Unión Cívica Radical/UCR)—reacted similarly. Rather than trying to negotiate the reforms, the UCR was more interested in wishing them away. With regularity, the UCR either prevented a quorum in Congress or simply voted against reform bills. After 1992, the UCR focused more on constitutional reform than on being a co-participant of economic reforms (Ollier 2001).

Although the new Constitution granted Congress some new powers—for example, expansion of the number of senators and the right to issue votes of no confidence against the president’s chief of cabinet—the real impetus of the changes proposed by the UCR focused on limiting presidential prerogatives, rather than on bolstering the technical capacity of Congress.

After its devastating 1995 electoral defeat, sectors of the UCR began to flirt with technical strategies. Leaders such as Rodolfo Terragno, José Luis Machinea and former Senator Fernando de la Rúa reasoned that the best way to challenge the executive branch was to demonstrate technical capacity. De la Rúa decided to run for a local office—mayor of Buenos Aires—as a way to earn national prestige by demonstrating technical capacity in dealing with urban affairs. Yet the UCR remained internally divided over which strategy to choose, although a strong segment was committed to recalcitrant refusal. It was not until the formation of the Alianza, an alliance between the UCR and the new Front for a Country in Solidarity (Frente País Solidario/FREPASO) in 1997, that the opposition began to move away from a recalcitrant refusal strategy.⁵

In addition to strategy vis-à-vis the executive branch, another variable that affects the propensity of the opposition to demand technical capacity is its post-electoral “mood”. Two types of mood are possible.

1. Demoralized mood occurs when the opposition party experiences an unexpected, crushing electoral defeat.
2. Reinvigorated mood occurs when the opposition party experiences an electoral performance that exceeded general expectations.

Reinvigorated opposition parties are more likely to demand congressional accountability than demoralized parties since they are more likely to have the stamina and self-confidence to take bigger risks in challenging the executive branch. Demoralized parties, on the other hand, usually succumb to internal crises that preclude them from focusing on congressional development. This is outlined in table 5, which depicts the mood of Argentina’s opposition parties between 1983 and 1999.

Table 5: Mood of opposition parties, 1983–1999

Period	Main opposition party	Mood	Comments
1983–1987	PJ	Demoralized	The PJ experienced electoral reversals far greater than anticipated in 1983 and 1985.
1987–1989	PJ	Reinvigorated	The PJ experienced an electoral rebound in 1987.
1989–1995	UCR	Demoralized	The UCR experienced electoral reversal far greater than anticipated.
1995–1997	UCR/FREPASO	Split	The UCR experienced electoral reversal far greater than anticipated in 1995. The new FREPASO performed better than expected.
1997–1999	UCR/FREPASO	Reinvigorated	Both the UCR and FREPASO performed better than expected.

All the issues discussed so far can now be integrated to generate some predictions. The set of variables that determine the demand for technical expertise and, by extension, for congressional

⁵ In 1997, a group of technical experts from the UCR and FREPASO formed the Institute for the Alliance’s Programme (Instituto Programático para la Alianza/IPA) and began to work on the coalition’s platform. In 1998, IPA issued the Letter to Argentines, which is quite specific about the aspects of Menem’s reforms that the Alianza endorsed (*lo que se debe consolidar*) and the public policies that they promised to pursue to correct the gaps left by Menem’s programme (*lo que hay que lograr*) (Godio 1998).

capacity to scrutinize the executive branch include technocratism of the executive branch, resources, strategies adopted by the ruling and opposition parties in dealing with the executive branch, and the mood of opposition parties. Table 6 depicts these variables and their relative values between 1983 and 1999. Values in bold are best positioned to generate greater demand for congressional accountability.

Table 6: The Argentine Congress and incentives for developing technical capacity, 1983–1999

	Alfonsín		Menem (first administration)		Menem (second administration)	
	1983–1985	1985–89	1989–1991	1991–1995	1995–1997	1997–1999
Strength of Ministry of Economy	weak	weak	medium	strong	strong	medium
Crusadism of Ministry of Economy	weak	strong	strong	strong	strong	medium
Congressional budget	low, but increasing	low, but increasing	stable	declining	declining	increasing
Ruling party's strategy toward the executive branch	rubber stamp	tension	tension	negotiated support	negotiated support	tension
Opposition party's strategy toward the executive branch	recalcitrant refusal	recalcitrant refusal	recalcitrant refusal	recalcitrant refusal and transparency watch	transparency watch and technical match	transparency watch and technical match
Opposition party's mood	demoralized	invigorated	demoralized	demoralized	split	invigorated
Outcome:	↓	↓	↓	↓	↓	↓
Congressional accountability	weak	weak	weak	medium	strong	medium

Note: Boldface indicates situations that were best positioned to generate greater demand for congressional accountability.

