

Bringing linguistic research into legal scholarship and practice

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Abstract

This article suggests a cohesive articulation of the shared basis upon which the interdisciplinary research field of law and linguistics is developing, organising the research around the familiar three branches of the state: legislature, executive and judiciary, thus providing a map oriented towards non-linguists and legal practitioners. It also invites interdisciplinary scholars to critically reflect on future directions for this research area. This effort to redress the lack of recognition within the law of relevant linguistic research is part of our pursuit of an alternative and more collaborative approach to legal scholarship and law reform addressing issues of communicative barriers and linguistic injustice.

Keywords: Multidisciplinary approaches to the study/practice of law, legal language, access to the law, legal education, forensic evidence, legal interpreting, legal methodology

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This article aims to assist legal scholars and practitioners to navigate the wealth of linguistic and interdisciplinary research about language-based problems in legal contexts. In our view, this research has not yet made the inroads it could into legal scholarship or the impacts on legal practice. As a result, certain forms of miscommunication, discrimination and injustice recur. Therefore, this article

offers a 'map' through the rich but disparate research literature, oriented towards non-linguists and legal practitioners. It is also a provocation for interdisciplinary law and linguistics scholars to engage in a conversation about the field. This effort is part of our pursuit of an alternative and more collaborative approach to legal scholarship and law reform addressing issues of communicative barriers and linguistic injustice.

It is not that the research fields of law and linguistics have only just encountered one another. This intersection runs (at least) from a foundational book, *The Language of the Law*¹ and the mid-20th century uptake of Austin's speech act theory in legal philosophy,² right through to recent, digitally aided analyses of legislative corpora and the latest edition of the journal, *Speech, Language and the Law*. However, scholarship focused on language in legal settings and on the regulation of language through law is increasingly abundant, and is coalescing into an emerging field. In broad terms, this research began in response to concerns about the inaccessibility of legal English in English-speaking contexts, sparking the Plain English movement,³ but gradually expanded to examine the use of laws to govern, empower or marginalise linguistically diverse populations, and the accessibility of legal systems operating in the dominant language to their own minority language-using populations. This expansion responds to shifts in governance to represent and control societies which are increasingly linguistically diverse. That is, many societies are now faced with intensifications of long-standing concerns over the just, equitable, and inclusive governance of linguistically diverse populations. Issues arise in prototypical legal contexts – courts – but also in the many other legal contexts through which a state operates: parliamentary proceedings and the drafting of laws, administrative processes and so on. Studies looking at linguistic issues in legal settings, especially when viewed as a body of work, therefore have a range of potentially impactful applications beyond academia, across policymaking, professional legal practice, social inclusion and the creation and interpretation of law.

¹ David Mellinkoff, *The Language of the Law* (Little, Brown, 1963).

² John L Austin, and JO Urmson (ed), *How to Do Things with Words: The William James Lectures Delivered at Harvard University in 1955* (Clarendon Press, 1962).

³ See, eg, Plain English Campaign, *Language on Trial: The Plain English Guide to Legal Writing* (Robson Books, 1996). In non-English-medium legal systems see, eg, Meizhen Liao, 'A Study of Interruption in Chinese Criminal Courtroom Discourse' (2009) 29(2) *Text & Talk* 175.

However, this research employs a variety of disciplinary approaches, and studies frame their research problems in disparate ways. This variety can make research hard to navigate for non-specialists, particularly legal practitioners, and also presents challenges to scholars; in our view, the emerging field is not yet sufficiently 'cross-fertilised' but still rather siloed into sub-fields, particularly when it comes to academic exchange between linguists and legal scholars. The lack of a cohesive articulation of how (or whether) there are shared bases upon which this interdisciplinary field is developing also creates challenges for collaboration and for the accessible and impactful dissemination of findings. There is, therefore, a need to apply an over-arching critical analytical perspective to the emerging field to more cohesively articulate its shared basis, to make it more accessible, and to identify pathways forward for research.

