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**STATE AND CIVIL SOCIETY IN MACAO:
Social Problems, Public Administration and
Community Organizations**

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I. METHODOLOGICAL INTRODUCTION

In this paper I will present some of the provisional results of a research project I have been conducting in Macao for the past two years in collaboration with my research assistant Dr^a Conceição Gomes, with the assistance of my interpreter and translator Prof. leong Shao Leng of the School of Education of the University of East Asia, and with the generous and crucial support of the Society for Social Sciences of Macao. I would like to express Prof. Huang, President of the Society, and most particularly Mr. Gary Ngai, its Vice-President, all my gratitude for such support.

The main research topic of my study is twofold: on the one hand, the identification and analysis of the major social problems and social conflicts of the lower and lower middle class population of Macao and, thus, of the great majority of the Chinese community; on the other hand, the ways in which such problems and conflicts are solved or not solved, either by the Portuguese Administration or by the community associations and organizations, or still by the Administration and the community in cooperative interaction.

In this study I draw from political sociology, sociology of law and administration, and community studies. That is to say, methodologies and working hypotheses used in this study are based on those developed in these three fields of sociological research.

As will be easily understood, the application of the scientific methodologies and the definition of the working hypotheses raise many problems in a study of the type I am undertaking. To my knowledge, this is the first study by a Western social scientist focusing on the Chinese

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community of Macao. This is a relatively unmapped field and we cannot therefore get support and guidance from previous studies, from the problems they faced, from the hypotheses they tested, from the conclusions they reached.

Moreover, Macao is a very complex micro-cosmos, an old Portuguese colony of a very specific kind, a multicultural and multilingual society in which several kinds of pluralism are combined or juxtaposed: cultural pluralism, socio-political pluralism, and legal pluralism.

In a social setting of this type even the comparative research, that is, the research on similar topics conducted in different societies but with some sociological similarities, is not of much help. I myself have conducted sociological research on the social problems of the lower and lower middle classes in the squatter settlements of Rio de Janeiro (Brazil) and in small towns and villages of the Cape Verde Islands (West Africa) with a specific focus, in both cases, on the community resources mobilized to solve such problems and conflicts in light of the incapacity or the inaccessibility of the State to solve them. In Brazil, I concentrated on the role of the residents' associations, very active at the time in the squatter settlements or favelas; in Cape Verde, I concentrated on the role of the community courts created after the Independence from Portuguese colonialism.

Besides the focus on lower and lower middle class communities, their problems and their organizations, there is not much in common between these two studies and the one I am now conducting in Macao. Hence the novelty of the difficulties in choosing and applying the methodologies and in defining the working hypotheses that will guide the different research steps.

As to the methodology and to make a long story short I soon realized that I could not rely on just one method. I used both qualitative and quantitative methods and, as is in general recommended, I privileged the qualitative methods (such as document analysis, content analysis, indepth interviews) in the first part of the research, and the quantitative methods (such as systematic observations, statistical analysis and surveys) in the second part.

As to the working hypotheses that guided the research the following five should be mentioned:

1. Because Macao is a colonial multicultural and multilingual “city-state”, it has a plurality of social, political and juridical orders.

2. As a consequence, the people will try to solve their social problems and conflicts in different ways, that is, the socio-legal demand is addressed, according to different factors, to different socio-legal orders, which will in turn cover only part of the global socio-legal demand.

3. This socio-legal demand can be of three different types: *consolidated demand*, that is, demand that is widely felt and manifested and which of course may be satisfied or frustrated by the channels or institutions to which it is addressed; *emergent demand*, that is, demand that is formulated by still restricted social groups but which is likely to be ever more widely felt and expressed; finally, *suppressed demand*, that is, demand that it is not socially formulated because people are not aware of the fact that their needs and problems can be realistically converted into socio-legal demands.

4. When, in a colonial or even post-colonial context, the legal and administrative institutions of a given society are transplanted to another society they tend to perform in the latter different social functions from those they perform in the former, even though their formal organization may be the same in both societies. For instance, when transplanted to Macao the Portuguese court system will tend to perform different social functions, even if its institutional form remains the same.

5. The different socio-legal orders and institutions in force in society are not on an equal footing. There are hierarchies among them: some are dominant and some are dominated. Nevertheless, problems and conflicts that are officially to be solved by the dominant social legal order are often diverted to other informal, non-official community based socio-legal orders.

