

**Cunill, Caroline y Glave, Luis Miguel (coords.).**  
***Las lenguas indígenas en los tribunales de América Latina: intérpretes, mediación y justicia (siglos XVI-XXI).*** Bogotá: Instituto Colombiano de Antropología e Historia, 2019. 348 páginas.

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Now it was his turn. Physically standing next to the native litigants, the interpreter's voice was recorded on the courtroom walls. But his handpicked words didn't argue on behalf of the indigenous' intentions he was supposed to secure. The interpreter's participation actually worsened their argumentation and aligned with the position of the Spanish defendant, with whom he had some somber closeness. In this tangled and puzzling snapshot from colonial Latin America, there are at least three disclosed notions. One: in multicultural and multilingual societies where the legal system is based on a dominant language, such as Latin America, some agents are requested to act as mediators. Two: the task of the interpreter in lawsuits doesn't lie in a verbatim translation of the voice of the parties. Three: interpreters had political and personal agenda that defined their performance. Therefore, the profile, performance, and agenda of interpreters allow us to understand the justice system's functioning in Latin American and the key role played by mediators.

An outstanding approach to this topic is the book *Las lenguas indígenas...*, edited by Caroline Cunill and Luis Miguel Glave. It is a collective work that sheds light in the "translator's locus," reflecting on the interpreter as an agent of mediation and negotiation. This will be traced in the action played in a very specific and central place: the legal spheres. The interpreter's action could change the course of the process and the result. And that is a distinctive feature of this book. It gives the importance of the legal world as an intercultural space. Correctly, the editors decided to distance from the historiography that looked at the Spanish conquer and how two different cultures met in a very dramatic historical moment. Contrariwise the contributions dialogue with new studies and approaches, which have shown how the role of intermediaries were crucial on justice.<sup>1</sup>

The scholars gathered by the editors offer studies that cover a very ambitious temporal and geographical spectrum of the action of the object of study. In this sense,

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<sup>1</sup> See the work of Cunill, Caroline. "La negociación indígena en el Imperio ibérico: aporte a su discusión metodológica", en *Colonial Latin American Review*, vol 21, núm. 3, 2012; Owensby, Brian. *Empire of law and Indian justice in colonial Mexico*. (Stanford: Stanford University Press, 2008); Puente Luna, José Carlos. *Andean Cosmopolitans. Seeking justice and reward at the Spanish Royal Court*. (Austin: University of Texas Press, 2018), and Yannakakis, Yanna. *The Art of Being In-Between: Native Intermediaries, Indian Identity, and Locale Rule in Colonial Oaxaca*. (Durham: Duke University Press, 2008).

the mantle of the interpreters stretches up from the 16th century to the present days and across Latin America. That's the second distinction of the book. Through the book, readers discover the evolution of the presence, performance and meaning of the interpreter in judicial spaces according to, as shown in Gayol's epilogue, the different legal orders of Latin American history.

Another contribution of the book points out that the interpreters' presence and validity are detected in temporal, spatial dimensions, and different legal contours. One of them is the royal audience, like in Mexico (Rovira), Lima (Glave), and Santa Fe (Gamboa), where they occupied the highest position in the colonial administration for an interpreter (*Intérprete General*). Rovira shows, analyzing the case of Hernando de Tapia, how this interpreter served the political purposes of the viceroys and in the same time took part to incorporate the indigenous people at the beginning of the 16th century into the culture of litigation. Similar to the case of Tapia is the life of the mestizo Lucas Bejarano, the first *lengua intérprete* of the Audiencia of Santafé of Bogotá (Gamboa) and the indigenous Martín Pizarro for that of Lima (Glave). Gamboa presents evidence that indicates that the interpreter's work was not that of a mere ventriloquist. Rather, he participated in the construction of indigenous statements in judicial processes, that this agent had the responsibility of translating (p. 111). The interpreter Bejarano held the position for almost half a century, after which the institution he represented seems to disappear in that jurisdiction. Different development manifested the position in the audience of Lima. In that sense, with revealing sources, Glave reconstructs the institution throughout the whole viceregal period, highlighting the efforts made by indigenous people and mestizos who used their social and legal capital to be named interpreters of the Lima audience, a salaried and prestigious position among the native elites.

The performance of the interpreters was not only linked to higher courts located in the most dynamic cities of colonial Latin America. The multicultural society needed interpretation acts, especially in local spaces where the native population was the majority. The justice took place also strongly in cabildo town courts (court of first instance), but also in special commissions wherein a special judge and other members had to travel to a province to lead an administrative process (*visitas de tierras, empadronamiento fiscal*) or to impart justice ("itinerant justice", as Cunill suggest, p. 41). The interpreters collaborated in the construction of justice and connected the royal agents with the local society, where the interpreter's work could also include his agenda and arose conflicts. Nevertheless, the sources to discover the action of the linguistic agent are scant in part because of the orality of the process and his sporadic presence. Despite that, Cunill shows the work in the second half of 16th Century contrasting the local interpreters of Yucatan with the *intérprete general* in Yucatan. She presents the socio-ethnic profile (mainly bilingual Mayas) and the types of lawsuits where they participated (for example: *juicios de residencia, padrones de indios*, criminal lawsuits, idolatry accusation, ceremonies).

