

## **FINANCIAL CRISIS ADJUSTMENT AND STATE REFORM: THE CASE OF PORTUGAL**

**J. A. Oliveira Rocha**

Professor of Public Management and Public Policies, University of Minho  
Department: Nucleo Estudos de Administração e Políticas Públicas – NEAPP  
Institution: School of Economics and Management (EEG) - University of Minho, Braga, Portugal.  
Address: School of Economics and Management, Campus de Gualtar, 4710 - 057 Braga, Portugal.

**G. Jonas Bernardo Zavale**

Doctorate in Administrative Sciences (Portugal)  
Department: Nucleo Estudos de Administração e Políticas Públicas – NEAPP  
Institution: School of Economics and Management (EEG) - University of Minho Braga, Portugal.

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**ABSTRACT:** *This article focuses on State reform as a consequence of the financial crisis of 2008, which persists to this day. Politicians identify State reform with austerity measures. Thus, the Welfare State will be substituted by a neo-liberal State. However, once the crisis has been surpassed, the State will tend to grow again. In reality, true reform implies a change of culture and behaviours, which is quite difficult in Southern European countries, of which Portugal is part of. These countries are deeply legalist, and in which, separation between politics and administration is not always linear.*

**KEYWORDS:** State Reform, New Public Management, financial crisis, globalization

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### **INTRODUCTION**

#### **Guidelines for State Reform**

At the end of October 2013, Guidelines for State Reform were divulged by the Portuguese government. The assumptions are not that different from Margaret Thatcher's reform of the 1980s. Therein it is said that the State spends more than it receives. This is due to the expansion of social policies and increase in the number of employees. It is therefore, necessary to reduce spending and lay off employees. Simultaneously, the State has to privatize and streamline its services, reduce bureaucracy, become more efficient, centralize and deregulate. According to the document, this is the only possible way to safeguard the Welfare State. The desired State lies between nationalization and the minimal State. Then, it balances a set of micro-reforms: shared structures and reinforcement of technical capacities of the ministries; industrial promotion; education, social security and healthcare reform; and, rationalization of the territorial separation.

In short, it is an ideologically well marked document that recovers many of Margaret Thatcher's ideas from the 1980s. In fact, it is not a programme of State reform, but rather a

government programme, generic, rounded, to be implemented according to the circumstances and political era. In this sense, it is far from the reform carried out by the Resolution of the Council of Ministers No. 95/2003, which provided the framework for the reform of Barroso's government and Sócrates' governments (Rocha and Araújo, 2007). In this resolution, objectives were envisaged: structure the State, limit its functions, and introduce rules for performance assessment. The publication of framework laws and implementation processes were established, as well as a timetable for implementation (Rocha, 2010a). Under the structure of the State, essential functions should be separated from ancillary functions that could be carried out by other entities. In the event of transfer to other entities, the function of regulation should be redefined. In the organization of Public Administration, procedures should be simplified, hierarchical levels reduced, an evaluation system based on results created and there should be a rapprochement of individual employment contracts to that of the private sector. The Resolution then established a strict calendar for the implementation of this reform process. However, the establishment of a Monitoring and Evaluation Committee for the reform was forgotten. This was indeed, a real plan to reform the State. The current plan of reform is composed of a set of vague ideas, lacking an accurate reflection of what the modern State is, the ability to implement policies and the direction for reforms. For State reform, it is necessary to characterize the State and Public Administration.

### **Types of State and Public Administration Models**

When referring to State reform, managerial administration is opposed to bureaucratic administration. This could not be more wrong, not only because public management models cannot be reduced to these two, but also because it is assumed that the adoption of business management processes and models (NPM) will solve the problem of the State. In fact, to each type of State there is a corresponding public management model it is in harmony with, with which it becomes a whole, relying on the same assumptions and following the same paradigms. Thus, we can characterize: legal-bureaucratic Administration, as corresponding to the liberal State whose functions are reduced to those of the sovereignty. It is the type of State that emerges following the French Revolution and presupposes the separation of powers. After the war, the State includes welfare functions in the Constitution; the Government becomes professionalized in the major service areas provided (education, healthcare, social security). This State model is known as the Administrative State or Welfare State, which goes into crisis in the late 1970s, due to the halt of economic development that fuelled the Welfare State. In the 1980s, pressured by various economic doctrines, a limitation to the State's role and a return to its traditional functions (neo-liberalism) were proposed. At the same time, it was considered that the administrative machine was grossly inefficient, thus it became necessary to adopt business management methods and instruments. The resulting State of these reforms is known as the Neo-liberal State, or Managerial State, depending on the emphasis given to the reduction of the State's functions or the adoption of private management tools (contracting, public-private partnerships, labour law). In practice, the reforms undertaken at that time and that carried on to the present, integrate elements of both (Rocha, 2010a). The guidelines for State reform are an inventory of these concepts.