The problems, conflicts or disputes thus diverted may be of two different types: conflicts or disputes between social actors with comparable social status and economic power, as for instance conflicts among neighbors, among workers or even conflicts inside the families, except in those families ruled by strict patriarchal norms; and conflicts between social actors with very different social status and economic power such as the conflicts between tenants and landlords, between squatter

settlers and landowners, between workers and employers, between consumers and producers.

The importance of this distinction lies in the fact that the informal mechanisms of conflict resolution tend to stabilize and consolidate the social inequalities between the disputing parts and as such the evaluation of their social performance should vary according to the type of conflicts they solve.

These are the main working hypotheses behind the research I have been conducting for the past two years. The research is under way and therefore I can present to you only provisional and partial results.

II. THE COURT AND THE COMMUNITY

In a study on socio-legal demands and on dispute resolution mechanisms it would make sense to start by analysing the officially most important institution of dispute resolution. I am, of course, referring to the judicial court of Macao. We introduced in the computer some relevant data of all the cases brought to the court in the past thirty years (1960-1989). With this data base it is possible to know with some rigor who used the court against whom and for what purpose.

The data analysis has not yet been completed but some conclusions can already be drawn:

Firstly, the activity of the courts is very low and selective. It is also relatively regular from 1960 until 1975. From 75 to 85 it increases moderately and after 1985 it increases dramatically. I am referring only to suits brought by Chinese people because they are by far the great majority (of 7810 suits only 568 are brought by Portuguese citizens).

Secondly, the selectivity in the use of the court lies in the fact that a small number of types of law suits accounts for most of the case load. Curiously enough this selectivity increases in the last sub-period of 1985-89. The dramatic increase of the court activity is basically due to the increase in one type of judicial action, that is, the procedures aimed at regularizing or legalizing the personal

status of the people, which include petitions to obtain birth or marriage certificates, petitions to change presumably false personal data in already existing registrations; petitions to obtain or renew documents of identification (different types of ID cards); etc., etc.

Thirdly, it is also striking that in this last period of five years, in which the court activity increases dramatically, there is a very significant decrease in some types of law suits. This is particularly the case of evictions. It is surprising that, while in the first five years of the period (1960-65), when the population of Macao was around 170.000 inhabitants and there was relatively little new building construction, there were 239 evictions, and that in the last five years (1985-89), when the population of Macao is above 500.000 inhabitants and there is a boom in building construction, there were only 119 evictions.

Fourthly, the explanation for these seemingly contradictory movements seems to lie in the coming change of the political status of Macao in 1999. The proximity of this date has led the people to seek the regularization, certification and registration of both their personal legal status and of their property. Such regularization and certification can often be obtained only through the court system. Hence the dramatic increase in the court cases of this type.

In the case of evictions and removals or “cleaning ups” of squatter settlements, what is at stake is the need to make good and quick profits out of the capital investment in real estate and building construction.

In order to achieve that, the lower and lower middle class tenants have to be evicted from old housing or from squatter settlements as fast as possible and by means of compensations as low as possible. The legal evictions are, however, relatively slow and may award high compensations. In light of this the evictions and removals are taking place out of the court, by informal and illegal means and in most cases through the triads. That is why, in this case, the court activity decreases.

These findings and conclusions confirm two of the abovementioned working hypotheses. On the one hand, the judicial court of Macao has the same formal structure as the Portuguese courts but performs very different functions. This difference lies in the social and cultural distance

between the Chinese community and the court. It lies also in an anachronic and unjust system of legal aid to the poor that increases the inaccessibility of the court vis a vis the lower and lower middle classes. Between 1976 and 1989 legal assistance was requested in only 30 cases.

The second working hypothesis to be confirmed in this first step of the research is that some socio-legal demand is being diverted from the official institutions to informal non-official and, in the case of the triads, even illegal mechanisms of dispute resolution.

III. COMMUNITY PROBLEMS AND THE PUBLIC ADMINISTRATION

In light of these findings on the great social distance between the court and the community the next step of the research consisted in trying to answer the two following questions: what are the social characteristics of the problems and conflicts or disputes that are being diverted from the court system? and, secondly, where are they being solved, if at all, which other institutions whether of the Portuguese Administration or of the civil society are trying to take care of this socio-legal demand?

