

BOOK REVIEWS

Malaysia's language shift and post-colonial common law

Language Choice in Postcolonial Law: Lessons from Malaysia's Bilingual Legal System By Richard POWELL Singapore: Springer, 2021. 324 pp. Paperback \$10.00
doi:10.1017/als.2021.27

Bilingualism or multilingualism in legal systems is increasingly becoming an important research domain for researchers in linguistics and law, as can be seen in works published over the last decade.¹ Written by Richard Powell, a professor at Nihon University in Japan who has a broad background in linguistics, law, history, and politics, and a close association with Malaysia, the book is a much welcome contribution to the field. It provides an insightful as well as authoritative analysis of multilingual post-colonial common law, focusing on Malaysia's efforts to shift the language of law from English to Malay. The choice of Malaysia as the focus of study is highlighted—it is one of only a dozen or so common-law jurisdictions that use a language other than English.

The study first investigates why and how bilingual law has been implemented in Malaysia, adopting a language-planning perspective by examining language status, corpus, acquisition, and discourse as key components of language planning. Second, it explores how lawyers and future lawyers orientate to language policies through interviews conducted and questionnaires circulated. Third, it compares common law in Malaysia with other common-law jurisdictions that have attempted vernacularization and highlights that Malaysia's implementation of vernacularization in higher courts or in jurisprudence is the most extensive. The chapters contain several interviews with lawyers, law lecturers and students, and law administrators together with lively anecdotes and quotes to shed light on the interrelated processes of language status, corpus, acquisition, and discourse as key components of language planning and language choice in legal domains. Both pros and cons of planned language shift as a solution to language-based disadvantage before the law in jurisdictions where the majority of citizens lack proficiency in the traditional legal medium are discussed using the tools adopted in the study, thereby providing readers with a wealth of detailed analysis and fascinating material. Researchers interested in doing research in the field will find the in-depth state-of-the-art account of past and current research in the interface between language and law very useful.

Chapter 1 introduces the reader to the approach of the study, researching legal vernacularization, an overview of Malaysia's common-law legacy, language reform, and legal culture as well as multilingualism and multijuralism. The aims of the study are to primarily shed light on two potent questions: how a highly formal institution in Malaysia came to support bilingual proceedings; and how practising and aspiring lawyers manage the burdens and exploit the benefits of bilingualism. While language policy and planning was chosen as the main research frame and studies on bilingualism in professional and legal settings were drawn upon, documentary analysis of laws, judgments, and educational and news reports also supplemented the analysis.

In Chapter 2, the author provides a stimulating account of political and economic influences on multilingualism and multijuralism. The chapter begins with the history

¹ Angermeyer (2015); Bhatia, Glazone, & Salvi (2014); Marino et al. (2018); Leung & Durant (2018).

of language and law in precolonial and colonial Malaya—British colonial administrative policies and colonial education policies concerning the different schools catering to ethnic groups. It also discusses a neglected area—law and language use during the Japanese Occupation of Malaya—showing, rather surprisingly, that English was retained in courts during that time. Ethnicity and politics, an important area in understanding language policies and language in a country that is highly diverse linguistically, is useful in understanding the complex area of study. The education system that has seen shifts in and debates on language policy is further delineated to better comprehend the product of five decades of compromises involving the introduction of Malay into a previously English monopolized domain. Lastly, as there are three distinct and long-established legal traditions in the country, the author provides a lucid account of multijuralism.

Chapters 3 to 6 mainly address Malaysia's legal vernacularism in terms of four analytical categories: status, corpus, acquisition, and discourse planning. These are all accompanied by institutional-level observations and individual interviews. In Chapter 3, a useful overview in status planning and its relationship with the other three categories and the main status planning measures in legal domains are given. Accounts of judicial circulars, press reports, and quotes from judicial figures show the author's acute familiarity with the developments in status planning from independence to the 1980s when more widespread implementation than ever before took place. Corpus Planning in Chapter 4 elaborates on the relationship between status, acquisition, and discourse planning, and discusses corpus reform undertaken by institutions related to centralized power structures and the progress and developments made in the modernization of Malay and Malay legal corpora. The challenges of how to prepare languages hitherto absent from legal domains for complex jurisprudence has been a long-discussed issue among policy-makers, linguists, and legal professionals.

