San Fernando Valley State College

THE ROLE OF THE COURT INTERPRETER

AS A CULTURE BROKER

A thesis submitted in partial satisfaction of the requirements for the degree of Master of Arts in

Anthropology

by

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ABSTRACT

THE ROLE OF THE COURT INTERPRETER

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This thesis presents the results of a field investigation into the role of the court interpreter. Field work consisted primarily of interviews with certified court interpreters and observation of court cases involving the use of an interpreter, and was limited to the Superior and Municipal Courts of the County of Los Angeles, California. The purpose of the thesis is both theoretical and substantive. The court interpreter, so far overlooked in the research of the social sciences, presents an example of a type of individual known to the anthropological literature as a culture broker. Occupying a linkage role between two levels of a multi-ethnic society, the culture broker acts as a buffer or mediator, transmitting critical information between the partially assimilated, subordinate ethnic community and the dominant nation-state (Wolf 1956; Geertz 1960). Social scientists are concerned with clarifying the mechanisms of culture change and gaining greater understanding
of the levels of socio-cultural integration. In this connection, linkage roles are of considerable interest. The study of culture brokers is relatively new and lacks a well-integrated theory. An analysis of the court interpreter as a broker and comparison with other types of brokers discussed in recent literature will provide a synthesis and clarification of how anthropologists delimit this role.
INTRODUCTION

Anthropological investigation into the role of the court interpreter has thus far been non-existent. A search of the literature has failed to bring forth any significant discussion of the court interpreter, either from the various branches of the social sciences or the field of law. Exclusion of this role and its obvious importance as a rather vital link between two sectors of society -- indeed, a connection between two cultures -- has been the motivation for carrying out a field investigation into the function and acting out of this role.

While the court interpreter has not been studied as such, the role category within which it may be placed has been investigated. In casting about for possible structural parallels with which to relate the interpreter, it becomes apparent that appropriate parallel situations (for example, Faller's African chief) seem to involve culture brokers.

The broker concept has been utilized by social scientists in attempts to explain certain of the processes of culture change, by focusing on individuals who occupy linkage roles between different levels of society. In these roles, brokers are seen as mediators or "buffers" operating between different spheres of one society or between two cultural groups.

The study of culture brokers is still relatively new and hence
the concept lacks a well-integrated theory. Generalizations concerning the nature of brokers have tended to be more uniform than the various analytical descriptions of functional aspects of broker roles. Those who have utilized the concept have had specific but rather varied perceptions of the role as it has applied to their own research.

If brokers act as channels through which power is executed, Adams (1970) emphasizes a need to distinguish "culture brokers" from "power brokers". Irwin Press (1969) is concerned with the broker's "mandate to innovate", and in less recent discussion by Wolf (1956), the broker concept is called upon to demonstrate interaction between levels of society.

A discussion of the court interpreter as a broker and a comparison with other kinds of brokers described in the literature will contribute to the growing body of information on brokers. This will provide some clarification of what anthropologists mean by the term culture broker.

Briefly, the court interpreter in the United States may be characterized as one who assumes an intermediate position between two segments of a multi-ethnic society. One segment is represented by an English-speaking court, the other by a non-English speaking defendant or trial witness. The presence of the interpreter in the courtroom is for the purpose of effectuating an accurate, non-biased and literal account of information flowing between these two segments or levels of society. In "culture broker" terms, the interpreter occupies an articulatory role sponsored through upper level decisions
(i.e., hired by the court) to serve the interests of groups from both the community and national level. Their role is designed to be non-partisan, yet, as in Wolf's description of brokers, the interpreter's role is an "exposed" one, "...Janus-like... they face two directions at once." (Wolf 1956:1076) Conflict is inherent in the role and is experienced in varying degrees by those who participate in it.

RESEARCH METHODS

The investigation into the role of court interpreter was carried out during the summer and fall of 1971, based on the results of an initial pilot study of 1969-70. Information relevant to the use of interpreters as prescribed by law in the State of California was gathered from law libraries. Field work was limited to the Municipal and Superior Courts of the County of Los Angeles, California. Field investigation consisted of interviews with court interpreters and court personnel, attendance at meetings of the Interpreters Association, and observation of court hearings and trials conducted with the aid of an interpreter.

A total of nine interpreters were interviewed, some on more than one occasion. Interviews were most frequently held during periods of courtroom recess, in between observation in the interpreter translating for a witness or defendant. The interviews were loosely structured to permit free expression by informants and with the hope of gaining insight into aspects of the role possibly not well-known to those other than the informants themselves. While no formal questionnaire was used, a number of standardized questions were
asked each interpreter to lend uniformity to the quality of information obtained (see Appendix A).

Informants were chosen at random through the Interpreter Office. The time and place for scheduled cases were obtained by consulting with the co-ordinator of interpreter assignments. The investigator attended the appropriate court session and waited for an opportunity to speak with the interpreter and ask for an interview. All informants approached in this manner were quite willing to answer questions. Most expressed surprise and pleasure that someone would be interested in their job.

While interpreters were chosen at random, several full-time interpreters were secured. Being fewer in number they might not have appeared in an entirely random sample. Six of the nine informants were Spanish interpreters, one of whom translates six languages in addition to Spanish. Two of the informants were interpreters for both German and Slavic languages and the ninth informant was a Japanese interpreter.

Interpreters were first asked for background information (birthplace, languages spoken, etc.) and years of experience as an interpreter. Most other questions were directed towards becoming familiar with the procedures used in interpreting. As it became apparent that methods of interpretation vary, detailed questions were asked of their method and reasons for choosing one way over another.

In addition to specific questions on the mechanics of interpretation, informants were asked for insights they might provide concerning possible culture conflicts experienced by non-English speak-
ing individuals coming through the courts, particularly as it might affect one's ability to carry out the duties of interpreter.

A wide variety of court cases necessitating the use of an interpreter were observed. Many were brief preliminary hearings, very short appearances by defendants for parole and sentencing or pleas entered for traffic violations. Of a more complex nature were trials involving accusations of robbery, assault with deadly weapons, and murder. The majority of the court sessions attended involved members of the Mexican-American community and hence, Spanish interpreters were more frequently observed and interviewed.

Formation of the first Interpreter Association in the County of Los Angeles coincided roughly with the beginning of the field work period. Attendance at its initial meetings provided considerable insight into the interpreter's view of his role and the problems inherent in the position. Group effort toward problem solving appeared to be one of the main motivations for the formation of the Association.

THE COURT INTERPRETER

The Superior Court Interpreter Office, located in the Civic Center Courthouse in Los Angeles, provides certified court interpreters for all levels of the court in Los Angeles County (except the civil court) at no cost to defendants or witnesses. When interpreters are not otherwise occupied, they may be assigned by the County Clerk to civil cases. Fees for their services are collected by the interpreter from the litigant or his lawyer, according to an amount specified by the court and deposited in the
County Treasury (Deering's Gov. Code Section 26806).

The Superior Court maintains a staff of seven permanently employed full-time Spanish interpreters. Five full-time Spanish interpreters are hired on a per diem basis by the Municipal Court. A list of interpreters, hired on a day-to-day basis as needed, is maintained by the Interpreter Office for the interpretation of some 53 other languages. Due to the composition of the ethnic groups in the County of Los Angeles, the percentage of Spanish interpreters (full-time and part-time combined) far exceed that of any other language interpreters. At one point during the investigation the Interpreter Office stated they maintained at that date approximately 160 interpreters, full-time and part-time combined, 17 of whom were part-time Spanish interpreters.