I have sought to answer these questions by first scrutinizing the activities of some services of the Portuguese Administration which in recent years have been trying to build non-repressive interfaces with the Chinese community. During one year we conducted a systematic observation of three of such institutions: the office of legal counselling set up by the office of the State prosecution (Ministério Público), the Social Services Department (Instituto de Acção Social de Macau IASM) and the Center for Information to the Public (Centro de Atendimento e Informação ao Público CAIP). These services are very different but they share a common characteristic: all of them were established in very recent years, 1989, 1986, 1987 respectively. This shows that the establishment of non-repressive facilitative interfaces between the Portuguese Administration and the Chinese community is a very recent development.

The statistical treatment of the data is not yet completed. I will therefore limit myself to mention some of the most outstanding results and the provisional conclusions to which I am being

led.

The first conclusion is that, in contrast with the judicial system, the services provided by these institutions enable us to detect a much broader range of social problems experienced by the lower and lower middle classes and the type of socio-legal demands they bring to the attention of the Public Administration.

The second conclusion is that these institutions differ as to their functional profile. The first two institutions are functionally more specific than the latter. More than 30% of the cases processed by the office of legal counseling deal with questions of documentation, certification and registration, which shows again how important a problem the legalization of the personal status is for the lower and lower middle classes. Indeed, the predominant social status of the people seeking legal advice are the workers and the lower class housewives.

As to the social service department (IASM) we observed systematically two local centers, one in the North zone of Macao, a zone of new immigrants, and one in the Central zone, a zone of lower middle class people born in Macao or living here for many years. These local centers represent a very small fraction of the activity of the social service department which in recent years has undertaken some relevant action in the field of social equipments.

By far the majority of cases dealt with by the local centers are requests for economic help (old age pensions, chronic illness subsidies, unemployment subsidies, education subsidies) and also requests for social housing. The subsidies are low, the requirements to obtain them are sometimes bureaucratic and cumbersome (they involve, almost always, documentary evidence of income and expenses which is frequently difficult to obtain) and the criteria of eligibility are very strict so that many lower and lower middle class families are excluded from such benefits.

The third institution is the center for information to the public (CAIP). One of the innovative features of this service is that it has opened multiple channels of access to it. People can contact it by coming to the Center during the office hours, by telephone 24 hours a day (the calls are registered and subsequently transcribed), by letter, and by a weekly radio program in the station Ou

Mun Tin Toi where requests, complaints, suggestions, criticisms are aired and the answers transmitted later. The socio-legal demand channelled to this service is very diverse. Besides the already mentioned problems of documentation and social housing, the problems related to the environment and the quality of life seem to be among the most serious. They are very diverse. Just by way of illustration: problems of noise pollution (for instance, repair shops or industrial plants in apartment buildings are very common and the noises they produce are a constant source of complaints by the neighbors); problems of air pollution (for instance, fumes and exhaust from restaurants on the ground floors of apartment buildings forcing the neighbors to close the windows in the hot summer); deficiencies in garbage collection; dirty and smelly streets where there are many dog breeders etc., etc.

Given the wide variety of problems and disputes, complaints and requests for information brought to the attention of the CAIP it is striking that so few of them refer to labor rights or labor relations. In a sample of 100 cases presented in the radio program only three relate to labor issues. In view of the model of economic development adopted in Macao it is probably safe to conclude that this is an area of suppressed socio-legal demand, that is, an area in which the lower and lower middle classes have very few rights and don't even know the few rights they do have or are still afraid of fighting for them. However, the data provided by the Department of Labor and Employment, though not yet analysed, seem to indicate that a socio-legal demand in the field of labor rights is already emerging.

The third conclusion of the systematic analysis of the three services of the Administration is that the Chinese community has no deep cultural or social inhibitions that prevent them from resorting to the Public Administration for help whenever such help is offered. They promptly resort to whatever channels of access to the Administration are opened.

In this respect it is really surprising to observe how fast the information about the new services circulates in the community through a multitude of community channels. In the case of the office for legal counseling set up by the State prosecution office, 45% of the users were informed

about the existence of this service by friends, neighbors, relatives, residents associations, churches, Chinese newspapers and Chinese radio stations.

