CSLL

Canadian Symposium on Language and Law

Université York University

16-18 June · juin 2023

Welcome to the CSLL

It is with great pleasure that we welcome you to the Canadian Symposium on Language and Law at York University, Toronto, Canada. York University sits on the traditional territory of many Indigenous Nations. The area, known as Tkaronto, has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit, and Métis communities. We acknowledge the current treaty holders, the Mississaugas of the Credit First Nation, and we are grateful to be able to gather to learn and share together on these lands.*

When we first conceived of this symposium, we did so with the aim of bringing together scholars and practitioners from across the broad area of language and law in order to establish a language and law network in Canada. The field of language and law has developed at the international level, with international associations, international journals, and international conferences. Likewise, various countries around the world have developed degree programs, institutes, and scholarly organizations, and have held national and regional conferences. Despite these advances, and Canadian scholars' participation in them, the same broad, collaborative development has not yet happened within Canada, where, for the most part, scholars remain siloed in smaller institutes focusing on specific subfields. Thus, the primary goal of this symposium is to bring together language and law scholars and practitioners to exchange knowledge and establish a research network that spans the range of language and law subfields currently active in Canada (e.g., 'jurilinguistique'/'jurilinguistics', 'legal linguistics', 'forensic linguistics', and 'language and law'). Our host institution, York University, is a particularly appropriate site for this symposium given its commitment to the pursuit of social justice, diversity, and the public good. In addition, York is home to one of Canada's largest and most distinguished law schools, interdisciplinary graduate programs in socio-legal studies and linguistics, and faculty members and a growing community of graduate students who work in the field of language and law. We hope that you will have a chance to enjoy the campus and meet some of the promising students and junior researchers that help make it such a vibrant place to meet.

The symposium features five leading Indigenous and settler scholars in language and law to deliver the keynote lectures. On the final day of the conference, four of these scholars will participate in a panel discussion to discuss general themes emerging from the symposium and to respond to audience members' questions. On the first day of the conference, we invite everyone to join us for a reception at 18:15 in the ground floor foyer of Accolade West.

We are grateful to the undergraduate and graduate students who are volunteering at the symposium and to those who have participated in the various stages of the symposium's organization. We are indebted to the following funders: the Social Sciences and Humanities Research Council of Canada, the Canadian Linguistic Association, the Faculty of Liberal Arts and Professional Studies at York, the Department of Languages, Literatures and Linguistics at York, and the Graduate Program in Linguistics and Applied Linguistics at York.

We hope that the Canadian Symposium on Language and Law will be a memorable experience for you!

Sincerely,
Dr. Philipp Angermeyer, Dr. Susan Ehrlich, Marianne Laplante, Brittney O'Neill, Dakota Wing

Join the conversation! #CSLL2023

*Learn more about the land acknowledgement here!

Bienvenue au CSLL

C'est avec grand plaisir que nous vous accueillons au Canadian Symposium on Language and Law à l'Université York, Toronto, Canada. L'Université York est située sur le territoire traditionnel de nombreuses nations autochtones. La région, connue comme Tkaronto, a été préservée par la Nation Anishinabek, la Confédération Haudenosaunee, les Hurons-Wendat, et les Métis. Il abrite maintenant de nombreuses communautés des Premières nations, inuites et métisses. Nous reconnaissons les titulaires actuels du traité, la priemière Nation des Mississaugas de New Credit, et nous sommes reconnaissant·e·s de pouvoir nous réunir ici pour apprendre et partager ensemble sur ces terres.*

Lorsque nous avons conçu ce symposium, nous l'avons fait dans le but de réunir des spécialistes et des praticien·ne·s du vaste domaine de la linguistique légale afin d'établir un réseau linguistique et juridique au Canada. Le domaine de la langue et du droit s'est développé au niveau international grâce à des associations, des revues et des conférences internationales. De même, divers pays dans le monde ont développé des programmes d'études, des instituts et des organisations érudites, et ont organisé des conférences nationales et régionales. Malgré ces avancées et la participation des personnes universitaires canadiennes à celles-ci, un tel développement collaboratif ne s'est pas encore produit au Canada, où la plupart des universitaires restent cloisonnés dans de plus petits instituts axés sur des sous-domaines spécifiques. Ainsi, l'objectif principal de ce symposium est de réunir des spécialistes et des praticien·ne·s de la linguistique légale afin d'échanger des connaissances et d'établir un réseau de recherche couvrant l'éventail des sous-domaines de la linguistique légale actuellement actifs au Canada (par ex. « linguistique juridique », « linguistique criminalistique » et « linguistique légale »). Notre institution hôte, l'Université York, s'engage à promouvoir la justice sociale, la diversité et le bien public. De plus, York abrite l'une des facultés de droit les plus importantes et les plus distinguées du Canada, des programmes d'études supérieures interdisciplinaires en études sociojuridiques et en linguistique, ainsi que des membres du corps professoral et une communauté croissante d'étudiant·e·s diplômé·e·s qui travaillent dans le domaine de la linguistique légale. Nous espérons que vous aurez l'occasion de profiter du campus et de rencontrer certain·e·s des étudiant·e·s prometteur·euse·s et des jeunes chercheur·euse·s qui contribuent à en faire un lieu de rencontre si dynamique.

Le symposium présente cinq éminentes spécialistes en linguistique légale pour donner les communications principales. Le dernier jour de la conférence, quatre de ces spécialistes participeront à une table ronde pour discuter des thèmes généraux émergeant du symposium et pour répondre aux questions des membres du public. Le premier jour de la conférence, nous invitons tout le monde à nous joindre pour une réception à 18h15 au rez-de-chaussée d'Accolade West.

Nous remercions les étudiant·e·s de premier cycle et des cycles supérieurs qui se sont porté·e·s volontaires au symposium et ceux et celles qui ont participé aux différentes étapes de son organisation. Nous sommes redevables aux commanditaires suivants : le Conseil de recherches en sciences humaines du Canada, l'Association canadienne de linguistique, la Faculté des arts libéraux et des études professionnelles de York, le Département de langues, littérature et linguistique de York et le Programme d'études supérieures de linguistique et linguistique appliquée à York.

Nous espérons que le Canadian Symposium on Language and Law sera une expérience mémorable pour vous!

Cordialement,
Dr. Philipp Angermeyer, Dr. Susan Ehrlich, Marianne Laplante, Brittney O'Neill, Dakota Wing

Joignez la conversation! #CSLL2023

*Pour apprendre plus au sujet de la déclaration de reconnaissance de territoires traditionnels, scannez le code QR!

Conference Schedule · Programme

Friday, June 16 — *Vendredi, 16 juin*

9:00	Registration opens · Ouverture des inscriptions Rez-de-chaussée ACW Foyer	
9:15	Opening remarks · Mots d'ouverture ACW 109	
9:45	Keynote · Présentation de conférencière invitée 1 ACW 109 Chaired by · animée par: Marianne Laplante **Elizabeth Allyn Smith**, Université du Québec à Montreal *The effect on long term memory of definite presuppositions in interrogatives with or without conditional filter in Quebec French: Consequences for legal contexts*	
10:45	Coffee break · Pause café Rez-de-chaussée ACW Foyer	
11:00	Presuppositions · Présupositions ACW 004 Chaired by · animée par: Camila Moreira **Eleanor Miller** (Université Libre de Bruxelles) *Suggestibility to false information presented with a presupposition* **Khokha Fahloune** (Université du Québec à Montréal) *Les présuppositions encore et aussi dans le témoignage au tribunal*	Courtroom discourse · Discours de procès ACW 005 Chaired by · animée par: Jennifer Glougie **Tatiana Grieshofer** (Birmingham City University) *Adversarialism and discursive practices in county and family courts* **Nancy S. Marder** (Chicago-Kent College of Law, Illinois Institute of Technology) *Courtroom Language in Canada*
12:00	Lunch · Dîner	
14:00	Language evidence · Preuves linguistiques ACW 004 Chaired by · animée par: Tammy Gales **Rey Romero** (University of Houston-Downtown) *Of Glitter and Boogaloo: Coded Language in Far-Right Movements in the United States* **Julien Plante-Hébert & Pr. Lucie Ménard** (Université Québec à Montréal) *Acoustic-prosodic and perceptual analysis of deception in 911 emergency calls: preliminary observations* **Shana Poplack** (University of Ottawa) *Same or different? Going beneath the surface in trademark linguistics*	