Recruitment of interpreters has never presented a difficulty. There have always been an adequate number of applicants for interpreter positions. On occasion, for the less common languages, there has been some problem in obtaining a qualified interpreter on short notice. According to the Interpreter Office, it has sometimes been necessary to contact local language institutes or University language departments to find an interpreter when one could not be provided from their certified list.

Individuals seeking to become court interpreters apply by written application and personal interview with the Interpreter Office, providing references and completing language examinations if required. Applicants are expected to provide proof of at least six months paid experience in interpreting and translating, are ex-
pected to be familiar with dialects and colloquialisms, and must either be a citizen of the United States or show proof of legal residence. At the present time language examinations are given only for Spanish interpreters. It was evident, from the interviews with interpreters, that requirements for becoming certified have varied considerably in the past.

One Spanish interpreter stated that she had been given a seven hour written examination and presented with a mock trial situation to see how she would handle herself in a courtroom. Having passed these examinations she was trained for three days by an experienced interpreter. Other Spanish interpreters have taken much briefer examinations, never heard of a mock trial, but did have a few days training.

The Japanese interpreter, whose initial experience as an interpreter considerably pre-dates that of the above mentioned interpreters said no examination was given to him, nor were qualifications or experience required. Due to his occasional court appearance as interpreter during the relocation of Japanese families in the Los Angeles area after World War II, he felt this explained the requests for his services as interpreter on a more regular basis in subsequent years. At no time had he made any application for this position.

**Interpreter Duties**

In brief, a court interpreter is hired to translate all verbal and written communication carried out between the court and the non-English speaking defendant or witness. For each case involving a non-English speaking defendant an interpreter is necessary for
all communication between the defendant, his lawyer or other court personnel until all legal action is completed. In addition to interpreting during court sessions, the interpreter may be needed to interpret in the jail, in the lawyer's office, the parole office, or even a doctor's office.

For the non-English speaking defendant this means there will be an interpreter to translate to him every verbal portion of the court proceedings involved in his case. The court interpreter will translate all instructions given by the court (oaths, waivers, etc.), any written documents (letters from doctors, depositions, parole forms, etc.), all conferences between lawyer and defendant, and all questions directed to him by the court.

When seated at the counsel table, the interpreter translates all the proceedings for the defendant in a hushed voice. While the defendant is on the witness stand the interpreter stands at his side, interpreting loudly enough for the entire court to hear everything that is said.

For the convenience of the court, the interpreter is instructed to arrive promptly at nine in the morning and announce his presence to the clerk. He must remain available for interpreting all communication between court personnel and defendant. The interpreter may be required to wait all day for the case to be heard or the case may be finished within a few minutes of the beginning of the court session. The interpreter is not permitted to leave the court until officially released.

The interpreter may handle a number of brief cases concurrently,
rendering his services as needed in more than one room of the court. While one courtroom is in recess, the interpreter may check to see if a second case is ready to be heard during that interval of time. By leaving a message with the bailiff of the first court, the interpreter may be recalled if court resumes before he returns.

When the interpreter has been released from the court, he is instructed to telephone the Interpreter Office before leaving the courthouse. It may happen that an unexpected case will have come up at a nearby courthouse and the interpreter will be asked to cover the case.

According to law, the interpreter role is considered synonymous with that of Expert Witness, and the interpreter is expected, under oath, to render an accurate, literal and unbiased translation (Deering's Evidence Code, Sections 750-751). According to the printed instructions given to interpreters: "The interpreter must regard himself as an instrument for the accurate, unembellished transmittal of questions and statements of counsel, judges and witnesses." (Court Interpreter Instructions 1963:4)

**Interpreter Experience and Background**

Of the informants interviewed, none had worked as an interpreter for the County of Los Angeles less than two years. Several had worked approximately six years, two more than ten years and one for the last twenty-five years. Only one has had extensive experience as an interpreter outside the State of California. Over half of the interpreters were born in countries other than the United States, three having entered and become citizens within the last fifteen
The Japanese interpreter, whose experience as an interpreter extends back to the end of World War II, is a natural born citizen who has never been to Japan. Of the Spanish interpreters interviewed, only one was born and reared among the East Los Angeles population of Mexican-Americans. Three of the Spanish interpreters were born in Spanish-speaking countries other than Mexico, and a fourth Spanish interpreter was born in Russia.

All of the interpreters interviewed expressed convincing enthusiasm and dedication to the role of interpreter. However, during the course of the investigation, one interpreter changed her mind about the rewards of being an interpreter after experiencing her first problem with a defendant who felt she was not correctly interpreting his particular dialect of Spanish. The presiding judge for the case re-affirmed his confidence in her interpretation during one court session. Nevertheless, the experience seemed to have had a negative effect on her outlook.

**Methods of Interpretation**

The interviews with interpreters brought out the fact that there exists a definite difference of opinion as to the most effective and accurate means of translation. Some feel very strongly that a correct translation can be best obtained by interpreting simultaneously with the spoken response of the witness or defendant. Those preferring this method feel that there is too great a risk that they may forget some of what was said if they waited until the end of one or more phrases or sentences. Other interpreters found it difficult to imagine translating simultaneously. They felt that the most
accurate means of translation was to take a sentence or two at a time. Some have a method of holding up the palm of their hand to the witness or defendant to stop the flow of words while they interpret what has been said up to that point.

While everyone was quite definite about which method they used, it was observed that some interpreters use both methods at some time during the proceedings of one case. It may be true that the method cited by the interpreter is used by that interpreter most of the time, the other method being used infrequently where it seems more appropriate. As expressed by some interpreters, simultaneous interpretation is sometimes automatically used when the interpreter is administering oaths or other standard information such as the rights of the individual. Much of the courtroom protocol is highly repetitive from one day to the next and one interpreter who normally does not translate simultaneously said that he does so when the exchange of communication between counsel and judge is routine.

As mentioned earlier, the courts of the State of California require interpreters to render a literal translation of all testimony, leaving nothing out nor adding to the answer so that the court may decide what evidence is to be admissible. In questioning informants with regard to this matter it became apparent that here, also, is disagreement. Some reiterated the rules and said they try to produce a literal translation at all times. Others questioned the feasibility of a literal translation and said that it is not always obtainable. The Japanese interpreter expressed the view that a meaningful literal translation between Japanese and English is
not always possible. He tries to convey the "spirit" of the response, an accurate meaning rather than a literal translation. One interpreter said she translates both literally and by paraphrasing, depending on the situation. Other interpreters have said that it is for the court, and not themselves, to decide what is relevant, or whether they understand the literal translation.

Bias in Interpretation

Procuring information on the subject of bias in interpretation involves a subjective response on the part of the interpreter. This is qualitatively different from other questions asked. It was the only question that called for self-evaluation of ability and/or willingness to present an undistorted interpretation of testimony rendered by the witness or defendant. The investigator felt it advisable to approach the question with caution, avoiding pressing the matter as far as might have been desired. Therefore, the information obtained must be evaluated in a slightly different light from that of more objective questions.

The answers ranged from complete rejection of the possibility of bias in interpretation, to feelings of personal involvement in particular cases, as well as very frank admission of occasional bias supported by explanations for the circumstances which lead to prejudiced interpretation. All informants conversed easily concerning the general aspects of biased interpretation where it concerned other interpreters of other languages. For themselves, most all felt that they had no difficulty remaining uninvolved in their work.
It was interesting to note that the interpreter most confident of his ability to remain uninvolved in a case was also the least aware of the problems of the partially assimilated defendant and that the interpreter most aware of reasons for biased interpretation appeared to have greater in-depth understanding of the difficulties of transition from one culture to another than most, but not all, of the other informants. These two interpreters represent different cultures, the former having been born here, the latter born in another country and having personally experienced the difficulties of transition from one culture to another.

