

Multilingual Legislative Drafting in Switzerland

Burden or Blessing?

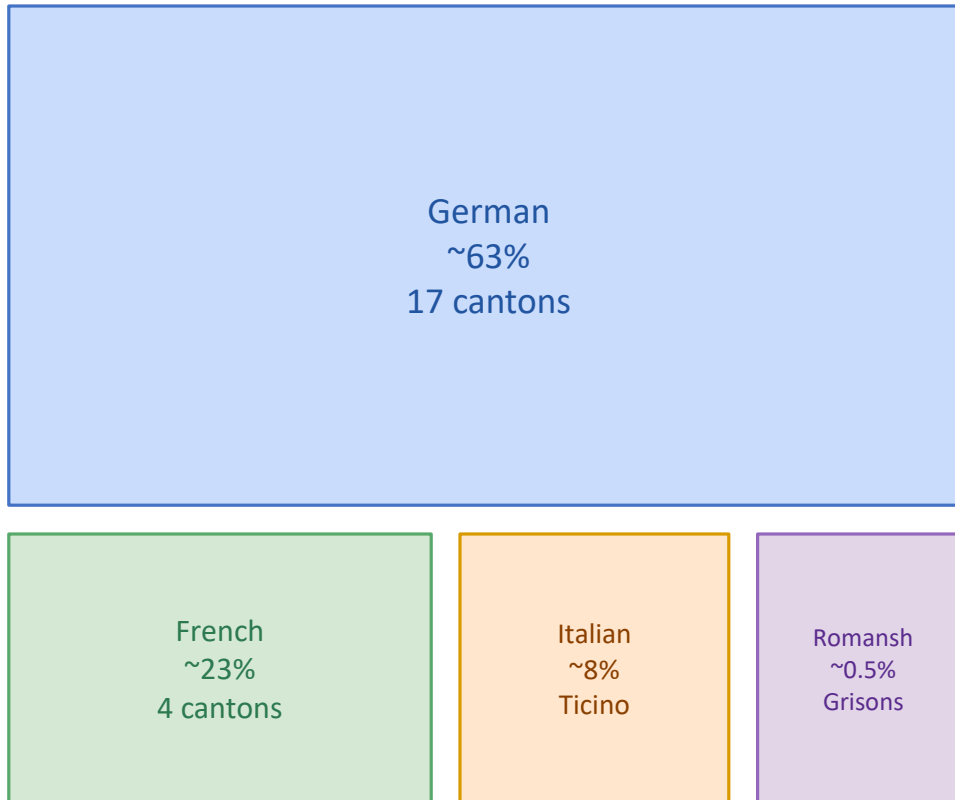
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Session: Challenges of legislative drafting in multi-lingual jurisdictions

University of Zurich

I. Switzerland's Linguistic Landscape

Three official languages – four multilingual cantons – one constitutional principle



Legal Framework

Art. 70 BV: German, French, Italian as official languages;
Romansh national language only