Several points stand out on table 6. First, at any given time since 1984, there was at least one major variable that conspired against the rise of congressional technical capacity. This helps explain why, in general, the Argentine Congress had been slow in developing technical expertise and, by extension, in exercising more assertive oversight of the executive branch.

Second, the preponderance of variables that conspired against institutional development changed over time. Specifically, starting under Menem, several variables turned in favour of rising congressional technical capacity: technocratization and crusadism increased at the executive branch level after 1989; the ruling party adopted a negotiated-support position from 1991 to 1997; and the opposition party became more willing to compete on the basis of technical merits after 1995 and became more self-confident after 1997.

Evidence

If my argument is correct, there should have been a gradual rise of congressional oversight capacity, including greater technocratization, approaching the 1995–1997 period. To gauge this, two indicators were used: (i) the extent to which economists entered Congress; and (ii) legislative initiatives, including bill productivity, congressional requests for the executive branch to file reports of its activities, and legislative-cabinet interaction in times of economic crises.

Entry of economist-legislators

One measure of legislative accountability of the Ministry of Economy is the entry of economist-legislators, since more economists enhance the capacity of the legislature to “talk back” to the technocratized ministry. It is a form of competition by emulation.

The Argentine Congress has experienced significant change in this area. Historically, the professional profile of Argentine legislators consisted of an abundance of lawyers and an under-supply of economists. In 1983, 33 per cent of deputies and 48 per cent of senators were lawyers, and only 1.6 per cent of deputies and 4.3 per cent of senators were economists.⁶ In the 1990s, this did not change in the Senate, but it did change in the Chamber of Deputies, which underwent a diversification of professional backgrounds. The number of economists increased and peaked in the 1995–1997 period at 32 (or 8.9 per cent of the total). Most new economists entered Congress by way of the ruling party (PJ) and only a few by way of the opposition parties (see table 7), confirming the hypothesis that negotiated support by the ruling party yields greater demand for technical expertise.

Table 7: Professional background of deputies by political party (per cent)

Profession	1983–1985	1985–1987	1987–1989	1989–1991	1991–1993	1993–1995	1995–1997
UCR							
Legal	44.2	49.6	51.8	57.8	57.1	51.2	50.0
Medicine	11.6	9.3	10.5	7.8	8.3	15.5	11.8
Engineering	1.6	0.8	0.0	1.1	2.4	4.8	2.9
Teacher	1.6	3.9	3.5	1.1	3.6	3.6	2.9
Employer	12.4	13.2	11.4	8.9	9.5	9.5	10.3
Employee	7.8	5.4	5.3	2.2	4.8	3.6	4.4
Social Science	0.8	1.6	1.8	6.7	4.8	0.0	2.9
A, H, A ^a	0.8	0.8	0.9	1.1	0.0	1.2	2.9
Agriculture	0.8	0.8	1.8	2.2	1.2	2.4	2.9
Economist	2.3	2.3	1.8	2.2	4.8	4.8	2.9
Other	16.3	12.4	11.4	8.9	3.6	3.6	5.9
PJ							
Legal	17.1	30.6	28.9	26.7	29.3	26.8	21.4
Medicine	3.6	9.7	10.3	7.5	9.5	8.7	6.9
Engineering	5.4	3.2	3.1	5.8	11.2	8.7	1.5
Teacher	4.5	4.8	8.2	9.2	4.3	9.4	13.0
Employer	18.0	16.1	11.3	13.3	10.3	11.8	16.0
Employee	25.2	16.1	18.6	15.0	12.9	7.9	5.3
Social Science	1.8	3.2	0.0	0.8	0.0	0.8	2.3
A, H, A ^a	0.0	3.2	3.1	0.8	1.7	3.1	2.3
Agriculture	3.6	1.6	1.0	0.0	0.9	1.6	1.5
Economist	0.9	3.2	3.1	3.3	4.3	9.4	12.2
Other	19.8	8.1	12.4	17.5	15.5	11.8	17.6

^a Arts, Humanities, Architecture. **Source:** Molinelli et al. (1999), chart 2.52.

In addition, economist-legislators gravitated toward committee assignments that matched their technical expertise. In the 1980s, there were few if any economists in most economy-related committees in the Chamber of Deputies. By the 1995–1997 period, “economist” had become the

⁶ Based on available data, the proportion was comparable in 1946, the year that Juan Domingo Perón was first elected, as 34 per cent of deputies and 36 per cent of senators were lawyers.

number-one profession in the Finance Committee and the Economy Committee, and preponderant in the Budget, Industry, Regional Economies and Development, and Trade committees (see table 8).⁷

Table 8: Committees with rising economist-legislators
 (per cent of total members and ranking^a in parenthesis)