Several informants who said they did not experience difficulty in maintaining consistently impartial interpretations did mention that in their early experiences as a court interpreter it was difficult to remain emotionally uninvolved in certain types of cases. One type commonly cited is that of the very poor, recently arrived Mexican or South American woman who has been brought to court for shoplifting clothing for her small children.

The one who spoke the most candidly about bias in interpretation said that the interpreter frequently knows more about the case than the court or jury due to the many conferences held between defendant and lawyer through the interpreter. Thus, when the defendant responds to questioning by the court and does not present a clear or very comprehensive answer it can be difficult for an interpreter to keep from editing the answer, perhaps adding additional information. She said it is impossible to be completely unbiased all of the time, but that it gets easier as one gains more experience. For herself she explain-
ed that it was particularly difficult because: "I am an emotional person." She felt her husband could not possibly be an interpreter as: "...he is so imaginative...he would be adding to what the defendant says in order to better explain his position." This interpreter had experience of approximately two years when she was interviewed. Those expressing more confidence in ability to remain uninvolved had experience as interpreters in excess of five years.

**Literal Translation**

When court is in session, all interpretation is carried out in the first person. The interpreter repeats all verbal exchange verbatim. The questions are directed by counsel to the defendant. In speaking to the defendant the interpreter will repeat the question: "Where were you on the night of...?" rather than: "He wants to know where you were...". In addition to a word-for-word translation, the interpreter is expected not to engage in any extra conversation with the defendant that the court will not understand. Any instructions the interpreter may feel the defendant needs must be put to the defendant by the court, not just by the interpreter (C.I. Instructions 1968:5). After observing a case involving drunken driving, the interpreter for the case mentioned to the investigator that during the proceedings she told the defendant to face the judge when responding to questions, rather than looking at her. In relating this incident to another interpreter, the investigator was told that this was quite incorrect procedure and that the interpreter should not have made the comment.
All interpreters interviewed expressed frustration over the difficulties of producing good translations from the testimony of defendants and witnesses. The problem of literal translation of grammatically incorrect answers to questions seems to be particularly acute. In translating the answer literally, the interpreter fears the court may feel that the bad grammar comes from poor interpretation and not from the words of the defendant. Many Spanish-speaking defendants speak their own language very poorly and at times a literal translation may mean an unintelligible answer. One interpreter also noted that when a defendant understands some English he may listen only to the question spoken in English and actually not listen to the interpreter at all. Understanding English very poorly, he may give an answer that is incorrect or even unrelated to the original question.

An example of another type was related to the investigator by an interpreter who said she heard the particular defendant say: "I was full of drugs and could not pay them all." The interpreter, searching for meaning in the words before interpreting to the court, realized that in the dialect used by the defendant the Spanish word for "drugs" could also mean "debt". Substituting this word she then said to the court: "I was full of debts and could not pay them all."

Several Spanish interpreters explained that defendants and witnesses who have lived in this country long enough to learn a little English will take an English word, "Spanishize" the word, and then place it into the Spanish-spoken narrative. Hence "truck"
becomes "trucka" and thrown into an otherwise Spanish sentence can be very confusing for the interpreter.

There are problems with translation from one language to another that do not involve grammatically poor responses of defendants, but stem more from differences in thought processes of languages. The Japanese interpreter explained that a Japanese defendant or witness responds to a negatively phrased question in the opposite manner to that of the English speaker. If, for instance, the court says: "Didn't you go there last night?" the Japanese defendant will answer "Yes", -- meaning "Yes, I didn't go there", not "Yes, I went there". The Japanese interpreter explained that the defendant is agreeing with the question, not stating that he did the act about which he is being questioned. In these cases the Japanese interpreter says he will interpret the word as "no", rather than "yes". He mentioned that if there are Japanese-speaking lawyers in the courtroom they may call him on this interpretation and then he finds it necessary to explain to the court what his reasoning was in the matter.

Impartiality versus involvement

When an interpreter receives an assignment to interpret he is told only whether the case is civil or criminal, the case number, the defendant's name, location of the court in which the case is to be heard and the hour of the hearing. It is expected that the interpreter will somehow remain aloof from the particulars of the case and the people involved. "The interpreter must be completely impartial in his work. He must avoid any unnecessary discussions
with counsel, the parties to an action, any witnesses or interested parties, either inside or outside the courtroom, to obviate any grounds for suspicion of prejudice." (C.I. Instructions 1968:6). The interpreter is not allowed to discuss the case with anyone without the express permission of the court.

In spite of the neutral position of the interpreter, there are many opportunities for the interpreter to become aware of culture conflict, whether or not his interpretation becomes affected by the contact with particular cases. In the course of the interpreter's work on any case there are many informal confrontations between interpreter and defendant where the defendant has the opportunity to ask questions, express fears and ask for advice. The duties of the interpreter include taking the defendant aside before his case is called to read to him his rights or the conditions of a waiver so that if he has any questions they may be cleared up before his case is heard. The interpreter may be put in a room with the defendant to translate a deposition of preliminary hearings or read a letter from a doctor. The interpreter may meet the defendant in the hall before the court is in session or they may be left alone for brief periods during conferences with the lawyer representing the defendant. There are many opportunities for the interpreter, through such close contact, to develop acute awareness of individual cases.

One of the most frequent comments by informants interviewed concerned defendants wishing the interpreter to make decisions for them. Many defendants feel they would not understand what is going on were the interpreter to explain in detail, and not wishing to
trouble the interpreter or the lawyer, want the interpreter (or lawyer) to tell them what to do, how to plead. This more frequently happens in cases involving misdemeanors such as traffic violations. Interpreters are not supposed to give advice of any kind unless instructed to do so by the court or the lawyer for the case. Stories have been related by the interpreters to the investigator of co-workers they have known who have lost their positions when it somehow came out in court that the interpreter advised the defendant how to plead.

As explained to the investigator by nearly all Spanish interpreters interviewed, there are a number of cultural values still held by partially assimilated Spanish-speaking defendants that differ from American values and create misunderstandings for the defendant and court alike. High on the list in frequency of occurrence is the attitude common among Mexican-Americans and recently immigrated Mexicans that the courts in the United States are as corrupt as they feel the courts in Mexico to be, and that under no circumstances will the defendant be dealt with fairly. Not only is the attitude widespread, but its effect on interpreter-defendant relations, as well as lawyer-defendant relations, is quite marked. Both lawyers and interpreters have emphasized to the investigator the importance of establishing trust in their relationship with non-English speaking defendants and witnesses. Unless the defendant or witness feels he can trust those who represent him it becomes very difficult to get a clear story as to the sequence of events leading to his appearance in court.
The Mexican-American defendant, according to informants, frequently does not understand why he has been arrested and brought to court for being involved in a fight or for being drunk in the streets. In Mexico drunkenness is not a crime, and the defendant wants to explain to the court that he had to engage in the particular fight to save the family honor. He finds that the court does not understand the reasoning he presents and is unsympathetic. While the defendant may explain himself to the interpreter during the court recess there is nothing the interpreter can do to help.

