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Abstract- Since its birth in Greece, democracy has evolved mainly with regard to the role people or citizens must play in the system. That evolution explains not only the various modalities of democracy but also the formation of political parties and their change over time. There is no democracy without the parties, but the parties are not the owners of the democratic system, and this encourages the appearance of non-partisan movements that wish to be part of the power play. In Portugal, during Salazar's dictatorship, political parties were forbidden. After returning to democracy, Portuguese law currently does not allow regional or local parties, as political parties need to act at the national level. However, the Constitution stipulated that non-partisan groups had the right to present lists to the lowest level of local power, the parish council. Despite the official constraint, these groups accepted the challenge, and their power and influence have increased since the first local election in 1976, and it was no wonder that, after the 1997 constitutional revision, the law had recognized them the right to apply for all the organs of the local power.

Keywords: non-partisan movements, political system, representative and deliberative democracy, and Portugal.

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The Role of the Non-Partisan Movements in Democracy: The Portuguese Case

José F. Pinto

Abstract- Since its birth in Greece, democracy has evolved mainly with regard to the role people or citizens must play in the system. That evolution explains not only the various modalities of democracy but also the formation of political parties and their change over time. There is no democracy without the parties, but the parties are not the owners of the democratic system, and this encourages the appearance of non-partisan movements that wish to be part of the power play. In Portugal, during Salazar's dictatorship, political parties were forbidden. After returning to democracy, Portuguese law currently does not allow regional or local parties, as political parties need to act at the national level. However, the Constitution stipulated that non-partisan groups had the right to present lists to the lowest level of local power, the parish council. Despite the official constraint, these groups accepted the challenge, and their power and influence have increased since the first local election in 1976, and it was no wonder that, after the 1997 constitutional revision, the law had recognized them the right to apply for all the organs of the local power. Later, due to political dissents, some politicians decided to constitute non-partisan movements to run against the party that they had just abandoned. Nowadays, these groups rule over 17 of the 308 municipal councils, namely Porto, the second most important city in Portugal. Moreover, the non-partisan movements are the third political force concerning local power, ruling over more than 400 parish councils. However, these groups cannot present lists to the central power, the National Assembly. This paper has a twofold aim. On the one hand, it analyses the evolution of the participation of non-partisan movements in the electoral acts, their influence in the political life in Portugal, their complaints against the electoral law, and their fight trying to change it. On the other hand, it sets out to explain the reaction of the parties towards the non-partisan groups and reflects on the modifications that these groups bring to democracy, adding a richness and depth to politics that has an impact on it.

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I. Introduction

Since its birth in the Greek world, five centuries before Christ, the word democracy was subject to many debates and meanings, and not always in a positive sense. For example, Plato and Aristotle considered it a distorted regime, prone to chaos, because the crowds generally confused freedom with decadence, and "Athenian democracy was also the birthplace of the tendency to debunk discussion as sophistry or demagoguery" (Elster, 2012).

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At the time, scholars usually considered democracy as direct due to the participation of the citizens in the political life of the city. However, taking into account the existence of some organs which were elected by the citizens, it would seem appropriate to name it as an assembly or town meeting democracy. It has taken many centuries for the establishment of the partisan system in which the parties accepted the role of giving a political voice to citizenship, assuming themselves as intermediaries of the political process between the citizens and the State. The enhancement of the passive electoral capacity based on universal suffrage and the non-imperative vote became the pillars of representative democracy, presupposing that "all its adult citizens possess a body of fundamental rights, liberties, and opportunities"[1] (Dahl, 2004, p. 59), and recognized that "voting is the most powerful voice a citizen has to hold elected officials accountable for their decisions and behavior in office.". However, this relationship does not mean that politicians are hostage to citizens. In fact, according to Bobbio, Pontara & Veca (1985, p. 19) the reason explaining the prohibition of the imperative vote was precisely in the exigence of changing the private political relation, conceived as the relation of exchange among people; a characteristic of a feudalist society; into a public relationship, a quality of the legal and national State, according to the Weberian interpretation.

