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Translation Policy and Federal Governance: A Swiss-Canadian Comparison

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Abstract: *Through a comparison of the management of language services at federal and provincial/cantonal level in Canada and Switzerland, this paper points out the role of translation as an institution and ist contribution as a public policy. An evaluation of translation in the two federal governments as well as in three respective federated entities shows significant differences in the approaches to translation. The majority government rule and a rather limited administrative interdependence make the co-existence of different approaches to translation possible across levels of government possible, and support a centralisation of language services. A directorial system based on collaborative democratic elements tends to appease the polarisation across levels while preventing the emergence of clearly consistent language regimes. Nonetheless, substantial language asymmetries subsist in both federations leading to the conclusion that translation constitutes an essential institution characterising the functioning of multilateral and multi-level democracies.*

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A Swiss-Canadian Comparison

'Sprache dient nicht nur der Gemeinschaft, sondern sie ist eines der wunderbarsten Mittel zu deren Herstellung'[1]

Eugen Huber

Canada and Switzerland are frequent visitors in comparative studies on multi-level governance, language policy and institutional translation. However, the contribution of translation as a public policy has rarely been approached from the perspective of political theory and political economy.

While literature in translation studies mostly focusses on the qualitative and procedural aspects of translation in public institutions (Nord, 1997, Šarčević, 2005), the economic literature on translation policy evaluation mostly focus on a merely quantitative approach to translation (Gazzola and Grin, 2007, Vaillancourt and Coche, 2009, Ginsburgh et al., 2011, Ginsburgh and Weber, 2011, Vaillancourt et al., 2012).

Federalism has been extensively studied as a constitutional approach to manage and accommodate linguistic diversity. The application of the linguistic territoriality principle at the level of federated entities tends to reduce the number of decisions that need to be made in a multilingual institutional setting, and the number of languages that public administrations are expected to use. While the relevance of the territoriality principle can be questioned from an ethical point of view (De Schutter, 2008), it is an effective tool to reduce the impact of translation as a policy-making tool and the number of translations needed to implement public policies .

Recent trends in political theory re-opened the issue on the best language regime to be adopted for the institutions at federal level (Pool, 1996). The recognition of all official languages of the federated entities as official languages of the federal entity implies the production of legally binding texts in all these languages; a solution that can hardly be considered as cost-efficient (Fidrmuc et al., 2009), but also sets a certain number of question in terms of fairness (Van Parijs, 2000). Alternative models of linguistic federalism based on a cross-level inconsistency between language regimes, have been suggested. An artificial or widely-spread vehicular language could be used as a single 'lingua franca' at federal level, while national or regional languages would continue being the sole official languages at territorial level (Selten and Pool, 1991, Tinnevelt and De Schutter, 2008, Van Parijs, 2011, Busekist, 2012). These 'lingua franca'-based approaches stress the need of a common language to foster the sense of belonging to a common citizenship, to ensure an effective communication between language groups, and, last but not least, ensure a levelled linguistic playing field for all citizens.

An alternative approach sees translation as a comprehensive tool for a respectful accommodation of ethnocultural diversity (Ost, 2009). This translation-based approach insists on the fact that the reproduction of official texts in all official languages is an efficient, effective and fair way to manage multilingualism. The contribution of translation shall not be limited to its communicational aspect, but it also needs to consider its impact to share corpora and thus narrowing the gap between language communities. Hence, the relation between social change, multilingualism, language policies, and translation can be considered as being multidirectional (Grin, 2010)

This paper aims to identify the determinants of demand for translation in multilingual federations from an institutional perspective. It explores the evolution of language services in Swiss multilingual

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[1] 'Language does not only serve the community, but it is one of the most wonderful tools to create it' (My translation) Huber, Eugen 1921. *Recht und Rechtsverwirklichung: Probleme der Gesetzgebung und der Rechtsphilosophie,* Basel, Helbing & Lichtenhahn.

governments, which have recently been framed in a more formalised language regime, and compares them with comparable Canadian experiences. The demand for translation can be best explained by the emergence of ethnolinguistic tensions as a public problem, rather than by the explicit demand for specific texts. However, translation politics can only be seen as a part of more comprehensive political projects resulting from different approaches to multilateral and multi-level democracy.