Conflict in Interpreter Role

The "buffer" aspect of the culture broker is well demonstrated in the role of the interpreter, who bears the brunt of culture conflict. He is made aware that the court is frequently annoyed because the use of the interpreter seems to impede the flow of the court process. He is aware also, in varying degrees, of the problems experienced by the defendant who finds himself in the unfamiliar and foreign setting of the English-speaking court. The court and defendant do not communicate on a personal basis and therefore have little awareness of each others problems. These are absorbed by the interpreter, who sees both sides of the conflict, yet is powerless to resolve the dilemma. Conflict, in the mind of the interpreter, is ameliorated by several means. Some learn to shut out the problems of the defendant. Others compromise by "helping" the defendant, either through biased or edited interpretation, or through giving advice. Some do not resolve the conflict in these
ways but either remain sensitive to the problems involved, or choose to vacate the role of interpreter.

Case Studies

In order to illustrate the role of the interpreter more graphically, a condensed version of one complete case observed by the investigator is presented here to re-create the working atmosphere of an interpreter.

Lopez Case (fictitious name): The defendant, a young Mexican national, involved in a charge of hit-and-run, without a valid driver's license, is brought into the courtroom from the jail at 10:30 a.m., during court recess. He is escorted by the bailiff to a seat near the empty jury box. The Public Defender calls the interpreter from her seat in the audience and asks her to interpret while he discusses the case with the defendant. At the conclusion of a relatively brief discussion, the Public Defender requests that the interpreter read the rights of the individual to the defendant so that he will not wait until standing before the judge to say he does not understand. The interpreter, upon finishing this task, rejoins the audience and waits for court to reconvene. The case is called. The interpreter comes forward, raises her right hand, responds to the oath given by the clerk concerning interpreting to the best of one's ability, and takes her place to one side of the defendant. As the court informs the defendant of his rights, the interpreter translates simultaneously to the defendant in Spanish. The defendant sometimes answers audibly and sometimes merely nods his head. The interpreter repeats in English his response regardless of whether he speaks audibly. The defendant pleads no se contenda to the charges. While the judge speaks to the defendant concerning his sentence and the fact that because he is in the country illegally he will have to wait in the jail until the immigration authorities come for him in the afternoon, the interpreter translates this information to the defendant in a hushed voice, one that would not have been heard beyond the counsel table where they are standing with the Public Defender. At the conclusion of the words spoken by the judge, this case is over and the interpreter is dismissed.

Excerpts from a second case will illustrate further some of
the variety of situations in which the interpreter is used:

Gonzales Case (fictitious name): At 9:00 a.m. the Gonzales case is called and the defendant, charged with murder, is brought into the courtroom. The jury has been chosen but the case is not ready to be heard. As other cases are heard, the interpreter is called over to the side near the bailiff's desk and asked to sit with the defendant and read to him a letter from a physician written to the court concerning the nose-bleed problem of the defendant. The lawyer for the defendant then explains the letter while the interpreter translates. In the middle of this conference the bailiff moves them to a room in the custody area. The lawyer comes back into the courtroom at 9:10 but the interpreter remained in the custody area with the defendant until 10:50. It was explained to the investigator later that she had been left with the defendant to read a transcript of the preliminary hearing so that the defendant could check for errors made by other witnesses. At 10:50 the defendant's lawyer asks that the matter trail until the following Monday and the judge requests that the defendant be brought back to the courtroom so that he could hear what is being said. The defendant and interpreter enter the courtroom and the interpreter says to the lawyer: "We haven't finished yet." There is a whispered conference between the defendant, interpreter and lawyer. The interpreter looks very tired. The interpreter is sworn in for the first time and the defendant is told that his case will be resumed Monday. Following this brief appearance before the court the lawyer asks the interpreter to return to the custody room with the defendant and finish reading the transcript. The interpreter did not finish until noon. She commented that reading a lengthy transcript is exhausting.

This same interpreter remained on the case for the duration of the trial at the request of the court. Had the court not made such a request, it is possible that one or more other interpreters would have been used during the trial as they receive their assignments normally by rotation.
COURT INTERPRETER AS CULTURE BROKER

The presentation of data gathered from field observation and informant interviews has been organized to give an ethnographic account of the role of the court interpreter as designated by the court system and as viewed and carried out by interpreters interviewed. While the preceding presentation contains the substance of the data results, some material has been reserved to illustrate particular theoretical considerations in relating this role to similar roles played in other cultures cited in the literature on culture brokers.

In reviewing recent literature on culture brokers it becomes apparent that the discussion invariably takes Wolf's (1956) article on brokers in post-revolutionary Mexico as a starting point. His defining generalizations of a decade and a half ago remain the foundation for subsequent studies and seem to apply well to other examples of brokers described. The applicability of attempts at more specific definition of the function and role of culture brokers, while contributing substantially to our understanding of the nature of brokers, has not proved as flexible as that of the earlier discussion by Wolf.

By way of prefacing his delineation of the development of nation-oriented groups or individuals (brokers) in Mexico, Wolf (1956:1074) argues that we can achieve a more meaningful grasp of the content of complex societies by focusing attention on the relation-
ships between groups operating on different levels of society rather
than isolating one or another of its levels (see also Geertz 1960:228). He is concerned with the bonds which tie different levels of
society together rather than the internal organization of the com-
community or the nation-state. It is this concern which has brought
him to characterize the culture broker, a role which, in Mexico, has
evolved out of other roles of leadership and representation as the
country has been transformed by revolution and agrarian reform.

Therefore he is defining groups of people who mediate between
the community-oriented peasant and the nation-oriented level of
society, operating primarily through the sanction of national in-
stitutions. "They stand guard over the critical junctures or
synapses of relationships which connect the local system to a larger
one." (Wolf 1956:1075) In this capacity, Wolf sees the broker as
functioning to intercede for community-oriented individuals who wish
to stabilize or improve their "life chances" but who lack legitimate
connections with nation-oriented groups and are thus dependent upon
the broker to intercede for them. "Individuals who are able to
operate both in terms of community-oriented and nation-oriented
expectations then tend to be selected out for mobility. They
become the economic and political "brokers" of nation-community
relations..." (Wolf 1956:1072).

Definitions offered since Wolf have added other dimensions to
the concept of culture broker. In order to draw a comparison between
the court interpreter and other brokers, the attributes chosen by
various anthropologists are listed below.
1. performs critical function
2. performs near-exclusive function
3. occupies position hierarchically superior to subordinate group
4. occupies position at same level as subordinate group
5. comes from one level of society, lives or operates at another
6. has structural mandate to innovate
7. mediates between levels of society, connects nation-state with community
8. translates information between levels of society
9. is sponsored by upper level decisions
10. may make fundamental changes in role through time
11. may adapt to further integration of social structure or be superseded.

Critical Function

It has been Silverman's desire to see the concept of culture broker defined rather precisely, to avoid its becoming a meaningless slot for any individual who acts as a contact between two social systems. To achieve this end, he suggests that the broker concept be delimited in terms of critical and exclusive functions. The functions of those who are called mediators must be of direct — and hence, critical — importance to the basic structure of either or both community and nation. Mediator functions must also be exclusive. If links are established between the levels of society they must be made through the mediator or broker. "These two criteria, critical functions and exclusivity, limit the extension
of the concept." (Silverman 1965:173).

If, indeed, the concept is limited in this manner, the court interpreter fits the concept more precisely than other brokers described in recent years. In the courtroom situation the interpreter is the only means by which communication can be carried out between the court (representing national interests) and the non-English speaking defendant (member of the minority ethnic community).

Exclusive Function

The interpreter function is exclusive, for its role cannot be filled by anyone else. While the judge or lawyer may speak the language of the defendant neither of them could assume his own role and that of the interpreter at the same time. A member of the defendant's family or one of his friends is not likely to be allowed to interpret for him as prejudiced interpretation might result. Coming from the same ethnic community, they frequently have no better familiarity with English than the defendant, another limiting factor for qualification of the role of interpreter.

