This is the first book that focuses on the entrenched, fundamental divergence between the Hong Kong Court of Final Appeal and Macau’s Tribunal de Última Instância over their constitutional jurisprudence, with the former repeatedly invalidating unconstitutional legislation with finality and the latter having never challenged the constitutionality of legislation at all. This divergence is all the more remarkable when considered in the light of the fact that the two regions, commonly subject to oversight by China’s authoritarian party-state, possess constitutional frameworks that are nearly identical; feature similar hybrid regimes; and share a lot in history, ethnicity, culture, and language. Informed by political science and economics, this book breaks new ground by locating the cause of this anomaly, studied within the universe of authoritarian constitutionalism, not in the common law–civil law differences between these two former European dependencies, but in the disparate levels of political transaction costs therein.

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Abbreviations

ACM  Associação Comercial de Macau
AKP  Adalet ve Kalkınma Partisi (Justice and Development Party)
AO   Administrative Officer
CCTV China Central Television
CFA  Hong Kong Court of Final Appeal
DAB  Democratic Alliance for the Betterment and Progress of Hong Kong
FTU  Hong Kong Federation of Trade Unions or Macau Federation of Trade Unions
GDP  Gross Domestic Product
GUNA General Union of Neighbors Association of Macau
ICCPR International Covenant on Civil and Political Rights
POAS Political Officials Accountability System
SAR  Special Administrative Region
SARS Severe Acute Respiratory Syndrome
MLC  Member of the Legislative Council
TUI  Tribunal de Última Instância of Macau
UN   United Nations
UNESCO United Nations Educational, Scientific and Cultural Organization