	Profession	1983–1985	1989–1991	1995–1997
Trade	Legal	10.0 (3)	50.0 (1)	12.5 (4)
	Economist	5.0 (5)		16.7 (3)
Finance	Legal	34.8 (1)	56.5 (1)	33.3 (1)
	Economist	13.0 (2)	17.4 (2)	33.3 (1)
Industry	Legal	27.3 (1)	42.3	24.1 (1)
	Economist	0.0	0.0	17.2 (2)
Budget	Legal	35.5 (1)	36.7 (1)	37.8 (1)
	Economist	9.7 (4)	16.7 (2)	27.0 (2)
RED^b	Legal	36.0 (1)	29.2 (1)	30.8 (1)
	Economist	4.0 (7)	0.0	11.5 (2) ^c
Economy	Legal	NA	43.5 (1)	13.6 (3)
	Economist	NA	4.3 (5)	31.8 (1)

^a Ranking refers to the place that economists occupy in a list of professions represented in Congress: agriculture; arts, humanities and architecture; employee/labour; employer; engineering; legal; medicine; social scientist; teacher; and others. A ranking of "1" means that the profession was the most represented, with the largest share of members belonging to it. Higher numbers indicate a lower ranking. ^b Regional Economies and Development. ^c Tied with employer and medicine. **Source:** Molinelli et al. (1999), based on chart 2.53.

In short, economists have entered the legislature and colonized crucial committees that have routine interaction with the Ministry of Economy. The entry occurred by way of the ruling party. Nevertheless, economist-legislators are still far from a majority. The change was confined mostly to the Chamber of Deputies, and overall economists represented only the fourth-most-prevalent profession in the 1995–1997 period.

Legislative initiative

Another way to gauge congressional oversight is to examine legislative initiatives. Scholars typically focus on bill productivity. There is agreement that, in general, the Argentine Congress is "reactive" and plays a very limited role in starting bills or in controlling the powers of the executive branch (Jones et al. 2000), as is typical of Latin American legislatures (Cox and Morgenstern 2001; Weyland 2002). But within these restricted activities, legislators can exercise significant influence such as the power to modify proposed bills and, more importantly, to reject them (Cox and Morgenstern 2001).

New data on bill productivity in Argentina confirm this. Table 9, for instance, shows a modest increase in the number of "Congress-initiated" laws. Under Alfonsín, Congress initiated only 47.9 per cent of bills. In the 1992–1997 period, this increased to 57.1 per cent. Furthermore, the ruling party acted as the most active initiator of approved bills, responsible for initiating 58.9 per cent of Congress-initiated bills (up from 51.8 per cent in 1989–1991, and 48.2 per cent in 1984–1989). Mustapic (2000) took the additional step of studying the role of presidential vetoes as a proxy of congressional independence—the more presidential vetoes, the more it appears that Congress is acting in ways that contradict the intentions of the executive branch.

⁷ The Budget Committee has become one of the most specialized, and it includes many economists and former ministers of economy from the provinces. It has a low turnover rate and maintains frequent interaction with the executive branch (Mustapic 2000:588).

Mustapic (2000) found that: (i) Menem (1989–1995) resorted to more vetoes than Alfonsín (1983–1985); (ii) Menem vetoed more bills originally submitted by the executive branch, indicating congressional initiative in changing executive branch bills; and (iii) Alfonsín vetoed more bills originating from the opposition, whereas Menem vetoed more bills originating from the ruling party, again indicating that the ruling party became a significant modifier of legislation under Menem. All of this research is in line with the theoretical expectations of this paper.

Table 9: Congress-initiated bills by originating party, 1984–1997

	1984–1989 ^a	1989–1991 ^b	1992–1997
Congress-initiated bills (per cent of total approved bills)	309 (47.9)	193 (52.7)	506 (57.1)
Ruling-party-initiated bills (per cent of total Congress-initiated bills)	149 (48.2)	100 (51.8)	298 (58.9)
Opposition-party-initiated bills (per cent of total Congress-initiated bills)	111 (35.9)	59 (30.6)	120 (23.7)

^a Until the end of the Alfonsín administration. ^b Starts at the beginning of the Menem administration and includes 65 bills initially submitted by Alfonsín and approved under Menem. **Source:** Molinelli et al. (1999), tables 2.213 and 15.

However, the focus on bill productivity is too narrow. It ignores the other ways in which a legislature can scrutinize the executive branch. The Argentine Constitution stipulates two additional legislative oversight prerogatives: (i) requests for reports (*pedidos de informes*); and (ii) ministerial depositions.