This article presents one such over-arching analysis. To guide interdisciplinary discussions towards greater mutual understanding, we propose organising the field around three familiar branches, or nodes, which anchor a range of more specific topics found in the literature: language-related concerns within the judiciary, executive and legislature.⁴ We developed this conceptualisation through reviewing and extending the literature in our own research, and as part of establishing a symposium and network for interdisciplinary law and linguistics researchers (both in 2019).⁵ This article is a means of addressing some of the social justice and academic impact concerns that we have about the unrealised collaborative potential in the emerging law and linguistics field. In choosing to publish our work in the *Alternative Law Journal*, we aim to reach a range of professional, government, academic and student readers rather than only specialists who already count themselves as part of this interdisciplinary field.

Often, research on any of the judicial, executive or parliamentary legal settings addresses unequal or unjust experiences and outcomes caused or aggravated by a language issue. Perhaps it addresses gendered language in

⁴ The idea of these branches or nodes originated with Professor Peter Gray, discussant on our panel 'Linguistic Diversity as a Challenge to Legal Policy', Australian Linguistics Society Annual Conference, 13 December 2019. New research relating to the judicial, executive and legislative branches from emerging researchers is forthcoming in our guest edited issue of the *Griffith Law Review*.

⁵ Laura Smith-Khan and Alexandra Grey, 'Developing Research Collaboration across Law and Linguistics' (2020) 152(3) *Journal of the Proceedings of the Royal Society of New South Wales* 332.

legislation and in electoral proceedings⁶ or the exclusion from democratic participation of an ethno-linguistic minority group (exemplifying language problems in legislatures);⁷ miscommunications in court (a judicial setting);⁸ harmful or exclusionary communication strategies in pre-trial criminal investigations (an executive setting which can affect judicial proceedings);⁹ or the prejudicial treatment of people based on how they speak in other bureaucratic processes.¹⁰ This we might broadly term *research motivated by problems of 'linguistic justice' in the exercise of state power*.¹¹

Even research not directly aimed at redressing injustice, focusing instead on problems like legal inefficacy or inaccuracy, can – and often does – also stem from perceived injustices. For example, improving the use of interpreters can improve linguistic minorities' experience of procedural fairness and full participation.¹² Even research about the historic development of legal language can be directed toward equalising access to the law today by reducing jargon-

⁶ See, eg, Deborah Cameron and Sylvia Shaw, *Gender, Power and Political Speech: Women and Language in the 2015 UK General Election* (Palgrave Macmillan, 2016).

⁷ See, eg, Philippe van Parijs, 'Must Europe Be Belgian? On Democratic Citizenship in Multilingual Polities' in Catriona McKinnon and Iain Hampsher-Monk (eds), *The Demands of Citizenship* (Continuum, 2000) 235.

⁸ See, eg, Yuan Chuanyou, 'A Battlefield or a Lecture Hall? A Contrastive Multimodal Discourse Analysis of Courtroom Trials' (2019) 29(5) *Social Semiotics* 645.

⁹ Alex Bowen, "'You Don't Have to Say Anything': Modality and Consequences in Conversations About the Right to Silence in the Northern Territory' (2019) 39(3) *Australian Journal of Linguistics* 347; Georgina Heydon and Anastasia Powell, 'Written-Response Interview Protocols' (2017) 28 *Policing and Society: An International Journal of Research and Policy* 631; Han Xu, Sandra Hale and Ludmila Stern, 'Telephone Interpreting in Lawyer-Client Interviews: An Observational Study' (2020) 12 *The International Journal for Translation and Interpreting Research* 18; Sandra Hale, Jane Goodman-Delahunty and Natalie Martschuk, 'Interpreter Performance in Police Interviews' (2019) 13(2) *Interpreter and Translator Trainer* 107; Maggie Hall and Kate Rossmannith, 'Imposed Stories: Prisoner Self-Narratives in the Criminal Justice System in New South Wales, Australia' (2016) 5(1) *International Journal for Crime, Justice and Social Democracy* 38.