Art. 14 PubLG: All three language versions are equally
authentic and binding

4 Multilingual Cantons:

Berne, Fribourg, Valais

German / French

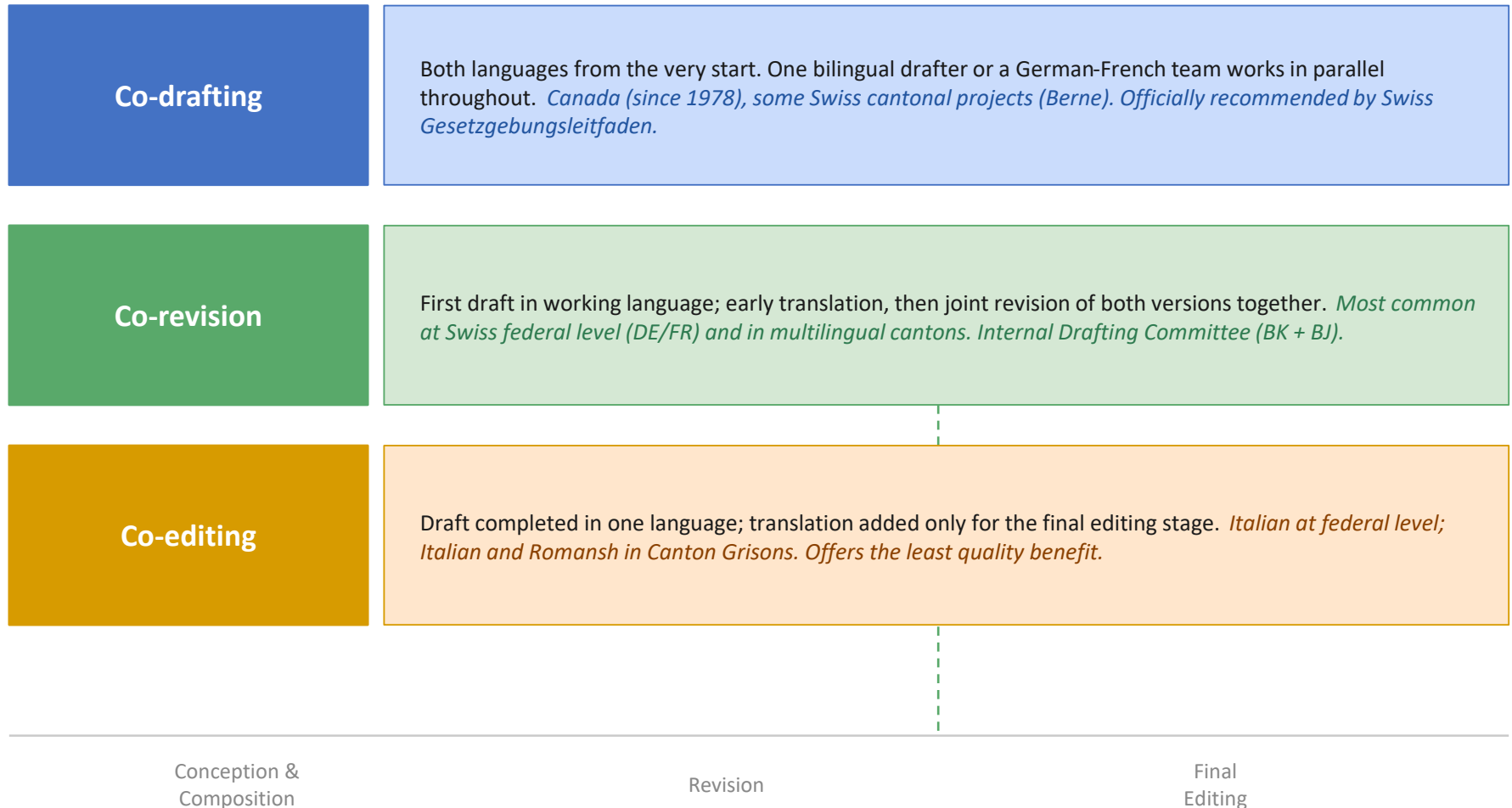
Grisons

German / Italian / Romansh

*Translation is primarily an administrative
(not parliamentary) task in Switzerland*

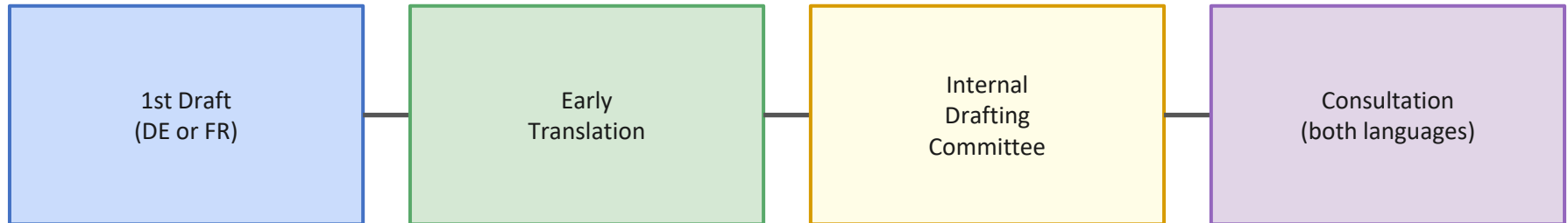
II. Three Drafting Models

When does the second language enter the process?