Requests for reports

The Argentine Constitution grants Congress the prerogative to issue written requests for reports to the executive branch as a way to monitor its activities. These requests ask the executive branch to provide information on whatever topic Congress deems necessary.⁸

Congress has two ways of forwarding requests to the executive branch: a direct route and an indirect route. The direct route occurs when members of a given committee approve the request unanimously. The Constitution stipulates that in these cases the committee can forward the request directly to the executive branch and bypass the floor. When there is majority support but not unanimous consensus in a committee, then it must send the request to the floor for approval. By far, the majority of requests take the indirect route, and most of them are approved on the floor (Palanza 2002, 2000).

Table 10 lists all of the requests that took the indirect route. However, it should be noted that these requests do not convey: (i) the total number of requests, since the list excludes the few requests that took the direct route; (ii) whether the executive branch responded adequately;⁹ and (iii) whether Congress took any action in the event of a less-than-satisfactory report. For these reasons, they are an imperfect indicator of legislative oversight. Yet, these requests are a good

⁸ There are two other sets of data on request for reports. Each was compiled using different classification criteria and methods, which makes it impossible to merge them into a single dataset. The Ministry of Economy compiled one set in 1994, which includes all the requests actually approved by Congress from 1983 to 1994 and broken down by policy area—that is, the office of the executive branch to which each request was forwarded (Ministerio de Economía y Obras y Servicios Públicos 1994). The advantage of this set is that it goes back to 1983 and shows that the number of requests under the first four years of the Menem administration was almost triple the total under Alfonsín, confirming the hypotheses of the rise of congressional scrutiny in the 1990s. Most requests were forwarded to the Ministry of Economy, demonstrating that Congress is paying particular attention to economic matters, and that the executive branch is entrusting the Ministry of Economy with the responsibility of answering to Congress. Molinelli et al. (1999) compiled the other set. The advantage of this set is that it provides information broken down by year from 1983 to 1996. It also shows that the number of requests increased dramatically in the first Menem administration. The disadvantage of this dataset is that it does not cover the entire 1990s.

⁹ A parallel research project by Palanza (2002) has found evidence that, for the most part, the executive branch responds to requests for reports, though not always in a timely fashion.

measure of the degree to which Congress is interested in investigating the activities of the executive branch. Some conclusions are possible.

Table 10: Requests for reports sent to the floor of the Chamber of Deputies, 1990–2000^a