This advantage was also relevant for another royal authority, such as the “alcalde mayor” de la Villa Alta in Oaxaca. Renewed every five years, the official needed the support of local native authorities as interpreters. Yannakakis, in that sense, indicates that they stayed in the office for decades, accumulating a key social capital and economic networks. They were “go-between” in a society mainly native, and a reduced administrative and commercial elite. She notes that this actor is conditioned by the characteristics of the society in which he performs his duty (multilingual society, economic resources, commercial networks, and educative program). For her part, Jurado, focusing on the case of the mestizo and ladino Pedro de Dueñas in Chayanta (Bolivia), frames the interpreter’s work in a specific legal process that involved the meeting in a rural space of visiting officials and local authorities. During the *revisitas* (“inspections of the material and human resources of each department”, p. 168), the interpreter played a physical, social, legal, and symbolic role in the information chain. The text shows aspects that define the *intérprete de visita* (criteria of selection, jurisdiction, skills, functions, duration, functions, and what were interpreted).

The image of the interpreter without limits in the colonial era contrasts surprisingly with the period that came after the American independencies, in which this figure was disappearing. Nevertheless, the new phenomenon did not harm the vitality and contact of indigenous languages, points out Platt. In a long process (1830-1950), detected in Chayanta (Bolivia), new bilingual actors appeared and represented the rural literacy and the reaction to the diglossia imposed by the State (“the coexistence of two languages [...], of which one was situated in a socially privileged position in relation to the other,” p. 206).

The following two articles in Cunill & Glave’s collective work present recent history topics. Payás and Le Bonniec describe the current institutionalization of the interpreter by the Chilean state to attend to legal matters of the Mapuche population. These efforts, which have taken place in recent decades, have led to creating the position of “intercultural facilitator,” which includes, in addition to translation tasks, cultural advice and accompaniment. Despite this, the position shows a serious weakness in its application due to a lack of regulations, a small number of facilitators, and the disregard for the implications of interculturality by officials. The researchers highlight the image that legal actors (judges, lawyers, and interpreters) have of the relationship between culture and language. The interpreter or facilitator not only communicates but also simultaneously includes cultural content in inter-ethnic mediations. The existence of laws in favor of indigenous rights, which allow the presence of interpreters in courts in benefit of indigenous people, does not guarantee their compliance, either due to the scarcity of the cultural mediators or the lack of respect for cultural diversity by the actors of the legal system. The breach of indigenous rights by public institutions leads to civil society’s and international organizations’ need for action, promoting and protecting these rights. This is demonstrated by Rodrigo Llanes when studying the case of Ricardo Uacán, a Mayan speaker from Yucatán, who in 2000 murdered another indigenous person. In Uacán’s legal process his indigenous rights were not respected, which allowed him to have a linguistic and cultural interpreter.

*Las lenguas indígenas* is a major contribution both for the study of the linguistic mediator in multilingual societies and for understanding indigenous relations with the judicial system. Unlike recent historiographic productions,<sup>2</sup> the reviewed book allows us to glimpse the evolution and adaptation of these issues in different temporal and geographical realities. This approach reveals a rich methodological approach to the subject. In effect, it allows getting closer to this character in its institutional dimension (Glave, Jurado, Payas & Le Bonniec) and its performance through case studies (Rovira, Gamboa, Jurado, Platt, Llanes) or groups (Yannakakis, Cunill). The sources used by the specialists show the wide range of traces of cultural and linguistic intermediation: court cases, legal regulations, historical dictionaries, interviews with actors, institutional reports, among others.

Due to the different geographical and temporal specializations and theoretical approaches of the authors, reading the book as a whole can be challenging. The lack of insufficient contextualization in some texts can lead to comprehension difficulties for non-specialized readers in all these areas. This feature can be understood, from another perspective, as a first step to generate a common language shared by different specialists interested in listening to the voice of the translation phenomenon in a broad social panorama.

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<sup>2</sup> See Yannakakis, Yanna; Schrader-Kniffki, Marina and Arrijoa Díaz Viruel, Luisl (ed.). *Los indios ante la justicia local: intérpretes, oficiales y litigantes en Nueva España y Guatemala (siglos XVI-XVIII)* (Michoacán: El Colegio de Michoacán, 2019).