The implementation of the New Public Management had disastrous consequences, separating the design of policies from their execution, the latter being the responsibility of private actors or autonomous bodies (agencies). In fact, by waging on the market as a means to implement the

policies, the Managerial State abandoned its role of coordinator. Stewart (2001) presents some necessary conditions for this separation to work, highlighting the need for well designed policies in advance, so that they can be evaluated. However, policy-making is no longer a task taken on by the Government, but rather by interest groups and consulting firms. In other words, the State has become a prisoner of the dominating interests. This occurs in Portugal, where the State has become prey to banks, natural monopolies, construction companies, major law firms and other corporate groups. At the start of this century, there was an attempt to overcome these obstacles, where the State took on the role of integrator in the web of networks and coordinator of policies. Experts call this model the State of Governance (Rocha 2010b). In this case, the design and implementation of public policies is the result of interaction between various actors with different objectives, interests and values (Colebatch, 2005). It has always been admitted that the State has the mechanisms in place for public policy-making; but if we add the phenomenon of globalization, we might ask whether it is possible to design policies nationwide, particularly economic policies.

### **Globalization and State Reform**

Since the 1990s globalization and its consequences to the architecture of the State have been spoken of incessantly. Kanishka (2001) speaks of a State, in which models of capital control were significantly dismantled, bearing witness to the re-engineering of that same State. In actuality, instead of structures intended to establish regulation, the State provides methods for self-regulation. For others (Goodhart, 2001), globalization increasingly brings serious problems to democracy because the nation State is no longer the centre of decision-making, given that many supra-national activities are beyond the control of the State and its citizens. Lodge (2013) speaks of a depleted State or empty State, unable to cope with the economic downturn, given its continuous loss of legitimacy and necessary resources to save the State from the post-war era. Arising in the USA, in 2007/08, the economic crisis was exported to the rest of the world, given we are speaking of an integrated and global economy. And to overcome it, a package of general measures is needed (Stiglitz, 2009). However, the response has been to adopt traditional measures, euphemistically called the State reform. Some countries, like France and Germany, stepped up their way of governance, enhancing centralization and control. Others, like the USA, have abandoned the neo-liberal outlook, choosing to intervene in the economy. One conclusion can be made: from the economic downturn no paradigm has emerged that ensures success. One thing is for certain, the deep-rooted weaknesses of the market were mirrored in the mistrust surrounding the New Public Management, but there seems to be no other alternatives (Peters, Pierre and Randma – Liivi, 2011).

### **The Case of Portugal**

With no guidelines, no political philosophy, buried in contradictions, but ideologically well established, the Portuguese government has been systematically executing a conversion of the State. The analysis of the main policy instruments allows us to conclude that it translates into two dimensions. First of all, government functions have been part of a highly centralized policy where the people come second and protests come up against a wall of silence. The government argues that, as a result of the 2011 elections, it enjoys political legitimacy and that it is in a representative democracy, with a majority in parliament. Distant from the people, public policies have resulted in the impoverishment of the majority of the population, including the middle-class and enrichment of some interest groups. Austerity policies are presented as inevitable and non-negotiable (Ghellab and Papadakis, 2011). Everything happens on the

margins of social dialogue, or when it exists, it is merely rhetoric. The official discourse is common to all OECD countries, which insists on austerity as the only solution to the crisis (Lodge and Hood, 2012). Moreover, the Portuguese are said to be responsible for the economic downturn, given they lived beyond their means. And the discourse is the same for other Southern European countries. The second dimension was mirrored in the restrictions applied to social policies (healthcare, education, social security). These policies accompanied by changes to labour laws, are converting the country into a poor and peripheral State. This is State reform and Paulo Portas' plan was a *fait d'iver*, intended to mislead public opinion. Regardless of political folklore, the government is changing the nature of the State, dismantling its social welfare quality, deregulating, privatizing and withdrawing itself from the economy. Let us take a better look at what is happening under the pressure of the Memorandum of Understanding signed in 2011 between the Portuguese government and Troika (IMF, European Commission and European Central Bank).