The first section sets a conceptual framework to (1.1.) investigate the role of translation as an institution and as a public policy and (1.2) discusses available research methods to evaluate official translation policies in a federal institutional setting. The second section studies the role of translation in the Swiss official language regime by (2.1) presenting the incidence of Canadian experience on the reform process of the Swiss language regime (2.2) presenting its implication for the management of linguistic services at federal and cantonal level.

1   Translation and institutional environments

The concept of translation has a multiple meaning. First of all, it denotes a target text that has been drafted on the basis of an equivalent source text usually written in a different language code. Secondly, it refers to the process of translating texts across languages on the basis of established conventions and personal choices. Thirdly, it refers to the fact of recoding text as a general approach to multilingual and cross-cultural communication. Fourthly, it may be defined in a more holistic way to encompass all the cultural, social and economic issues related to the representation of concepts, ideas, and facts across different languages (Toury, 1995).

This section aims at setting a conceptual framework to understand the contribution of translation in public action. It first traces an overview on language politics, language policy, and language management based on the theory of institutional environments, and later discusses the contribution of translation as a political institution and as a public policy. It concludes by defining its role in a multilateral and multi-level democratic system.

1.1   Language regimes as institutions

Language can be defined a quintessentially social phenomenon resulting from evolving social processes (Duchêne, 2008). The corpora and statuses of languages evolve over time. Formal and informal linguistic codes can be adapted be adapted for specific communicational purposes or to stress identity marks. However, the use of an extensive set of linguistic conventions is a necessary condition to ensure an effective exchange of information between two or more individuals. The fact of being able to effectively exchange information defines the belonging of an individual to a – monolingual or multilingual – language community. Hence, the concept of language community has a twofold dimension. Its broad definition encompasses all individuals able to exchange information through a common set of language codes, regardless of the context and the strategy used to acquire it and therefore not only including native speakers, but also second-language and foreign-language users as well as multilingual regimes (Laitin, 2000). In a narrow definition, the concept of language community only includes those individuals using a specific language code in most situations of daily life and is therefore limited to native speakers and assimilated second-language users.

In the extensive literature on the politics of language and language policy and planning and their evaluation, a procedural definition of language is often lacking. Linguistic variables found in censuses and institutional datasets are mostly based on normative definitions rather than on positive observations based on variational and interactionist sociolinguistics (Fishman, 1971). In order to avoid relying on normative definitions of official languages, decided by governments themselves, there is a need to conceptualise the linkages between language as an embedded ethnic attribute and its institutional and political dimensions.

Based on the institutional framework proposed by Williamson (2000), we will propose an analytic tool to provide a comprehensive grid to assess the different dimensions of language and the institutional implications of translation (see fig. 1).

INCLUDE FIGURE 1 HERE

It can be assumed that the language codes on which one's mother tongue is based are deeply *embedded* in societies, which evolve trough social change over several centuries. While cross-generational language shifts can be observed in many societies, this change is usually influenced, but not entirely determined by public choice.

The formal standardisation of languages through the definition of grammatical and terminological rules is the result of a first step of economicisation. So-called 'modern languages' – which are usually recognised as official by governments – constitute an *institutional environment* to ensure an effective communication between citizens. The institutional environment sets the formal rules of the games and is defined by social choice. An institutional environment is assumed to last a couple of decades. This assumption can be corroborated by evidence regarding the evolution of corpora and statuses of most modern languages.

The third institutional level, *governance*, results from a further economicisation of the institutional environment. It involves the decision-making process by political institutions such as the adoption of laws implying transaction costs funded by the government budget. Language governance can be considered as the comprehensive implementation of a wide set of language policies, such as language education, translation and interpreting or language revitalisation programmes. Williamson estimates the duration of policies between one and ten years.