Committee	Avg. per year	Total	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000 ^b
Agriculture and Livestock	8.33	91.66	13.60	9.80	7.00	15.80	10.83	6.00	3.41	1.66	14.65	5.08	3.83
Analysis of Tax/Social Security Compliance	0.32	3.16	—	0.00	0.00	0.00	0.50	0.50	1.16	0.00	1.00	0.00	0.00
Budget	0.50	5.50	2.50	0.00	0.00	0.00	1.00	0.00	1.00	0.00	0.00	1.00	0.00
Communications	2.09	22.99	1.67	1.00	4.00	3.00	1.33	0.50	1.00	0.00	5.50	1.83	3.16
Constitutional Affairs	0.11	1.17	0.00	0.00	0.00	0.67	0.00	0.00	0.50	0.00	0.00	0.00	0.00
Consumer Defence	0.84	9.22	—	—	—	—	—	—	—	—	2.81	2.25	4.16
Co-operative and Mutual Affairs	1.27	13.98	0.00	0.00	0.00	0.00	0.00	0.00	1.00	3.50	4.82	4.16	0.50
Culture	5.98	47.83	—	—	—	0.00	2.50	7.50	3.50	10.50	13.00	7.00	3.83
Domestic Security	1.47	16.12	—	—	—	—	—	—	—	—	2.33	7.49	6.30
Drug Abuse	0.41	4.49	0.33	0.00	1.00	0.00	0.00	0.00	1.00	0.83	0.50	0.00	0.83
Development (Regional and Economic)	2.21	24.28	1.50	0.00	0.30	2.00	9.83	0.50	1.25	1.66	1.33	2.58	3.33
Economy	4.55	50.03	9.67	4.80	14.17	0.33	3.66	2.00	3.83	1.25	7.82	2.50	0.00
Education	1.03	11.30	0.50	1.00	2.80	2.50	2.00	0.50	0.00	1.50	0.50	0.00	0.00
Energy and Fuels	1.62	17.86	1.80	0.50	0.00	5.17	1.66	1.83	1.50	2.16	1.66	0.33	1.25
Family, Women, Minorities	1.12	12.33	1.67	2.50	1.50	1.00	0.00	0.50	0.50	0.00	1.16	1.00	2.50
Finance	1.85	20.31	3.16	0.00	1.00	0.00	1.00	0.83	0.83	0.00	2.50	0.33	10.66
Foreign Relations	2.29	25.19	0.00	2.00	2.10	1.00	4.66	3.33	1.49	1.25	7.70	0.33	1.33
Freedom of Expression	0.51	5.63	4.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.33	0.00	0.50
General Legislation	2.78	30.57	5.16	6.50	3.00	2.00	0.00	2.00	1.00	1.25	4.83	1.00	3.83
Housing and Urban Affairs	0.55	6.04	0.80	0.50	0.00	0.00	0.75	0.00	0.00	0.50	1.49	0.00	2.00
Human Rights	0.65	7.14	—	0.00	0.33	0.00	2.50	0.00	0.66	0.33	2.16	0.00	1.16
Industry	6.58	72.41	10.80	10.13	5.40	7.50	5.16	7.66	3.16	4.75	6.64	5.66	5.55
Joint Auditing	13.17	79.00	—	—	—	—	—	4.00	3.00	0.00	28.00	21.00	23.00
Justice	0.83	9.15	2.50	0.00	1.50	0.00	0.33	0.33	0.50	1.33	0.00	0.00	2.66
Labour Laws	8.96	98.61	1.00	4.00	3.20	7.34	5.50	8.00	1.00	2.58	39.16	14.00	12.83
Other	0.09	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00
Maritime, Fishing, Ports	2.10	16.82	—	—	—	0.00	1.50	1.82	5.16	1.33	2.85	2.33	1.83
MERCOSUR	1.20	6.02	—	—	—	—	—	—	0.00	0.83	1.86	1.50	1.83
Municipal Affairs ^c	14.55	160.10	12.30	22.50	36.40	25.17	27.42	12.33	11.66	3.50	4.16	2.16	2.50
National Defence	1.28	14.12	0.67	2.80	1.00	0.00	0.00	0.83	2.00	0.83	4.99	1.00	0.00
Natural Resources and Environmental Protection	15.95	175.50	6.16	13.00	31.04	25.67	12.66	20.31	21.41	9.41	19.35	8.66	7.83
NGOs	0.63	6.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.32	4.16	0.50
Penal Code	2.36	25.91	5.30	3.00	3.50	1.30	4.50	1.50	2.16	0.00	0.00	1.99	2.66
Pension/Social Security	5.67	62.32	14.16	10.00	11.00	3.00	0.50	4.50	0.00	19.16	0.00	0.00	0.00
Pop. and Human Res.	7.19	64.72	—	—	4.00	4.50	4.25	10.00	8.00	11.83	9.49	9.16	3.49
Public Works	3.62	39.86	2.50	0.80	7.17	9.34	6.25	1.16	4.66	1.83	3.32	1.00	1.83
Science and Technology	1.87	20.57	0.00	1.50	0.00	1.00	2.16	6.00	6.75	0.50	1.16	0.50	1.00
Senior Citizens	1.10	8.82	—	—	—	—	0.50	1.33	3.49	0.00	1.50	2.00	0.00
Small and medium-sized firms	0.25	0.50	—	—	—	—	—	—	—	—	—	0.50	0.00
Social Action/ Public Health	13.07	143.81	20.80	38.33	13.50	16.80	10.50	2.83	9.66	2.66	6.49	13.91	8.33
Sports ^d	3.01	33.13	4.00	6.50	6.47	2.50	2.50	5.00	1.50	0.50	0.33	3.83	0.00
Tourism	4.15	37.35	—	—	5.50	5.00	1.00	10.00	7.00	1.00	3.19	3.00	1.66
Trade	7.42	81.58	10.16	15.67	3.90	9.50	9.66	6.33	4.99	7.16	9.97	2.16	2.08
Transportation	3.20	35.18	4.30	1.00	6.40	6.00	2.33	2.00	3.00	0.50	7.15	2.50	0.00
Total	147.30	1,620.20	141.80	157.80	177.10	158.10	138.90	131.90	122.70	97.10	228.00	137.90	128.80

^a Committees issued requests individually or jointly with other committees. Committees received one point for every individual request and a fraction of a point for joint requests: when two committees issued a request, each committee received 0.5; when three committees issued a request, each received 0.33; etc. Data are missing for *Órdenes del Día de Cámara de Diputados* numbers 1471 and 1472 (June 1995). ^b Until September 2000. ^c Prior to 1991, this committee was called Municipal Affairs and National Territories. ^d Prior to 1991, this committee was called Tourism and Sports. **Note:** A dash (—) indicates that the committee was not in existence. **Source:** Based on *Órdenes del Día de Cámara de Diputados*, and Palanza (2000).

One conclusion is that the interest on the part of Congress to demand additional information from the executive branch is considerable, as suggested by the extraordinarily large number of requests issued—an average of 147.3 requests per year. This is not a legislature that is underutilizing its constitutional oversight prerogatives. A second conclusion is that some committees are far more active than others. In some cases, there is a simple explanation—for example, the Joint Auditing Committee (Comisión Mixta Revisora de Cuentas), which is responsible for oversight functions and is charged with supervising the budget. But for the most part, the explanation for the variation in outputs is not clear. One possible hypothesis could be that Congress is playing a rational “selective” game of oversight. Rather than choosing to scrutinize the executive branch in every possible aspect, which would be too costly and futile, or to forgo scrutiny altogether, which would be too negligent, Congress decides to scrutinize the executive branch selectively, perhaps following the system described below.