### The Memorandum and its Execution

The IMF, before committing to financial aid, carried out a diagnosis of the Portuguese economy that can be summarized as follows: weak economic growth, low productivity, loss of competitiveness and increase in debt. How to go about budgetary consolidation? Traditionally it was done through currency depreciation. However, in Portugal's case as well as that of Greece and Ireland, adjustment would have to be done within the Framework of a Monetary Union, and thus, without recourse to the traditional method. In these cases, budgetary adjustment entailed increasing taxes and cutting expenditure, primarily Public Administration wages, as well as state pensions (Table I).

**Table I: Budgetary adjustment measures to reduce expenditure listed in the memorandum**

Public Expenditure Reduction Measures (sum, millions in Euros)	2012	2013
Improve the running of Central Government (reduction of services; reorganization of Local and Regional Government; mobility of public administration employees; review of remuneration policies).	500	500
Cut spending in education (school clusters; decrease admissions of human resources; decrease transfers to private schools with association agreements).	195	175
Cut spending with public service personnel (limit admissions for annual decreases in 2012-2014 of 1% year in Central Government and 2% in Regional and Local Governments; freeze wages in the public sector under normal conditions in 2012 and 2013).	100	100
Cut spending in healthcare systems for public administration employees.	550	375
Reduce pensions over 1500 Euros (maintain rules for pension indexing in 2013).	445	
Reform unemployment benefits.	150	
Reduce social expenditure (extend the use of means-tested).		350
Reduce transfers to Local and Regional Governments.	175	175
Cut spending in Independent Services and Funds and in ESS (operational costs, remuneration, investment and rates).	625	175
Reduce investment.	500	350

**Source:** Memorandum of Understanding on Specific Economic Policy Conditionality, 17<sup>th</sup> May, 2011

These measures were accompanied by obligations related to the reorganization of social services (Table II).

**Table II: Structural Measures for Budgetary Adjustment listed in the Memorandum**

<b>Structural Measures for Budgetary Consolidation</b>	<b>2012 - 2013</b>
<b>Budgetary Framework</b>	<i>Review of Local and Regional Finance Law.</i>
<b>Public-Private Partnerships (PPPs)</b>	<i>New PPPs to be put on hold. Assessment of the 20 largest PPPs (including roadways). Assessment of viability to renegotiate any PPP or concession contract.</i>
<b>Privatizations</b>	<i>Transports: Aeroportos de Portugal, TAP and CP Carga; Energy: GALP, EDP and REN; Communications: Correios de Portugal; Insurance companies: Caixa Seguros; and others of smaller scale. Disposal of Property.</i>
<b>Tax Administration and Social Security</b>	<i>Merger of tax and customs administration; creation of specialized branches in tax courts for the trial of major cases. Reduction in the number of local services (20% per year in 2012 and 2013). Increase of human resources by 30% of total tax administration employees for audit purposes. Resolution of bottle-necks in the fiscal appeal system. Increase the power of tax administration for enforced recovery and audit.</i>
<b>Public Administration</b>	<i>Reduce management positions and services by at least 15% at Central and Local Government levels. Cost-Benefit Analysis of all public and semi-public entities to determine their viability (closure or remain open). Reduce the number of municipalities and local authorities. Reduce decentralized services. Limit admission of new employees.</i>
<b>Healthcare</b>	<i>Increase co-payments. Reduce tax deductions. Reduce the cost of healthcare systems for public service employees (30% in 2012; 20% in 2013, ... until it is financially self-sufficient in 2016). Define pricing and reimbursement of medication (generic and reference prices). Prescription and monitoring of prescriptions (compulsory electronic prescription; monitoring of each physician in terms of amount and price value; prescription guidelines for physicians). Pharmaceutical sector (reduce distribution profits). Centralized purchasing and use. Increase the number of Family Healthcare Clinics and ensure the placement of physicians in areas where there is a shortage. Hospital services: settle arrears and reduce operational costs. Reorganise the hospital network. Mobility of healthcare professionals, reduce amount of overtime, monitor working hours.</i>
<b>Education</b>	<i>Reduce spending in education, rationalizing the school network by creating school clusters, reduce staffing needs, centralize procurements and reduce and rationalize transfers to private schools with association agreements.</i>