The fourth and last institutional level, resulting from the third level of economicisation, involves the allocation of resources at individual level. At political level, it corresponds to the direct impact of public spending to provide goods and services to the population. A language service, such as the production of a translated text, belongs to this level of economicisation.

According to Williamson's model, the influences between institutional levels are bidirectional. As a consequence, individual decisions will have an impact on governance, governance impacts the functioning of institutions and institutions can foster changes at the level of embedded institutions. In linguistic terms, it implies that individual behaviours observed in psycholinguistic, sociolinguistic and microeconomic studies can affect the social dynamics observed at social level.

1.2 *Bringing translation into the institutional game*

The emerging discipline of translation studies has adopted a descriptive approach to analyse the impact of contextual factors in the textual analysis (Holmes, 1975, Toury, 1995). Its functionalist applications have already applied to improve the insight on multilingual legal systems and cross-cultural public discourse (Nord, 1997, Šarčević, 1997, Cronin, 2006). Nonetheless, the understanding about the dynamics of translational processes is still widely lacking in the analysis of multilingual political systems.

The institutional framework of multilingual states is based on *language regimes* defining a set of official languages and a set of rules governing their use (Pool, 1996). In the economic literature on language policy and planning, translation policy is most often considered as a tool to implement specific public policies in an efficient way rather than a public policy on its own. Yet, the dimension of translation stretches beyond its simple function as a language policy.

1.2.1   Translation policy and translation as an institution

The concept of 'policy' applied to translation is widely polysemic (Meylaerts, 2011). Translation policy can be defined as 'those factors that govern the choice of text types, or even individual texts, to be imported through translation into a particular culture/language at a particular point in time' (Toury, 1995). In the same time, it can also refer to the strategies adopted in the translating process (Levý,

1967). Hermans (1997) defines the translation as a social institution consisting in an all cognitive expectations surrounding the translational system.

In a wider sense, translation policy is itself the consequence of a strategy to implement a specific language regime through language policy and planning tools. From a language planning perspective, translation can be considered as an alternative to unmediated forms of multilingual communication such as the adoption of a vehicular language (Selten and Pool, 1991, Grin, 2005, Van Parijs, 2011), foreign language learning (Pym, 1992, Colomer, 1996) or the compensation of linguistic exclusion through other forms of social justice such as financial transfers from the linguistically dominant group to linguistically excluded groups (Grin, 2005, Van Parijs, 2000). In practice, these three approaches to attain a linguistic justice in a multilingual language regime tend to coexist.

Within an institutional framework, language policies and different forms of translation policies can be considered as part of the second and third level of economicisation. At a first glance, it could be possible to assume the existence of a clear hierarchy between the three dimensions of translation policy. First of all, it shall be decided if a translation shall be considered in an institutional system, a decision which is usually taken within a comprehensive strategy on language policy and planning. Secondly, a decision should be taken on which texts shall be translated, a decision which is mostly taken within more detailed regulation on the implementation of the strategy. Thirdly, the decision on how to translate texts is something left to internal guidelines at administrative level, or as an individual choice of translators themselves.

This hierarchy may be less evident if one considers that strategies at the level of the translating process and at the level of texts to be translated can have an important impact in terms of corpus planning. The purpose of most translations is limited to broaden the outreach of legal or administrative texts. However, the translation strategies concerning literary texts with identity-shaping objectives or fundamental legal texts such as constitutions, codes or charters can provide an important contribution to corpus-planning, and more indirectly to status-planning.

The set of translation strategies can be synthesised by defining three broad approaches. Across history, translation has been characterised by a dilemma between source-oriented and target-oriented approaches, at both prescriptive and descriptive level. The first approach aims at providing translations – especially of legal texts – that maximise the morphologic resemblance to the source text and minimise the risks of alternative interpretation due to lexical and morphological asymmetries. Translations based on this approach have long characterised the corpus of legal and administrative text in multilingual states, partly because of the lack of professional training of translators and partly because of a prevailing legal and administrative culture within the state.