Conference Schedule · Programme

Friday, June 16 — *Vendredi, 16 juin*

15:30	Coffee break · Pause café Rez-de-chaussée ACW Foyer	
15:45	Legislation in multilingual contexts · Législation en contexts multilingues ACW 004 Chaired by · animée par: Marianne Laplante **Louis Beaudouin** (Services linguistiques universels/Universal Linguistic Services) *L'égalité des langues officielles au Canada : de la nécessaire reconnaissance de l'authenticité des deux versions des jugements dans la Loi sur les langues officielles* **Griffin Cahill** (York University) *Inuit Language(s): Interpreting official language legislation in Nunavut* **Lawrence Solan** (Brooklyn Law School) *The interpretation of multilingual laws in Canada and the European court of justice: A Comparison*	Policing · Pratiques policières ACW 005 Chaired by · animée par: Ana-Maria Jerca **Dakota Wing** (York University) *Explaining genre variability in Canadian police reports: Competing orientations to multiple audiences and functions* **Sophie Hambleton** (York University) *From Witness to Suspect. Questioning Types in the Police Interviews of Jennifer Pan*
17:15	Keynote · Présentation de conférencier invité 2 ACW 109 Chaired by · animée par: Brittney O'Neill **Kirk Luther**, Carleton University *On the Comprehension of Interrogation Rights: Lessons Learned and Moving Forward*	
18:15	Reception · Réception Rez-de-chaussée ACW Foyer	

Conference Schedule · Programme

Saturday, June 17 — *Samedi, 17 juin*

9:00	Registration opens · Ouverture des inscriptions Rez-de-chaussée ACW Foyer	
9:15	Keynote · Présentation de conférencière invitée 2 ACW 109 Chaired by · animée par: Susan Ehrlich **Janny Leung**, Wilfrid Laurier University *Linguistic Equity in the Digital Society*	
10:15	Coffee break · Pause café Rez-de-chaussée ACW Foyer	
10:30	Academic freedom · Liberté academique ACW 004 Chaired by · animée par: Eve Haque **Mandy Lau & Laura McKinley** (York University) *Feeling academic on Twitter? Extramural speech, outrage, and the limits of language law reform* **Monika Lemke** (York University) *The regulation of academic freedom in Quebec in comparative perspective: intramural speech, provincial governance, and the harms of language* **Eve Haque & Stephanie Latella** (York University) *Racist Speech Acts Crossing Borders and Languages*	Marginalized subjects · Sujets marginalisés ACW 005 Chaired by · animée par: Dakota Wing **Scott Franks** (Lincoln Alexander School of Law) *Counsel Rhetorical Strategies as Jurisgenerative Practices in Criminal Jury Trials involving Settler Defendants and Indigenous Victims* **Tammy Gales** (Hofstra University) *Requesting and Expressing Remorse: An Analysis of Speech Acts and Stance in Indigenous Parole Board Hearings* **Hilary Evans Cameron** (Lincoln Alexander School of Law, Toronto Metropolitan University) *Sin of Omission*
12:00	Lunch · Dîner	
13:00	Poster session · Session d'affiches Rez-de-chaussée ACW Foyer **Diya Arora & Farhat Malik** (York University): *Rap in the courtroom* **Andrew Ferley** (York University): *'If I can't have them no one will.' Examining Incel Ideology Through Negation in a Spree Killer's Manifesto* **Amanda Gooden** (York University): *Miscommunication in testimonies by L2 English speakers in an English-speaking legal context* **Dasom Jeon** (York University): *Lost voices of witness: Representation of interpretation in court transcripts* **Irina Levit** (York University): *Coercion and Resistance: Exploring Witness Testimony for Narrative Construction & De-Construction Using Question-Types* **Hamzah Maher Taleb** (York University): *The visibility of judicial bias in the courtroom*	

Conference Schedule · Programme

Saturday, June 17 *Samedi, 17 juin*

	Ariana Mohammadi (Linguistics Consultancy Center of Canada): *The "non-native" speakers' challenges to sound credible before the law* **Kamala Muthukumarasamy** (York University): *Investigating the Linguistic Features of Blame Avoidance: The Case of Galen Weston Jr.* **Ọláolúwa Òní** (York University): *Literature as a Language of Law and History: a Non-Colonial Approach to Legal History* **Ari Tobi-Aiyemo** (A. T. Socio-Judicial Consulting): *The Court's Role in Upholding Language Rights in Canada: A Socio-Judicial Approach* **Yifan Wu** (York University): *Powerless Speech and Race in Court*	
14:00	Interpreting & translation · Interprétation & traduction ACW 004 Chaired by · animée par: Khokha Fahloune **Eva N. S. Ng** (University of Hong Kong) *Interpreting for jurors – safeguarding or compromising the defendant's right to a fair trial?* **Magda Stroinska & Daniel Pape** (McMaster University) *Court interpretation: post-pandemic traps and pitfalls in online courtrooms* **Camila Vasconcelos Leitão Moreira** (Federal University Of Paraiba – Brazil) *Dialogues Between Jurilinguism And Juritraductology – An Analysis Of The Canadian, European And Brazilian Approaches Towards The Translation Of Law And The Right To Translation*	Sexual violence · Violences sexuelles ACW 005 Chaired by · animée par: Susan Ehrlich **Seran Gee** (Unaffiliated) *Consent in Context* **Ana-Maria Jerca** (York University) *The potential for healing through personal narratives of wartime sexual trauma at the International Criminal Court* **Alexandra Dupuy** (Université de Montréal), **Marianne Laplante** (York University), **& Charlène Nault** (Université du Québec à Montréal) *How do we speak about sexual assaults? Analysis of Media Coverage in the #MeToo Era*
15:30	Coffee break · Pause café Rez-de-chaussée ACW Foyer	
15:45	Keynote · Présentation de conférencière invitée 4 ACW 109 Chaired by · animée par: Dakota Wing **Lorna Fadden**, BC First Nations Justice Council, BC *"But We're All Speaking English!"* This program contains 1 hour of EDI Professionalism Content · Ce programme contient 1 heure de professionnalisme EDI LAW SOCIETY OF ONTARIO accredited EDI	

Conference Schedule · Programme

Sunday, June 18 — *Dimanche, 18 juin*

9:00	Keynote · Présentation de conférencière invitee 5 ACW 109 Chaired by · animée par: Philipp Angermeyer **Naiomi Metallic**, Dalhousie University *Five Linguistic Methods for Revitalizing Indigenous Laws*
10:00	Coffee break · Pause café Rez-de-chaussée ACW Foyer
10:10	Panel discussion · Table ronde ACW 109 Moderated by · animée par: Philipp Angermeyer, York University **Elizabeth Allyn Smith**, Université du Québec à Montreal **Kirk Luther**, Carleton University **Janny Leung**, Wilfrid Laurier University **Naiomi Metallic**, Dalhousie University Submit your questions to the panel members here! Posez vos questions aux membres de la table ronde ici!
11:25	Closing remarks · Mots de fermeture ACW 109

Plenary speakers •
Conférencier·ière·s invité·e·s

The effect on long term memory of definite presuppositions in interrogatives with or without conditional filter in Quebec French: Consequences for legal contexts

In this presentation, I will start by going over a paradigm used in psychology to test the effect of presuppositions on memory by presenting a semi-reproduction in Quebec French of some original experiments. I show that questions with a definite presupposition, such as "What colour was the thief's hood?", have the ability to supplant the memory of witnessed events. Then I present the results of some subsequent experiments exploring the effects that conditional antecedents can have on memory (e.g., "If he was wearing one, what colour was the thief's hood?"). Finally, I discuss the implications of those results for witnesses during police interviews and for the jury during lawyers' interrogation.

vendredi 16 juin — 9:45, ACW 109 — Friday, June 16

Elizabeth Allyn Smith, Ph.D., is a Professor of Linguistics at the University of Quebec in Montréal (UQAM) and an Associate Member of the American Academy of Forensic Sciences. She is an Associate Editor for the International Review of Pragmatics and sits on the Editorial Board for the open-access journal Semantics and Pragmatics. She specializes in nuanced meaning differences (whether semantic, pragmatic, or sociolinguistic) and their relation to cognition, especially in forensic and other legal applications. She has given more than 50 presentations across five continents in addition to her published work. Her research has been shared on Télé-Québec's Électrons Libres program and in popular scientific magazines for adults (Québec Science) and adolescents (Curium).

Elizabeth Allyn Smith, Ph.D., est Professeure titulaire de linguistique à l'Université du Québec à Montréal (UQAM) et membre associé de l'American Academy of Forensic Sciences. Elle est rédactrice en chef adjointe de l'International Review of Pragmatics et fait partie du comité de rédaction de la revue à accès libre Semantics and Pragmatics. Elle se spécialise dans les différences de signification nuancées (qu'elles soient sémantiques, pragmatiques ou sociolinguistiques) et leur relation avec la cognition, notamment dans les applications légales. En plus de ses travaux publiés, elle a donné plus de 50 présentations sur cinq continents. Ses recherches ont été diffusées à l'émission Électrons Libres de Télé-Québec et dans des magazines de vulgarisation scientifique pour adultes (Québec Science) et adolescents (Curium).

Dr. Elizabeth Allyn Smith
Université du Québec à Montréal, QC

But We're All Speaking English!

This talk contains 1 hour of EDI Professionalism Content.

