Legal Education in Macau*

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A first distinction shall be introduced between legal information and legal education.

Legal information is conceived as the passive (unproblematic, positivistic) transmission of legal material, namely for merely practical purposes (*v.g.*, basic legal training of civil servants, *ad hoc* legal information for non legal experts, etc.). By opposite, *legal education* is a creative knowledge on law, combining the (i) identification, (ii) description and (iii) critique of the law that exists (*ius factum, positivum*) with the (iv) forecasting and (v) control of the law that will be (*ius in fieri)*. Legal information can be (must be) the object of under-universitary education, from mass legal education campaigns to specialized legal information programs. Legal education is the proper aim of legal training in a Law Faculty.

The specific feature of legal education is its capacity to surpass a mere description of a given law:

- Identifying what is law (which are, in a given community, the legal norms);
- describing the mechanisms of their social creation, dissemination, function and collapse);
- criticising (from different points of view — fairness, opportunity, viability, political conjunctural values) their social impact;
- forecasting their future evolution in order to improve policies of law.

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* Publica-se o texto em língua inglesa por ter sido essa a língua em que o mesmo foi apresentado.

Neither of these objectives are trivial (not even the first two). Most of them ask for rather sophisticated abilities, that can only be acquired by a strong inversion on theoretical aspects of law, such as legal theory, sociology of law, anthropology of law and on a broad vision of legal dogmatics.

Legal education is yet more crucial in situations where law (in its static or dynamic aspects) is fuzzy, blurring or unstable. This is namely the case either (i) where several legal orders (with different cultural frameworks) share the same social space or (ii) where law is in (or within) a process of changing that cannot be anticipated or controlled.

Both situations happen in today's Macao.

On the one hand, several legal orders are in force (even if not officially) in the territory: (i) the Portuguese official law, mainly in matters concerning the Administration and the social world in touch with it; (ii) common law or Chinese official law in finance and trade; (iii) Chinese traditional laws (mainly from southern China) in traditional matters, like family and inheritance; and (iv) macanese "ways of doing and living" in everyday life. All these systems interact, provoking mutual "compression" and feedback reactions that must be taken in account even amidst people solely concerned with official legal law, as traditional learned lawyers used to be. These mutual inter-relations cannot be understood if legal education doesn't include but a shallow description of formal State legal commands or of learned legal doctrine. On the contrary, a deep interpretation (C. GEERTZ) of this pluralistic situation asks for the capacity of *seeing* beyond statutory law, in this composite and contradictory world of conflicting cultural patterns, justice values and legal norms.

On the other hand, even if the contents of Basic Law about the future of macanese law were exhaustive and univocal, for the time being no one can predict their political and social actualization. Namely because it cannot be controlled even by future political powers in force. Jurists shall be acquainted to have to live with this uncertainty. That's to say, that they will be forced to innovate, to create brand new solutions, to fulfil gaps, to revoke old-fashioned normative patterns and also to resist against temptations of imposing by force inadequate legal standards.

In this context, jurists have to be both *sensitive* (able to *see* things that exist), *creative* (able to imagine norms that fit) and *self-confident* (able to defend their technical points of view).

All these capacities ask for a strategy of legal education that arises directly from the law such as it exists in a given society [in a given "everyday life" (AUSTIN SARAT)]. Then, quotidian mechanisms of social production and reproduction of the law become visible; lawyers understand their specialized efficacy in proposing formulae to compose conflicts and divergent interests, and aldo the limits of this intervention. Only the awareness of the force and limits of law and lawyers, can produce self-confidence.

This is the strategy of legal knowledge and legal education often described under the recent labels of post-modernism or autopoietic models (N. LUHMANN, G. TEUBNER). But this emphasis on the autonomous or prudential character of law is not only an *à la mode* discovery, but rather a more and more recognized feature of contemporary law. As it is more and more clear that social discipline (and legal discipline of society) escape progressively from the domain of State and official law, obeying to local "prudential rules" whose range and contents are to be fixed (namely by lawyers) in a case sensitive way.

In a word where legalism — with the related universe of technical and ideological legal advices — vanish before our eyes it would be an omunous fate to Law Faculties to become the last bulwark of a world in debacle.