III. Co-revision – How It Works

The federal Internal Drafting Committee: quality at both language stages



The Internal Drafting Committee (Verwaltungsinterne Redaktionskommission)

Composition: 1 German-speaking linguist + 1 French-speaking linguist (Federal Chancellery, BK) + 1 German-speaking lawyer + 1 French-speaking lawyer (Federal Office of Justice, BJ)

Scope: Reviews all constitutional amendments, Acts of Parliament and important ordinances

Key effect: After committee review, one can no longer call one version the 'original' and the other the 'translation' – both are equal

A draft going to Parliament will typically have passed through the translation office three times — ample opportunity for corrections based on translator feedback

IV. Co-drafting – The Gold Standard?

When both languages shape the thinking from the very start

Canada – the main reference

- Bijural system: English common law + French civil law
- Co-drafting since 1978 (Privy Council Office)
- Team: English-speaking + French-speaking legislative counsel throughout
- Benefits broadly recognised as outweighing challenges
- Challenge: highly skilled bilingual drafters required

Switzerland – limited but positive

- Canton Berne: two forms tested
 - One bilingual civil servant, or parallel DE + FR drafters
- Cantonal constitution (1993): jointly co-drafted
- Federal level: used in specific projects, not routine
- Officially recommended: Gesetzgebungsleitfaden, note 997
- Trend: resource pressure and English dominance crowd it out

"The necessity to think of a problem in more than one language is a distinctive benefit."

V. Italian and Romansh – The Lesser Languages

Formal equality, practical asymmetry

Presence of Italian in the federal drafting process:

Office consultation No Italian	Co-report procedure No Italian	Internal Drafting Committee No Italian	Vernehmlassung (consultation) Italian present	Botschaft (message) Italian present	Parliament Italian present
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Italian – Key Facts

- Italian enters the process only from external consultation onwards (Art. 7 Abs. 2 VIV)
- No Italian sub-commission in Parliamentary Drafting Committee
- Very few Italian-speaking civil servants draft law at federal level
- First Gesetzgebungsleitfaden in Italian: 2019 (German: 1995; French: 2002)
- **Result: Italian is effectively co-edited, not co-revised**

Romansh – A Unique Challenge

- National language (Art. 70 BV), not official at federal level
- Official only in Canton Grisons (~40,000 speakers)
- 5 regional idioms + Rumantsch Grischun (written standard)
- Translation comes very late in Grisons legislative process
- **Result: "rather a problem than a benefit" in Grisons (Frizzoni)**

VI. Translation as Quality Check

How multilingualism improves the legislative text

Reveals Ambiguity

Obscure passages in the original become obvious in translation. If the translator misunderstood a provision, other readers will too. Every mistranslation is a signal that the original needs revision.

Forces Precision

Drafting in a second language compels the drafter to commit to one meaning. Deliberate vagueness that can be maintained in one language becomes untenable when the translator must choose a precise equivalent.

Enables Feedback Loop

Consultation in both languages surfaces divergent readings. If participants in the French consultation understood a provision differently from German participants, the provision needs rethinking.

Critical prerequisite:

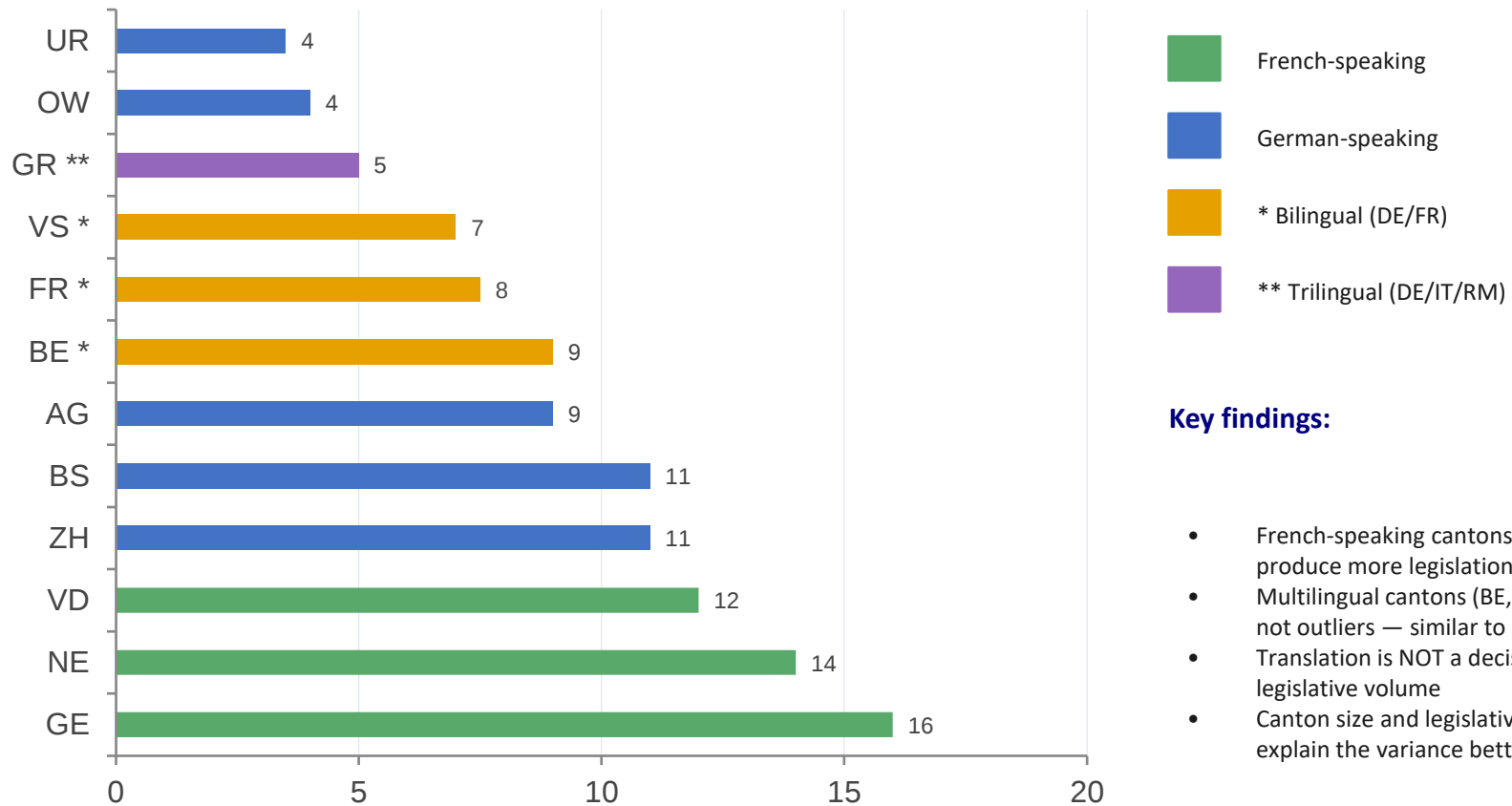
The translator must come back to the drafter in case of doubt — and the drafter must read the translation to check that the original was properly understood.

Translation that arrives too late, or to which no one responds, provides none of these benefits.

"If the translator got it wrong, other readers may too."

VII. Quantitative Effects

Does the translation burden reduce the amount of legislation?



Key findings:

- French-speaking cantons consistently produce more legislation
- Multilingual cantons (BE, FR, VS) are not outliers — similar to German peers
- Translation is NOT a decisive factor for legislative volume
- Canton size and legislative tradition explain the variance better

Source: Lüchinger / Roth / Schelker / Uhlmann (2015)
Uhlmann (2017), LeGes 2017/2

VIII. Current Challenges

Three forces that put pressure on multilingual drafting quality

1

Dominance of the Majority Language

Canton Berne: approximately 99% of first drafts are in German. Federal level: fewer than 10% in French, virtually none in Italian. Formal equality does not prevent asymmetry of influence. The language of first composition shapes the conceptual structure of the law.

2

English Displacing Second National Languages

Students and employers increasingly prioritise English over French or German. The exchange between drafters of different language communities — essential for co-revision — depends on mutual language competence. If knowledge of a second national language declines, so will the quality benefit of co-revision.

3

AI and Neural Machine Translation

Neural machine translation (EU: eTranslation; widely used: DeepL) produces fluent outputs that are difficult to critically evaluate. Improved fluency is deceptive: errors are harder to spot than in earlier machine translation. Risk: post-editing under time pressure replaces genuine translator-drafter exchange. Quality benefit may be lost.

Swiss civil servants remain comparatively knowledgeable in a second national language — this is a resource to be actively maintained.

IX. Assessment: Burden or Blessing?

BURDEN	BLESSING
Significant resources required (time, bilingual personnel, budget)	Detects ambiguities and drafting flaws that would otherwise go unnoticed
Majority language dominates in practice despite formal equality of versions	Forces precision: vagueness surviving in one language is untenable in a second
Late-stage translation (Italian, Romansh) provides limited quality benefit	Citizens access binding law in their own language — a constitutional imperative
May slow the legislative process (but not decisively so)	Shapes Swiss legislative culture: caution, care for language, consensus

Conclusion: Multilingualism is a blessing — but only if translation is embedded early and supported by genuine exchange between translators and drafters. Co-revision is the minimum; co-drafting remains the aspiration.