LAW SOCIETY OF ONTARIO accredited EDI

Ce programme continent 1 heure de professionnalisme EDI

Language plays a central role in everything we do. Evidence is collected in the form of statements, those statements find their way into court; questions are asked and answered steering the course of trials; and all the while, police, lawyers, and triers of fact are assessing credibility. The centrality of language to legal proceedings cannot be overstated, and for that reason, it is important that we have a full understanding of the assumptions and biases at work with all justice system participants. Study after study has shown that Indigenous people are still getting a rough ride through the criminal justice process and systemic racism at the root of it has been acknowledged by governments, by police services, and by the legal profession. A range of factors converge to entrench systemic racism, and the one with which we concern ourselves in this talk is a linguistic perspective. Indigenous people speak varieties of English that differ from other speech communities throughout Canada, and I argue that the features of these varieties of English result in assessments that are rarely favourable to Indigenous witnesses. This talk will survey some of these features, and show lawyers how to minimize the damage that can occur in cross-cultural interactions.

samedi 17 juin — 15:45, ACW 109 — Saturday, June 17

Dr. Lorna Fadden is a lawyer and forensic linguist. She practices criminal defence for the BC First Nations Justice Council. Prior to becoming a lawyer in 2020, Lorna was a faculty member at Simon Fraser University where she was also the First Nations Languages Coordinator. Her research in forensic linguistics informs her criminal law practice, giving her a unique window into witness statements and courtroom discourse. She has served as an expert witness in a variety of criminal and civil matters where language evidence is at issue. Lorna is the author of Communicating Effectively with Indigenous Clients, an Aboriginal Legal Services Publication.

Dr. Lorna Fadden est avocate et linguiste juridique. Elle pratique en défense criminelle pour le BC First Nations Justice Council. Avant de devenir avocate en 2020, Lorna était membre facultaire à l'Université Simon Fraser, où elle était également coordinatrice pour les langues des Premières Nations. Sa recherche en linguistique juridique informe sa pratique légale, lui octroyant un point de vue unique sur les déclarations de témoins et le discours de procès. Elle a servi en tant que témoin experte pour une variété de cas civils et criminels dans lesquels la langue est un point central. Lorna est l'autrice de Communicating Effectively with Indigenous Clients, une publication des Aboriginal Legal Services.

Dr. Lorna Fadden
BC First Nations Justice Council, BC

Linguistic Equity in The Digital Society

The talk discusses new ways in which linguistic injustices are experienced as a result of the digital revolution, teases out the increasingly important role private actors play in alleviating and aggravating linguistic inequalities, and contemplates implications for linguistic justice as the digital medium encroaches our daily life. Taking an interdisciplinary perspective that draws from linguistic and legal studies, the talk will cover the questions of to what extent linguistic injustices in the offline world are identical to what is experienced digitally, and whether some of the solutions proposed remain relevant. It will also examine how linguistically diverse groups experience the digital speech environment differently and what potentially equalizing measures could be adopted.

samedi 17 juin — 9:15, ACW 109 — Saturday, June 17

Janny Leung is Dean of Faculty of Liberal Arts in Wilfrid Laurier University, where she is also Professor of Law and Society and Professor of English. She was Professor of Linguistics and former Head of School of English at the University of Hong Kong. She obtained her MPhil and PhD in English and Applied Linguistics from the University of Cambridge, an LLB from the University of London, and an LLM from Yale Law School. Her teaching and research span the disciplines of law and linguistics. She is an author/editor of three books and 30+ scholarly articles and chapters, including a prize-winning monograph entitled *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders*, published with Oxford University Press. She was Submissions Editor for the Yale Journal of Law and the Humanities, and English Book Reviews Editor and International Advisory Board member for the International Journal for the Semiotics of Law. Between 2017 and 2021, she served on the Executive Committee of the International Association of Forensic Linguists. Leung received the Outstanding Young Researcher Award from the University of Hong Kong in 2017/2018 and the Outstanding Teaching Award in 2018/2019. She was a Visiting Scholar at the Harvard Yenching Institute, an Overseas Distinguished Scholar for Central China Normal University, a Luce East Asia Fellow at the National Humanities Center (USA), and an awardee of Research Grants Council's Humanities and Social Sciences Prestigious Fellowship Scheme.

Janny Leung est doyenne de la faculté des Liberal Arts à l'Université Wilfrid Laurier, où elle est également professeure de droit et société, et professeure d'anglais. Elle a été professeure de linguistique et a occupé la position de Head of School of English à l'Université de Hong Kong. Elle a obtenu sa maitrise en philosophie ainsi que son doctorat en anglais et en linguistique appliquée de l'Université Cambridge, un LLB de l'Université de Londres, et LLM de l'Université de droit de Yale. Son enseignement et sa recherche portent sur les disciplines du droit et de la linguistique. Elle est l'autrice et l'éditrice de trois livres, et de plus de trente articles et chapitres de livres académiques, incluant une monographie récompensée intitulée *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders*, publiée chez les presses universitaires Oxford. Elle a été éditrice de soumissions pour le Yale Journal of Law and the Humanities ainsi qu'éditrice des English Book Reviews et membre de l'International Advisory Board pour l'International Journal for the Semiotics of Law. Entre 2017 et 2021, elle a siégé sur l'Executive Committee of the International Association of Forensic Linguists. Leung reçoit le prix Outstanding Young Researcher de l'Université de Hong Kong en 2017-2018 et celui de Outstanding Teaching Award en 2018-2019. Elle a été chercheuse invitée à l'institut Harvard Yenching, chercheuse internationale invitée à l'Université China Normal, associée Luce East Asia au National Humanities Center (É.-U.) et récipiente du Research Grants Council's Humanities and Social Sciences Prestigious Fellowship Scheme.

Dr. Janny Leung
Wilfrid Laurier University, ON

On the Comprehension of Interrogation Rights: Lessons Learned and Moving Forward

When arrested by the police, adults and youth are afforded a set of legal rights (e.g., Right to Silence, Right to Legal Counsel). It is essential that detainees comprehend these rights so they are able to exercise them and make informed decisions during their interactions with police. Comprehension of legal rights is an applied problem that spans across social, cognitive, and developmental psychology as well as linguistics. During this talk, I will discuss what we have learned, and have yet to learn, about legal rights comprehension during more than 10 years of research.

vendredi 16 juin — 17:15, ACW 109 — Friday, June 16

Dr. Kirk Luther is an Assistant Professor in the Department of Psychology at Carleton University. His research interests pertain to safeguarding legal rights for adults and youth and advancing research and practice on investigative interviewing. Dr. Luther and his team are working toward developing a theoretical model of the cognitive, social, and language factors that impact individual's comprehension of complex legal information. When he's not conducting research, he's busy chasing around and entertaining three little rascals.

Dr. Kirk Luther est assistant professeur au département de psychologie à l'Université Carleton. Ses intérêts de recherche portent sur la conservation des droits des adultes et des jeunes ainsi que sur la recherche et la pratique des entrevues d'enquêtes. Dr. Luther et son équipe travaillent à développer un modèle théorique des facteurs cognitifs, sociaux et linguistiques qui affectent la capacité des individus à comprendre des informations légales complexes. Lorsqu'il ne conduit pas de recherche, il s'occupe en pourchassant et amusant ses trois petits chenapans.

Dr. Kirk Luther
Carleton University, ON

Five Linguistic Methods for Revitalizing Indigenous Laws

Building on the ground-breaking work on the revitalization of Indigenous laws ongoing over the past decade, Professor Metallic will discuss her work on identifying and elaborating five different linguistic methods for Indigenous law revitalization, giving examples of their use and implementation. These are: 1) the 'Meta-principle' method; 2) the 'Grammar as revealing worldview' method; 3) the 'Word-part' method; 4) the 'Word-clusters' method; and 5) the 'Place names' method. The presentation will underscore that one does not necessarily need to be a fluent, first-language speaker to engage with linguistic methods for Indigenous law revitalization, given the various resources on Indigenous languages that are publicly accessible. What is needed to draw out law from language is commitment and patience to learn and work with all resources available. Becoming a second-language speaker can go hand-in-hand with work to uncover the law that is coded in the language.

dimanche 18 juin — 9:00, ACW 109 — Sunday, June 18

Naiomi is from the Listuguj Mìgmaq First Nation, located within the Gespègewàgi district of Mìgmàgi (on the Gaspe Coast of Quebec). She holds a Bachelors of Arts and Bachelors of Laws from Dalhousie, a civil law degree from Ottawa U, a Masters of Law from Osgoode, and is currently pursuing her PhD through the University of Alberta. As of June 2016, she is full-time faculty at the Schulich School of Law at Dalhousie University and she holds the Chancellor's Chair in Aboriginal Law and Policy. She was also a law clerk to the Hon. Michel Bastarache of the Supreme Court of Canada in 2006-2007. Naiomi still continues to practice law with Burchells Wickwire Byrson LLP in Halifax (where she practised for nearly a decade before joining the law school, primarily in the firm's Aboriginal law group). She has been named to the Best Lawyer in Canada® list in Aboriginal law since 2015 and was chosen for Canadian Lawyers' Magazine 2018 Top 25 Most Influential Lawyers in the area of Human Rights, Advocacy, and Criminal law. Finally, Naiomi is the daughter of renowned Mìgmaq linguist, the late Emmanuel Nàgùgwes Metallic, and has been actively learning her language since 2018. Recently, she has combined her growing knowledge in the areas of Indigenous law revitalization and the Mìgmaq language to write on the various ways language can be harnessed to draw out Indigenous laws.