In that sense, the 1973 French Constitution, in its first chapter, section 3, point 7, stipulated that "the representatives elected in the departments shall not be representatives of a particular department, but of the entire nation, and no mandate may be given them.". However, the last part of the sentence led to the dissatisfaction of the citizens whenever they felt that the parliamentary members whom they had elected no longer represented them, creating a disconnection between how citizens imagined democracy and how politics took place. According to Santos (2020), there was a progressive inbreeding tendency in the parties and a tendency to capture institutional power by the

[1] Namely, "the right to vote in the election of officials in free and fair elections; the right to run for elective office; the right to free expression; the right to form and participate in independent political organizations, including political parties; the right to gain access to independent sources of information; rights to any other freedoms and opportunities that may be necessary for the effective operation of the political institutions of large-scale democracy."

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party directories. This feeling was understood by Rousseau, who, reflecting on the English democracy model, said that, as soon as the members of parliament "are elected, slavery overtakes it [the people of England]", and he advocated the return to the direct democracy.

Two centuries later, after two world wars, in the 1960s, the youth started to organize themselves claiming to participate in the decision-making process about political and social issues, namely about the war in Vietnam. Young people came onto the streets shouting their protests, as it happened in France during May 1968.Lijphart's criterion based on the concentration of political power to classify democracy proved to be insufficient as new social actors made their appearance in the political setting.

Later on, some authors in the USA proposed a participatory democracy, and Habermas presented a deliberative model in which a decision is made by discussion among free and equal citizens. Two new models, as "not all forms of deliberation are «participative»; and not all forms of participation are «deliberative»" (Floridia, 2013, p. 3). This finding is crucial because, as Hochstetler & Friedman (2008, pp. 1-4) affirmed, "political parties are the primary channel for representation in democracies", but we cannot ignore that civil society organizations (CSOs) can also become mechanisms of representation while promoting "the values and interests of citizens in collective decision making processes.". However, as these organizations "are not chosen by an electorate, and they do not govern", some researchers hesitate "to use the term *representation* as a description of CSOs' activities.".

This evolution constitutes proof of the fragmentation of the previous party systems and explains the rise of the populist parties, characterized in essence by charismatic leadership and the refusal of political intermediation. Santos (2012, p. 273) explained the way how Berlusconi used his enterprise, the Fininvest, to create a party, Forza Italia, following a business model closely associated with him. Later, the widespread use of social media, allowing citizens to become *prosumers* – producers and not only consumers –, led to a new model based on trouble-free and independent distribution able to reach followers at unprecedented speed. That new paradigm explains the political success of Beppe Grillo and the Five Stars Movement, a sort of digital populism.

However, the crisis of representation and the political anemia of mainstream parties also led to new political forms of organization, as citizens started to insist on playing a different role in political life.

A paper prepared by International Idea (2018, p. 6[2]) defends that "many new social and protest movements have transformed themselves into political movements and are contesting elections in order to command decision-making power". This situation can be found in the Portuguese political system due to the action of non-partisan groups at local power, which represents a double challenge.

On the one hand, these groups do not want to change the matrix of representative democracy because they do not affect its two basic principles: universal suffrage and the non-imperative vote. On the other hand, they wish to show that, despite the increasing complexity of the problems, citizenship has a fair amount of say in what concerns to democracy. Nowadays, citizens consider that they met the conditions to put an end to one of the four Bobbio's paradoxes. That one assuming there is a "contradiction between the technical inability of the citizen, as such, and the increasing demand of technical specialization necessary to the knowledge of issues concerning the political ability, for example, the economic and financial policy." (Santos, 1998, p. 19).

II. Portugal: The Evolution of the Electoral Law

When Salazar came to power, he accused the political parties of being responsible for the crisis that Portugal was enduring. He said that, in general, he had no fear of the parties. However, he dreaded the partisanship existing in Portugal because the parties were formed around people with narrow interests and personal appetites, looking to satisfy them both (Ferro, 1933, p. 140). Later, in 1949, in a speech in Porto, Salazar reaffirmed that both during the monarchy and the first republic, with 52 governments in less than 16 years, the parties had forgotten the national interest, and the only conclusion was that the partisan model had failed. That was the reason explaining his refusal to accept the legalization of political parties, despite the Foundation in 1930 of the National Union, which many scholars consider as a supporting party to the regime.