In this perspective, source-oriented translations combined with a translation policy aiming at *asymmetrical translation flows* can be a tool to establish polities based on an asymmetric language ideology. This can be the case in nation-building processes characterised by an official language regime based on the coexistence between an national language shaping a common identity on the one hand, and the official recognition of vernacular (regional or minority) language or vehicular (usually trans- or international) languages on the other hand. In Western countries, this model can be found in polities, such as Finland, the Baltic Republics or Israel, in which the revitalisation of an ethnolinguistic heritage played an important role in the nation-building process. Similar patterns can be found at regional level in polities like Catalonia, Euskadi or Quebec. These polities promote translation into a previously dominant language (such as Swedish, Russian, Arabic, English or Spanish) as a form of courtesy, but not aiming at establishing an equivalent text in an equivalent language (Nord, 1997). At procedural level their translation policy is oriented at promoting target texts that are correct from a merely linguistic point of view, but that avoid discursive elements associated to the ethno-cultural or political elements associated with the target language. Characteristic elements of this approach include the use of toponyms, acronyms or legal concepts in the source language, even when equivalents in the target language would exist. In fact, translation is a tool to integrate the language minority within the

majority by transposing its cultural heritage and legal traditions within the minority language, while adapting it to some lexical and morphological characteristics of the majority language.

On the opposite side, target-oriented approaches aim at establishing a *symmetric parallelism* between multilingualism and multiculturalism. These translation strategies aim at creating a target text that respects the 'natrural' lexical, morphological and discursive characteristics of the target language (Šarčević, 1997). Target legal and institutional texts need to be dissociated from the source text and drafted to attain a an equivalent but not identic function in the target language. Hence, the target text needs to adopt the morphological and lexical characteristics of the genre in the target language to look as if it was originally written in this idiom (Toury, 1995, Nord, 1997).

A specific challenge is represented by legal translation. Considering the legally binding character of all official version of a legal act, there is a special need to minimise the intertextual inconsistencies. In the same time, due to the fact that legal texts represent the general will of a political community it is of paramount importance that citizens feel themselves represented by the wording of these acts. As a consequence, there is a strong need to define law-making strategies that can combine these two objectives (FOJ, 2007).

Legal texts drafted in multilingual communities are intended to be adopted in two or more languages. Hence, it is possible to consider the need of adapting the text to two or more legal and/or cultural traditions from the beginning. Switzerland and Canada both developed specific co-drafting approaches to comply with this need.

In Switzerland translation remains the current way to produce three equally binding legal acts. A tradition of bilingual drafting was established during the drafting process of the Swiss Civil Code. Through a fruitful partnership between, Eugen Huber, the author of the German draft, and Virgile Rossel, the French translator, the text anticipated many attributes of the plain language movement (Šarčević, 2005). The – usually German – source text is drafted in a language that avoids using some morphologic and lexical characteristics that cannot be easily reproduced in the target languages. The first is translated at a very early stage, and the two draft versions in German and French are simultaneously proofread by a bilingual team of legal experts and linguists, who proposes potential changes to improve the equivalence between the two versions and improves the compatibility with the language-specific characteristics of the textual genre.

In Canada, federal law does not only need to cope with bilingualism and biculturalism, but also by bijuralism. Since 1776, the continental civil law tradition applies to the territory of the current province of Quebec, whereas the rest of the country is characterised by the common law system. Bijuralism can be approached as 'the simple co-existence of two legal traditions, the interaction between two traditions, the formal integration of two traditions within a given context (...) or, on a more general level, the recognition of and respect for the cultures and identities of two legal traditions.' (Allard, 2001). As a consequence, the legislative process needs to produce two equivalent texts that do not only need to fit into two different cultural traditions, but also to two legal traditions in which the procedural status of a legal text is not the same.

The solution developed to co-draft two equivalent texts in two languages intended to be interpreted in two different legal systems consists in a parallel drafting process of the two versions by a bilingual team of lawyers, legislative editors and linguists.

Nowadays, procedures need to be put in the perspective of multicultural accommodation. Both, the Swiss and the Canadian tradition, aim at producing legal texts that comply as much as possible to transnational terminological and legal conventions of the target languages and, up to a certain extent, to accommodate asymmetric discourses present in the public sphere.