Naiomi est de la Première Nation Mi'gmaq de Listuguj, située dans le district Gespègewàgi de Mìgmàgi (sur la côte gaspésienne du Québec). Elle est détentrice d'un baccalauréat en arts et d'un baccalauréat en droit de Dalhousie, d'un diplôme en droit civil de l'Université d'Ottawa, d'une maitrise en droit d'Osgoode et effectue présentement son doctorat à l'Université d'Alberta. Depuis juin 2016, elle est membre facultaire à temps plein à l'école de droit Schulich à l'Université Dalhousie et elle est titulaire de la Chancellor's Chair en politique et lois aborigènes. Elle a été auxiliaire juridique pour l'hon. Michel Bastarache de la Cour Suprême du Canada en 2006-2007. Naiomi continue de pratiquer le droit avec Burchells Wickwire Byrson LLP à Halifax (où elle pratique pendant près d'une décennie avant de joindre l'école de droit, principalement le groupe de droits aborigènes). Elle est nommée sur la liste Best Lawyer in Canada® en droit aborigène depuis 2015 et a été choisie comme Top 25 Most Influential Lawyers en 2018 par le Canadian Lawyers' Magazine dans le domaine Human Rights, Advocacy, and Criminal law. Enfin, Naiomi est la fille du linguiste Mìgmaq renommé, le regretté Emmanuel Nàgùgwes Metallic, et elle apprend activement sa langue depuis 2018. Récemment, elle a utilisé sa connaissance grandissante dans les domaines des lois de revitalisation des langues autochtones et du Mìgmaq pour écrire sur les manières variées dont peut être utilisé le langage pour l'élaboration des lois autochtones.

Professor Naiomi Metallic
Dalhousie University, NS

Presentation abstracts • Résumés des exposés

Presuppositions • Présupositions

Suggestibility to false information presented with a presupposition

Eleanor Miller · Université Libre de Bruxelles

The suggestibility of memories and beliefs to linguistic information is well attested. It has also been claimed that some ways of conveying information (i.e. informative presuppositions) lead to more suggestibility than others (i.e. assertion). Intuitively, this makes sense, because presuppositions, like conventional implicatures, are non-at-issue, or not related to the speaker's main point. Accordingly, conveying false information through presupposition may appear sneakier than plainly asserting it, and more likely to induce false representations. However, linguistic theory frames presupposition interpretation in terms of a rational process of accommodation, which is not predicted to lead to durable representations. Some evidence from the misinformation effect studies supports this model, showing that presupposition accommodation can be halted by warning participants that the information is suspect, but the evidence is somewhat equivocal. Our overarching research question is whether presuppositions induce more suggestibility and if so why. As a baseline for content memory, Experiments 1 and 2 test for a difference in simple recognition memory between assertion, presupposition, conventional implicature and conversational implicature. We find no difference in gist or verbatim recall, indicating that presuppositions are regularly accommodated much like the other forms. Experiment 3 presents participants with targets labelled as true or false and then measures recognition memory. We again find broadly similar rates of true and false attribution across forms, indicating that participants remember contents but forget in what form it was encountered. Finally, Experiment 4 collects explicit true/false/not mentioned ratings and finds that these again do not differ across forms. We conclude that different ways of conveying information have comparable suggestibility potential, even in the presence of a strong and highly salient warning.

Les présuppositions encore et aussi dans le témoignage au tribunal

Khokha Fahloune · Université du Québec à Montréal

La présupposition est une information censée faire partie du savoir partagé des locuteurs (Karttunen, 1974). Dans l'exemple ci-dessous, l'information, le garçon de Léa était déjà malade, déclenchée par encore, est dite présupposée et fait partie du savoir partagé des locutrices.

(1) a. Léa : Finalement, je ne pourrais pas te voir ; mon garçon est malade.
b. Karine : Oh, encore ? Pauvre coco !

Cependant, il arrive qu'une information présupposée ne fasse pas partie du savoir partagé, elle est donc dite inappropriée. En effet, dans les questions posées dans un témoignage au tribunal, la présupposition est parfois utilisée comme un moyen de coercition qui oblige un témoin à valider une information qui ne fait pas partie des informations partagées. Elle est donc dite inappropriée.

(2) Harris : Je- clairement, je regrette ce qui s'est passé à Walkerton.
Muldoon : Regrettez-vous de ne pas être intervenu ?
Harris : Bien, je n'ai pas dit que je n'étais pas intervenu
(Traduction et adaptation de l'exemple d'Ehrlich et Sidnel (2006 : 665))

Ici, le verbe regretter présuppose que Harris n'était pas intervenu. Or, Harris n'a pas fait une telle déclaration, ce qui rend cette présupposition inappropriée. Dans notre recherche, nous examinons les déclencheurs encore et aussi, dans un procès criminel ayant eu lieu au Québec. Ce procès comprend des témoignages de dix personnes interrogées par deux avocats au cours de treize interrogatoires/réinterrogatoires et de neuf contre-interrogatoires. L'ensemble de ces témoignages renvoie donc au sa- voir partagé des deux parties du procès. Les données montrent que dans les questions, aussi est plus fréquent qu'encore et il semble avoir au moins un usage inapproprié, alors que toutes les informations véhiculées lors d'un procès devraient normalement être partagées.

Références

Ehrlich, S. and Sidnell, J. (2006). « I think that's not an assumption you ought to make » : Challenging presuppositions in inquiry testimony. *Language in Society*, pages 655–676.
Karttunen, L. (1974). Presupposition and linguistic context. *Theoretical Linguistics, 1*(1-3): 181–194.

Courtroom discourse • Discours de procès

Adversarialism and discursive practices in county and family courts

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The adversarial legal system is based on the premise of the battle of two narratives. The criticism of the adversarial approach is long standing in legal and forensic linguistic literature. There is generally a consensus that in lower courts, adversarialism appears particularly misplaced. Family and county courts across different adversarial legal systems experience cognate challenges due to the combination of the following factors: high numbers of self-represented litigants (given by the common law right to self-represent); passive role expected from the judiciary; and inherent procedural and legal complexity of adversarial litigation. These factors directly impact discursive practices, including narrativisation and elicitation strategies, embedded within court processes and procedures. The focus on communication and discursive practices in family proceedings and small claims cases allows the paper to identify procedural barriers obstructing court users from accessing procedural justice and, essentially, preventing them from sharing their stories and having their voices heard. Drawing on court observations, alongside textual and interview data, the paper illustrates the discrepancy between communicative aims of court users and communicative aims of individual procedural stages, arguing that changes in discursive practices should be central to any procedural reforms. The discussion also adopts a global comparative perspective and reflects on recent court reforms, pilots and procedural changes which affect discursive practices in lower courts across Canada, USA, Australia, and England and Wales. The conclusion proposes how procedural changes can accommodate more effective elicitation strategies and enhance procedural justice tenets.

Courtroom Language in Canada

Nancy S. Marder · Chicago-Kent College of Law, Illinois Institute of Technology

My paper, "Courtroom Language in Canada," based on three months of courtroom observation in the Superior Court of Justice, Criminal Court, in Toronto, Canada, provides a firsthand account of how courtroom language affects jury behavior in Canadian criminal jury trials. In my recent book, *The Power of the Jury: Transforming Citizens into Jurors* (Cambridge 2022), I describe how individual citizens, who often have subtle biases, may be reluctant to serve on a jury, and have little knowledge of the law or the case, are transformed by the end of a trial into responsible jurors who work together to reach a unanimous and just verdict. This remarkable transformation is due to the ways in which ritual and language in the courtroom can cumulatively affect jurors' behavior, even though jurors, and other trial participants, are unaware of it. My work examines how some rituals and language help this transformation while others hinder it. For example, prospective jurors are often anxious about carrying out their duty and that can make it difficult for them to focus on the proceedings. In Canada, jurors are asked to take an oath or an affirmation that they will tell the truth. Many prospective jurors are confused by this choice and unfamiliar with the meaning of an affirmation. Once judges become aware that their language causes confusion, they might be willing to change it. Similarly, prospective jurors are told to stand and "look upon the accused" and the accused is told to stand and "look upon the prospective juror." My interviews with Canadian judges reveal that they do not know what this language is meant to convey or how it affects the transformation of citizens into jurors. "Courtroom Language in Canada" analyzes specific courtroom language that affects Canadian jurors' behavior and identifies language that needs to be changed.

