Letter from the guest editors

This special issue of WALLY presents a selection of papers that were given at the Canadian Symposium on Language and Law, held at York University June 16-18, 2023. The symposium brought together Canadian and international scholars and practitioners across the broad domain of language and law, a growing field that applies linguistic concepts to the language of the law, language in the legal process, language evidence, and language crimes. This issue contains selected papers from the symposium, by established and emerging scholars from different disciplines, working in Canada or internationally on topics that are of particular relevance to language and law in Canada.

The field of language and law is inherently interdisciplinary, incorporating concepts, methods, and insights from linguistics, law, sociology, criminology, psychology, policing, and sociolegal studies, for example. It 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 scholars remain siloed in smaller institutes focussing on specific subfields. The goal of the Canadian Symposium on Language and Law was to draw together researchers and practitioners from different areas in order to build a research network that facilitates the coalescence and growth of the field in Canada and addresses Canadian justice issues.

The social and legal context of Canada is especially of interest for those in the language and law field as Canada is officially a bilingual country with a bijural legal system. These factors have direct implications for the relationship between language and the law. The field of 'jurilinguistique'/'jurilinguistics' originated in the work of Canadian scholar Gémar (1982) as a response to the bilingual and bijural nature of the law. As Canadian legislation required language equivalencies in both languages and legal systems, there was a need for translators to work with jurists. Though this work has primarily focused on the language of legislation and translation, it has expanded to include "lexicography and terminology, drafting all types of legal texts—in particular court decisions and contracts—their revision and interpretation" (Gémar & Kasirer 2005, p.xiii, translation). As such, the theoretical approach has shifted from translation studies to a wider range of linguistic approaches.

Canadian work on language and law has also expanded from originally French-English language representations in the law, to incorporating issues related to Indigenous languages in Canada. Indeed, Indigenous languages are increasingly recognized at official levels in Canada (e.g., Inuktitut in Nunavut) and, as a result, Indigenous cultural norms are often brought into contact with colonial laws and legal and policing norms, resulting in both intercultural and interlinguistic interactions in the legal process.

Canada's multicultural and multilingual settler population also creates the potential for intercultural/interlinguistic communication in legal or sociolegal contexts, for example, in police-civilian interactions, lawyer-client interactions, courtroom interactions, etc. Linguistic diversity is thus a central feature of many aspects of judicial processes in Canada, and there is a great need for more and better coordinated interdisciplinary knowledge sharing in this area.

PHILIPP ANGERMEYER, SUSAN EHRLICH, MARIANNE LAPLANTE,
BRITTNEY O'NEILL, DAKOTA WING

Within Canada and around the globe, a growing number of social justice issues have emerged at the intersection of language and the law. For example, in Canada, language rights have received attention due to Quebec's 2022 language law, Bill 96, and a year later, the federal amendment to the official language act (Bill C-13). Concurrently, the National Inquiry into Missing and Murdered Indigenous Women and Girls has identified linguistic issues that hinder access to justice for Indigenous peoples. Meanwhile, at a global level, the COVID-19 pandemic has highlighted deficiencies in ensuring linguistic accessibility to legal proceedings and has led to shifts in the modality of such procedures (e.g., "Zoom" court), accompanied by changes to their discursive norms and expectations. Alongside the technological advances that have facilitated virtual courts during COVID-19, the increase in access to digital recording (i.e., smart phones and glasses, police-worn body cameras) and online anonymity has resulted in an increase in language evidence in investigations, as well as increased awareness of the role of language in investigative interviewing and civil rights (violations) during police interactions.

Linguistic justice is also at stake when technological advancements in automated transcription are introduced to record courtroom proceedings without necessarily addressing the weaknesses of these systems for accurately recording diverse voices and language varieties. And all of this arises against a background of increasing numbers of (multinational and multilingual) asylum seekers who come into contact with legal systems that may not be equipped to manage cross-cultural interactional norms or ensure accurate, efficient, and equitable translation and interpretation. Thus, there is much to be done at the intersection of language and the law, and yet the field remains diffuse and fragmented within Canada.