1.2.2 Translation, federalism, and multilateral democracy

Federalism can be approached from different theoretical perspectives, which may lead to different theoretical definitions of federations and federal states (Loughlin et al., 2012). Furthermore, the issue may be complicated by the presence of two parallel terminological traditions, one based around the neo-Latin term of *federation*, used in romance languages as well as in English, and the other one based on the derivatives of the German concept of *Bund*. Historically speaking, a current classification was based on a double dichotomy between federations (*Bundesstaat*) and confederations (*Staatenbund*) (Le Fur, 2000 [1896]). Today, scholars tend to agree on the existence of a multidimensional continuum between the two poles of unitary states with a single level of government and loose associations of widely independent states. Between these two poles, there can be different degrees of institutional, fiscal, regulatory or socioeconomic integration (Watts, 2013). As a consequence, there cannot be a model of federalism in positive terms and each federation needs to be put in the dynamics of its specific state tradition.

From an epistemological perspective, there is an asymmetry between a North-American – and especially Canadian tradition –, a German tradition and, increasingly, a European tradition. The Canadian discourse on federalism has been traditionally been embedded in political theory and political science and closely associated to minority and diversity issues, while in the German-speaking area literature on federalism is mostly concentrated in the departments of public law and public finance (De Schutter, 2011). Last but not least, federalism currently plays an important role in the interdisciplinary area of European studies, where it is no longer approached as a form of national government, but rather as a tool of supranational – or post-national – governance.

From a conceptual point of view, the 'lingua franca' model – essentially based on second-language education – assumes that multilingual federalism shall be based on multilingual citizens and monolingual states, whose linguistic profile allows them to join the *demos* at all level. This model can be referred as *vertical demoicracy*. Citizens belong to two or more public spheres functioning in different languages (Van Parijs, 2000, Tinnevelt and De Schutter, 2008, Busekist, 2012).

The translation-based approach assumes that all citizens have the right to be served and to participate in the public sphere in their mother tongue. As a consequence, multilingual federalism shall be essentially be based on monolingual citizens acting in multilingual states. This model can be referred as *horizontal demoicracy*. The federal public sphere results from the combination of two of more public spheres functioning in their own language, with some mediation (Cheneval, 2011).

A third 'demoicraitic' model can be associated to asymmetric federalism (Cardinal, 2008). On the one hand, there can be an asymmetry between the competences on public policies devolved to federated entities representing the majority and those representing a minority. On the other hand, there can be specific provisions in order to promote the political participation of minorities in the federal institutions. Although none of these states has been traditionally considered as a federation, Britain and Italy can be considered as frontrunners in terms of asymmetric institutional solutions to promote minority rights.

1.2.3 Translation, territoriality, and globalisation

In the last decades, the linguistic environments of Western societies have undergone substantial changes as a consequence of major geopolitical and technological shocks.

The rapid technological progress opened unexpected opened to access, disseminate and exchange information, which almost eliminated the transaction costs of a wide range of language-intensive goods and services (Cronin, 2003). In the same time, the proportion between domestic and foreign shareholders of the largest European corporations was reverted, and progressively followed by a change in the makeup of management and senior staff, resulting in a change of internal language regime (Burckhardt, 2007).

Until the end of the 20th century, most text-based and audiovisual products could be considered as rival goods, as they had to be disseminated on a medium involving substantial intrinsic production costs and transport costs proportional to the distance to the production site. In an institutional environment characterised by the territoriality principle, the size of the market for foreign-language goods was usually too small to cover the fixed costs engendered by an on-site production or import costs. In the last two decades, most of language-intensive goods, such as publications and audiovisual productions, have evolved from being classic private goods to become public goods or club goods, protected by artificial technological or legal barriers.

The consequences of globalisation on local product markets can be summarised as follows:

1. An substantial increase in the variety of language-specific products;
2. A slight increase of the share of foreign-language goods in relative terms;
3. A substantial increase of translated products in absolute and relative terms;
4. A substantial decrease of products originally developed in the local language in relative terms.