Language evidence · Preuves linguistiques

Of Glitter and Boogaloo: Coded Language in Far-Right Movements in the United States

Rey Romero · University of Houston-Downtown

Although coded and ciphered language has always been used by criminal and clandestine groups, such as phone calls, prison letters, and other types of communication, the use of social media by these groups has led to an even greater implementation of covert language in order to organize openly and broadcast their messages to a wider audience. In this presentation, I will discuss the differences

between coded and ciphered language, the mechanisms used by clandestine organizations, and the motivations, environments, and topics where this covert language can be found. I will give a special focus on far-right movements in the United States and similar organizations in Canada, such as Alt-Right, White Nationalists, Neo-Nazis, the Ottawa Truck Protest, and the Anti-vaxxer movement. Finally, I will also discuss the value of coded language as forensic evidence.

Acoustic-prosodic and perceptual analysis of deception in 911 emergency calls: preliminary observations

Julien Plante-Hébert & Pr. Lucie Ménard · Université du Québec à Montréal

Deceptive speech remains a sensitive topic in forensic phonetics. The principal challenge encountered in its scientific exploration is the difficulty to investigate deception in an ecological context with actual stakes. The present exploratory study used four 911 emergency calls placed in the province of Quebec. Investigations following two of them revealed deception from the caller whereas no suspicion of deception was reported for the two others. First, an acoustic-prosodic instrumental analysis of the calls was carried out by comparing the average number of rhythmic groups in each callers' speech. For this comparison, the calls were grouped in two dyads with one deceptive call each. Within both dyads, the calls were similar in terms of duration, caller genders and emergency types. In a second step, each call was modified to remove the speech content of the 911 agent. A low-pass filter at 350 Hz was applied on the remaining speech content in order to remove linguistic information of the callers while preserving prosodic information (pitch modulations and rhythm). These recordings were then presented to 5 participants who were tasked with deciding if the speaker was being deceptive or honest after listening once to each recording. The acoustic-prosodic analysis revealed that for one dyad, the number of rhythmic groups was much lower for the deceptive call in comparison with the non-deceptive one. Regarding the perceptual analysis, success rates in distinguishing between deceptive and honest calls were very low except for one call being correctly categorized as honest by all participants. This specific call was also part of the dyad for which our prosodic-acoustic analysis revealed a strong difference in the number of rhythmic groups. Overall, preliminary results of our exploratory analyses suggest that prosodic information can cue the honesty of a speaker but remains insufficient to correctly identify speech as deceitful.

Same or different? Going beneath the surface in trademark linguistics

Shana Poplack · University of Ottawa

The notions of same and different are ubiquitous in trademark disputes, where one party typically seeks to guard its mark against infringement by another, seen as having co-opted a similar or identical mark to advertise its own wares (Butters 2020; Shuy 2002). At issue is the likelihood of confusion between (senior and junior) marks in the mind of the "average consumer". The test for confusion rests on establishing their degree of resemblance in terms of "sound, appearance and ideas suggested". It must also be determined whether the words involved can be characterized as "generic" or "descriptive", which would invalidate them as registrable trademarks (Kilgarriff 2015). Understandably, forensic linguists are often called upon to provide expert opinions in these matters (Butters 2020; Sanderson 2007). Evidence adduced typically centers on whether the marks feature the same word, share the same sounds, letters and dictionary meaning, or the same number of phones, phonemes or syllables (e.g. Shuy 2012). But since the features appealed to are typically surface-level, and thus ostensibly readily available to the layperson, the judge may decide that expert assistance is superfluous (Durant & Davis 2018). In both scenarios, I argue that reliance on surface features to the exclusion of underlying linguistic structure may lead to misleading results, whether or not the comparanda share the same characteristics. Drawing on processes like compounding, interfixation, nominal modification and contrastive reduplication, as well as word order and stress patterns, I present several Canadian trademark cases in which I served as expert witness to demonstrate that different words (or collocations thereof) may in fact be instantiations of the same (copied) structure, while superficially like ones may be involved in entirely different constructions. The results of these analyses make a strong case for going beneath the surface in determining questions of same or different.

Legislation in multilingual contexts · Législation en contexts multilingues

L'égalité des langues officielles au Canada : de la nécessaire reconnaissance de l'authenticité des deux versions des jugements dans la Loi sur les langues officielles

Louis Beaudouin · Services linguistiques universels / Universal Linguistic Services

In R. v. Beaulac, the Supreme Court of Canada held in 1999 that the guiding principle for interpreting constitutional language rights and obligations was that of "substantive equality", thus requiring the State to take concrete measures to implement language guarantees. One of the most glaring injustices of our current system is the fact that the equal value enshrined in the Constitution of the French and English versions of federal laws is not recognized in the case of the French and English versions of court decisions. The Official Languages Act should be amended to enshrine the principle of equal value and equal authority in the English and French versions of federal court decisions. It should also require the publication of all Federal Court of Appeal judgments simultaneously in both official languages and of judgments of other federal courts within a reasonable time. Parliament should also add to the conditions for appointing judges to the Supreme Court of Canada the requirement to be proficient in both English and French in order to ensure respect for the principles of interpretation of generally accepted laws that require consideration and comparison of the two official versions of the statutes.

Dans l'arrêt Beaulac, la Cour suprême déclarait, en 1999, que le principe directeur en matière d'interprétation des droits et des obligations linguistiques constitutionnels était désormais celui de « l'égalité réelle », obligeant ainsi l'État à prendre des mesures concrètes pour mettre en œuvre les garanties linguistiques. Pourtant, l'une des injustices les plus flagrantes de notre système actuel est le fait que la valeur égale des versions française et anglaise des lois fédérales inscrite dans la Constitution n'est pas reconnue dans les versions française et anglaise des décisions judiciaires. La Loi sur les langues officielles devrait être modifiée pour consacrer le principe de l'égale valeur et de l'égale autorité de la version française et de la version anglaise des jugements des tribunaux fédéraux. Elle devrait également exiger la publication de tous les jugements de la Cour d'appel fédérale simultanément dans les deux langues officielles et celle des jugements des autres tribunaux fédéraux dans un délai raisonnable. Le législateur devrait par ailleurs ajouter aux conditions de nomination des juges de la Cour suprême du Canada l'obligation de maîtriser le français et l'anglais pour garantir le respect des principes d'interprétation des lois généralement admis qui exigent la prise en compte et la comparaison des deux versions officielles des lois.

Inuit Language(s): Interpreting official language legislation in Nunavut

Griffin Cahill · York University

This project examines the relevant legislation which establish the official languages of Nunavut, an officially multilingual subnational federal unit of Canada, and discusses the relevant issues in the interpretation of said legislation. Ultimately, I endeavour to address the question of "how does Nunavut negotiate its multilingual language policy in legislation?" The two main issues that will be discussed are the definition of "Inuit Language" and the authority afforded to acts in "Inuit". The *Official Languages Act* [2008] and the *Inuit Language Protection Act* [2008] establish and define the three official languages of Nunavut as English, French, and "Inuit Language". The definition of "Inuit Language" is further defined as consisting of two varieties Inuktitut and Inuinnaqtun. In legislation, Inuinnaqtun is given special attention, and afforded explicit protection and promotion in tandem with and independently from "Inuit Language". Linguistic or even lay terminology, such as dialect or language, are not used in any of these definitions, with the distinction instead being bound to geography. I argue that the legislation negotiates Inuit cultural views on themselves as one people speaking one language, evidenced by the promotion and usage by the organs of the territory of the term *Inuktut* to encompass all Inuit varietals, with a concrete recognition of the varying mutual intelligibilities between Inuit "dialects". This imprecise terminology has clear implications on acts of the legislature. Although legislation is drafted in English and French and are held to be equivalent and actionable, as at the federal level, there are provisions in the *Official Languages Act* [2008] which allow for the legislature to afford translations in the "Inuit Language" equal status to the English and French drafts. This is novel in an otherwise bilingual country predicated on equivalence and sameness of English and French, and is deserving of further inquiry.

The interpretation of multilingual laws in Canada and the European court of justice: A Comparison

Lawrence Solan · Brooklyn Law School

The Canadian judiciary and the Court of Justice of the EU both attempt to deal with multilingual statues in a neutral manner. I argue here that each system is only partly successful in creating a principled system of interpretation. In Canada, the predominant method of interpretation is known as the “shared meaning rule”, which gives preference to the version with the narrower reading, be it French or English in any particular case. In contrast the European approach employs what I have called the Augustinian method, placing competing language versions side by side to determine which version will best advance the law's purpose. While neither method preordains the winner in any individual case, I find that the European approach, though it must manage a large body of diverse languages, is more in keeping with the goals of statutory interpretation by judges. Its main advantage is that it is more directly engaged in finding the legislature's purpose. Examples from the case law in each system will be presented and the results compared.