Many of these themes were addressed by presenters at the symposium, including in particular by the five plenary speakers. Dr. Lorna Fadden (First Nations Justice Council, BC) examined issues experienced by speakers of Indigenous varieties of English in the judicial system in her talk entitled "But we're all speaking English;" Dr. Janny Leung (Wilfred Laurier University) presented on "Linguistic Equity in the Digital Society," focusing on injustices arising from digital companies' language policies; Dr. Kirk Luther (Carleton University) discussed research in psychology and linguistics on the comprehension of interrogation rights; Professor Naiomi Metallic (Dalhousie University) presented "Five Linguistic Methods for Revitalizing Indigenous Laws" identifying ways in which linguistic research can contribute to the recognition of Indigenous values and principles; and Dr. Elizabeth Allyn Smith (Université du Québec à Montréal) presented results of experimental studies on the effect of definite presuppositions in police questions on the long term memory of witnesses.

The symposium concluded with a roundtable of plenary speakers on the future of the field in Canada, where participants agreed that a Canadian network of scholars and practitioners would be highly desirable, as would be the development of institutional structures, such as regular conferences, summer schools, or workshops on topics such as research ethics or the writing of forensic linguistics expertise reports, or on sharing research data. At the same time, many participants also encouraged linguists to do more to reach out to practitioners and scholars in other disciplines, and to seek ways to get involved in policy discussions. Participants also emphasized the potential for Canadian scholarship to enrich international debates on language and law. As Janny Leung noted, scholars in other jurisdictions already look to Canada when it comes to bilingual and multilingual jurisdictions, so strengthening Canadian scholarship in this area, especially with regard to Indigenous languages, would surely have an international impact.

LETTER FROM THE GUEST EDITORS

The selected papers that are included in this volume also represent the range of themes and research methodologies that characterize research on language and law in Canada. The volume begins with Shana Poplack's discussion of the role of linguistic expertise in Canadian trademark cases, motivating the retention of linguistic expert witnesses even in cases where judges may understand the relevant features to be surface-level and easily accessible to laypersons. Pamela Bautista-Boivin and Julien Plante-Hébert investigate the impact of dialect variation on voice recognition in the context of Quebec, based on perception experiments with Quebecois and Hexagonal French speakers. While not finding statistically significant evidence of an "other accent effect," their findings draw attention to the role for phonetics research in assessing the reliability of voice recognition evidence. Taking another angle on the significance of dialect variation in the Canadian legal sphere, Griffin Cahill discusses language ideologies present in Nunavut's language legislation, which at once frame Inuit people as "one people speaking one language" while also allowing for the diversity of variably mutually intelligible dialects, a dialectic which is strained by conflicting needs for revitalization of many diverse dialects alongside the need for a single Inuit language that can be treated as legally equivalent to French and English in legislation. Among two papers that examine courtroom discourse, Irina Levit presents an exploration of question types, functions, and responses (both type-conforming and resisting) in the Florida v. Zimmerman trial, finding that conventional legal strategies are supported by linguistic analysis. The entextualization of courtroom discourse in court transcripts forms the core of Dasom Jeon's paper, which considers the varying strategies for representing interpreters in trial transcripts of United States of America v. Dzhokhar A. Tsarnaev, taking a Goffmanian approach to understand how the interpretation process is variably (in)visibilized in the documentation of a trial. Finally, Marianne Laplante, Alexandra Dupuy, and Spencer Nault use critical discourse analysis to consider representations of sexual assault denunciations in the francophone Quebecois media, finding that accused perpetrators are often framed as victims of the denunciation.

The authors of these papers include not only professional academics, but also students ranging from the undergraduate to doctoral level. In addition to the papers in this volume, the symposium provided an opportunity for numerous other undergraduate and graduate students at York University to present posters about research projects developed for courses in language and law during the winter 2023 semester (LING 2450, taught by Dakota Wing, and LAL 6475, taught by Philipp Angermeyer). In bringing together students and emerging scholars with established scholars and practitioners in various domains, the Canadian Symposium on Language and Law served as a strong foundation for a promising future for the language and law field in Canada.