The fact that the Chinese people have no cultural barrier stopping them from resorting to the Portuguese Administration does not mean that to air disputes or file complaints is an action exempt from risks. On the contrary, Macao is characterized by a complex web of informal social control and unofficial repression of which lower and lower middle class people have a very clear notion and concrete experience. To file a complaint against someone may subject the complainant to threats and aggressions. That is why the users of the services under analysis very often prefer not to identify themselves or request that their identification be kept confidential. The CAIP is the only service which allows for anonymity and confidentiality and this is probably one of the reasons for its popularity among the Chinese community.

The three services systematically observed are not the only ones set up by the Portuguese Administration to establish non-repressive interfaces with the Chinese community but they are representative of the recent developments in Administration-community relations. They disclose a wide variety of social problems facing the lower and lower middle class population. They also show that this socio-legal demand is probably only part of the global socio-legal demand and that the part channeled to the Public Administration is only satisfied in very limited terms.

IV. COMMUNITY RESOURCES AND ORGANIZATIONS

These findings should then prompt us to inquire both into the socio-legal demand (problems, disputes, complaints, requests for information) that circulates in the civil society outside the Administrative field and into the resources the community is able to mobilize to meet such demand. This was, indeed, the next step of our research.

We have selected several civil society or community services and have ordered them according to their institutional distance from the services offered by the Administration. The first,

and the closest to the public Administration, are the services provided by lawyers, solicitors and procurators. The second are the offices of counseling and information to the public set up by some of the Chinese elected deputies to the Legislative Assembly. The third are the multitude of community associations that exist in Macao. The fourth and the most distant from the Public Administration, are the services provided by the sects or triads. Irrespective of their legal status the latter constitute in sociological terms a service provided by the civil society. In this paper I will limit myself to the analysis of the third type of community resources, the associations.

Macao has one of the highest rates of associations per capita in the world. According to the latest counts there are 747 associations registered in Macao. Not all of them are active but the number is nonetheless impressive and in recent years the rythm of association building has even sped up.

In our research in progress we are contacting many associations of very different kinds: economic, professional, cultural and welfare associations. And we have decided to analyse the structure and function of the residents associations, or kaifongs, in greater detail because they are arguably the associations with the greatest contact with the lower and lower middle class problems.

IV.1. The Residents' Associations

The working hypotheses that guide our research in this particular case are based on a comparison with the evolution of the kaifongs in Hong Kong. The idea is that the conditions that led to the decline of the kaifongs in Hong Kong are not present in Macao and therefore it is to be surmised as an hypothesis that the kaifongs in Macao still perform important functions.

There are 24 kaifongs in Macao, scattered in the different zones of the city and of the islands and federated in the General Union of Residents Associations. Allmost all of them have some kind of activity and some of them are very active. Of the analysis already done some conclusions can be drawn:

Firstly, contrary to the official commonsense about the kaifongs, these are not a monolithic entity. They vary in terms of organization, in terms of social power and even in terms of political orientation.

Secondly, there has been very little renewal of the leadership. Though, in most of them, elections are held regularly, it is common to find directors that have been in charge for ten, twenty or even thirty years. This indicates deficient democratic rules, deficient capacity to adapt to the changing social conditions of Macao and also the probable future decline of their social power in the community. The most active associations and the younger and better educated leaders are aware of this situation and are taking measures to remedy it.

Thirdly, the activities of the kaifongs fall into three different categories: social assistance; certification or documentation; and interactions with the Administration in order to solve individual or collective problems of the community.

Social assistance in the community has suffered a significant evolution since the 50's when the first kaifongs were established. In a first phase, such an assistance was basically mutual help in situations of emergency (typhoons, fires, floods, etc.).

During the cultural revolution, in the mid sixties, the community action included also the political and even administrative control of the population. For the past ten years, the kaifongs, though exerting some political control in the community, have concentrated their activity on the quality of the everyday life of lower and lower middle class neighbors. They have set up day care centers for the elderly, schools, dance courses, clinics of Chinese medicine, free distribution of food or blankets in ceremonial or festive occasions, community dinners, excursions in Macao and the Islands, organization of Cantonese opera performances, Portuguese language courses, management of restaurants and tea houses. There is still some mutual help in emergency situations, such as funerals and fires.

The second field of the activities of the kaifongs deals with certification and documentation provided to community members. And here it is also necessary to distinguish between two phases.