Policing · Pratiques policières

Explaining genre variability in Canadian police reports: Competing orientations to multiple audiences and functions

Dakota Wing · York University

Written police reports document descriptions of police actions and observations and are relied upon at various stages of the legal system. Many policing textbooks prescribe how police reports should be written, and the writing of such reports is often viewed as a “a mechanical process of recording facts” (Yu & Monas 2020, p. 35). As such, police reports could be expected to be a seemingly highly structured genre. However, an analysis of 125 police reports from 4 jurisdictions across Canada reveals variation within and across jurisdictions and reports. I suggest that such variation is a result of authoring officers orienting to (sometimes competing) multiple audiences (other officers, legal actors, lay-person jurors, and the officer’s future self) and multiple functions (evidential, justification, self-presentation, administrative). For example, the variable use of first and third person to refer to the authoring officer may be explained by competing goals of trying to appear objective to serve an evidential function (by using third person) and appearing personable and accountable to serve a self-presentation function (by using first person). Likewise, the inclusion of subjective expressions (with verbs describing what an officer “thinks” or “believes”) which textbooks and officers say should be avoided may be explained as serving a justification function, whereas the use of attested (e.g., “observed”, “heard”, “smelled”) and reported (e.g., “verbally stated”, “said”) evidential markers and declarative statements that present reported information as statements of fact (e.g., “[redacted] was not willing to talk with police”) orient to an evidential function. The use of hedges orienting to a self-presentation function competes with the use of precision which orients to an evidential function (e.g., in reporting times “at approximately 2147 hours”). These findings help describe linguistic features and patterns of language use in the genre of police reports.

From Witness to Suspect. Questioning Types in the Police Interviews of Jennifer Pan.

Sophie Hambleton · York University

Content Warning: This talk contains detailed descriptions of a violent home invasion as well as references to homicide and gun crime.

On the evening of November 8th, 2010 a violent home invasion took place in Markham, Ontario. It transpired that this was part of a plot orchestrated by a young woman named Jennifer Pan, who had hired a group of men to stage a home invasion and kill her parents. Pan was interviewed three times as part of the investigation into the incident; twice as a witness and once as a suspect. My research looks into these police interviews and the way in which Pan was questioned about the incident as evidence against her mounted. In particular, evidence given by her Father, Han, who survived the attempt on his life, changed the course of the investigation between interviews two and three. Using the method developed by Snook et al (2012) for analysing questioning types, which divides them into nine different classifications. I look at extracts comparing her account of the same part of the incident across all three of her interviews. I then examine whether the style in which Jennifer is questioned changed as suspicion against her grew. My findings suggest that the two most common types of questions are

probing and closed yes/no questions, which increase somewhat between interviews, with a similar jump in strings of multiple questions. However the biggest issue is that open questions encouraging free recall are almost completely absent from the data.

Academic freedom · Liberté academique

How does academic freedom intersect with freedom from discrimination in Canadian higher education? This panel presents the preliminary analytical explorations from our project which investigates the debates around academic freedom and free speech in Canadian academic institutions in relation to specific faculty and student experiences of discrimination. The three presentations are our early forays into the harms of language of both intramural and extramural speech and the implications of legislation that seeks to regulate speech. Note: racial epithets in any language will not be used during the panel's presentations or in discussion.

Feeling academic on Twitter? Extramural speech, outrage, and the limits of language law reform

Mandy Lau & Laura McKinley · York University

Twitter is commonly used to share new ideas and research activities among the academic community. However, it is also a space where harmful speech circulates and intensifies. Currently, Canada's federal government is in the process of crafting legislation to address harmful speech on social media platforms. The new law is expected to focus on regulating the content moderation mechanisms of social media companies, in addition to proposing new definitions for hatred and hate speech, and the creation of new regulatory bodies. Our presentation explores the relationship between platform moderation laws and the online extramural speech of academics in Canada. We are particularly interested in the harms of online languaging, and how some proposed legal approaches may remedy or further entrench the harms. We will highlight a few legal strategies (from the 2021 proposed Bill C-36 and the accompanying framework) and discuss its implications for academic extramural speech in Canadian universities. We draw from our project's case studies, in which we examined media reports, Twitter posts, and public documents. We build on Jodi Dean's (2014) theory of communicative capitalism, where the circulation of speech rather than its substance is what generates value and matters most, and whereby the proliferation and acceleration of communicative access paradoxically relieve top-level actors of the obligation to respond, with the addition of work that theorizes the specificity of the affective politics of digital media (Boler and Davis, 2020) and that attends foremost to racist speech, the law and 'words that wound' (Matsuda et al. 1993). We develop an analytic we provisionally call 'communicative racial capitalism' and explore how the legal approach of the federal government is a non-response, individualizes the problem of hate speech and fails to remedy the harms of racist online language.

The regulation of academic freedom in Quebec in comparative perspective: intramural speech, provincial governance, and the harms of language

Monika Lemke · York University

In North America, academic freedom relates to the privileges afforded to the profession to safeguard it from undue interference, namely by government, private interests, and even university administrators. Recently, debates about the meaning of academic freedom in Canada concern its previously uncontested 'intramural speech' dimension. A prominent Canadian case which signals such a development is the passage of Quebec's Bill 32, 'An Act respecting academic freedom in the university sector'. The 2022 law responds to the controversy over the suspension of a professor at the University of Ottawa for using the N-word in a 2020 lecture. It defines academic freedom as "the right of every person to engage freely and without doctrinal, ideological or moral constraint in an activity through which the person contributes, in their field of activity, to carrying out the mission of an educational institution." As Eve Haque and Peter Ives (2022) highlight, the law "prioritizes the right [of university instructors] to speak without consideration for ethical ramifications", codifying measures that diminish students' capacity to claim the harms of language arising from their use in educational settings. Here, I cordon off the concept of 'intramural academic speech' from the more overdetermined concept of academic freedom. I engage the case through a comparative analysis of other approaches to the regulation of intramural speech in Canada, developing Haque and Ives' (2022) observation that the law signals "a shift in the meaning and control of academic freedom". First, I outline the English-language discourse which couches students' equity-based rights claims against instructors' rights. Secondly, I

comparatively analyze the politics of language regulation embedded in the Quebec government's legislative response against other approaches. I argue that intramural speech has become a domain for denying language-based harms, newly positioned to protect instructors from students' reproaches to the 'educational' use of racist language.

Racist Speech Acts Crossing Borders and Languages

Eve Haque & Stephanie Latella · York University

In the fall of 2020, an instructor at the University of Ottawa used the N-word in her class as an example of a pejorative term that had been reclaimed. The utterance and the university's response triggered a proliferation of discourse on academic freedom. This paper is interested in the invocation of academic freedom as a defense of the use of the N-word. We are especially interested in how such appeals to the academic freedom to utter the N-word cross borders and jurisdictions. We apply a Foucauldian discourse analysis to the English and French public commentary on academic freedom from fall 2020 to the passage of Quebec's Bill 32. Our data includes English and French media coverage, open letters from notable academics and other public figures, a survey circulated to academics in Quebec in 2021 and the corresponding Cloutier report calling for provincial legislation of academic freedom, and the legislation that was introduced and passed in 2022 in response to that call. Moving from a classroom in Ottawa to the National Assembly in Quebec City, this anxiety over academic freedom gave way to a legislative defense of academic freedom that potentially pre-empts negative consequences for academics who utter the N-word. The cause of academic freedom was taken up with particular urgency in Quebec. French news coverage and public commentary frequently appealed to the historical significance of the N-word given Pierre Vallieres description of the Quebecois as "white n-words of America." Bruno Cornellier (2017) has called this the Black analogy. By appropriating Blackness as a metaphor for the class disparity between the Quebecois and the English Canadian ruling class, the Black analogy further entrenches the fungibility of Blackness under white settler colonialism. After the incident at Ottawa U, academic freedom becomes a new battleground upon which to defend Quebec's aggrieved identity, and with it the right to speak the N-word and to be protected from institutional or public backlash. Ultimately, we argue that the transit of academic freedom is congruent with Canada's dual white settler colonial logic (Haque, 2012). The very negotiation of jurisdiction is what reproduces settler borders; the production of discourse on the right to speak the N-word re-settles whiteness in government and in the university, and in the public sphere itself.

Marginalized subjects · Sujets marginalisés

Counsel Rhetorical Strategies as Jurisgenerative Practices in Criminal Jury Trials involving Settler Defendants and Indigenous Victims

Scott Franks · Lincoln Alexander School of Law

The objective of this project is to interrogate the jurisgenerative practice of race references by legal counsel in the transcripts of three criminal jury trials of defendant settlers who have caused the death of an Indigenous person: R. v. Barton, 2019 SCC 33, R. v. Stanley, CRM 40/17 (SKQB), and R. v. Khill, 2021 SCC 37. This project questions how this practice of race references may advance a normative order that sustains racial prejudice against Indigenous peoples and protects settler interests, even where state law does not authorise, or may even prohibit, such outcomes. A jurisgenerative practice is one that generates a social acceptance of a particular legal meaning as normative (Cover, 1983). Existing literature emphasizes the role of social movements in jurisgenerative legal discourse (Delgado, 1989; Siegel, 2004). However, lawyers in criminal jury trials also engage in jurisgenerative practices. These practices appear in witness examination and legal argumentation (Alfieri, 2000). Although jurors are instructed to apply the law, they can choose not to; this is the jury's power to nullify state law (Brooks, 2004). Thus, lawyers' examinations and arguments contain a jurisgenerative potential in criminal jury trials; these practices may appeal to jurors' alternative normative interpretation of the law and its local application (Stevens, 2019; R . v. Chouhan, 2021 SCC 26). This project contributes to the theorization of legal argumentation and witness examination as sites of jurisgenerative practices.