Even certified court interpreters are instructed to disqualify themselves if they are acquainted with one or more parties to an action or with a witness (C.I. Instructions 1968:6). Several informants said that they do, in fact, exempt themselves from acting as interpreter when they are familiar with anyone involved in the case.

Therefore, in the courtroom setting, the role of court interpreter can be seen as critical and his status not easily replaced even when others qualify. This is not to say that there is never
a case when someone other than a certified court interpreter fulfills this function, but that it is not considered desirable and
likely only to occur when a certified interpreter cannot be procured when needed.

Place in Hierarchy

In a weakly stratified society, such as is seen in the United States, it is difficult to render a clear-cut decision as to how the interpreter is viewed hierarchically in the social system. This consideration may be analyzed along with the attribute of the broker coming from one level of society and operating at another.

Löffler notes that studies on brokers "...characteristically refer to persons who occupy a position hierarchically superior to the peasant group." (1971:1077). He observed that this feature seems to have become part and parcel of the concept and is illustrated in the cases presented by Wolf (1956) and Geertz (1960). His own research brings forth a broker from the peasant population of southwestern Iran, an innovator who lives within his own community yet interacts with the regional chiefs on behalf of his fellow peasants, a role which Löffler does not see as hierarchically superior to other peasants.

Court interpreters are civil servants, hired by the Superior Court, and in this capacity can be considered to represent the interests of the court, the nation-oriented segment of society. At the same time, the interpreter assists the defendant or witness, acting on his behalf as his verbal spokesman. Yet the role, as
defined by law, places the interpreter directly in the middle, an
instrument for accurate and non-biased translation of all information
flowing between the court and the defendant or witness.

In this respect, the interpreter role parallels closely that of
the role played by the modern African chief as described by Fallers
(1955). The African chief in Uganda is hired by the ruling government
as a civil servant and is expected to maintain the civil service norm
of neutrality despite pressure from kinsmen to use his position to
their advantage (Fallers 1955:301). He is expected to represent the
interests of nation and community in a non-biased manner.

One interpreter characterized the role of interpreter in the
eyes of the court as the "step-child of the court", a necessity when
the court is confronted with a non-English speaking individual, yet
a somewhat irritating factor in the courtroom as procedures are slowed
down and made cumbersome by the use of an interpreter. While listen-
ing to the dialogue carried out between members of the Interpreter
Association, it became apparent that one goal of the Association is to
improve the status of interpreters. They seem to feel a lack of
sufficient recognition by the court and wish to be considered a more
integral part of the court.

In the case of the court interpreter, the significance that can
be attached to hierarchical position is not great. With regard to
status within the social structure, it can be seen that the interpre-
ters interviewed do not represent a socially or economically homogen-
eous group that can be placed easily within the structure. Some are
natural born citizens, reared in ethnic communities of Los Angeles.
County. Others are immigrants from other countries. The range in
economic status is equally varied. Some support families on their
civil service salaries as court interpreter. Others, who work part-
time, obviously are not dependent upon their interpreter status for
livelihood.

Some have formerly held positions of greater prestige. One of
the Slavic language interpreters was a lawyer in Czechoslovakia.
Others, not interviewed, yet mentioned to the investigator by inform-
ants, were members of nobility or royalty in their native country.
Generally speaking however, interpreters interviewed closely resemble
what is commonly referred to as middle class America.

The hierarchical relationship between interpreter and defendant
is equally confusing. In the case of defendants and witnesses coming
from the depressed Mexican-American ghetto area of East Los Angeles
one can anticipate that the interpreter enjoys an economic and social
advantage yet the investigator has observed that a certain percentage
of defendants would not fit this description. One case observed
involved a Frenchman who had been in this country only six months.
He arrived at court with his wife and private lawyer. He was quite
well dressed and paid a rather substantial fine for drunk driving
and resisting arrest, without asking for extra time to raise the
necessary money.

One interpreter, in discussing problems of culture conflict,
said that some defendants coming from South American countries have
held influential positions in their own countries. They expect that
as soon as they explain to the court who they are, or which important
person they are related to, the judge will immediately realize the situation before him and dismiss the charges since this consideration is granted to such people in their own countries. While their former influential position does not necessarily carry over in this country, they may still be in a position economically superior to the interpreter.

Many of the brokers described within the literature have originated from the peasant community. While the ethnic minority communities of Los Angeles County can not be characterized as peasant communities, the background of two of the informants closely parallel the type of broker who does come from a peasant community. The Japanese interpreter was born in the United States and has been a member of the Japanese-American community in Los Angeles for many years. He works, with his Issei partner, as an accountant and tax consultant when he is not in court. As mentioned before, he worked for the War Relocation Authority in relocating Japanese families after World War II. In that capacity he can also be seen as having been a mediator or broker, connecting segments of our society during one phase of its history.

One of the Spanish interpreters was born in this country and grew up in East Los Angeles as part of the Mexican-American community. She learned the local "Pochismo" dialect in the streets as a child and was taught "good Spanish" by her grandmother who would not allow her to speak the local dialect at home. This interpreter is a full-time Superior Court interpreter who expressed considerable pride in her position as interpreter. She also appears vitally interested in the cultural problems of defendants as well as in Chicano problems.
in general.

Most of the other informants live outside of the ethnic minority communities and could not really fit the criteria of coming from one level and living or working at another. They may have neighbors and friends who are part of the court personnel or part of the non-English speaking population.

Mandate to Innovate

The paper by Press (1969) is concerned with the innovative power of the broker: "Essential to the function of an innovator — particularly a group-straddling one such as a "marginal man" or "culture broker" — is the manner in which others view him and the genesis of his mandate to innovate....if the acts of an innovator are accepted he must necessarily have some form of structural permission to innovate." (1969:205) Press relates the broker concept to two villagers of the small Yucatan community of Hach Pech who left the village to obtain teaching degrees, producing the first professionals to come from this village. Upon their return they were received by the community with considerable pride and prestige. The teachers began to promote change within the community by motivating the people to improve the physical surroundings of the village, build new schools, improve their health standards, promote their interests with the authorities. The actions of the first returning teacher were regarded by the town officials with disinterest until he petitioned the state government for the right of the community to retain proceeds from the annual fiesta. The municipal president then filed a formal charge of "sedition" against the teacher but the court decided the issue in
favor of the teacher. He was later appointed to a position on the Yucatan federal school board.

The interpreter has no such "mandate to innovate". The role is designed such that the interpreter has one function, to translate information. The prescribed format for carrying out this role does not vary appreciably from one case to the next. To innovate, the court interpreter would have to employ extra-legal means. This is demonstrated in the example of the interpreter "helping" the defendant by giving medical advice, and in other instances where interpreters converse freely with litigants on matters not directly related to the case at hand. There are limited possibilities for innovation.

The manner in which others view the interpreter, however, is quite important to the role and he must have "structural permission" to act as interpreter. Both from the point of view of the court and even on occasion the defendant, the interpreter must be considered acceptable to the role. While part-time interpreters are rotated from court to court as needed, any court may request that a particular interpreter not return to complete a case in subsequent hearings if for some reason the court is dissatisfied with the interpreter. On the other hand, if the court favors one interpreter it may make repeated requests for the same person.

