Multilingual law – is it worth it? Some answers (and questions) from around Asia.

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Abstract

Multilingual law is a relatively common alternative to the monolingual law + translation model that remains the default for most of the world. Some 30 national administrations accord official standing to more than one legal language, although several of these, including Belgium, Cameroon and Switzerland, effectively run parallel monolingual jurisdictions under a multilingual federal umbrella. Courtrooms admitting evidence in more than one language can be found from Malta to Mauritius, and bilingual legislation from Tanzania to Tonga, but the Asian region is particularly rich in multilingual legal systems. Asian multilingual law is largely a product of postcolonial language planning, impelled by political and social justice agendas seeking to decolonise law without destabilising the judicial system. While this has generated diverse bodies of legislation and legal practice and a growing corpus of scholarship on the relationship between multilingualism and justice, after several decades the case for multilingual law is far from proven. In Hong Kong and Malaysia controversies arise over conflicts between different versions of the same laws. In Myanmar the main language of legal education is hardly used in legal practice itself. In Sri Lanka bilingualism may be leading to a two-tier bar. And in Bangladesh social activists argue that while corruption prevails linguistic diversification can do little to enhance access to justice. Meanwhile here in the Philippines law remains overwhelmingly monolingual in a medium that is at best a second language for most people, even though promoting the national language has long been official policy. So is multilingual law worthwhile? Delivery of justice should be the main criterion for evaluating the pros and cons of establishing and maintaining legislation, jurisprudence, legal proceedings and legal education in more than one language, but financial and administrative burdens cannot be ignored, particularly since many of the most multilingual polities are among those with the least resources. In attempting to answer this question – or at least to suggest where to look for answers – I will begin by summarising laws, policy documents and evidence from interviews and observations to review the main patterns of legal multilingualism found around Asia, before focusing on examples of two or more languages cohabiting within the same oral and written spaces. I will then refer to some legal cases and legal practitioner interviews to consider linguistic competition and conflict in the contexts of jurisprudence and legal education. Finally, I will offer some thoughts drawn on several years of researching multilingual law about the relationship between linguistic justice and legal justice, concluding that multilingualism can indeed make for more equitable legal practice in the right circumstances at the right times, but not necessarily in the most obvious ways. In a world increasingly enthralled by the possibilities and pitfalls of AI, for example, multilingual law gives a central role to multilingual human professionals and the insights they bring to the task of delivering justice.