During some decades, the opposition was controlled by the illegal Portuguese Communist Party, whose militants were persecuted and imprisoned, and the Socialist Party had its birth outside Portugal, in West Germany in1973. Only after the 25th of April 1974, the new order accepted parties as pillars of democracy, the founding act of the partisan system. Then, it was not hard to convince the citizens that the parties, mainly those created by politicians who had been persecuted by the previous regime, would play a crucial role in the new democratic society. However, due to the peculiar conditions to keep the unity of the State, avoiding the independence of Azores and Madeira, the creation of regional parties was forbidden. Massetti & Schakel (2015, p. 866) believe that a great deal of the political

[2] Collaboration between Citizen Movements and Political Parties. Political Party Innovation Primer 3. International Institute for Democracy and Electoral Assistance (IDEA).

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struggle of regionalist parties "consists of trying to push the territorial dimension into the political agenda, thus making it a salient dimension of party competition". In Portugal, the fear was that Azores and Madeira could no longer accept to be part of the country.

However the Constitution granted the right to the independent citizens to involve themselves in the political life outside the partisan world. Almeida (2010, p. 172) considers that this resolution intended to replicate the situation of Northern Europe, especially in Germany, where the federal regime allows a strong bet of political parties at the level of central and regional governments, and clear disinvestment at the lowest level. However, those parties do not exist only in Northern Europe. For example, Brancati (2008) studied this phenomenon in thirty-seven democracies around the world from 1945 to 2002, Massetti & Schakel (2015, p. 867) undertook a quantitative analysis of "74 regionalist parties distributed across 49 regions and 11 countries and participating in national and/or regional elections held between 1970 and 2010", and Subhan & Kasi (2018, p. 220) presented a case study about the regional political parties of Balochistan, one of the four provinces of Pakistan in which they got to the conclusion that regional political parties acted "as a check on the mainstream parties" because they played a role of "catalyst and keep them from centralizing the powers", and so "they flourish the democratic mindset and strengthen the system.".

In the Portuguese case, besides the small dimension of the country, in the initial conjuncture, the parties and the militaries of the Revolution Council thought that the decentralization should be conducted by national parties, despite accepting that independent movements could act at the lowest level, but they did not follow the idea that "political decentralization encourages politicians to form regional parties, and voters to vote for them." (Bracati, 2008, p. 136).

Thus, it is noteworthy to see if citizens took profit from this benefit. This study requires finding out the number of non-partisan candidacies as well as the electoral results that they have got.

III. The Electoral Results

In the first local election, on 12th December 1976, the non-partisan movements were identified in the ballot paper not for a designation, as it happens with the parties, but through Roman numerals. Despite that, they elected 1.232 representatives for the Parish Councils, mainly in Braga – 209 seats, Porto – 139 elected, Coimbra – 119 representatives, and Aveiro – 103 places, districts located on the north and central coast.

In the second local election, on 16th December 1979, these non-partisan groups only elected 696 representatives, even being the sixth political force at the local level. It seemed that the parties had changed their strategy and decided to invest on the local level.

The third electoral act, on 12th December 1982, showed a slight recovery, but the fourth one, on 15th December 1985, led to a new decline, before the fifth election, on 17th December 1989, led to a small rise. However, in 1993 the non-partisan movements elected 1.234 representatives, thanks to 123.351 votes, 2,29% of the total, and in 1997, this amount increased to 1.594 representatives, corresponding to 152.055 votes and an average of 2,85%.

On 16th December 2001, the situation changed because the non-partisan groups started to apply for all the organs of local power. Then, they elected 31 municipal councilors, 93 deputies for Municipal Assembly, and 2407 members for the Parish Council, due to 232.861 votes, an average of 4,44%.

In 2005, the non-partisan groups continued the growth trend, and they elected 45 members for the Municipal Council, including 6 presidents, thanks to 133.146 votes, and an average of 2,47%. In that electoral act, there was an additional reason for this positive result. The leader of the social-democratic party, PPD/PSD, refused his support to the candidates who were facing problems with the law, and some of them, namely Isaltino Morais and Valentim Loureiro, formed non-partisan movements, ran against their former party, and won.