First, in many areas that are of extreme importance to—that is, high on the reform agenda of—the executive branch, Congress decided to go easy by issuing few requests: budget, education, foreign relations, MERCOSUR, national defence, regional development, senior citizens. All of these committees were handling topics that experienced serious, controversial reforms pushed by the executive branch, and Congress responded in a trusting and unencumbering manner. This is consistent with Eaton’s (2001) finding that, at times, legislators find it rational to delegate powers and discretion to the executive branch.

Second, there are other areas that are also important to the executive branch in which Congress played a heavy hand by issuing many requests: industry, labour, pensions and social security, social action, trade. The explanation could be that Congress, or more specifically, the ruling party, chose to direct its oversight activities to those areas because it cared most deeply about them. Most qualitative research on the reform agenda in Argentina confirms that the ruling party had particularly strong preferences in each of these policy areas. The Labour and Social Action committees handled the reforms of labour markets and health programmes, which the ruling party intensely opposed (Etchemendy and Palermo 1998). The Industry, Social Security and Trade committees dealt with issues of pensions, privatizations, subsidies and foreign investments—areas in which the ruling party demanded to always be consulted (Corrales 2002b). Therefore, the high outputs of these committees indicate high oversight action.

Finally, there were areas that mattered little to the executive branch in which Congress played a heavy hand: agriculture, municipal affairs, natural resources, population and human resources. The high number of requests issued by the committees on these issues probably reflects less an effort by the legislature to hold the executive branch accountable than to show off before constituents. These areas all have strong and active constituencies, and legislators could have been issuing many requests simply to show their constituents that they care about these issues. These are inquiries that are not too costly since they would not produce conflict with the executive branch, yet they have a high value for constituents; hence, Congress issues many of them.

Further qualitative research is needed to better explain what exactly determines the variation in output, but a pattern of selective oversight seems to be at work (see table 11). The Argentine Congress issued reports in areas that: (i) mattered significantly to both the executive branch and the ruling party—that is, true oversight function; and (ii) mattered little to the executive branch but a lot to the constituents—that is, constituent work. It deliberately avoided wasting resources by issuing few reports in many other areas. Rather than a Congress that acted negligently or chaotically, what emerges instead is a Congress that exercised its oversight prerogative judiciously and in a way that was consistent with its limited resources and the political objectives of the ruling party, that is, interested in negotiated reforms, rather than total blockage and total cooperation as well as in saving some face vis-à-vis constituents. The drastic increase of reports in 1998 might be the result of the return of an invigorated opposition.

Table 11: Incidence of requests for reports

		Importance accorded by the executive branch	
		High	Low
Importance accorded by the legislature	High	Oversight (large number of requests)	Constituent work (large number of requests)
	Low	Co-operation (small number of requests)	Savings (small number of requests)

Ministerial depositions: Executive branch–legislative interactions in times of crisis

Another oversight function granted to Congress by the Constitution is the right to summon ministers (*interpelaciones*). It is appropriate to study the use of this right during moments of economic crisis since they bring out the preponderance of the executive branch when it deploys its technocratic capacity and crusadism the most by bombarding Congress with complex policy packages and demanding full support. Moments of crisis are thus a good test of congressional oversight actions. Table 12 shows the response of Congress and one crucial economics-related committee, the Budget Committee, during crisis years. The table provides the number of laws approved by the committee and the number of depositions of economic officials conducted in the Chamber of Deputies.

Table 12: Interaction between Minister of Economy and Congress during economic crises, 1985–1995

Period	Type of crisis	Number of laws approved by Budget Committee (per cent of total)	Briefings of economic cabinet officials		
			Voluntary briefings	Congress-demanded briefings	Total hours of briefings
1985	Rising debt, threat of hyperinflation, economic slowdown	18	0	1	2
1987–1989	Rising debt, collapse of stabilization plan, economic slowdown	25	0	0	0
1989	Hyperinflation	10	0	0	0
1990	Hyperinflation, collapse of stability	9	1 ^a	0	8
1995	Risk of devaluation, collapse of stability, recession, surge in unemployment	45	3 ^b	1	152

^a Minister of Public Works. ^b Minister of Economy hearing in March, lasting six hours; Minister of Labour hearing in June, lasting 130 hours; Minister of Economy hearing in August, lasting 11 hours. **Source:** Molinelli et al. (1999).

During the first crisis (1985), the response was mixed. The committee generated a relatively high number of laws, and Congress conducted a two-hour-long briefing of the Minister of Economy. During the second major crisis (1987–1989), this activity declined. There were no ministerial depositions during these years despite the gravity of the economic situation and the heavy-handed efforts by the state to push reforms.