New technologies have had a substantial impact on the relations between governments and citizens as well. The falling search and dissemination costs promoted a movement aiming at increasing the transparency of government services, in order to foster a more direct democratic control. Information which was previously only disclosed upon request, is now permanently available to all citizens.

In the same time, the development of e-government services led to a rationalisation of territorialised agencies to supply public goods and services. The centralised production of public products increases the demand for institutional translation as well.

2   Translation asymmetries in federal language regimes

The Swiss literature on the politics of language, language planning – including translation policy – and the evaluation of language management, has been extensively influenced by Canadian precedents.

The 'language issue' that characterised Canadian politics since 1960 has led to the emergence of an intensive discussion on the issue of linguistic justice and diversity management. It did not only involve a competition between two alternative political projects – Trudeau's vision of a binational and bicultural Canadian nation vs. Lévesque's of a monolingual Québécois nation – but it also was the *raison-d'être* of an intensive academic discussion . Based on the seminal work of Kymlicka (1989) and Taylor (1994), the Canadian literature set new normative standards in minority and language politics.

By contrast, the language issue was widely ignored in the Swiss political discourse until the early 1980s, with the creation of the public problem of the 'Röstigraben' (literally roasted potatoes barrier), the linguistic divide between the French- and German-speaking regions of Switzerland (Büchi, 2001, Coray, 2005), and the promotion of the debate on language rights at European level. The Swiss language barrier does not involve any socioeconomic imbalance between the two language communities and does not include any separatist movement worth to be mentioned at federal level. Last but not least, the existence of a single Swiss nation encompassing all recognised language communities is a widely accepted paradigm in the Swiss public sphere (Stojanovic, 2000, Grin, 2002, Dardanelli, 2009).

2.1   Federal official language regimes
The *Official Languages Act* at federal level and of the *Charter of the French Language* at provincial level in Quebec are comprehensive sets of language policy aiming at attaining a coherent objective in

terms of language politics. Both legislations aim at promoting a fair treatment between French and English native speakers, but while the federal law is rooted in a liberal approach based on individual linguistic rights, the provincial charter is embedded in a communitarian approach aiming at promoting collective language rights. These policies can be evaluated in terms of cost-efficiency, fairness and effectiveness by comparing their impact against their costs (Vaillancourt, 1980, 1996, Vaillancourt and Coche, 2009)

The Swiss *Federal Act on National Languages and Understanding between Linguistic Communities* (Languages Act) was adopted in 2007 after a process lasting almost two decades. Its ideological roots could be found in a republican approach to multilingualism, which can be associated to the traditional 'Helvetic system' (Widmer, 2005, Richter, 2005). The aim of the law was to provide a legal foundation to a system of multilingual communication based on receptive multilingualism between the two main national languages. The basic pillar of this system is compulsory foreign-language learning, while official translation can be considered as a complement to ensure an equal treatment between all citizens (status planning) but also a symmetry between the texts written in the national languages (corpus planning).

2.1.1   Asymmetric multilingualism in Switzerland

The 'Helvetic system' is an hybrid form of horizontal and vertical 'demoicracy'. The public sphere is organised horizontally and based on the official recognition of *embedded* languges, which include Swiss-German dialects playing a substantial role in public and private audiovisual services. By contrast, the government sphere is based on the co-existence between monolingual systems at cantonal level, and a bilingual plain-language system – which shows some of the characteristic features of the 'lingua franca' approach – at federal level.

Globalisation and the decline of parallel institutions using the characteristic 'militia system' and its characteristic language regime progressively reduced the contacts of the population with the 'Helvetic system', which is nowadays almost exclusively adopted within the communicational sphere. The effectiveness of the Languages Act to defend and promote this language regime is questionable.

The adoption of education policies excluding French from primary education and promoting the oral use of vernacular forms of German rather than the written standards are considered as a threat for the survival of the 'Helvetic system' as an official language regime (Ribeaud, 2010), which can be considered as a 'language community' itself (Laitin, 2000).