¹⁰ Eva Codó, *Immigration and Bureaucratic Control: Language Practices in Public Administration* (Mouton de Gruyter, 2008); Mi-Cha Flubacher, Alexandre Duchêne and Renata Coray, *Language Investment and Employability: The Uneven Distribution of Resources in the Public Employment Service* (Springer, 2018).

¹¹ The terms 'linguistic justice' and 'linguistic injustice' are gaining currency, building on Philippe van Parijs, *Linguistic Justice for Europe and for the World* (Oxford University Press 2011); Jacqueline Mowbray, *Linguistic Justice: International Law and Language Policy* (Oxford University Press, 2012); Ingrid Piller, *Linguistic Diversity and Social Justice: An Introduction to Applied Sociolinguistics* (Oxford University Press, 2016) 204–22.

¹² Jemima Napier et al, 'Changing the International Justice Landscape: Perspectives on Deaf Citizenship and Jury Service' (2018) 19 *Sign Language Studies* 240.

laden, exclusionary legal texts.¹³

We propose our three branches to assist in foregrounding the types of concerns that researchers and practitioners share. These branches intentionally transcend discipline-based groupings. They also intentionally emphasise that law and linguistics research is about more than just language issues in court settings. As this is a new way of conceptualising the scholarship, we anticipate – and hope – to prompt the articulation of divergent views, and thereby continue to refine the model. This approach is inspired by Dell Hymes, a pioneer of interdisciplinary linguistics who argued ‘relevance commonly leads across disciplinary boundaries’.¹⁴

A key theoretical gap

How language is conceptualised may underpin actual linguistic injustices. Most linguists consider that words (and other semiotic resources) do not have abstract and immutable meanings. Rather, meaning is co-constructed by the speaker/writer *and* the receiver *in relation to* the context in which words are produced, which includes the surrounding text, who speaks, in which language, and other aspects of the social situation.¹⁵ By contrast, in legal proceedings there is often a ‘view of a language as a “well-bounded static entity” [... relying] only on the basis of structural features, to the exclusion of social dimensions of language use’, as explained by Diana Eades, one of Australia’s most impactful researchers in this interdisciplinary field.¹⁶ That is, there are two key approaches to what ‘language’ is: dynamic and socially meaningful practices, or a static and naturally existing, discrete ‘thing’. Eades has devoted a lifetime of scholarship to revealing – and trying to correct – the mistakes and miscarriages of justice that this latter approach can cause, especially for Indigenous people. We too have explored the relevance of this theoretical gap to various injustices.¹⁷

One revealing case is that of Gene Gibson, an Indigenous man from

¹³ Peter Tiersma, *Legal Language* (University of Chicago Press, 1999).

¹⁴ Dell Hymes, ‘The Use of Anthropology: Critical, Political, Personal’ in Dell Hymes (ed), *Reinventing Anthropology* (Pantheon, 1972) 3, 44.

¹⁵ Laura Smith-Khan, ‘Why Refugee Visa Credibility Assessments Lack Credibility: A Critical Discourse Analysis’, *Griffith Law Review* <https://doi.org/10.1080/10383441.2019.1748804>.

¹⁶ Diana Eades, *Aboriginal Ways of Using English* (Aboriginal Studies Press, 2013) 4.

¹⁷ Laura Smith-Khan and Alexandra Grey, ‘Lawyers Need to Know More About Language’, *Language on the Move* (Blog Post, 18 July 2019 <https://www.languageonthemove.com/lawyers-need-to-know-more-about-language/>).