Activities were also unimpressive during the third crisis (1989–1990), with 19 laws and one deposition in two years. This low performance is a reflection of two vices in executive branch–legislative relations, both anathema to accountability. Congress went from granting the execu-

tive branch nearly full powers (the Law of State Reform and the Law of Economic Emergency) in 1989 to developing cold feet the following year. Shocked at the magnitude of the reforms proposed by the executive branch, legislators stopped co-operating with the executive branch, sometimes even refusing to consider key reform bills. In terms of levels of co-operation with the executive branch, the Congresses of 1989 and 1990 were the exact opposite of each other—acquiescence and disengagement. Yet, in terms of accountability, they were similar—in both instances Congress relaxed its oversight functions.

However, the behaviour of the Budget Committee was dramatically different during the 1995 crisis. Again, the executive branch bombarded the legislature with a massive package of complex reforms. The Minister of Economy requested special powers to handle the crisis. Congress did not grant the executive branch full powers and thus avoided an encore of the 1989 blank cheque, but it also avoided the vice of 1990 (and 1987–1988) of refusing to engage with the executive branch. The Budget Committee scheduled four ministerial briefings for a total of 152 hours of depositions and worked on a record number of bills.

Epilogue: The 2000–2001 Economic Crisis

In 1998, Argentina plunged into yet another economic crisis. What began as a mild recession triggered by an external shock—the Russian rouble devaluation of 1998—and a domestic shock—deficit spending, growing indebtedness—by 2000 became the most serious economic crisis in Argentina since the hyperinflation of 1989 (Corrales 2002a). A new administration, formed by the Alianza, took office in December 1999. Despite major efforts, including the most severe austerity packages ever in Argentina, the Alianza failed to end the recession.

This economic crisis revealed once again the mixed effects that economic crises can have on congressional development. Some of the variables identified in table 6 became favourable for congressional accountability, while others turned unfavourable. On the positive side, the crisis led to greater technocratization and crusadism on the part of the Ministry of Economy and served as a stimulus for Congress to follow suit and exercise greater control over the executive branch.

On the negative side, there were two important changes. First, the crisis discouraged legislators from focusing on long-term projects, such as institutional development. Second, it put enormous stress on the ruling coalition. This time, the response of the Alianza was “tension”. Stunned by the magnitude of the austerity packages proposed by the administration—and the accusations of executive branch-led bribes to the legislature—the ruling coalition went into a state of shock and adopted a strategy approaching recalcitrant refusal. The Minister of Economy, José Luis Machinea (December 1999 to March 2001), found himself in a continuous tug of war with legislators from the ruling coalition. He spent most of his energy trying to explain the measures to the ruling party, while the ruling party resisted and often threatened to defect from the coalition or simply to vote against the proposed bills.¹⁰

Executive branch–ruling party relations improved somewhat with the return of Cavallo as Minister of Economy (March to December 2001). Although the ruling party was initially opposed to Cavallo’s appointment—after all, he was the architect of the very reforms in the early 1990s that the Alianza parties ardently opposed—relations between Cavallo and Congress improved somewhat. For instance, in less than three months, Cavallo obtained congressional approval of three major reform bills in 2001—a competitiveness law in March, a currency bill in April and a “zero-deficit” bill in July.¹¹

¹⁰ Interview with Roberto Eilbaum, under-secretary of economic programming, July 2000.

¹¹ The competitiveness law consisted of a set of sweeping changes in taxes and import tariffs. The currency bill replaced the existing peg to the United States (US) dollar in favour of a peg to a currency basket of US dollars and euros to take effect whenever the euro reached parity with the US dollar. The zero-deficit bill forced the government to limit spending to existing revenues, potentially generating \$1.5 billion in spending cuts.

This new-found co-operation did not mean the return of a blank cheque from Congress. For instance, Congress adamantly refused to support Cavallo's first draft of the competitiveness law, which included granting sweeping powers to the Ministry of Economy to cut jobs, wages and pensions and to privatize state assets. As in 1995, Congress blocked efforts by the executive branch to supersede Congress.

Executive branch–legislative co-operation ended after the October 2001 midterm election in which the opposition party made inroads and the ruling coalition suffered setbacks. The ruling coalition responded by becoming even less co-operative with the executive branch, which they blamed for their electoral setback. And the ruling party switched to a “sabotage” mode once it realized how vulnerable the elections rendered the administration. This switch in party attitudes toward the executive branch caused a switch in congressional attitude: Congress began to refuse to do business with the executive branch. This switch also forced the president to resign in December 2001. Once again, a lame-duck, vulnerable administration proved to be less effective than a forceful administration in promoting congressional oversight capacities.

