

abstracts

Law and justice in a context of cultural pluralism

António Manuel Hespanha

(pp. 7)

Based upon a case study — a case of divorce presented before a portuguese court in Macau in the middle '20s —, the article describes the main trends of the evolution of the relationships between chinese population and colonial justice in the 19th and 20th centuries. However, the main aim is to get an insight over the possibilities and limits of an inter-cultural dialogue in the domain of law, namely the law of family, whose institutions are deeply rooted in a cultural background.

Issues concerning inheritance law in Macau

José Maria Moreira da Silva

(pp. 27)

The article deals basically with three issues concerning inheritance as it occurs in Macau with regard to existing legislation.

The first concerns procedure. In Portugal, there is a measure called a «facultative inventory», which is a special procedure allowing the division of assets amongst adult inheritors when they cannot reach an amicable agreement. In Macau, however, this procedure is almost always used by inheritors when they cannot reach an amicable agreement. In Macau, however, this procedure is almost always used by inheritors even when they agree as to the distribution of assets and there is no discord requiring intervention by the court.

Secondly, despite the fact that the equality of male and female inheritors is enshrined in inheritance law both in Macau's legislation and in that of the People's Republic of China, Chinese custom still lingers on in the form of a strong tendency to leave assets to male inheritors regardless of the others.

The third issue arises from the fact that when there is any conflict between inheritors this is usually started by a woman who disagrees with the distribution proposed, a distribution which implies a loss for her. The main features of this kind of woman are that she is usually upper middle class and has lived in Macau or Hong Kong for several years.

The analysis presented is based on Information taken from eighty five inventories from 1990 to 1992 and was developed as part of the academic activities of the fifth year in the Anthropology class of the Law Course at the University of Macau.

The role of the Ombudsman in Portugal

Menéres Pimentel

(pp. 39)

The article traces the development of the Ombudsman back to Sweden where it first appeared, in 1809, in the form of a parliamentary committee which operated independently of the Crown, the government and the courts. Although this committee was not able to issue its own provisions, it was guaranteed appropriate means to inspect and investigate complaints lodged by citizens with their members. The creation of this independent, impartial body had repercussions in other countries where, under different names, they operate along similar lines.

The position of Ombudsman exists in Portugal under the name of Provedor de Justiça. It was enshrined in the 1976 Constitution and may operate on the basis of complaints, reports or on its own initiative. The author presents the Statute of the Ombudsman in Portugal and the outcome of proceedings begun in this office. The Ombudsman may influence the behaviour of other public powers, not out of any principle of authority but rather due to its distance from the various public interests influencing the behaviour of other public bodies and departments. The Ombudsman's role is to mediate between the citizen and the public powers.

Finally, the author compares the status of the Ombudsman in Portugal and Macau's High Commissioner Against Corruption and Administrative Illegality, focussing on the possibility and scope of intervention by the Ombudsman in Macau.

Past and future perspectives for judiciary reforms in Macau during the transition period

Jiang Enci

(pp. 57)

The Sino-Portuguese Joint Declaration on the Question of Macau, signed by the governments of Portugal and China on 13 April 1987, was a turning point in that it set 20 December 1999 as the day when sovereignty of Macau shall be transferred to China. China offers guarantees of a high degree of autonomy for the territory under the principle of «one country, two systems».

Important reform measures in Macau's judiciary system were introduced with a view to securing autonomy.

The author takes a brief look at steps which have been taken in recent years to reform Macau's judiciary system and outlines possible changes which will take place after the transition period.

The Macanese: an important and unique community in Macau — a promising future

Chio In Fong

(pp. 77)

The article presents several considerations regarding the concept of «Macanese». Their virtues and contribution to the development of Macau

are highlighted and the safeguards and promises enshrined in the Joint Declaration are explained. There is a need for the Macanese community to remain working and living in Macau in order to avoid any disruption in the handover of administration. A smooth transition will benefit Macau and its population. The article contains transcripts of parts of interviews given by influential politicians in the People's Republic of China whose views are intended to calm the fears of those Macanese most worried about the future, encouraging them to remain in Macau.

Educational Status of Women in Macau

Mariette Bolina

(pp. 85)

This paper discusses the quantitative versus the qualitative emergency of the feminine in Macau and highlights some of the traditional imbalances between sexes. It attempts to outline, in general terms, the presence and the role of women in Macau's socio-economic development and the educational status of the predominant group — the Chinese woman. It also stresses the increasing importance of the women's role in one of the key sectors of a country or territory: The education in the school context.

Based on the available data and personal inferences the author concludes by the existence of some bands of functional (and literal) illiteracy in Macau's women population and by the paramount social and political importance of women-teachers in the «one country, two systems» context. Finally some recommendations are offered to those interested in education aiming at the increasing of their awareness on the challenges and powers that the new trends of education demand.

Personal views on bilingualism in Administration

Ngai Mei Cheong (Gary)

(pp. 97)

From his long time observation, the author tries to explain that there are three key problems to be solved in making a better use of Chinese as an official language for the Administration. First, improving the understanding of Portuguese administrators in using Chinese now as a way of preventing the use of Portuguese quickly fading away after 1999. Second, solving some technical problems in internal and external communication, by improving translations and the use of temporary/auxiliary means of communication. Third, putting more efforts in bilingual training of public servants, especially those at middle and higher ranks, coupling it with the task of localization before 1999, and giving incentives to those who achieve a higher degree of bilingualism.

The official status of Chinese and bilingualism during Macau's transition period

Wang Zengyang

(pp. 103)

When the Chinese and Portuguese governments signed the Joint Declaration on the Question of Macau in 1987, the transition period for the Portuguese Administration of Macau began. The Official Status of Chinese and bilingualism are two of several requirements and priorities. Looking at the former, the author analyses its significance, indicating potential obstacles and solutions regarding its implementation as soon as possible. Concerning the latter priority, the author defends bilingualism as essential for maintaining the use of Portuguese for some years following 1999. His opinion is that the two issues must be dealt with at the same time as they are linked.

Macau population (structure and dynamics)

José Castro Pinto

(pp. 111)

The limitations set by the weak dimension of Macão's population and the consequent scarcities of labour force facing the large increase in economic development have induced to an open policy in immigration.

In this way, the age-sex specific distribution of Macão's population has during the last decades then experienced deep changes.

The objective was either starting from the analysis of the age distributions based on the last four Censuses of the Population to verify possible variations of structure either to investigate their causes and possible consequences.

Population and housing

Vítor Serra de Almeida

(pp. 129)

In the presentation the author studies the relation between population growth and housing construction and stresses the reasons for the change of the face of the city in the last two decades: lack of space and a strong demographic pressure which leads to construction of high rise buildings with all the problems related-strong populations densities and problems with the existing infrastructures.

In the final part of the work the author gives a brief idea of the social problems existing in the housing sector and the policies taken by the Administration to solve them.