**Source:** Memorandum of Understanding on Specific Economic Policy Conditionality, 17<sup>th</sup> May, 2011



The impact of these policies on the economy was profoundly negative, leading to the adoption of further austerity measures that accentuated the recession and increased unemployment. Troika then believed that unemployment could be overcome by relaxing dismissal conditions, reducing wages and collective bargaining and setting back labour rights. In summary, the liberalization of the labour market would, by itself, result in investment and the reduction of unemployment (Table III).

**Table III: Internal Development Measures, relating to the labour market listed in the Memorandum**

<i>Internal Development Measures – Labour Market</i>	<i>2012 - 2013</i>
<i>Unemployment benefits</i>	<i>Reduce the maximum duration of benefits to 18 months; limit unemployment benefits to 2.5 times the social aid index; reduce the contribution period necessary to access unemployment benefits; extend eligibility to self-employed workers.</i>
<i>Employment Protection Law</i>	<i>Reduce severance pay for termination of employment contract; extend the concept of justified dismissal.</i>
<i>Work-Time Scheme</i>	<i>Bank of Hours; reduce overtime pay; eliminate compensatory time-off.</i>
<i>Wage policy</i>	<i>Increase the minimum wage subject to the review agreement of the Programme; limit the extension of collective contracts; decentralize collective bargaining.</i>

*Source: Memorandum of Understanding on Specific Economic Policy Conditionality, 17<sup>th</sup> May, 2011*

Referring exclusively to Public Administration, wage expenses in the public sector have dropped to levels of 1981. Since 2011, public servants have lost wages, holiday and Christmas bonuses, and now have a 40-hour work week. Meanwhile, the State has lost 50 thousand employees (see Table IV).

(INSERT TABLE IV)

**Table IV: Evolution of the number of civil servants**

<i>Period</i>	<i>Central Government</i>	<i>Local Government I</i>	<i>Regional Government</i>	<i>Total</i>
<i>4<sup>th</sup> Trimester 2013</i>	<i>419.336</i>	<i>112.924</i>	<i>31.335</i>	<i>563.595</i>
<i>3<sup>rd</sup> Trimester 2013</i>	<i>413.639</i>	<i>114.194</i>	<i>31.464</i>	<i>559.297</i>
<i>2<sup>nd</sup> Trimester 2013</i>	<i>428.983</i>	<i>115.021</i>	<i>31.916</i>	<i>575.920</i>
<i>1<sup>st</sup> Trimester 2013</i>	<i>434.991</i>	<i>115.817</i>	<i>32.070</i>	<i>582.878</i>
<i>4<sup>th</sup> Trimester 2012</i>	<i>437.081</i>	<i>116.421</i>	<i>32.098</i>	<i>585.600</i>
<i>3<sup>rd</sup> Trimester 2012</i>	<i>432.278</i>	<i>116.273</i>	<i>32.135</i>	<i>580.686</i>
<i>2<sup>nd</sup> Trimester 2012</i>	<i>452.996</i>	<i>118.443</i>	<i>32.499</i>	<i>603.938</i>
<i>1<sup>st</sup> Trimester 2012</i>	<i>456.888</i>	<i>119.513</i>	<i>32.641</i>	<i>609.042</i>
<i>4<sup>th</sup> Trimester 2011</i>	<i>458.951</i>	<i>120.759</i>	<i>32.856</i>	<i>612.566</i>

*Source: DGAEP – Síntese Estatístico do Emprego Público (1.2.2014).*

**Destruction of the Welfare State**

For many authors, (CES, 2013) the authoritative policies imposed by Troika and augmented by the Government have resulted in the systematic destruction of the Welfare State. Thus, expenditure in social areas has decreased, namely with regards to social benefits and services, eliminating structures, laying-off employees, centralizing services and privatizing. On the demand side, social rights to healthcare, education, social security, social assistance and housing have been reduced. At the same time, the substitution of direct production of public services for indirect services provided by private entities (non-profit or profit organizations) has been encouraged. In summary, using the crisis and budget consolidation as an argument, the State is slimming down and gradually, but systematically, abandoning its social role, while for the sake of spending control, it increases centralization. These policies indicate the conversion of the welfare State to a liberal State, advancing the idea that only rich countries can provide social services. In this context, a State reform programme would not be needed. This is being done through austerity measures; and the adjustment programme would mean exactly that, the transformation of the welfare State to a neo-liberal State. Since governments from Southern Europe are not able to gain support from public opinion regarding the destruction policies of the Welfare State, they say that they are temporary. As soon as the economy grows, deficit decreases and debt is controlled, employees' wages and pensions will be re-instated.