Conclusion

This paper makes two major points. First, the relationship between political parties and the executive branch affects the propensity of Congress to exercise oversight. Second, technical expertise can be considered a tool that can enhance the capacity of Congress to exercise oversight functions. By looking at this indicator, as well as others such as requests for reports, ministerial briefings, and Congress-initiated and modified bills, this paper concludes that the Argentine Congress has actually increased its capacity to monitor the executive branch—albeit only very recently, slowly and modestly.

Technical expertise, this paper argues, is a tool that can enhance congressional capacity to scrutinize the executive branch because it allows Congress to “talk back” to it. Thus, it addresses the problem of democratic dissonance that arises when state officials “speak” a language that is unintelligible to civil society and amounts to an expensive commodity that legislatures may or may not be in a position to purchase.

Until the early 1990s, the Argentine Congress declined to buy much technical expertise, which placed Congress at a disadvantage in dealing with the executive branch. The executive branch could bombard Congress with technically complex legislation and overwhelm legislators. Unable to scrutinize the executive branch on the basis of the technical merits of policy, legislators opted for ineffective or less desirable means of challenging the presidency—free-riding on the information furnished by the executive branch, refusing to debate policy content, and declining to meet to conduct business. In short, executive branch–legislative relations became a pre-eminent source of democratic dissonance.

This technical underdevelopment began to abate in the Chamber of Deputies in 1991 when it incorporated more economist-legislators (emulating the executive branch), underwent greater diversification and specialization in economics-related committees and showed more willingness to question the executive branch, introduce bills and modify bills introduced by the executive branch.

This supports the hypothesis that improvements in state practices and state-party interactions influenced congressional accountability. Most of the improvements occurred from 1995 to 1997, the same period when state-party interactions adopted the strategies identified as favourable for greater congressional accountability—that is, a ruling party that engaged in negotiated support rather than a rubber-stamp process or hostile attitude, and an opposition party that moved away from strategies of recalcitrant refusal. Prior to 1991, the Argentine Congress faced weak incentives to develop technical capacity because the executive branch itself was not technocrati-

cally complex, resources were scarce and political parties preferred alternative strategies in dealing with incumbents.

These findings offer insights about theories of executive branch–legislative relations. Just as presidents modify their strategies in anticipation of the opposition that they expect to encounter in congress, so do legislators experiment with different strategies in dealing with the executive branch. Although the rise of technocratism in the executive branch created a problem of democratic dissonance, it was not altogether a negative factor because it served as an inducement for the Argentine Congress to become more technically competent.

Also contrary to what many argue, a supportive ruling party did not necessarily undermine congressional development. In the 1990s, most of the appointments of economists, requests for accountability reports and modified bills originated from the ruling party. However, two caveats are in order. First, the ruling party strengthened Congress only when it adopted a position of negotiated support. Obsequious or highly confrontational ruling parties contribute little to congressional development. Second, even when the ruling party adopted a strategy that was more favourable to accountability, its preference on behalf of exercising this function was unreliable. The ruling party never presses as hard for accountability as an opposition party might. In short, both a strong executive branch and a co-operative ruling party were important – though not wholly sufficient – ingredients for congressional development in Argentina.

Likewise, opposition parties will not always demand greater technical capacity of the executive branch. Rather, it will depend on the overall strategy toward the opposition adopted by the party. A highly confrontational and combative style of opposition contributed little, if anything, to congressional development.

There are limitations to the data discussed in this paper, and questions remain that are not easy to answer. Why did the Senate fail to incorporate economists? Why did economics-related committees issue fewer requests for reports than other committees? How thorough was Congress's review of the budget bill? How exactly did the executive branch respond to report requests? Further research is necessary.

However, it should now be clear why congressional development is difficult in new democracies. Congressional development confronts a hard-to-solve paradox. On the one hand, the biggest push for congressional development must come from the opposition party. Yet, the opposition party is seldom in the most suitable position to assert itself. Often, it is too electorally demoralized to play such a role. Other times, it prefers to challenge the executive branch through means other than technical development. As a result, the burden of congressional development falls on the ruling party. The problem with this is that the ruling party's preference for developing accountability is imperfect. The extent to which it truly wants to scrutinize its own administration and performance is never impressive. This paradox – namely, that the actors that should demand accountability are either institutionally ill-suited to do so (as is the case of opposition parties) or uninterested in doing so (as is the case of ruling parties) – is a fundamental political obstacle to the institutional development of legislatures.

Thus, the data presented here strongly suggest that a serious obstacle to congressional development lies at the level of political parties. As long as parties do not feel the need to match the executive branch on its own terms and technical capacity, the legislative branch is likely to lose out. Persuading parties to understand the need to purchase technical expertise could very well be the starting point of any effort to improve executive branch–legislative interaction in new democracies.

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