
FOREWORD

A statutory norm is more than a simple assemblage of words; in the same way a statutory law is more than a collection of written norms. They are the outcome of a procedure reflecting specific constitutional models for the exercise of legislative power and, thus, of how legislatures interact with other relevant constitutional bodies. Laws and norms are a product of political dynamics within a constitutional system.

The legislative procedure — a series of actions by means of which laws are discussed and adopted — confers formal legitimacy on the sovereign will of the people expressed through legislation. It entails the notion of a sequence of mandatory stages, followed in a fixed order, and in tandem with the specification of the rights and obligations of participants in each stage. It embodies a ritual towards the goal of creating new legal norms, ie binding rules of appropriate behaviour that assign a particular legal effect whenever specified conditions are fulfilled. The legislative procedure ought to reflect the model adopted at the constitutional level, but it also makes some fundamental choices conditioning further the exercise of legislative power. It is all but neutral. Thus, it is not innocuous to confer a wider or a narrower scope of legislative initiative to legislators; to allow the government to amend bills during the discussion stages; to establish a specific majority to pass a bill in parliament, the length of discussion a bill is subject to, or the scope of veto power granted to the executive branch. All this shapes the separation of powers constitutionally envisaged and the dynamics of power within a political system.

Besides conferring formal legitimacy, and hence validity, to norms contained within laws, the legislative procedure may also shape the contents of such norms and laws. The procedure is the right place to determine the scope of democratic participation in lawmaking; and embodies the representation of legitimate interests and the establishment of public consultation mechanisms. All these are instruments shaping the contents of laws and not only mere formalities within a specific sequence of actions. The enactment of written laws by legislative bodies is a constrained power and the legislative procedure determines how such constraints are implemented. Therefore, it matters how different branches of government interact when working towards the adoption of new laws and how different inputs are incorporated in the final text of the law. Moreover, it is relevant how the legislative procedure encompasses the power of the judiciary of assessing the constitutional validity of bills according to both formal and material criteria.

One might think that only a limited number of people might have an interest in grasping the intricacies of such procedures: those involved in drafting legislation, certainly; legislators and politicians in general, surely; a few academics, perhaps... This

is nothing further from the truth. The legislative procedure, as an embodiment of the fundamental values of a political community, shall appeal to political scientists and common citizens alike. This is one of the reasons why the publishing of this Handbook of Legislative Procedure under Macau Parliamentary Law is so timely. Another reason is its geographical scope. Macau's legal system has not attracted much academic attention from the outside and the number of reference works on its political system in English is limited. This Handbook fills that void by introducing Macau's legislative procedure in a broader context of local parliamentary law. Hence, it provides a valuable instrument for further research on the topic. I am certain that this book will be the authoritative source on Macau's legislative procedure, as well as on Macau's parliamentary law for the years to come.

The merits of the book belong to its author. Paulo Cardinal's expertise, rooted in solid legal knowledge and extensive experience in lawmaking, grants his work well-deserved credibility. Not only does he master the subject matter of the book, but his intellectual curiosity leads him to the right questions. Even when such questions are uncomfortable, they are pertinent. The thoroughness of Cardinal's research — that of a sound and respected legal expert on Macau's legal and constitutional systems, as well as a curious mind — would alone justify the quality of this Handbook. An additional reason, however, is the interesting comparative analysis between the written rules and the diverging practices that often creatively craft new rules. Paulo Cardinal combines these theoretical and practical approaches due to his long professional experience as a law-draftsman in Macau, which I had the privilege to witness personally during the two decades we worked together at the Macau Legislative Assembly.

The Handbook of Legislative Procedure under Macau Parliamentary Law offers useful information and materials for better understanding the characteristics of Macau's legal and political systems and for foreseeing some possible paths of evolution. After all, as Nobel Prize winner José Saramago wrote in his novel *The Gospel according to Jesus Christ* (1991), "certain things can be understood only if we take the trouble to trace them to their origins". Paulo Cardinal's Handbook helps us do so.

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