Kiwirrkurra in the Gibson Desert in Australia, who was arrested in 2010 and then convicted – wrongfully – of manslaughter. Materially, Mr Gibson’s first and second languages are Indigenous (Pintupi and Kukatja). In 2017, the Western Australian Court of Appeal found there had been a miscarriage of justice: Mr Gibson’s initial guilty plea had not been ‘attributable to a genuine consciousness of guilt’ but resulted from mistaken assumptions about language, including about the lack of need for an interpreter.¹⁸ Professor Eades’ expert evidence played a key role in Mr Gibson’s eventual release, but she cannot be there to right every miscarriage of justice! Preventing such injustices through greater legal engagement with the relevant linguistic knowledge is a surer path forward.

To further illustrate the problematic practical consequences of this divergence in understandings of how meaning is made, let us take the example of covertly recorded audio being transcribed and used as evidence in litigation. Covertly recorded audio is especially prone to being indistinct. When parts of the audio track are indistinct, the brains of the transcriber, the judge and the jury will naturally work hard to make assumptions about what was said in order to create a sensible meaning. A written transcription of a covert audio track is a strong primer: regardless of whether or not it is correct, it will enhance the confidence of those who have read it, or been told about it in court, that they are hearing accurately *without* them realising that their brain is likely using the primed information from the transcript to fill in blanks at unintelligible points. The failure of courts and lay people to understand these psycholinguistic processes leads to an overreliance on this problematic type of evidence, and a mis-founded imputation of its credibility.¹⁹

Mr Gibson’s wrongful conviction and the unreliability of covert recordings are but two types of legal problem for which linguistic research is instructive, however, they are particularly vivid examples for explaining why the divergence between linguistic and lay understandings of language can create real-world legal problems.

¹⁸ Alexandra Grey and Laura Smith-Khan ‘Language and Indigenous Disadvantage’, *Language on the Move* (Blog Post, 23 July 2019) <https://www.languageonthemove.com/language-and-indigenous-disadvantage/>. See further Diana Eades, ‘Communicating the Right to Silence to Aboriginal Suspects: Lessons from *Western Australia v Gibson*’ (2018) 28(1) *Journal of Judicial Administration* 4.

¹⁹ See, eg, Helen Fraser, “‘Enhancing’ Forensic Audio: What If All That Really Gets Enhanced is the Credibility of a Misleading Transcript?” (2020) 52(2) *Australian Journal of Forensic Sciences* 165; ‘Read about forensic transcription’, *Forensic Transcription Australia* (Web Page) <https://forensictranscription.com.au/read-about-forensic-transcription/>.

Mapping the relevant research

We believe our three branches are a useful way to see the connections between research and practice emerging from shared concerns rather than shared academic backgrounds, to make linguistic research more accessible, and ultimately a resource for correcting linguistic injustices.

The judiciary

Research around this branch is concerned with identifying, understanding and resolving unequal or simply inefficient court processes where the way language is used, and/or the beliefs people have about how language is used, are problematic.

Problems in judicial settings are especially common starting points for studies in the sub-field ‘Forensic Linguistics’. This research almost always analyses court processes, most often criminal proceedings.²⁰ It includes research about preparing and giving expert linguistic evidence (eg, about who is likely to have written a particular ransom note or how consent might be expressed in a particular dialect). It also includes research on how mis-interpretation, mis-translation, priming, and racialised or prejudicial assumptions about language can affect justice.²¹ We used examples of such problems above when explaining the basic divergence between linguistic and lay views of language.

To illustrate how research about language in judicial contexts can reveal and help to solve very real injustices, we can consider John Rickford and Sharese King’s study of courtroom processes relating to a death at the heart of the #BlackLivesMatter movement.²² #BlackLivesMatter is once again an impassioned protest movement as we write, but this study examined the murder prosecution following the 2012 death of Trayvon Martin in the US. Analysing the

²⁰ Philipp Sebastian Angermeyer, *Speak English or What? Codeswitching and Interpreter Use in New York City Courts* (Oxford University Press, 2015) is a notable exception covering civil proceedings.