In the first phase, until the 70's, the kaifongs issued different kinds of documents required by the authorities of the Peoples' Republic of China when some community members wanted to travel, to get married, or to study in China. Though the kaifongs go on sporadically issuing such documents, since the late 70's the documents issued by the kaifongs are addressed to the Portuguese Administration: certificates of residency and poverty certificates. One of the kaifong keeps a record of victims of fires that occurred in the community thirty years ago and such records are used to prove that the people living in the neighborhood are old-time residents of Macao.

The third type of activity refers to the role of the kaifongs in helping to solve individual or collective problems or disputes in the community. As one might expect, the problems confronting the Chinese communities of Macao vary from zone to zone. But, in general, it can be safely concluded that the most serious problem confronting the lower and lower middle classes of Macao, is, besides the problem of acquiring legal papers, the problem of housing. This problem is in fact a basket of many different problems: evictions from apartments and removals from informal settlements, in most cases not based on court orders but rather on threats and aggressions by the triads and always with very low compensations; house fires or shack fires, in most cases by arson for which the triads are responsible; bureaucratic difficulties in regularizing property titles over apartments; emergencies in family life (such as death or serious illness) that make it impossible to go on paying the rent or the mortgage; and above all the unsuccessful application for social housing for failing to meet the very strict criteria of illegibility.

This is an area in which the role of the kaifongs is very limited. Even so, it is in this area that the kaifongs have been performing a relevant role in dispute resolution. Indeed we have registered several cases in which the kaifongs have been active in trying to reach a compromise between the residents and the landowners or building contractors as to the amount of compensation in case of eviction or removal from squatter settlements. In such cases the kaifongs function as an informal tribunal, mediating between opposite interests.

In the older, lower middle class zones of Macao other problems are also strongly felt. Above

all the problem of safety and protection against crime. It is often said that the crime rate in Macao is very low . It is probably closer to the truth to say that what really characterizes Macao is the high rate of black figures, tthat is to say the high number of crimes that are either not detected or not reported. This is typical of urban settings in which the organized crime plays an important role, as is the case of Macao. Other problems have to do with the environment and the quality of life, with garbage collection, with public sanitation, and with traffic.

In relation to all these problems the kaifongs can do little more than draw the attention of the Administration to them and support the community members in their complaints. The kaifongs like to see themselves as a privileged bridge between the Portuguese Administration and the community. Here lies, to my mind, their ambiguous stance vis-a-vis the Administration. On one side, they are fully aware of their economic dependence on the Administration to carry on most of their activities. Except in the case of such kaifongs as are subsidized by the donations of dedicated patrons or of a temple, the financial support given by the Administration is of decisive importance. But, on the other hand, there is much resentment against the Administration. In the first place, because the Administration seems much more willing to cooperate with the kaifongs when such cooperation serves mainly the interests of the Administration than when it serves mainly the interests of the kaifongs. In the second place, the Administration seems to privilege the interaction with the top organizations, such as the Union General, forgetful of the fact that the relations between individual kaifongs and the General Union are not always smooth and that the distribution of benefits by the latter is not always considered to be fair and unbiased.

In general conclusion it can be said that the kaifongs still have a strong community base as they meet or channel some of the socio-legal demand of lower and lower middle class people, though their activities depend increasingly on the generosity of the Administration. This community base will eventually erode if the kaifongs do not adapt themselves to the new social conditions of Macanese society. Most of them seem to be aware of this and particularly through the General Union are taking some measures to meet the challenge. However, they are in general insensitive to

the democratic aspirations and the demands for more autonomy vis a vis Beijing interests that are being expressed by the younger generation and the new middle classes. Would they fail to recognize the social significance of these trends, their future might be bleak.

V. CONCLUDING REMARKS ON THE SOCIAL PROBLEMS OF THE CHINESE COMMUNITY

The analysis of both some services of the Public Administration and of some community organizations gives us a relatively rich picture of the most serious problems experienced by the popular classes in Macao.

The most serious problem is probably the problem of documentation, certification and registration. The horizon of 1999 has forced people to regularize and to legalize both their personal status and their property. For a society that for centuries has been ruled by informal and non-official mechanisms at a great social and cultural distance from the Portuguese Administration, this is quite a dramatic change. Besides, given the traditional Chinese ethics based on oral pledges, trust relationships and mutual face protection, this new need for written documents on which so much depends in the peoples' lives creates a widespread anxiety and even social resentment, particularly because the process of obtaining documents and certificates is often bureaucratic, cumbersome, takes too long and is, in general, incomprehensible for people with very little education. In this area there is thus a broad and consolidated socio-legal demand and the Public Administration has the monopoly of its satisfaction.

