

Italian as a National and Official Language of the Confederation — overview and summary

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)

Every federal statute that governs a bank in Lugano exists in three versions of equal authority. The Banking Act is the *Bankengesetz* in Bern and Zurich, the *loi sur les banques* in Geneva and the *legge sulle banche* in Lugano, and no one of these texts outranks the others. Article 14 paragraph 1 of the Publications Act states the rule in a single sentence: publication is effected simultaneously in German, French and Italian, and in the case of enactments the three versions are equally binding.¹ A relationship manager in Lugano who reads the Anti-Money Laundering Act in Italian, a prosecutor in Bellinzona who applies the Criminal Code in Italian and a judge in Lausanne who decides an appeal from Ticino in Italian are therefore working with the law itself. They are not working with a translation in the legal sense of the word. That proposition, simple to state and demanding to realize, is the subject of this chapter.

The chapter asks how Italian became a national and official language of the Swiss Confederation, what the Federal Constitution, the Languages Act of 5 October 2007 and its ordinance require of the federal authorities, and how far practice matches the legal promise. It follows the history from the Helvetic Republic of 1798, which first recognized Italian as an official language, through the constitutions of 1848 and 1874 and the language amendments of 1938 and 1996 to the constitution of 1999. It then examines the Italian-speaking population and its distribution, the representation of Italian speakers in the federal administration, the rule of equally authentic texts and the way in which the Federal Supreme Court resolves discrepancies between language versions, the production of federal law in Italian by the language services of the Federal Chancellery, and the place of Italian in Parliament and the federal courts. A further section treats the Italian-language media, the universities and the debate about *italianità* in Switzerland. The last two sections turn to Italian as a working language of the financial centre, to the Swiss variety of Italian with its *elvetismi*, and to

the reasons why the equality of languages is a matter of legal certainty and access to justice.

The argument is that the equality of Italian in federal law is one of the institutional assets of Lugano as a financial centre, comparable in its effects to the stability of the cantonal legal order described in Chapter C.I. Lugano can offer Italian clients, Italian lawyers and Italian counterparties a complete body of Swiss law, regulation and case law in their own language, and it can offer Swiss institutions a pool of professionals who read that law in Italian and in at least one other official language. The asset is not selfmaintaining. Italian speakers are a minority of about eight per cent of the population, their share in the senior federal administration has long remained below their share in the population, and the teaching of Italian in German-speaking Switzerland has weakened. The chapter therefore also describes the legal instruments with which the Confederation tries to keep the promise of Article 70 of the Federal Constitution, and the points at which practitioners should verify the Italian text before relying on it. Chapter J.II treats the Federal Criminal Court in Bellinzona and federal justice in Italian in detail, and Chapter J.III the legal terminology of Swiss Italian and the use of language in client relations.

1 Conclusion

Italian became an official language of the Swiss state in 1798, a national language of the federal state in 1848 and an expressly official language of the Confederation in 1938. The constitution of 1999 and the Languages Act of 2007 gave this status a detailed legal content: the right of every person to deal with the federal authorities in Italian, the publication of all federal law in an Italian version of equal authority, the representation of Italian speakers in the federal administration and the duty of the Confederation to support Italian in Ticino and the Grisons. The Federal Supreme Court has drawn the methodological consequence by treating the three versions of federal law as equal and by resolving their divergences through interpretation, with the result that the Italian version can decide a case.

The chapter has also shown the limits of this equality. Italian speakers are a minority of about eight per cent of the population, and half of them live outside the Italianspeaking territory. In the federal administration their share has stayed at about seven per cent overall and has been clearly lower in senior management, and Italian is practically absent as an internal working language. The teaching of Italian in Germanand French-speaking Switzerland has weakened. The Confederation has responded with a Delegate for Plurilingualism since 2013, with training programmes and,

from 2026, with a higher target range for Italian speakers and with federal support for Italian outside its traditional territory. Whether these measures change the internal language practice of the administration remains to be seen.

For the financial centre of Lugano, the equality of Italian is an institutional asset of the first order. It allows Lugano to serve Italian clients under Swiss law in their own language, supported by Italian versions of the statutes, by Italian-language courts and by an Italian-language professional infrastructure. The asset depends on the continued quality of Italian legislation and on the presence of Italian in the institutions where Swiss financial regulation is conceived. Chapter J.II turns to the Federal Criminal Court in Bellinzona, where federal justice is administered in Italian in the cases that matter most for the reputation of the financial centre, and Chapter J.III examines the legal terminology of Swiss Italian and its use in client relations.

2 In five sentences

Italian has been an official language of the Swiss state since the Helvetic Republic of 1798, a national language since the Federal Constitution of 1848 and an expressly official language since the amendment of 1938, and today Articles 4 and 70 of the Federal Constitution and the Languages Act of 2007 define its status. Under Article 14 of the Publications Act the Italian version of every federal enactment is equally binding with the German and French versions, and the Federal Supreme Court resolves divergences by interpretation without giving priority to any version, so that the Italian text can decide a case. Italian speakers make up about eight per cent of the population, half of them outside Ticino and the Grisons, and they hold about seven per cent of federal jobs but a clearly lower share of senior positions, which the revised Languages Ordinance addresses with a target range of 7.5 to 8.5 per cent from 2026. The Federal Chancellery's language services, TERMDAT, the federal courts, RSI, the Università della Svizzera italiana and the Forum per l'italiano in Svizzera form the institutional infrastructure that keeps Italian alive as a language of law and public life. For Lugano this equality is a competitive asset, because it allows the financial centre to serve Italian clients under Swiss law in their own language, provided that practitioners read Swiss Italian as the language of Swiss law and compare the language versions where the wording is decisive.

3 Notes

1. Federal Act of 18 June 2004 on the Compilations of Federal Legislation and the Federal Gazette (Publications Act, PublA), SR 170.512, Art. 14 para. 1, text as reproduced at <https://www.droit-bilingue.ch/en-it/1/17/170.512-14-19.html>. The Italian text reads: "La pubblicazione è fatta contemporaneamente nelle lingue ufficiali tedesco, francese e italiano. Per gli atti normativi, ciascuna delle tre versioni è vincolante." ↩

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