

Lessons on legal bilingualism from Malaysia and beyond

Book Review: *Language Choice in Postcolonial Law - Lessons from Malaysia's Bilingual Legal System* by Richard Powell, Singapore: Springer, 2020. 300 pp.

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When bilingual speakers are faced with the task of choosing a language while communicating, they might decide based on their ability to express a certain concept or perform a specific task better in one or the other language. Maybe their life experience will induce them to choose language A, while their education would tempt them to favor language B. Perhaps their interlocutor seems to prefer a specific language, the geographical area they are in is known to rather use one of the languages, or a particular topic is just so much easier to deal with in that specific language rather than the other.

In his book *Language Choice in Postcolonial Law - Lessons from Malaysia's Bilingual Legal System*, edited by Springer in 2020, Richard Powell aptly guides the reader through the complex reasoning and the multifaceted constraints concerning language choice in a postcolonial bilingual legal system. Needless to say, choosing a language in the realm of the law is far more intricate and involves vastly more variables and elements than the mere personal ability of expressing and understanding a specific language. This holds particularly true when there is a disparity in status and use between two languages that have been in practice for decades or even centuries, as it is the case, in Malaysia, for the colonial language, English, and the most prominent of local languages, Malay. The former is an expression of a long-lasting legal tradition, the common law, with a consolidated and widespread terminology used in numerous jurisdictions all over the world, the latter is an attempt to “vernacularize” the legal system, i.e., operate a shift from an elite to a more widely spoken medium, as to make it accessible to as many citizens as possible.

It is this laborious attempt to vernacularize the Malaysian legal system and the opportunities and resistances it bears, that stand at the core of this book. In roughly 300 pages, divided into eleven sections, the author illustrates the many factors and actors involved in this intricate process by digging into the political, social, and economic discourse surrounding bilingualism in Malaysia, and contrasting it with everyday legal practice on the ground. Accordingly, after an introductory section, carefully laying down the theoretical concepts the analysis draws on, and the second section, providing an overview on Malaysian colonial history and its impact on ethnicity, language, and law, the following sections can be thematically divided into three parts.

Chapters three to six focus on the background of language use and its structural factors, being status, corpus, acquisition as well as discourse planning in the medium Malay. These chapters move from general linguistic issues to the particular aspect of legal language, and the impact political decision-making has on crucial topics, such as legal education or access to justice.

The following chapters, seven to nine, cover various settings, and show how legal vernacularization plays out in practice. The order of chapters can be seen as chronological: first, language policy and practice in legal education, where law is taught and apprehended; then, bilingualism in law offices, where legal concerns are discussed and thought through; finally, at the heart of the legal process, the place where legal matters are decided: courtrooms.

Methodologically, the book combines a rich wealth of disciplines, methods, and data, which makes this study robust and particularly valuable. It draws from and builds on studies conducted in sociolinguistics, language policy, and anthropology of language, among many others. The book combines a legal analysis of rules, guidelines, and court decisions concerning language use with a careful analysis of how these are construed and applied in legal practice. Therefore, next to an overview on the most relevant case law, which merely constitutes the background of the study at hand, an

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extensive amount of interviews with law students, law lecturers, attorneys, legal trainees, and administrators in legal affairs have been conducted. Moreover, a participant observation in Malaysian courtrooms was carried out to investigate language use during judicial proceedings. Finally, to reconstruct the political debate surrounding the development of language use in the legal realm, a careful analysis of national newspapers was inserted in the book.

Yet, the most informative and enriching part of the book comes at its end, as, in the last two chapters, the author embeds the meticulous description of bilingualism within the Malaysian legal system in a more global and comparative reflection. In Chapter 10, Powell shows common paths and issues faced by different multilingual jurisdictions worldwide, connected to the expansion of the common law and the postcolonial quest for vernacularization. By comparing several jurisdictions, India, Botswana, Canada, and Ireland, among many others, the chapter provides a thorough overview on status and corpus planning in LOTE (languages other than English) as well as their use in legal education. Also, common conceptions concerning aspects that hinder the use of LOTE, such as the inextricable link between the English language and the common law, and the persisting importance of English for legal research, are discussed.

While this could raise the assumption that the Malaysian case is not that special after all, potentially not even worthy of being investigated individually, Powell convincingly proves the opposite in the final section of the book. In section eleven, he links the general issues, faced by postcolonial settings on a global scale, back to the Malaysian context, and shows what can be learned from this particular legal system, by summarizing the main points highlighted in the previous chapters.

At the very end of the book, the author pauses to make the case for bilingual law, in a subsection titled “In Support of Bilingual Law” (subsection 11.7.). Here, he makes a quite accurate and alarming statement that sits well with the general approach of the book, i.e., contrasting the background of language use, represented by language policy, with concrete aspects of legal practice. He states (p. 290): “The status, and then the corpus, of legal languages are routinely prioritized over the needs of the people who use them”.

In fairness, however, this last subsection is actually the only minor pitfall of a quite impressive contribution, in that the case made for bilingual law is quite brief and draws on rather generalized remarks. To be sure, the book itself was never meant to be written “in support of bilingual law”, but rather to highlight the many lessons one might want to draw from a bilingual legal system, which it does more than adequately. Still, this final section could have profited from a more extensive elaboration on the benefits of a bilingual legal system as reflection of a bilingual culture, an aspect that otherwise emerges quite clearly throughout the book.