For other authors, however, this is effectively not reforming the State (Kickert, 2011; Painter and Peters, 2010; Magone, 2011) given that in more favourable conditions the State would once again grow, recovering its dimension of 2011. In other words, these measures would be transitional and thus, there would be no real consistent and stable reform of the State.

**Administrative Tradition and State Reform**

Recent studies have shown that the historical development of the State, the government, politics and type of administration have a decisive influence on administrative reform (Kickert, 2011). Portugal is part of a group of countries with Napoleonic traditions, which Painter and Peters (2010) characterize as highly centralized States, wherein administration is not neutral, spoils systems operate and the law replaces management. Torres (2004) also examines Southern European countries, including France, Italy, Portugal, Spain and Belgium, stating that they are heirs to the tradition of French administrative law, thus implying: nationwide concern; centralized bureaucracy; equal treatment for all citizens; and emphasis on public interest. The central government sets the rules for the rest of the country. And although, many of these countries are decentralized, the regions mirror the bureaucratic structures of the central government. Kickert (2011) characterizes in more depth this style of Napoleonic State. According to this expert, formalism and legalism explain the rigidity and relative inefficiency of the bureaucracies of Southern Europe. Reforms, as well as policy-making have to be formulated in legal jargon. On the other hand, administration, especially senior government, is highly politicized. The parties in power use their seats in Government as a means to pay for favours or nominate their clientele. Also, top senior government officials circulate within politics and from there to companies. Therefore, it is not appropriate to speak of dichotomy in politics/government. Admittedly, the institutionalization of the Portuguese Agency for the Selection and Recruitment of Senior Administration Officers (CRESAP), created by law 64/2011, of 22 of December, introduced meritocracy to the selection process of Senior Public Administration Officers. Thus, as for public administrators, although appointed by the

government, their appointment is preceded by a ruling from CRESAP. As for general directors and deputy directors, or equivalent, their selection entails a strict tender and the best ranked are subject to an interview. From these, CRESAP chooses three whose names are submitted to the Minister responsible for the selection of one of them. As such, the Portuguese Agency for the Selection and Recruitment of Senior Administration Officers (CRESAP) is a new entity in the history of Portuguese Public Administration. Experts operate independently in the exercise of the powers attributed by law; they cannot seek or receive instructions from government or any other public body. With CRESAP, Senior Public Administration Officers went on to be appointed through a merit system, this is, a system in which top positions in Public Administration and public companies are filled based on individual merit and not subject to criteria, such as partisan colour, religion, gender, ethnicity, or other.

However, many questions remain: How to extend the attractiveness of tender procedures to increase the number of applicants?; How to disseminate the results to the applicants, ensuring transparency while protecting personal data?; How to extend tender procedures to Local Government and Public Institutions subject to special conditions. In reality, there are still sectors in which management officials are of the exclusive acquaintance of the boss, contrary to any concept of accountability. Thus, no municipality or autonomous region subjected the selection and recruitment of officials to CRESAP's tender procedures. The same thing happens with certain autonomous entities that resist applying meritocratic rules when filling positions for administrative officials. Refusal to do so is based on a culture of Southern European countries that does not distinguish, in practice, between public and private interest, and not due to a drift of the New Public Management (NPM), as talked about by Aucoin (2012) regarding countries of the Westminster system.

CRESAP also has the right to access the assessments of administrators in office, to facilitate their replacement, when results fall short of the expected. In 2012, CRESAP received 33 requests for tender procedures and 164 rulings were drafted. It is expected that by the end of 2014, that all positions in Public Administration are subject to tender and the nomination of public administrators subject to rulings (see *Relatório de Atividades*, 2013). Recent data shows that 196 tenders have been carried out since May 2012; furthermore, rulings on 446 nominees for administrators have been given. Moreover, of the 196 proposals, 130 have resulted in appointments. *Patronage* is now quite diluted and appointments are becoming subject to public scrutiny.

