

Preface

THE TERMS *colonialism* and *postcolonialism* mean many things in the academic literature. But as scholars of colonialism attest, there is no one, single, homogeneous colonialism. To make sense of the practices in different colonial societies, we need grounded theories and historically specific accounts. In this book I attempt to reflect on what colonialism was and what postcoloniality means in the specific context of Hong Kong through the grounded study of legal bilingualism. To begin with, I was motivated by a curiosity to crack a theoretical nut: How and why does language not just reflect social structure (a point well rehearsed and well taken already among sociolinguists) but in fact *constitute* social structure? In the specific case of Hong Kong common law, the question is translated into a question of how English and Cantonese reinforce and undermine the practice of legal formalism. My goal is to show how different language practices embedded in English and Cantonese at times constitute and reproduce what we see as the dominance of institutions but at other times challenge and disrupt their fundamental mode of operation.

At the same time, this book is very much a story about Hong Kong in its current postcolonial moment. Through the presented legal dramas, I try to weave together an ethnographic account of a place known as a former British colony and a current “special administrative region” of China. Why is the implementation of legal bilingualism riddled with unresolved tensions? Why does English continue to dominate the legal arena when it is deafeningly obvious that most people in Hong Kong in fact find it easier to express themselves in Cantonese? Amid the receding landscape of colonialism, the common law today stands as the most unmistakably identifiable cultural landmark and social institution of British legacy in Hong Kong. The common law is one of the most trusted institutions for the people of Hong Kong. The notion of the rule of law is also entrusted to become the banner ideal that defines post-1997 Hong Kong. Trapped

between the conflicting needs of integrating itself with China and retaining its uniqueness from the rest of China is a flickering notion of Hong Kong-style postcoloniality. The most significant trend in the postcolonial public discourse is the ever expanding role of the rule of law. I argue that the problems created by legal bilingualism itself show how the merging of the new ideal with the old formalist system of the common law is riddled with tensions.

In a way, this book is also autobiographical. The initial inspiration for this project goes back to some of the rather mundane assignments I received as a young reporter in Hong Kong. I was amazed by the order that English imposed on the courtrooms of Hong Kong that was just not there when Cantonese was used. More important is the fact that I belong to the generation of Hong Kong people who came of age in the twilight years of the colonial era. The choice between English and Cantonese, or, more specifically, the underlying power dynamics that make the choice difficult, is something that most people who grew up in the colonial period have experienced firsthand. Cantonese is the vernacular, but it is parochial and crude, by our own admission. Meanwhile, English is, then as now, the language of knowledge, education, and law, among other things. English is the voice through which a more modern, progressive society is articulated and envisioned. Yet it is the same elite language in Hong Kong that most people do not speak in their everyday lives. This book is a reflection of this dilemma, through the grounded study of bilingual common law in Hong Kong, which so characterizes the historical conditions of colonial Hong Kong and continues to shape the outlook of postcolonial Hong Kong today.

In the long course of writing this book, I wavered more than once on my answers to the questions that I raised. On the one hand, I have increasingly come to realize the limitations of English-language institutions like the common law in a society such as Hong Kong. For someone who sees himself as a Western-influenced progressive (but not a cultural anglophile), I find it hard to embrace an institution that is by design inaccessible because of its medium of language. On the other hand, in the course of my fieldwork, I got a chance to take a good long look at the predilections and prejudices of a common law voiced in Cantonese, so much so that I have

reached a point where I can no longer arrogantly assume that a common law in my mother tongue would be likely to prosper and thrive. If there is a sense of ambivalence about my account of legal bilingualism, it is perhaps in part because I have tried my best to capture the complexity that people of my generation experienced with the dilemmatic choice between English and Cantonese that was at once personal and political. My goal is to try to let the people I studied speak in their own voices, not to reduce them to the silent enigma of Western imagination or for that matter to the generic subaltern figure of resistance in some of the postcolonial literature.

A book that concerns itself with language should talk about its own language. After all, I made the choice to write it in English. There are, in fact, two “Englishes” appearing in this book. The first is the English in Hong Kong, the English that is juxtaposed to Cantonese in the bilingual common law in Hong Kong. This English in the first sense is part of the object of my study. The second is English as the third language, an academic English that stands above the English and Cantonese in Hong Kong in my analyses. But as I hope my readers will recognize, the analytical English I use also bears traces of the Hong Kong English I knew and analyzed, mixed in with the academic English I learned during my years in the United States. In this sense, this book is as much a critique as a product of the English-Cantonese diglossia with which I grew up. I would frankly admit that, however inadequate my command of English is, it is perhaps the best medium I have at my disposal. English allows me to step back and paint in broad strokes and to present my thoughts in a reflective voice appropriate for a book of this kind. This is so not because English is a more accurate language, as many people would say; instead, consistent with the argument made in the following pages, it is because of the ways I came to learn and use the language.