Rosenberg, Kahn & Trun (1991) proved that it was "possible to shape a political candidate's image in a way which may affect electoral outcomes". In 2005, the Portuguese voters showed that local governance based on a proximity policy was worth more than the symbol of the party. In what concerns to the Municipal Assembly, they obtained 115.999 votes, an average of 2,15%, and 121 deputies. Finally, for the Parish Council, they gained 245.740 votes, 4,57% of the total, corresponding to 2.202 representatives and the presidency of 292 Parish Councils, 260 of them by a large majority.

In 2009, the local elections should obey the Law nº 46/2005 preventing a president of the municipal council or the parish council from serving more than three consecutive terms in the same office. This law was more damaging to the parties than to the non-partisan groups that proved, once again, that the parties could not ignore them at the local level. They received 226.111 votes, i.e., 4,09% and 67 seats in the Municipal Council, 205.317 votes corresponding to 3,71% and 224 deputies for the Municipal Assembly and 337.613 votes, an average of 6,11% and 2 673 mandates in the Parish Council.

In 2013, the non-partisan movements reached a high level of representation, as they got 6,89%, i.e., 344.531 votes and 112 mandates for the Municipal Council, 6,52% or 325.724 votes and 352 places in the Municipal Assembly, and 9,57%, corresponding to 478.273 votes and 2.978 seats, namely 342 presidents, for the Parish Council.

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Finally, in 2017, the non-partisan groups elected 130 representatives for the Municipal Council, thanks to 351.352 votes and an average of 6.79%. They also obtained 396 seats in the Municipal Assembly, due to 333.559 votes and 6.45%, and 3.355 mandates for the Parish Council, corresponding to 504.055 votes and the average of 9,75%.

These results prove that the non-partisan movements are more important than many political parties at the local level. Indeed, only two political forces – Socialist Party and Social-Democratic Party – elected more representatives than the non-partisan groups.

IV. The Complaints of the Non-partisan Groups

Since the 1997 constitutional revision, according to point 4 of article 239, "Nominations for elections to local authority organs may be submitted by political parties, either individually or in a coalition, or by groups of registered electors, as laid down by law". However, the Organic Law 1/2001 did not treat the parties and the groups which were identified by a Roman numeral as equals. It was a drawback in comparison with the parties, as these could use their symbol, which functioned as their brand image. This point survived for several years, though the actual Organic Law 1/2017, in its fourth point of the article 23.º stipulates that each group of elector citizens has the right to a designation and that the denomination "may not contain more than six words, nor be based exclusively on the name of a natural person or integrate the official denominations of political parties or coalitions with legal existence, nor contain expressions directly related to any religion, national or local institution". The reference to the name of a natural person means that citizens should not see each of these groups as a one-person movement.

Moreover, according to the first point of article 19.º of the Organic Law 1/2007, the lists of candidates of non-partisan groups for local governmental organs must be "proposed by a number of citizens corresponding to 3% of voters registered in the respective voter circumscription", being that in the largest municipalities the number of proposers can reach 4000. It is important to note that the non-partisan movements are obliged to present the list of proposers even when they intend to be reelected while the political parties do not need to deliver that list. Moreover, the non-partisan movements are dissolved immediately in the same day of the electoral act, and this situation can affect significantly the relationship between the citizens and the elected independent members. Finally, the non-partisan groups are obliged to pay a VAT rate of 23% in all the electoral expenses while the parties are free of this payment and the Law 19/2003 gives them a big list of rights[3].

For these reasons, many of the non-partisan movements decided to constitute an organization called the National Association of Independent Municipal Movements in 2010. Indeed, the influence of each non-partisan group was felt only at a very narrow level, and it was necessary to join other groups to fight against a system whose lawful functioning depends on the parties. Without a national organization, the non-partisan movements would not be able to mobilize civil society to recognize that it is necessary to change the law to respect article 113.º of the Portuguese Constitution, which refers to equal opportunities and treatment of different candidates in electoral campaigns. The first results of this campaign have already appeared, as the Ombudsman's institution has advised the Republic Assembly to discuss the issue, and to find a solution to assure that the equity principle is respected.

Finally, it is worth mentioning that, after winning the election, a non-partisan movement decided to turn into a party. It happened in the Autonomic Region of Madeira, more specifically in the parish of Santa Cruz. The group Together for the People (JPP) was legalized as a party by the Portuguese Constitutional Court on 27th January 2015 because its leadership wished to run in the 2015 regional election. It is an apparent contradiction because the Portuguese Constitution forbids regional parties, and this new party was specifically formed to run for the regional election.

