

Ticino's own legal vocabulary

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Federal law is only one layer. The Canton of Ticino legislates in Italian on its own organization, its courts, its taxes, its municipalities and the professions it regulates. Here the vocabulary has grown out of local history. The cantonal parliament is the *Gran Consiglio*, the cantonal government the *Consiglio di Stato*, the municipal executive the *Municipio* and its president the *sindaco*. The *patriziato* administers collective property inherited from the medieval *vicinanze*, a subject treated below. In the courts the first-instance judge is still the *pretore*, a title that Italy abolished in 1999. The prosecutors form the *Ministero pubblico*.¹ Several of these words exist in the Italian Republic with entirely different meanings. The *Consiglio di Stato* in Rome is the supreme administrative court, and in Italian usage the *municipio* is the town hall building or the municipal administration as a whole.

A third layer is the administrative and commercial usage of Swiss Italian, the so-called *elvetismi* (Helvetisms), which linguists have documented since the 1980s. Some are calques from German or French, such as *azione* in the sense of a special offer, *autopostale* for the postal bus or *Natel* for a mobile telephone; others are Swiss institutions for which Italian has no word.² In the legal field the Swiss terms are the correct terms of a legal order, sanctioned by statute and binding in that order, however strange they may sound to an Italian ear. The point matters for the practitioner who edits a Swiss document "into proper Italian": the correction may replace an exact Swiss term by an Italian term that carries a different concept, thereby introducing exactly the ambiguity it was meant to remove.

Essentials. Swiss Italian legal language is the Italian version of Swiss federal and cantonal law. Its words are fixed by statutes that are equally binding with their German and French versions (Art. 14(1) Publications Act). Its concepts are Swiss. Many terms coincide in form with terms of Italian law but differ in content. The Italian of Rome is therefore a foreign legal

language for the Swiss lawyer and vice versa, even though both are written in the same national language.

1 Notes

1. Canton of Ticino, Potere giudiziario, "Preture", <https://www4.ti.ch/poteri/giudiziario/giustizia-civile/preture>; "Ministero pubblico", <https://www4.ti.ch/poteri/giudiziario/giustizia-penale/ministero-pubblico>. On the abolition of the Italian pretore see the section on courts below. ↩
2. Wikipedia (Italian), "Italiano svizzero", https://it.wikipedia.org/wiki/Italiano_svizzero (consulted as a last resort for the examples azione, autopostale and Natel), citing Gaetano Berruto, Bruno Moretti and Stephan Schmid, *Interlingue italiane nella Svizzera tedesca* (1990), and Matteo Casoni and Elena Maria Pandolfi on Swiss Italian language contact. ↩

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