One Public Defender interviewed said that while he understood very little Spanish and none of the other foreign languages, he felt he could judge if the interpreter was competent simply by the amount of time and effort it took to communicate adequately with the defen-
When asked why he felt it was the interpreter who was responsible for inadequate communication, he replied that by sending one interpreter away and requesting another one for the same defendant he would often find that speed of communication was vastly improved. He would also notice a better rapport between the interpreter and defendant.

This factor was re-affirmed to the investigator by an interpreter who repeatedly stressed the importance of interpreter-defendant relations. She said that one determinant of a good interpreter is the ability to establish a positive relationship with the defendant, that it is necessary to treat each defendant with respect and courtesy. She stated that some interpreters impose a rather patronizing attitude onto the defendant and by so doing may antagonize the individual to the point of finding it difficult to obtain adequate cooperation.

It is left to the discretion of the court or trial judge as to the necessity of an interpreter and is not a right established for the defendant by law (People v. Annett:1967). It was observed frequently by the investigator that the court can be very accommodating in providing interpreters. One case was observed in which the Spanish-speaking defendant stated at the beginning of the preliminary hearing, through the interpreter, that he would not permit a woman to interpret for him. This interpreter was a woman, and the court dismissed her from the case without further consideration. There was a co-defendant involved in this case who stated that he would not object to a woman interpreter. The lawyer for the defendant who objected to a woman
interpreter asked to be relieved of the case as he had spent several unsuccessful hours attempting to communicate with the defendant through an interpreter and felt that there was some personality problem between himself and the defendant which he was certain would make it useless to continue. In this instance it is seen that blame was not fixed on the interpreter. It is not known who the interpreter had been for the pre-trial conference, although it is known that it was not the one dismissed during the hearing.

Press appears to equate the term innovator with that of culture broker but a "mandate to innovate" hardly seems essential to the role. It is apparent in the case of the interpreter and the African chief that their mediating function bears little, if any, relationship to innovation.

Thus it can be seen that while the interpreter is not an innovator, and does not have a mandate to innovate, the role does require structural permission and the interpreter is dependent upon the relationship established between himself and both levels of society that he represents in order for the role to be carried out at all. It is of interest to note that it is apparently not at all necessary for the court personnel to understand the foreign language used for them to make a judgement as to the competency of the interpreter to perform his role.

Mediates Between Levels of Society

This defining quality of brokers is used by many investigators of broker roles and seems to apply well where the broker intercedes on behalf of the group he represents. The term mediator is appropriate,
by comparison, only in a superficial sense when applied to the interpreter. The interpreter mediates only to the extent that he handles all communication between the two levels of society. He does not represent the interests of just one level and has no cause to promote for either level. Nevertheless, the role is a vital link between nation-state and community.

Translates Information Between Levels of Society

Geertz picks up on the conception of brokers as translators: "It is these groups and individuals who can "translate" the somewhat abstract ideologies of the "New Indonesia" into one or another of the concrete idioms of rural life and can, in return, make clear to the intelligentsia the nature of the peasantry's fears and aspirations." (1960:228) The interpreter is the only broker whose sole purpose is to translate the languages of the nation and ethnic community to each other, yet instances can be found where the interpreter told the investigator that she has been asked many questions by lawyers and judges concerning the reason behind certain behavior of non-English speaking defendants they find difficult to understand. In addition to offering her own explanations, she has recommended and loaned books on traditional Mexican culture. She mentioned in particular that she recommends books by Oscar Lewis.

While interpreters are instructed not to advise defendants on any subject, several interpreters say that they may chide defendants on occasion, urging them to learn English, become educated, and be more careful where they become drunk if they wish to avoid further
trouble with the law. One interpreter said that after an interview in a doctor's office where she interpreted for a defendant being examined, the receptionist criticized her for giving medical advice to the defendant on her own. The interpreter told the investigator that she was quite indignant and told the receptionist that she felt it was also her job to help the person if she could.

It would not be difficult to find other examples of transmission of cultural values in this type of situation where the interpreter may be the only verbal link for understanding that the non-English speaking person has. Many of the interpreters spoke of how some defendants cling to them in the anxiety of finding themselves involved in a situation with which they are totally unfamiliar and express effusive gratitude to the interpreter for helping them in court.

Broker Actions Sponsored by Upper Level Decisions

According to Adams: "Culture brokers are usually sponsored through upper level decisions and are destined to act at lower levels." (1970:323) One will receive an impression from the literature, however, that many brokers are tolerated and deemed a necessary evil rather than receiving sponsorship by those at the upper levels of society. Löffler (1971:1086) characterizes his broker example as a self-styled peasant representative and reformer. Geertz (1960:239) points out that there has been an intense fear and suspicion of the Javanese kijaji (the local moslem teacher-broker) by the Dutch, who have regarded this individual as a "reactionary" and "trouble making" element in the village society.
Of the brokers considered for the purpose of this study, the interpreter and the African chief of Uganda (Fallers 1955) are the only ones actually hired by the national government to perform their broker role. Both are officially civil servants and while they represent the interests of both levels of society they can be seen to be sponsored directly by upper level decisions. In this respect also, it would be easier for individual chiefs and interpreters to lose their broker position, being hired by the government, than it would for the self-styled, independent peasant broker.

Fundamental Change in Role Through Time

Some investigators of culture brokers have given consideration to the changing role of brokers. Wolf (1956) has outlined the origin of broker roles in Mexico as having evolved from previously held positions of power. Mediating roles in post-Columbian Mexico were first carried out by leaders of Indian corporate communities and royal officials. Later mediating roles passed into the hands of hacienda owners and local entrepreneurs. Only since the Revolution of 1910 have mediator roles been held by nation-oriented individuals from local communities. (Wolf 1950:1075).

Changes in broker roles once they have been formed have been discussed by Geertz. The kijaji, local moslem teacher in rural Java, has provided effective regional leadership. "...it has been the kijaji who has been the main connecting link, who has joined the local system to the larger whole." (Geertz 1960:230). According to Geertz, however, the role has begun to change over the last 50 years with changes in the country itself. "He is attempting to
become a new kind of broker for a different sort of culture, that of nationally centered, metropolitan-based, intelligentsia-led 'New Indonesia'." (Geertz 1960:233) The kijafi is now beginning to combine the role of traditional religious leader with that of nationalistic politician.

The court interpreter role has not made fundamental changes nor has it evolved out of other related positions. Only in the case of the Japanese interpreter can the role be seen to have evolved out of a related former status. The Japanese interpreter, co-operating with the War Relocation Authority to relocate Japanese families after the war, was brought into his first contact with court interpreting. Other interpreters interviewed began their careers in much the same manner as any other person entering a new field.

**Adaptation vs. Supersession of Role**

Both Silverman (1965) and Adams (1970) discuss the possibility of the broker role becoming superseded as levels of society become integrated. Silverman sees the end of the broker role with the entrance of other avenues of connection between national and local systems. "Direct participation by individuals in the national system, alternative links, are basic elements in the emerging form," (1965:188) The interpreter role in the courtroom situation could become reduced to only occasional use if ethnic minorities learn English and become fully assimilated into American culture. The recently formed Interpreter Association may be viewed as having arrived late in the history of the court interpreter. Its membership may dwindle if the necessity for using interpreters in court
diminishes.

In the County of Los Angeles the greatest use of court interpreters has been for Spanish-speaking defendants and witnesses. As mentioned previously, full-time interpreters are retained for the Spanish language only. If the Mexican-American population learns to speak English and begins to leave the ghetto areas, the number of full-time and per diem interpreter positions will decrease. At this point it is difficult to predict the trends that may be taken by the ethnic minorities of this county.