V. The Central Power as a Dream

In Portugal, the Constitution allows independent citizens to apply for a seat in the National Assembly only if taking part in a party's list. At the beginning of the process, there were many independent deputies. Pinto (2012, p. 138) refers that "in 1976, when the opposition struggle, exile, and political prison served as a letter of recommendation, there were 48 independent deputies, that is, 18.25% of the total". However, in 2002, there were only 19 independent deputies, i.e., 8.3%, and, in 2005, the number dropped to 11 and a relative weight of 4.8%.

[3] Parties are not subject to IRC and still benefit, in addition to the provisions of a *special* law, from the exemption from the following taxes: tamp duty; tax on inheritance and donations; municipal tax contribution on the taxable value of the properties or part of properties owned by them and intended for their activity; other taxes on assets provided for in paragraph 3 of article 104 of the Constitution; car tax on the vehicles they purchase for their activity; value-added tax on the acquisition and transmission of goods and services that aim to spread their political message or their own identity, through any media, printed, audio-visual or multimedia, including those used as advertising material and means of communication and transport, the exemption being effected through the exercise of the right to the tax refund; value-added tax on the transmission of goods and services in special fundraising initiatives for its exclusive benefit, provided that this exemption does not cause distortions of competition.

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Nevertheless, the results that the non-partisan groups got at the local level led them to fight for changing the first point of article 151.º of the Constitution. They knew that if they presented a petition with 1000 signatures it would be published in the Assembly Diary, and if the number of signatures reached 4000, it would be discussed in the plenary of the Assembly. Then, they presented a petition with 6.285 signatures, and this petition n. º 240/XII (2.ª) was discussed on 10th October 2013. The citizens did not need to wait for the end of the discussion to know the result. The parties played a 'double deal' as they were both judge and jury. The citizens could not take part in the debate. They had the right to participate but just as listeners.

Thus, they heard the representative of the Socialist Party say that the parties, in contrast to occasional groups, had forms of internal and external control. Moreover, he criticized the atomistic representations because they defended particular or local interests and not the national will. Later, the representative of the Communist Party remembered that the concept of «independent» was far from consensual, and that there was a campaign against the parties and that some movements met all the legal requirements to be considered parties, but they refused that designation. He did not point any example of that campaign, but it should be said that there are multiple cases. For instance, in the USA, there is the Citizens Against Political Parties (CAPP) whose goal is "to eliminate or minimize both the Republican and Democrat parties so that our nation can become closer to the goal of a true democracy", and in the Netherlands, Fortuyn (2002, p. 186)[4] defended that the country "should become a real lively democracy of and for the ordinary people, and depart from the elite party democracy we are currently acquainted with".

Returning to the debate, the representatives of the Christian-Democratic Party and of the Social-Democratic Party agreed with the communist position, and the non-partisan groups were described as "episodic and inorganic movements". Only the Left Bloc supported, partially, the idea of the petition because its representative said that it was a process that "should be returned to society". Because it was within "Portuguese society that strength and consensus should be created", a necessary desire "so that, at a proper time, the Constitution can recognize this space that society has created". The independent groups liked to hear that it was necessary "to discuss the monopoly of representation by political parties", but they left the session with a hand full of nothing. The dream of presenting lists to the National Assembly was between the mirage and the utopia, as all the changes on the law are under the monopoly and responsibility of the parties. History shows that the system protects itself, even when it recognizes the need for change. Once the Portuguese legislative life is based on the existence of parliamentary groups, parties affirm that the non-partisan movements, being directly linked to local interests and visions, cannot establish a unique parliamentary group.

VI. The Complaints against the Non-partisan Movements

Several years after applying for all the organs of local power, the government of so many Parish Councils and some high-ranking Municipal Councils, namely Porto and Oeiras, provided the non-partisans groups increasing visibility, and this presence in the public arena led to permanent scrutiny. Citizens wanted to know if these groups represented a new way of doing politics, enhancing a closer relationship between representatives and voters. As these groups maintained many of the Parish and Municipal Councils that they have won, we should believe that voters were satisfied with them. However, some attitudes of the leaders and main executives of these groups proved that they were not completely devoted to the public cause, as they placed their interests before common ones. The case of Oeiras, a municipality in the western part of the Lisbon metropolitan area, can be pointed as an example.