²¹ See Eades (n 16); Smith-Khan and Gray (n 17); Grey and Smith-Khan (n 18); Eades (n 18); Fraser (n 19); *Forensic Transcription Australia* (n 19). See further Michele Zappavigna and James R Martin, *Discourse and Diversionary Justice: An Analysis of Youth Justice Conferencing* (Springer, 2018); Jonathan Rosa and Nelson Flores, ‘Unsettling Race and Language: Toward a Raciolinguistic Perspective’ (2017) 46(5) *Language in Society* 621.

²² John R Rickford and Sharese King, ‘Language and Linguistics on Trial: Hearing Rachel Jeantel (and Other Vernacular Speakers) in the Courtroom and Beyond’ (2016) 92(4) *Language* 948.

(mis)use of the testimony of the key prosecution witness, Rickford and King demonstrate that she was not speaking unpredictable and deficient English but rather a systematic and recognised variety which linguists know as African American Vernacular English (AAVE). However, as they explain, not only did jurors unfamiliar with AAVE have trouble understanding this witness, but – more crucially – the jurors believed that speaking this way meant that she lacked credibility.²³ Such beliefs about speakers, based on how they speak, are understood and studied by critical sociolinguists as ‘language ideologies’ and as part of the ‘indexical meanings’ (social meanings) of language. However, these social meanings of language, while of enormous influence in reality, are not something that lawyers or witnesses will necessarily be aware of or be able to manage. In the Trayvon Martin murder case, the prosecution did not manage its key witness’ language, nor the common negative beliefs about it, and the accused murderer was ultimately acquitted.

Rickford and King make clear that the insights from studying this one case are relevant more broadly within criminal processes and even beyond them.

[M]ishearings experienced by AAVE speakers are shared by vernacular speakers from other ethnic groups, languages, and regions across the United States and around the world. They are much more vulnerable than speakers of standard or mainstream varieties to being misheard and misjudged by police, judges, juries, teachers, landlords, doctors, and employers in everyday life.²⁴

These researchers then go even further in expounding the applicability of their research, ‘suggest[ing] strategies for linguists to help vernacular speakers be better heard in courtrooms and beyond.’²⁵ These include advocating for more diverse juries in order that a greater range of witnesses’ speaking styles be accepted in courts.²⁶ This study is just one example of many insightful linguistic works about just and fair outcomes being undermined by (often overlooked) language-related issues in criminal justice processes.²⁷

²³ Ibid 980.

²⁴ Ibid 980.

²⁵ Ibid 948.

²⁶ Ibid 982.

²⁷ See, eg, Angermeyer (n 20); Susan Ehrlich, Diana Eades and Janet Ainsworth (eds), *Discursive Constructions of Consent in the Legal Process* (Oxford University Press, 2016).

Language-based problems can also occur in pre-trial procedures and then create injustices in court. Those pre-trial procedures take place in an executive legal setting because they are exercises of executive power; research about them is therefore placed at the second branch.

The executive

Non-court legal processes – the executive/administrative/bureaucratic processes of the state, including pre-trial processes – form a significant portion of people's interactions with governments, and disputed executive processes are often litigated. These processes are consequently another significant subject of interdisciplinary law and linguistic research. Thus judges; barristers; socio-legal scholars; public and administrative law scholars; educators in courses on civil and criminal procedure, ethics and professional practice; migration lawyers; and even political scientists are likely to be professionally interested in legal processes of governance beyond courts, and language-related problems/injustices within them.

Linguistics-related research about administrative processes problematises, among other topics: intercultural communication; the role of interpreting and translation; the language and discourse of bureaucratic texts (decisions, procedures, submissions, application forms, etc); and the interpretation and application of laws or guidelines about bureaucratic processes.