Attempts by the law of the State of California, within this current year, to penalize employers from knowingly hiring Mexican nationals of illegal residence status has the potential for profound effect on the percentage of Spanish-speaking residents living in the county. If this law is enforced, it will be far more difficult to remain here without a job. According to interpreters interviewed, many residents of illegal status come through the court. They are easily singled out for traffic violations due to their lack of familiarity with traffic regulations and obvious inability to produce a valid drivers license upon request by arresting officers. The case outlined on page 20 is typical.

The culture broker role of the court interpreter in the county of Los Angeles would largely come to an end only if non-English speaking ghetto areas disappear. The development of new populations of non-English speaking groups within the county would then provide the only means of maintaining this role in its present form. If interpreters are no longer needed in the court, their skill could
well be used elsewhere. There are far more individuals from our ethnic minorities, speaking little or no English, who never have cause to come to court, than those who do. Yet the majority of members from ethnic minority groups experience a wide range of difficulties in expressing their needs to the dominant population.

The interpreter could adapt his role to fit some of these needs. One interpreter interviewed during the initial pilot study of 1969-70 said that he volunteered his spare time, as a member of the Speakers Bureau, to go out into the Mexican-American community to try to explain the workings of the legal system. This interpreter, of Mexican origin, was a bailiff for the court as well as a part-time interpreter at the time of the interview.

In recent years, according to Public Defenders interviewed, some lawyers have volunteered their time to maintain office hours in the evenings at various locations in the Mexican-American communities for the purpose of assisting members of the community with legal problems. One of the problems of this project has been the difficulty of spreading information throughout the community that this service is available. It is also doubtful that those who speak little or no English have availed themselves of the service. The aid of an interpreter would increase the possibility of success for this venture.

The role of the interpreter as broker could be modified to fit many of the needs of ethnic minorities wishing to assimilate or better communicate with the dominant culture. Considering that the majority of interpreters work on an infrequent, part-time basis and do not depend on their interpreter position for a livelihood, the
transition could be made on a part-time volunteer basis. Whether or not a transition in role will be made is not known, but it can be seen that the role of interpreter as broker shows potential for change rather than complete obsolescence.

The preceding discussion has compared the role of the court interpreter and certain other brokers described in the literature to a list of culture broker attributes compiled from recent studies and listed on page 24. It has been shown that in nearly all instances the court interpreter role can be meaningfully related to these attributes. The same may be said of other brokers cited in the literature.

The Broker Concept

The following continuation of the discussion provides an analysis of the list of attributes from page 24 in the light of determining which aspects may be considered fundamental to a delimitation of the concept of culture broker and which of the aspects are best viewed as variations in type of culture broker.

As mentioned in the Introduction, all studies referred to in the thesis refer to Wolf's (1956) paper in defining the culture broker. They concur with his definition by inference if not in actual discussion. One exception can be found in the study by Löffler (1971). He takes issue with one point only and that is the hierarchical position of the broker. Unlike the study by Wolf, or the one by Geertz (1960), his culture broker example represents a peasant spokesman whose hierarchical status is identical to the remainder of the peasant population.

Wolf's description of the culture broker, however, does not
place primary emphasis on hierarchical positions. He states: "They are usually found in more than one community and follow ways of life different from those of their community-oriented fellow-villagers." (1956:1065) His primary concern rests with the "...bonds which unite different groups on different levels of the larger society..." (p. 1074). He argues that we can achieve greater synthesis in the study of complex society by focusing on these connecting relationships rather than by isolating one segment or level of society as has been the case in previous anthropological study.

Löffler would prefer a differentiation of types within the broker concept rather than retaining variations under a single definition. He draws a distinction between what he calls the "patron-kijaji" type and the "representative type". The former type refers to the superior position of the broker over the peasant population as described by Geertz (1960) and Wolf (1956). The latter type is his example of a self-styled peasant representative and its close correlate discussed by Press (1969). However, in the writer's view, hierarchical position of the broker is best viewed as a variation in type rather than a determining factor in validating cases for the role of broker. The mediator function of the role is of far more significance to the analysis of levels of socio-cultural integration.

The attributes of critical function and near-exclusive function, as set forth by Silverman (1965) can be applied to all studies cited within this paper if not defined too narrowly. The critical function of the broker being "...of direct importance to the basic structures of either or both systems." is sufficiently broad (1965:173). In
the case of the court interpreter the role is important to both national and community interests. The same may be said for the role of the modern African chief of Uganda (Fallers 1955). The self-styled, innovating peasant representative as described by Löffler (1971) and Press (1969) can be seen as more important and critical to the welfare of the peasants than to the political elite. In Geertz's study, the kijaji, moslem teacher-broker, while viewed as a threat by the national leaders, performs a role that is vital in a country where "...ties are brittle...between the two levels of socio-cultural integration..." (1960:228).

Regardless of which level benefits most from the broker, its linkage role is critical. "The individuals and groups who can communicate both with the urban elite and with the rural followers of a particular local tradition performs an altogether critical function." (Geertz 1960:228)

By near-exclusivity, Silverman (1965:173) means that if links are to be made at all between the two systems they must be made through the broker. As a limitation to the extension of the concept, this sounds too confining. It appears to be a necessity in some instances and not in others. The role of the interpreter is entirely exclusive for no communication can be implemented between the court and a non-English speaking individual without the intervention of the interpreter. In the case of the modern African chief, he is the only member of the traditional community with influence over everyone and therefore the only choice for the position of civil servant-chief. Yet other studies describe brokers whose positions derive more from circumstances than design. Löffler's (1971) self-appointed
peasant representative is an unusual individual among the peasants. He has chosen to defy the regional chiefs and has been jailed for sustained periods of time in attempts by the chiefs to quell his rebellious spirit and influence over the peasants. This case presents a situation similar to others where the mediator has chosen the role himself and it is not known when or how the inevitable links between levels of society might have been accomplished in the absence of these particular brokers.

With reference to the broker's mandate to innovate which Press (1969) considers essential to the role, it is apparent that the court interpreter clearly lacks this attribute. The interpreter role is designed for one purpose -- court interpretation -- and the interpreter is allowed no margin for innovation. As discussed earlier, the role of the interpreter could be adapted to fill other needs of the ethnic minority communities. If this potential is realized, the altered status of the interpreter would provide considerable innovative power. The reverse seems to be true in the case of the modern African chief for he has less latitude for innovation than in his traditional role as chief. "The loss of political independence and the innovations which accompanied it were made much more palatable...by the support which they received from the administration..." (Fallers 1955:298). Other brokers discussed here can be seen as innovators irregardless of whether or not they received structural permission from both community and nation-oriented groups.

Not all brokers cited are sponsored by upper level decisions
(Adams 1970). The court interpreter and African chief of Uganda are hired by the government. Most other brokers are not. Here again it can be stressed that the mediating function of the broker is crucial and its sponsorship by an particular group may be seen as secondary.

Adams (1970:316) states: "A problem in the use of the concept, however, is that we have little notion why these "culture brokers" seem less congenial in some societies than others and what conditions lead to their appearance or disappearance." In reviewing the cases at hand it is clear that the rise of brokers stems from varied circumstances. They seem to appear both in periods of societal upheaval and change as well as in periods of relative stability.

Nations which have experienced marked alteration of their ethnic composition through invasion and conquest by foreign groups have found themselves faced with severe problems of communication. This has been apparent in countries such as Africa where the extension of British colonization has upset the indigenous ethnic composition and posed formidable problems for attaining stable living conditions for all groups concerned. During the transitional period the presence of the African chief as mediator has provided a buffer between two incompatible social systems. According to Adams (1970: 323) "... brokers enable a social system to continue on its course with only gradual structural change." The culture broker helps maintain the system.