Chapter 5 provides a historical account of language in education policies in schools and tertiary education focusing on the medium of instruction policies in law schools as well as professional support for bilingualism. The complex relationship between English and Malay in law is well depicted by the experiences of law lecturers and students. These serve as genuine examples of the difficulties faced in dealing with shifts from Malay to English, entry requirements in tertiary institutions for Malay, and the need for proficient English in certain domains. Regulatory systems that ensure that those entering the profession have a certain amount of bilingualism are also discussed.

Discourse planning and a mix of discourse and language-in-law policies and various perspectives are found in Chapter 6.

The next two chapters offer insights into legal and lay culture in law schools and offices where future lawyers study and train through findings from interviews and questionnaires. The constant compromise between institutionalized recognition of the authority of Malay and the pragmatic acknowledgement of the use of English can be vividly observed. In Chapter 7, the author explains language practices in legal education by exploring language policy in professional practice and individual choice, the language repertoires of Malaysians entering the legal profession, and motivations for studying and practising law. The author's musings that language planning has loosened traditional associations between language and ethnicity from examples of individuals from different ethnic groups give interesting perspectives on language choice among multilinguals. Feedback on reasons for choosing to study law provides useful insights on career choices and instrumental motivations and surveys on lecturers in universities throw light on the language preference for classes with English generally shown to be the preferred choice of the majority.

Chapter 8 turns to language in the law office and the influence of language choices on work. As in other countries in Southeast Asia, the influence of the location and work sector, whether it is government or corporate or in banking, for example, affects the choice of either the national language or English. The author's discussion of bilingual courtrooms in Chapter 9 illustrates how language choice is often not straightforward

and that bilingualism is usually accommodated with the use of Malay and English. Excerpts of courtroom discourse are indicative of patterns found and provide evidence that court location, area of law, type of proceeding, court level, and judge preferences all have an impact on language use. They also highlight issues to do with language rights, transparency of legal processes, and language planning.

Chapter 10 discusses common law and vernacularization from a global perspective, describing the historical spread of English law and its contact with other languages. It brings in a discussion of jurisdictions beyond Malaysia and how they balance global pressures with local linguistic and sociopolitical demands. Although the chapter is rather complex with several jurisdictions included, the review of language choice in so many common-law systems around the world is fascinating and shows readers similarities and differences between the Malaysian legal system and those in other countries.

Finally, in Chapter 11, the author reviews key characteristics in Malaysian language-in-law policy bringing together earlier discussions on status, corpus, acquisition, and discourse planning. He considers implications of societal bilingualism for post-colonial justice systems. The role of practitioners in policy implementation and the strengths and weaknesses of Malaysian bilingual law and what it may offer to other post-colonial jurisdictions are appraised. The chapter ends with questions raised about what changes when legal language changes, whether law is resistant to language reforms, and how bilingualism might help post-colonial polities make law more accessible and equitable. These are key questions for researchers, practitioners, language planners, and policy-makers.

The book provides an excellent and insightful analysis of language choice in post-colonial law. It is intended for both linguists and legal professionals as well as non-specialists interested in knowing more about the research area. The content is innovative, thoughtful, well structured, and contextualized. Last but not least, the questions raised about legal accessibility and language equality are relevant to a large number of settings in other post-colonial countries, not just in Malaysia.

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Cross-border dispute resolutions in Asia and beyond

New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution By Luke Nottage, Shahla ALI, Bruno JETIN, & Nobumichi TERAMURA, eds. Alphen aan den Rijn: Kluwer Law International BV, 2020. 370 pp. Hardcover \$161.00
doi:[10.1017/als.2021.28](https://doi.org/10.1017/als.2021.28)