Requesting and Expressing Remorse: An Analysis of Speech Acts and Stance in Indigenous Parole Board Hearings

Tammy Gales · Hofstra University

According to a recent report, many U.S. detention centers are underfunded, neglected, and in disrepair; in some states, more prisoners are incarcerated for longer time periods and, of those denied parole, there are a disproportionate number of American Indians (ACLU, 2015). During a parole hearing, it is expected that the incarceree will be asked to make a statement of contrition for the crime for which they were convicted. However, in complex legal contexts, there is wide variation in how such speech acts are linguistically expressed (e.g., Gruber, 2014), how interpersonal stances are individually negotiated (e.g., Gales, 2011), and how differences in cross-cultural communication strategies can cause grave misunderstandings (e.g., Eades, 2013). The data for this study are from 64 parole board hearings involving cases of sexual assault from Montana in 2016. Half include Anglo Americans and the other half include American Indians; within each group, half were denied and half were granted parole. Each pair was matched, as closely as possible, for incarceree gender, age, psychological diagnosis, and parole eligibility status. The analysis first quantified how frequently the incarcerees were asked by the board about their crime and then identified what kinds of speech acts were present when requests and responses existed. Second, these adjacency pairs were coded using Appraisal Analysis (Martin and White, 2005) to examine markers of stance—a speaker's commitment to or feelings about a person or proposition (Biber et al., 1999). The results revealed subtle differences in speech acts (e.g., requesting vs. commanding by the board) and stance markers (e.g., ways incarcerees expressed engagement with and remorse for the criminal act). Especially noteworthy were differences in statements made by Indigenous incarcerees who had more traditional community support, highlighting the value of culturally-appropriate involvement—such as in Canadian Elder-Assisted Hearings—in complex, legally discursive contexts.

Sin of Omission

Hilary Evans Cameron · Lincoln Alexander School of Law, Toronto Metropolitan University

Refugee claimants in Canada must submit a 'Basis of Claim' form to the Refugee Board before attending a hearing with the adjudicator who will decide their claim. On this form they are expected to produce a written narrative that explains "everything that is important" about their experiences. At their hearing, many claimants encounter for the first time a key principle of Canadian refugee law: that the omission of any "important" information from this narrative suggests that they have invented their claim. This study takes a close look at how this 'omission from the narrative' inference is operating within a set of judgments by Canadian refugee status adjudicators. It provides the first quantitative overview of the role that this inference plays in a sample of Canadian decisions as well as the first in-depth analysis of this kind of high-stakes legal reasoning. Negative credibility findings were at the heart of the decision to reject a large majority of the claimants in these decisions (72%, 217/303) and the adjudicators in these cases relied on an 'omission from the narrative' inference in almost half of the decisions in which they concluded that the claimant was lying (49%, 128/259). The reasoning in these judgments reveals that the adjudicators assume that claimants will interpret the word 'important' in the same way that they do. This assumption is flawed for at least three reasons: claimants will not reliably share the adjudicators' contextual understanding; they cannot infer the relevant contextual information from the Board's materials; and the physical layout of the form (10-14 lines per answer) suggests a contrary interpretation of the instruction. Recognizing this has implications for the Canadian refugee system's administrators; for adjudicators; for appellate-level decision-makers and judges; and for counsel who represent refugee claimants.

Interpreting & translation · Interprétation & traduction

Interpreting for jurors – safeguarding or compromising the defendant's right to a fair trial?

Eva N. S. Ng · University of Hong Kong

Jury comprehension studies have largely focused on examining lay jurors' ability to understand legal instructions, revealing jurors' comprehension difficulties (e.g. Charrow & Charrow, 1979; Ogloff & Rose, 2005; Steele & Thornburg 1991). The comprehension issue can be further exacerbated in cases where

jurors do not speak English as their native language (Duff et al., 1992; Ng, 2016). A newly conducted study (Ng, 2022) demonstrates that Chinese jurors face comprehension difficulties with both legal terminology and non-technical language in English-medium trials, indicating the need for interpreting services. Interpreting for defendants not conversant with the language used in court is a standard service in jurisdictions that have ratified the International Covenant on Civil and Political Rights (ICCPR). The use of interpreting services for jurors as the fact finders about the defendant's guilt or innocence, however, remains contentious. On the other hand, the language requirement for jurors has been argued as a discriminatory instrument to systematically exclude citizens not proficient in English from jury service (Johnson, 2016; Rose, 2014). This paper is inspired by two Hong Kong appellate courts' divergent decisions on an appeal which contested the judge's permission to allow some Chinese jurors to listen to Cantonese interpretation. It reviews the appellate courts' rulings and arguments and discusses their implications for the practice of court interpreting, on which the Hong Kong judicial system has long relied for the delivery of justice. The paper argues for the provision of interpreting services for jurors to better understand trials conducted in English, thus better safeguarding defendants' right to a fair trial. Interpreting for jurors also enables citizens with no or limited English proficiency to serve on a trial, which promotes equal participation and helps uphold the fundamental principle of trial by peers drawn from a cross-section of the community.

References

Charrow, R. P. and Charrow, V. R. (1979). Making legal language understandable: a psycholinguistic study of jury instructions. *Columbia Law Review 79*(7), 1306–74.

Duff, P., Findlay, M., Howarth, C. and Chan, T. F. (1992). *Juries: A Hong Kong Perspective*. Hong Kong: Hong Kong University Press.

Johnson, L. D. (2016). What does justice have to do with interpreters in the jury room? *UMKC Law Review*, 84(4), 941–986.

Ng, E. N. S. (2016). Do they understand? English trials heard by Chinese jurors in the Hong Kong courtroom. *Language and Law / Linguagem e Direito 3*(2), 172–91.

Ng, E. N. S (2022). Trials heard by a foreign ear – A study of Chinese jurors' comprehension of English trials in Hong Kong. *International Journal of Speech, Language and the Law*, *29*(2), 172–200.

Ogloff, J. and Rose, V. G. (2005). The comprehension of judicial instructions. In N. Brewer and K. D. Williams (eds), *Psychology and Law: an Empirical Perspective,* 407–444. New York: The Guilford Press.

Rose, J. B. G. (2014). Language disenfranchisement in juries: A call for constitutional remediation. *The Hastings Law Journal*, *65*(3), 811–864.

Steele, W. W., and Thornburg, E. G. (1991). Jury instructions: A persistent failure to communicate. *Judicature 74*(5), 249–54. Retrieved on 11 November 2022 from https://scholar.smu.edu/cgi/viewcontent.cgi?article=1157&context=law_faculty

Court interpretation: post-pandemic traps and pitfalls in online courtrooms

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In Canada, anyone appearing in criminal or family court has the right to be assisted by a court appointed and Ministry of Attorney General certified interpreter. Interpreters take an oath that they understand both languages and would translate the material to the best of their abilities. However, court interpreters work in unusual settings: they are not familiar with the people and events involved and are not supposed to ask clients for background information. As post-COVID court proceedings often take place online, interpreters may find it difficult to even ask for clarifications. Court interpretation is thus different than communication in situations where interlocutors can rely on accepted rules of conversation, such as Gricean maxims or the principle of relevance.

In addition, court interpretation rarely takes place under ideal circumstances and the pandemic related regulations significantly added to these difficulties. Court proceedings on Zoom often involve 10-40 people simultaneously present online, many of them unmuted, some speaking from noisy and multi-talker environments, such as prisons. Even in the traditional courtroom, COVID mandated multiple plexiglass dividers and facemasks distort the reception of what is being said. And yet, the interpreter is responsible for mediating between those who need language services on the one hand, and the court (the judge, the prosecutor, the jury, etc.) on the other hand, to ensure a fair representation of their clients.

In this paper, we point out some of the major linguistic sources of problems in the new reality of court interpretation online and how court interpretation services could be improved for the benefit of all those involved. We focus on research results that are spotlighted by the recent pandemic situation, such as intelligibility/comprehensibility of foreign—accented speech (e.g., for speech-to-text or subtitle/caption systems) and the perception problems resulting from different background noise sources.