Another area of consolidated socio-legal demand and therefore another serious problem is the housing problem, particularly due to the shortage of social housing. The economic development of the last decade plus the uncontrolled immigration and population growth have made land, a very scarce resource. The boom of building construction together with the real estate speculation has led to a pattern of urban development of which the lower classes are the great victims.

Another serious problem facing the popular classes, particularly their upper strata, — that is, the lower middle and middle classes living in the old zones of the city — is the problem of the degradation of the environment and of the quality of life. According to one of our working hypotheses this would be an area of relatively restricted and only emergent socio-legal demand. In real fact, it is an area of consolidated demand no doubt as a result of the extremely high density of the population and the negative consequences of an uncontrolled and speculation-ridden urban development.

Finally there are two social areas that deserve a special attention: the area of social rights and the area of labor rights. These are areas of suppressed socio-legal demand, though in some instances an emergent demand is already visible. As I have mentioned, in the broad area of social assistance and social action the needs are multiple and are widely and strongly felt. But the demand is for public and private charity or benevolence, not for rights. People have very few rights in this field (the social security fund was established only last year) and do not know or do not exercise the few rights they do have.

The other area is the area of labor rights. Though there is an emergent social awareness in this field, the labor laws are still very few and timid and even those are not always enforced. Because the labor inspections are very deficient this is an area of wide discrepancy between the law in books and the law in action. This is a serious issue because, in my view, in the long run, economic freedom and economic development can only be sustained if the working classes get a fair share of the socially created wealth.

VI. PRINCIPLES OF INSTITUTIONAL INNOVATION IN THE PERIOD OF TRANSITION

In the last section of this paper I would like to mention some of the policy implications of the findings of the research I am conducting. Needless to say the decision to meet the socio-legal demand is not a sociological issue. It is rather a political issue. The role of the sociologist is thus a

modest one and must limit itself to enunciate the principles that must guide policy making so that the latter takes the sociological reality to be transformed effectively into account .

In my view the major policy question goes like this: what is to be done, and what can still be done in the next decade, so that the identity and the autonomy of Macao can be successfully sustained after 1999, both in economic and in social and cultural terms?

Here are some policy principles about the tasks ahead as I see them.

First — The identity and the autonomy of Macao is a global phenomenon which can only be sustained in global terms. For example economic freedom must be coupled with political and ideological freedom. Capitalism has been most successful in countries which have been able to match economic freedom with democracy, social rights and labor rights. Therefore economic pluralism must go hand in hand with political pluralism and cultural pluralism.

Second — Macao is already a highly pluralistic society in cultural terms and should remain so: here we find mixed in very complex ways Chinese culture, the South China usages and customs, the specific Macao cultural traits, the Portuguese administrative culture, the economic culture of Hong Kong, etc., etc. The identity of Macao is no abstract concept. It lies in these multiple cultural, legal, and social pluralisms; and it also lies in the quality of life of the people, in the gardens and in the architecture, in the food and in the cosmopolitan outlook.

Third — All these different traits of Macanese identity can only be maintained if the majority of the population runs a decent life, because only to defend this standard of living will this population be willing to fight for the autonomy and the identity of Macao after 1999.

Fourth — In order to guarantee a decent life for the majority of the population the above mentioned problems have to be solved or at least have to be handled with a firm resolve and an unambiguous political will.

Fifth — The sociological problems facing the lower and lower middle classes reveal that from a socio-political point of view Macanese society suffers from a triple deficit: a democratic deficit, a corporatistic deficit and a social deficit. The democratic deficit consists in the restrictions to the full

exercise of both representative and participatory democracy. They are well known and I am not going to elaborate on them. It may be surprising to speak of a corporatistic deficit in a society with so many associations and interest organizations. In my view, this deficit is threefold. It lies, on one side, on the enormous imbalances between the associations or organizations, some of them very powerful, that have easy access to the Public Administration and great capacity for lobbying, and others that are weaker with virtually no access to the Administration and unable to lobby for their interests. The corporatistic deficit lies also in many situations of false representation of interests, that is, in the existence of associations that fail to defend the sectorial interests for the defense of which they have been established. This occurs for instance in the field of workers' associations or labor unions. Another manifestation of the corporatistic deficit is the emergence of associations with some legal objectives which are little more than the legal façade for the pursuance of illegal activities.