A recent example from Australia is provided by the second author's current study, which explores how migration advisors communicate with and on behalf of their clients. It critically examines the beliefs about language underlying the regulation of advisors, and the individual beliefs and experiences of current and future migration advisors.²⁸ There are also many relevant international studies.²⁹

Providing another example of the practical applicability of work on language and administrative processes, the NSW Supreme Court's 2020 decision to uphold regulations which ban communications between 'extreme

²⁸ Laura Smith-Khan, 'Migration Practitioners' Roles in Communicating Credible Refugee Claims' (2020) 45(2) *Alternative Law Journal* 119. For another disciplinary perspective see, eg, Anthea Vogl, 'The Genre and Politics of Refugee Testimony' (2018) 30(1) *Law and Literature* 81.

²⁹ Eg, Katrijn Maryns, *The Asylum Speaker: Language in the Belgian Asylum Procedure* (St Jerome, 2006).

high-risk restricted' prison inmates and their lawyers and families in languages other than English draws attention to language being central, and controversial, in administrative processes.³⁰

The legislature

The most obvious topic here may seem to be language use within parliaments. While this is not actually a prolific area of research, there is an emergent strand of research in Australia about the equally emergent practice of using Indigenous languages in parliaments.³¹ The language of legislative drafting is a more prominent focus in research about language and legislative settings; this branch is therefore the home, in our model, for the well-established research strands on Plain English legislation, and on legislative translation between jurisdictions.³²

There is also significant empirical and philosophical research examining what constitutes a linguistically just state.³³ Other such research is more applied, for example studying actual policies about Indigenous, minority or migrant languages and those policies' impacts on inequality.³⁴

This branch is also the home for research about laws which govern language use. These laws may protect certain language practices and prohibit others, for example, protecting free speech but criminalising offensive

³⁰ Alexandra Grey, 'Freedom of Expression and the Ban on Arabic in NSW Prisons – Analysing *Hamzy v Commissioner of Corrective Services* [2020] NSWSC 414', *AUSPUBLAW* (Blog Post, 8 July 2020) <https://auspublaw.org/2020/07/freedom-of-expression-and-the-ban-on-arabic-in-nsw-prisons-analysing-hamzy-v-commissioner-of-corrective-services/>.

³¹ Timothy Goodwin and Julian R Murphy, 'Raised Voices: Parliamentary Debate in Indigenous Languages', *AUSPUBLAW* (Blog Post, 15 May 2019) <https://auspublaw.org/2019/05/raised-voices-parliamentary-debate-in-indigenous-languages/>.

³² Liao (n 3); Deborah Cao, *Chinese Language in Law: Code Red* (Rowman and Littlefield, 2017).

³³ Eg, Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford University Press, 2001); Brett Todd 'Reparar el Silencio: Justicia Reparativa para los Daños Lingüísticos Causados por Colonización y Conflicto' [Repairing Silence: Reparative Justice for the Linguistic Damages Caused by Colonisation and Conflict] (2013) 31 *Revista de Derecho Publico* [Public Law Periodical] 1; Stephen May, 'Language Rights: Moving the Debate Forward' (2005) 9(3) *Journal of Sociolinguistics* 319; Lionel Wee, *Language Without Rights* (Oxford University Press, 2010); Tove Skutnabb-Kangas and Robert Phillipson (eds), *Language Rights* (Routledge, 2017).

³⁴ Internationally: Guangwei Hu and Lubna Alsagoff, 'A Public Policy Perspective on English Medium Instruction in China' (2010) 31(4) *Journal of Multilingual and Multicultural Development* 365; in Australia: Ken Cruickshank et al, *Language Education in the School Curriculum: Issues of Access and Equity* (Bloomsbury, 2020).

language;³⁵ or require certain language practices, for example that bilingual signage always displays Language A on the top line and Language B on the bottom;³⁶ or nominate one or more official language for a state (a move Australia has not made).³⁷ Further, research on laws which govern language use may also examine the domestic application of international laws relating to language, such as the *ICCPR* provision that minorities ‘shall not be denied the right, in community with other members of their group, to enjoy their own culture [...] or to use their own language’,³⁸ and in doing so link in with other research at this branch on language rights and the philosophies or politics of language governance.