As already said, Isaltino Morais was the president of the Municipal Council when he started to have problems with the judiciary, and his party solved to express a lack of confidence in his new candidacy. Then, he formed an independent movement – the IOMAF (Isaltino, Oeiras more ahead), and he conquered not only the Municipal Council and Assembly but also almost all the Parish Councils. Later, after losing the judicial appeals, Isaltino was jailed and his vice-leader, Paulo Vistas, became the new president, after replacing Isaltino who accepted to become the head of the list for the municipal assembly. However, after being released, Isaltino intended to return to his former position, and he formed another non-partisan group, INOVAR (Oeiras coming back). Besides, a third municipal member of IOMAF also decided to form a new group. Thus, the 2017 electoral act was not only a battle between parties and non-partisan movements but also a war among the independent groups, and this situation can represent a growing gap between citizens and representatives.

Another complaint against the non-partisan groups results from the fact that several leaders have not resisted the call of the parties, accepting to lose their independent label. This situation is particularly serious when a politician, who was a member of a party, became independent before returning to his former party because citizens can see it not only as the lack of coherence but also as the lack of a genuine commitment to defending democratic values. This example proves that when a non-partisan group has its

[4] Quotedby Van Kessel (2011).

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origin at a party disagreement is possible to reverse the situation. That is why some voices start saying that the independent movements are not always independent. Klaukka, Van der Staak & Valladares (2017, p. 109) state that "in response to reduced membership and public trust, many parties are aiming to re-establish ties with broader groups in society, such as citizen movements". In Portugal, the mainstream parties understood that, in some cases, regaining the head of a non-partisan group is the step required to control the system at the local level.

Finally, we should note that the demarcation line between parties and movements is not always unambiguous. Indeed, some leaders of non-partisan movements do not refuse political support coming from a party. For instance, in Porto, Rui Moreira was elected then reelected and, in both cases, backed by CDS.

VII. Conclusion

The first conclusion to take is that non-partisan groups represent an increasing reality in the Portuguese political landscape, and they should not be considered an epiphenomenon. Their electoral results do not depend on luck. In fact, after conquering a Municipal or Parish Council, the non-partisan movements seldom lose it, and this proves that citizens are satisfied with the movements' performance once in power and value them highly.

Secondly, it is worth noting that not all of these groups are really independent because some of them resulted from partisan cleavages and other ones do not refuse partisan support. However, there are many truly independent movements, mainly at the parish level, and this circumstance can be regarded as a kind of revisiting the ancient spirit of neighborliness of the community theorized by Ferdinand Tonnies.

Thirdly, despite their aim to apply for the National Assembly, at least for the time being, the non-partisan groups must make do with the local level. For changing the law, powerful social pressure would be necessary, and, at the moment, the parties have control of the situation, and they do not bet in profound alterations.

Finally, in what concerns to ideology, Lipset & Rokkan (1967) affirmed that the existence of regionalist parties was the political manifestation of the center-periphery cleavage in a given political system. This essay accepts that statement and considers that it can be suitable to explain the case of the non-partisan movements in Portugal. Massetti & Schakel (2015) proved "very clearly that regionalist parties in relatively rich regions tend to develop a rightist ideology, while regionalist parties acting in relatively poor regions tend to adopt a leftist ideology.".

In Portugal, when the non-partisan movement appears due to a partisan dissidence, it might seem tied down to the former matrix. When the non-partisan movement is independent, we can say that the proximity policy goes beyond the traditional opposition left-right. Hughes, Runfola & Cormier (2018, p. 192) defend that "the drivers of policy response vary with the proximity of the problem", and this is the reason explaining that "when an issue is highly local, the policy response is influenced by problem severity". That means severity is the main criterion concerning the hierarchy of the problems. As Hedegaard (2014, p. 366) recognizes, "being proximate to recipients of a social benefit affects attitudes towards the benefit".

To summarize, non-partisan groups can help to keep democracy alive and healthy, and they already play an important role in Portuguese political life, but their fight for space is far from being finished. They won successive battles, they consolidated their position, but they surely aspire to more than that.

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