The statement by Adams holds true for any nation or large
community experiencing large-scale immigration of foreign ethnic groups. With the influx of such groups into the United States it can be seen that without the interpreter a drastic solution would have to have been found in order to administer a fair trial to non-English speaking individuals brought to court.

In other situations where conditions have been in periods of relative stability other types of brokers have arisen. The innovative type of broker described by Löffler presents a case in point. The social structure in Iran, where Löffler carried out his research, was (until 1963) characterized by a feudalistic system. It was hierarchically arranged with a central power figure (the khan), a number of regional chiefs (katkhodas) and the subjugated peasant population. His study concerns the year 1950 when a peasant he calls Mahmud spoke out against the khan and katkhodas, saying that land cultivated by the peasants belonged to the peasants and should not be taxed. This marked the beginning of his career as a culture broker.

The study by Press (1969) is a close parallel. The peasant returning to his village as a school teacher with views altered by his having spent some years out of the village to become educated, begins to promote change within the village. Both the study by Löffler and by Press illustrate the innovative culture broker whose position was not created out of necessity, as in the post-conquest conditions of Africa, but by virtue of their unusual charismatic qualities and ability to motivate and mobilize their fellow peasants to work toward improving their lot in life.

The explanation for the congeniality of brokers in some
countries and not in others is related to the reasons behind the eventual disappearance of this role. Whether brokers are strategically placed between ethnically dissimilar groups of people or between levels in the hierarchy of societies composed of one ethnic group, the stage of integration of these levels is the overriding critical factor in the rise and fall of broker positions.

A well integrated society, with multiple channels of communication which satisfy the basic needs of its participants, will have little use for a culture broker. A highly stratified society with poor communication links between the levels of its hierarchy may be forced to utilize a broker in a linkage role to maintain a tolerable degree of stability. As new channels of communication become available and the levels become integrated (transforming the basic structure of the society) the need for culture brokers diminishes and eventually disappears.

Silverman (1965:188) concludes: "It may be that the mediator represents a general form of community-nation relationship characteristic of an early phase of development of nation-states, a form which regularly gives way as the process of integration of the total society advances." The case presented here of the interpreter as culture broker demonstrates this process quite clearly. The need for a broker-interpreter arose during a period in the history of the United States when large groups of non-English speaking immigrants entered the country. As long as non-English speaking individuals are required to appear in English-speaking courts of the United States for any cause at any time, interpreters will continue
to be needed to facilitate communication. In the event that members of all ethnic groups in the United States master the English language, the role of the court interpreter will cease to exist.

SUMMARY AND CONCLUSIONS

This thesis has presented the results of a field investigation into the role of the court interpreter as designated by the law in the State of California and as carried out by interpreters interviewed. The information obtained from the study was then considered within the theoretical framework of the fairly recent anthropological concept of the culture broker.

A list of attributes used by various anthropologists to delimit the concept was abstracted from the literature. The role of the court interpreter as a culture broker, as well as the role of other brokers cited, was compared to this list of attributes. In the light of this comparison, some of the attributes analysed were considered by this investigator to be of fundamental importance to the concept of culture broker. Other attributes or criteria were considered to be significant variations related to specific types of culture brokers described in the literature.

It is therefore suggested that the following attributes be considered in delimiting the fundamental aspects of the concept of a culture broker:

1. He performs a critical and near-exclusive function;
2. he needs some structural permission for his role;
3. he mediates between levels of society in a linkage role;
4. his role may be adapted to fit the changing needs of society;
5. His role may become superseded with integration of the socio-cultural levels of a society.

It is further concluded that the rise of broker roles, their appearance in some societies and not in others, and their eventual disappearance are directly related to the state of integration of socio-cultural levels of any society. Whereas linkage roles held by culture brokers are of critical importance where communication between levels of a society are weak or non-existent, the role of the broker becomes superseded at such time as a satisfactory integration of these levels is established by other means.
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United States Commission on Civil Rights

(n.a.)

Wolf, Eric R.
APPENDIX A

Standard Questions Asked Interpreters:

1. What languages do you speak and when and where did you learn them?

2. How many years have you been an interpreter?

3. Do you translate simultaneously while the witness speaks or do you translate phrase by phrase?

4. Do you always translate literally or do you find it necessary to paraphrase some responses?

5. Is it difficult for you to remain unbiased and uninvolved in the individual cases for which you interpret?

6. Are you aware of cultural problems that defendants have which affect their adjustment to living in the United States?

7. Do these problems affect your ability to work with them?
APPENDIX B

TABLE I

METHOD OF TRANSLATION

<table>
<thead>
<tr>
<th>Interpreter</th>
<th>Simultaneous Interpretation</th>
<th>Sentence by Sentence Interpretation</th>
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</tr>
<tr>
<td>T.J.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>M.S.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>E.A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.C.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>B.C. (no information)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Method of translation refers specifically to interpretation of defendant or witness testimony. Simultaneous translation means interpreter translates while defendant speaks rather than in between sentences or phrases. As noted, some interpreters use both means of interpretation.
APPENDIX C

TABLE II

METHOD OF TRANSLATION

<table>
<thead>
<tr>
<th>Interpreter</th>
<th>Literal Translation</th>
<th>Paraphrased Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.S.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>D.C.</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>M.F.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>M.S.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>T.J.</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>M.S.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>E.A.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>S.C.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>B.C. (no information)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: The court interpreter is required to render a literal translation (C.I. Instructions 1968:4) yet three of the nine informants feel it is necessary to paraphrase some answers.
APPENDIX D

CALIFORNIA STATUTES RELATING TO INTERPRETERS

EVIDENCE CODE
SECTIONS 750-753

Section 750. Rules relating to witnesses apply to interpreters and translators.

A person who serves as an interpreter or translator in any action is subject to all the rules of law relating to witnesses.

(Enacted Stats. 1965 ch 299 § 2 p. 1314, operative Jan. 1, 1967)

Section 751. Oath required of interpreters and translators.

(a) An interpreter shall take an oath that he will make a true interpretation to the witness in a language that the witness understands and that he will make a true interpretation of the witness' answers to questions to counsel, court or jury, in the English language with his best skill and judgement.

(b) A translator shall take an oath that he will make a true translation in the English language of any writing he is to decipher or translate.

(Enacted Stats. 1965 ch 299 § 2 p. 1314, operative Jan. 1, 1967)

Section 752. Interpreters for witnesses

(a) When a witness is incapable of hearing or understanding the English language or is incapable of expressing himself in the English language so as to be understood directly by counsel, court, and jury, an interpreter whom he can understand and who can understand him shall be sworn to interpret for him.

(b) The interpreter may be appointed and compensated as provided in article 2 (commencing with sec. 730) of chap. 3.

(Enacted Stats. 1965 Ch 299 § 2, p 1314, operative Jan. 1, 1967)
APPENDIX D (cont.)

Section 753. Translators of writings.

(a) When the written characters in a writing offered in evidence are incapable of being deciphered or understood directly, a translator who can decipher the characters or understand the language shall be sworn to decipher or translate the writing.

(b) The translator may be appointed and compensated as provided in article 2 (commencing with Sec. 730) of Chap. 3.

(Enacted Stats. 1965 ch 299 § 2 p. 1314, operative Jan. 1, 1967)

Note: Sections 750-753 of the Evidence code, quoted above, are based on the former Code of Civil Procedures, Section 1884, effective in 1872.