This third branch has some crossover with others; after all, the branches are a heuristic and some research straddles multiple legal settings, particularly when it is about high-level legislation which then governs multiple judicial, executive and parliamentary settings. For example, looking to a characteristically shared language in the legal recognition of specific groups is relatively common around the world and typically achieved in constitutional or high-level legislative provisions; we therefore place research about this topic at this branch.³⁹ However, flowing from that official group recognition might be heritage rights, to be enforced (or problematically denied) in executive processes or judicial proceedings, so research about those related topics may better fit within the executive or judicial research branches described above.⁴⁰ And of course, in many legal systems (certainly in Australia) executive processes are largely governed through delegated legislation (i.e. regulations).

³⁵ Elyse Methven, ‘A Little Respect: Swearing, Police and Criminal Justice Discourse (2018) 7(3) *International Journal for Crime, Justice and Social Democracy* 58.

³⁶ Alexandra Grey, *Language Rights in a Changing China* (De Gruyter, forthcoming 2021).

³⁷ Janny HC Leung, *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders* (Oxford University Press, 2019); Grey (n 30).

³⁸ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 27; see also Fernand de Varennes, *Language, Minorities and Human Rights* (Kluwer Law International, 1996).

³⁹ This links into constitutional law scholarship on citizenries, eg, Elisa Arcioni ‘Tracing the Ethno-cultural or Racial Identity of the Australian Constitutional People’ (2015) 15(2) *Oxford University Commonwealth Law Journal* 173.

⁴⁰ We would place studies on formal standardisation of languages by the state at this branch, eg, Nicola McLelland and Hui Zhao (eds), *Language Standards, Norms and Variation in Asia* (Multilingual Matters, forthcoming); Pia Lane, James Costa and Haley De Korne (eds), *Standardising Minority Languages: Competing Ideologies of Authority and Authenticity in the Global Periphery* (Routledge, 2017).

When delegated legislation and its implementation raise linguistic concerns, the ensuing research could fit in the legislative branch but is likely best placed in the executive branch, as we have illustrated by placing research on delegated legislation about prison language in that branch. Research on delegated legislation that also evaluates or suggests reform to the parent legislation, thereby foregrounding the parliamentary setting, is likely best placed in the legislative branch.

Concluding remarks

We have presented the growing and disparate research literature at the intersection of law and linguistics as a field with an organised pattern. Specifically, foregrounding shared concerns and backgrounding methodological differences, we have mapped the interdisciplinary law and linguistics scholarship around three branches based on the familiar separation-of-powers conceptualisation of the state, reviewing research on language-based concerns in judicial, executive and legislative settings.

It is obviously not an easy task to categorise and organise the many ways in which research may deal with law, language and justice. We have aimed to demonstrate to newcomers how to navigate the research and to assist those within the field to develop a stronger and more collaborative research agenda. We believe these three branches, based on the field's major concerns, organise the research literature's connections and complementarity in ways that may not otherwise have been obvious. We hope this organisation will enable lawyers and legal scholars to draw upon linguistic research more fully. This endeavour is, we hope, a pathway towards a greater recognition of linguistic insights in legal scholarship, law reform and legal practice, ultimately in the interests of more just, accessible and efficient legal systems.

An ongoing challenge for us as interdisciplinary researchers with interests in effecting change is to improve communication about our research to key stakeholders in diverse research disciplines and beyond academia, for example in legal practice and policymaking, while still operating within disciplinarily divided institutional structures. It is for this reason that we cannot over-emphasise the importance of facilitating the sharing of knowledge between linguistic and legal researchers and practitioners. Debating, articulating and building up understanding about how this research coalesces is part of the path forwards, both for legal practitioners and scholars. We therefore welcome

responses to our proposed three branches by way of publications or emails, or as comments on the peer-reviewed research blog, *Language on the Move* (www.languageonthemove.com), where we will publish a summary of this article.

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