In any case, the reform of the State and Public Administration is very complex and susceptible to many shortcomings of Southern European countries. First and foremost, it should comply with three objectives:

- Rationalization and professionalization, to avoid the politicization of administration.
- Democratization, which means accountability to the people.
- Modernization, meaning the introduction of the New Public Management. It should be stressed that this always implies external pressure.

Referring specifically to Portugal, Magone (2011) speaks of neo-patrimonialism, which means that although there is a distinction between public and private, based on rules and structures, in practice it is a big complicated mess. And even when pressure for modernization is felt, the elites use this agenda to reproduce power structures and sustain their positions. This is what is



happening in Portugal, in which interest groups (natural monopolies, professional groups, banks) use the State for their benefit, they not only absorb its revenue, but also use its repressive system for their own well-being. In summary, the State reforms of Southern Europe are difficult to implement because it means changing institutions and behaviours. On the other hand, the elite subvert any change pretending to change, but keeping with tradition (Rocha and Araújo, 2007). These authors use the concept of prismatic society to characterize dualism between tradition and modernization. Magone (2011: 764) is even clearer by stating that:

The political and administrative elites used the agenda of modernization to reproduce de neo-patrimonial power structures and thus sustain their position in the long term.

Also according to Kickert (2011), this ossified institutionalism can only be extinguished through gradual and incremental reforms. However, neither the policies of this government nor the plan of the Vice-Prime-Minister provide any real contribution. To prove it, is the inability to increase efficiency and decrease public spending that does not result from wage and pension cuts. Kickert (2011:815) concludes:

Well established institutional patterns had led to static equilibria, and to an inertia and immobilism in which barely any change was possible. Failure of administrative reforms has a long tradition in Southern Europe, and is not restricted to recent public management reforms.

Using another methodology, Araújo and Branco (2009), after demonstrating that the reforms of the Portuguese public administration mirror the influence of the NPM, they analyse the result of the imposition of the Activities Plan and Activities Report, and conclude that one thing are the ideas that inform the reform, something quite different, is its implementation. Therefore, the evaluation of the results conveyed by these reports is nothing more than a formality, or a routine to be followed because it is imposed by law. The impact of change, bound by law is adapted by the organization, according to traditional standards, certain that what matters is merely compliance with formalities. And like Sotiropoulos (2004 , p.417), conclude that “in the best 30 years, the most important administrative reforms in Southern Europe had little to do with NPM”.

This author advances various reasons for the resistance to change by Southern European countries, and namely Portugal. The first explanation can be observed in the political economy. Thus, Southern European countries would be characterized by “guided capitalism,” as opposed to competitive capitalism of Northern Europe. “Guided capitalism” means state intervention and protection of certain industries and corporations. This practice creates a close relationship between the economic and political elite, in which they are accustomed to depending on the State. For this reason, there is no support for real State and administrative reform. Secondly, senior administration is either chosen based on political trust, despite the importance of CRESAP as aforementioned, or come from partisan youths, who invade the ministerial offices as political aides. Thirdly, a management culture does not exist, given that all initiative to change must have the force of law. Finally, there are no administrative elite in these countries to take on change. Although senior administration has an important role in the functioning of the State, it does not act as a body because it depends on political power.

## CONCLUSION

State and Administrative reform supposes a cultural revolution, which has its roots in the economic and political context. Thus, it must be externally boosted and should be necessarily incremental. The so called reform of the current government (2011-2014), by reducing the number of civil servants and their wages, only means postponing the problem, given that under favourable economic conditions the State returns to growth. Also, the power structure, made up not only of clear politics, but also by banks, major economic groups and professional associations manage the reform, taking advantage of it to increase their power. In fact, recent data shows that the gap between the rich and poor has increased in Portugal (Louçã, Teixeira Lopes and Costa, 2014). The Memorandum provided an opportunity and pretext for the destruction of the Welfare State and the middle-class, and there is no political democracy without the middle-class. It is this that arises, that supports the different partisan choices and the political struggle. Southern European States, like Portugal, are in danger of the cure being worse than the disease.

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