Dialogues Between Jurilinguism And Juritraductology – An Analysis Of The Canadian, European And Brazilian Approaches Towards The Translation Of Law And The Right To Translation

Camila Vasconcelos Leitão Moreira · Federal University Of Paraiba · Brazil

The object of this paper is the interface between the translation of law and the right to translation. It resorts to the descriptive methodology of deductive reasoning and bibliographic-normative support to present the state of the art of research with the purpose of a factual analysis based on legal-normative institutes of the Brazilian, Canadian and European realities. The dialogues around the world and the individual contributions from different countries have led to the current state of jurilinguism and juritraductology. Under distinct approaches, their objectives converge in their interdisciplinarity. Canada was one of the main cradles of jurilinguism in the mid-1970s, due to the need to make bilingual legislative translations feasible in order to accompany the country's political and legal transformations. Through a legal approach, France rescues Canadian discussions, applying them to European specificities (intense legal cooperation, considering the frequent movements of people, goods, merchandise and capital). From this fertile ground, juritraductology arises, as a field of study that aims not only to focus on the translation of law, but also on the right to translation. This approximation of realities attests to the fact that it is from necessity that innovation comes. Each country is unique and has its own demands. By opening the door to dialogue, we will realize that we can advance our knowledge much further. Stimulating the discussion between countries is not only where juritraductology came from, but it is also how it will develop. In this sense, Brazil can also contribute to translation and to the law by bringing important advances. One can mention the wide coexistence of indigenous peoples of distinct cultures in the same territory, as well as the huge population of visually impaired people, which brings about a very relevant approach to the rights to linguistic assistance and the realization of due legal process.

Sexual violence · Violences sexuelles

Consent in Context

Seran Gee · Unaffiliated

In 1998, the Supreme Court held that the failure to disclose HIV-positive status to sexual partners could constitute fraud that vitiates otherwise freely given sexual consent. As a result, the mere failure to not disclose one's private medical information could result in otherwise consensual sex being considered aggravated sexual assault. Additionally, the mens rea requirement may be fulfilled even if the accused has no intention to deceive their partner(s). As a result, a person who fails to meet this high standard could be convicted of aggravated sexual assault even if they reasonably believe that their partner consents to the risk of HIV transmission. Using semi-structured interviews, this study examines how context-specific norms govern gay and bisexual men’s negotiations of sexual consent in bathhouses, and how these sub-cultural practices could result in "failures" to disclose HIV status that are not motivated by an intention to deceive. This study’s findings indicate that HIV disclosure is dispreferred in the bathhouse because (1) it does not accord with the casual sexual frame of the bathhouse, (2) it is viewed as unnecessary given normative expectations regarding personal responsibility in gay communities, and (3) it violates the contextual custom of wordlessly negotiating consent in gay sexual spaces. To avoid criminalizing sexual diversity as a form of sexual violence, this paper proposes that convictions for HIV nondisclosure as consent-vitiating fraud should require that the accused had an intention to undermine their partner’s sexual autonomy (rather than merely an intent to not disclose material information). This proposed standard would better reflect how sexual fraud is blameworthy primarily because it is inimical to another’s exercise of sexual autonomy.

The potential for healing through personal narratives of wartime sexual trauma at the International Criminal Court

Ana-Maria Jerca · York University

This presentation examines the efficacy of narrative with respect to helping survivors heal from trauma during testimony about wartime sexual violence at the International Criminal Court (ICC). The ICC is a permanent international body for dealing with large-scale atrocities committed during domestic and international conflicts. Equipped with staff trained in issues relating to trauma, the ICC’s mission is to provide victims with opportunities to seek justice and financial restitution as well as psycho-social

support for healing from trauma. Research on trauma, as well as personal accounts of trauma survivors, have emphasized the role of narrative in promoting healing by helping survivors begin to integrate their trauma into their own stories about their lives. However, this is only the case if the teller narrates to an audience from which they can feel empathy. Indeed, the context of the courtroom—at least, the Anglo-American one—is notorious for displaying a lack of empathy towards trauma survivors in sexual assault adjudications and for its propensity to blame victims, neither of which promote healing. In this presentation, I explore whether, with its claims to trauma-informed practice, the ICC truly provides witnesses who have suffered sexual violence with a testimony environment that is conducive to the kind of narrative telling that might promote healing from trauma. To do so, I seek to answer questions such as: To what extent can witnesses, who are usually unfamiliar with the courtroom trial context, speak freely about their trauma and be heard, given that the speaking rights of the courtroom dictate that lawyers ask questions and witnesses must simply answer them? And, if the testimony environment does allow trauma-healing narratives to be told, does anything harmful (e.g., victim-blaming) occur during questioning that might undermine the healing promoted?

How do we speak about sexual assaults? Analysis of Media Coverage in the #MeToo Era

Alexandra Dupuy, Marianne Laplante and Charlène Nault · Université de Montréal, York University and Université du Québec à Montréal

The present paper focuses on the words used to talk about sexual assault in the written francophone media coverage of four cases of public accusations in Québec : Gilbert Rozon, Éric Salvail, Maripier Morin and Julien Lacroix. These public figures in the Québec cultural landscape were accused of sexual assaults by their victims in the midst of two different #MeToo movements, the former two in 2017 and the latter two in 2020. While a substantial body of work has been devoted to the linguistic analysis of media coverage of sexual assault cases (e.g., Henley et al. (1995) on syntactic agentivity in the media and perception, Royal (2019) on journalistic guidelines for reporting sexual assaults cases), we are interested in how the media refer to the denounced acts depending on if a lawsuit was engaged. Indeed, the cases of Rozon and Salvail went to trial while the cases of Morin and Lacroix did not. The data analyzed was retrieved from three influential newspapers in Québec, namely Le Devoir, La Presse and Journal de Montréal. Our method is inspired by Clark's word-based analysis (1992) and aims to compile the words used to refer to the sexual violences committed, such as "inconduite" (misconduct), "agression" (assault), "viol" (rape), "geste" (act), "comportement" (behaviour). Among the 526 articles collected, which cover the entire timeline of each case, from the initial denunciations to their more recent developments (e.g., their legal procedures, the perpetrators' attempts of reintegration in the public sphere, etc.), we compare the quantity of each lexical item between newspapers and cases to shed light on their overall usage patterns. Additionally, our qualitative analysis shows how these words are used contextually to frame the understanding of the cases severity, for instance by using less diverse lexical items, or words associated to the legal vocabulary after a lawsuit is engaged but not before (e.g., sexual assault vs. behaviour). We argue that the media coverage of sexual assault cases reinforce the ideology that legalized cases are more credible and severe than those that aren't.

References

Clark, K. (1992). The linguistics of blame: Representations of women in The Sun's reporting of crimes of sexual violence. In M. Toolan (Ed.), *Language, text, and context* (pp. 208–224). London: Routledge.

Henley, N. M., Miller, M., & Beazley, J. A. (1995). Syntax, Semantics, and Sexual Violence: Agency and the Passive Voice. *Journal of Language and Social Psychology, 14*(1–2), 60–84.

Royal, K. (2019). An analysis of a high-profile rape trial: The case of UK footballer Ched Evans. *Journal of Gender-Based Violence, 3*(1), 83–99.

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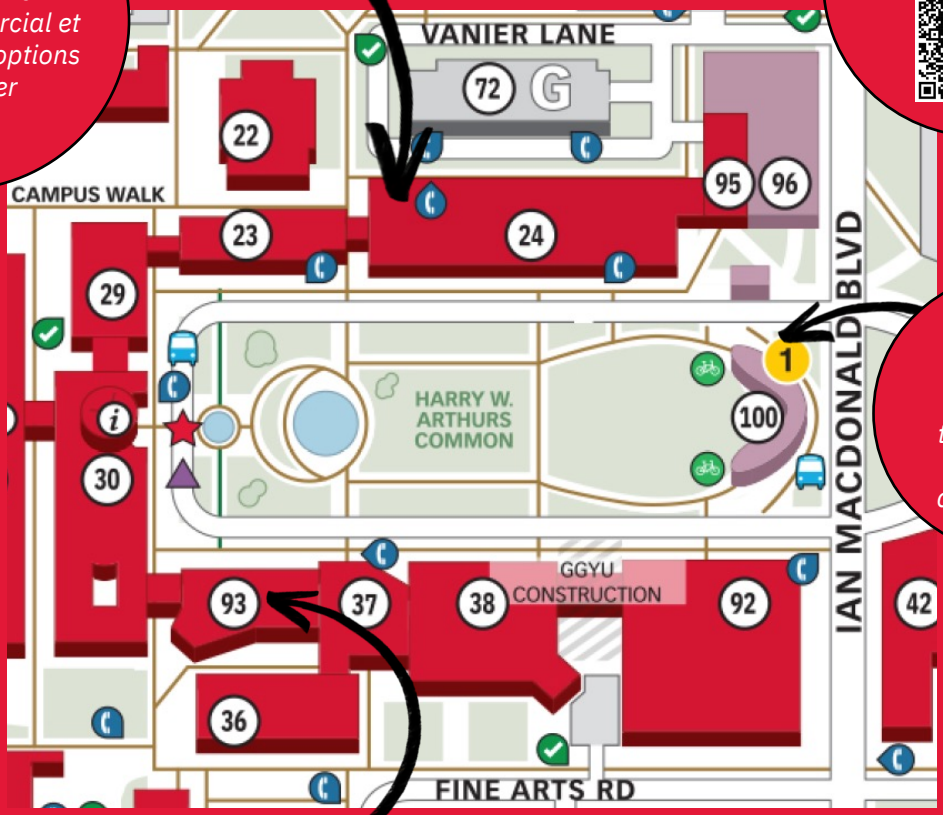

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