Finally, the social deficit lies in the areas in which the socio-legal demand has been frustrated or suppressed, in the areas of social policy (housing, health, education, social security), of the environment and the quality of life and of the labor rights and industrial relations.

Sixth — All the institutional innovations to be set up in the last period of the Portuguese rule must take into account this triple deficit and must be directed to reduce it, if not to eliminate it.

Such innovations must have a distinct legal profile. As I said earlier, the lower and lower middle class people of Macao have very few rights and oftentimes do not know the few rights they have or do not exercise them. There are many reasons for this. I will mention just a few. For many centuries the interfaces between the Administration and the Chinese community were very few and most of them of a repressive nature. The situation started to change with the Portuguese revolution of 1974 and with the reestablishment of diplomatic relations between China and Portugal. In the last decade and particularly in the last five years more interfaces of a non-repressive kind, have been created and some social policy has been implemented. But, of course, this is a recent phenomenon and the results are still to be felt. The second reason for the lack of awareness of rights is that the

law has always been the Portuguese law, part of a Western culture much foreign to the local culture; not to speak of the language barrier. The social and cultural distance thus created had to be bridged by lawyers and other legal professionals whose services were and are expensive. The use of the official legal system, even if desired, was made impossible for economic reasons, the more so in the absence of an adequate system of legal aid or legal assistance to the poor.

This being so, the sixth policy principle is that the institutional innovations to be developed must aim at creating a **local legal culture**. The most important features of this local legal culture are, in my view, the following.

First of all, the official law of Portuguese origin must be known by the people and, therefore, it has to be translated. Indeed an effort is already being made by the Administration to produce good and reliable translations. Secondly, Macanese society is extremely different from Portuguese society and therefore Portuguese law has to be adapted to Macanese conditions. Moreover Macao is a legal pluralistic society. That is, several legal orders are in force, sometimes combined, sometimes juxtaposed. The most relevant ones are, of course, the Portuguese law, the law of the Portuguese Administration of Macao, the Portuguese-Chinese international law, the Chinese law, the customs and usages of South China and specifically of Macao, and even the Hong Kong law in the fields of economic law, commercial law and accounting law. This complex legal pluralism must be taken into account in the production of law.

Once the law is produced it must be implemented by legal professionals that understand the social and cultural context of the law and are in tune with it. Thus the third feature of the local legal culture is legal education. The Law School has to provide adequate legal training, increasingly in the Chinese language and in close contact with the specific sociological conditions of legal life of the Chinese community. Most of the training should be done outdoors with a large practical and sociological component. Only in this way can judges and lawyers be "localized".

The fourth component of the local legal culture has to do with access to law and the popularization of law. It is of no use to produce good laws and train good lawyers if the legal system

remains too expensive, too cumbersome, too bureaucratic, in sum, too distant from the everyday life of the lower and lower middle classes. It is urgent to create an adequate system of legal aid to the poor and, more than that, a system of popularization of law so that people know their rights in non emergency situations.

Seventh — The final policy principle has to do with the political processes underlying the institutional innovations in the coming years. In my view, what remains to be done — and much remains to be done in the last period of the Portuguese rule in Macao — must be done in strict cooperation between the Administration and the community organizations.

This cooperation must be guided by two general principles:

1. There should be a dramatic multiplication of channels of cooperation between the Portuguese administration and the Chinese community and these channels should gradually transfer decision making power to the community organizations in order to increase the domains of self-government that will guarantee the autonomy of Macao after 1999.

2. This should be done on the condition that the community organizations become themselves more pluralistic and internally more democratic. The Administration must diversify its contacts and involve in decision making an ever greater plurality of organizations. We know that the Chinese associations are not politically monolithic. Some are more traditional and elitist, others, particularly the emergent, new middle class professional associations, are more independent and more democratic. The Administration must promote this pluralism in cooperation with all associations and for all purposes.

A free and socially just economic development combined with cultural pluralism, democracy and self-government should be the basic traits of the identity of Macao. It is our common responsibility that everything is done in the coming years to guarantee the peaceful and dynamic evolution of this identity in a long future.