First of all, there is a political inconsistency across levels of governments about the language planning priorities. Since education is an exclusive competence of cantons, the flagship policy of this model depends on its democratic acceptance at this level. The decision by an increasing number of Swiss-German cantons to give the priority to English as second language rather than to French is clearly indicating that the access to the 'Helvetic system' is not considered as a political priority by a majority of the Swiss-German population. Moreover, voters in several cantons have adopted initiatives giving the priority to dialect in primary education, thus indicating their preference for an organisation of the public sphere along ethnolinguistic lines.

Moreover, the compatibility of the 'Helvetic system' comes at odds with transnational personal mobility of people. As a matter of fact, the Swiss labour market is organised on the basis of the principles of linguistic territoriality and language freedom, meaning that the private economy will be organised on the basis of other language regimes, such as the exclusive use of French, German or English as single vehicular languages, or the use of functional diglossia between standard and vernacular German.

Yet, the process which led to the adoption of the Languages Act raised the awareness about other aspects of linguistic justice at government level. One pillar is the promotion of representative

bureaucracy and the right to work in the own language in the federal institutions (Kübler et al., 2009). In the last years, the Federal Administration adopted affirmative action policies based on target values in order to promote a fair representation of language communities. The other pillar of the internal language policy has been a significant investment in translation in order to ensure the right to French and Italian natives to communicate and work in their own language.

The Swiss language regime recognises – directly or indirectly – five languages. However, the status of these languages is not the same. German, French, Italian and Romansh are recognised as national languages. English has no official status, but is mentioned as a possible working or procedural language is a series of legal texts of technical character. German, French and Italian additionally have the status of full official languages. Romansh is recognised as national, but official for the communication with the Romansh-speaking population only; a status that comes close to the one of a regional or minority language.

The Swiss linguistic landscape is widely asymmetrical not only in demographic terms, but also in sociolinguistic terms. According to the latest structural survey on languages (2012), 64% of Swiss residents declare German as their first language, 22.6% French, 8.3% Italian and 0.5% Romansh. English is the first non-national language declared as first language (4.6%), followed by Portuguese (3.4%), Albanian (2.6%), Serbian, Croatian and Bosnian (collectively 2.5%), Spanish (2.2%), Turkish (1.2%) and Arabic (0.5%). This implies that the fourth most spoken national language is downgraded to the eleventh position if non-national languages are taken into account.

The use of the German language among Swiss-born native population is characterised by a functional diglossia between two linguistic varieties. Standard German is predominantly used in written communication as for oral communication in formal settings, but also as a vehicular language with non-natives. Alemannic dialects are used as vernacular language in almost all oral interactions between Swiss-Germans[2]. Yet, an increasing larger group of German native speakers is composed by German and Austrian national, who usually do not speak any Alemannic dialect. As a consequence, the extension of the 'German linguistic community' can be defined in three different ways. A large definition encompasses all users of Standard German – thus including nationals and foreigners whose first language is German as well as speakers of German as a second language. A narrower definition – adopted by the Federal Statistical Office – includes all users of any variety of German but excludes second language users. A third definition includes only native speakers of an Alemannic dialect spoken in Switzerland.

The French-speaking population is concentrated within a traditionally French-speaking territory. In this region, written and oral communication is dominated by the monoglossic use of the French written standard.

In the Italian language region, the written standard dominates both written and oral communication, while local dialects still play a significant, although declining, role. It has to be noted that over half of the Italian-speaking population lives outside the historic Italian-speaking area and is mostly composed by Italian-born immigrants.

Romansh has been an umbrella definition encompassing five regional idioms for a long time. A synthetic standard language based on the five idioms has been developed in 1982 and is now used as written standard by the public authorities at federal and cantonal level. It is classified as definitely endangered by the *UNESCO Atlas of the World's Languages in Danger*.

English is mostly spoken as a second language, but it also includes a significant number of native speakers, mostly concentrated in the urban centres. The Federal Administration decided to base its written standard on the legal corpus of the European Union (Frost, 2008).

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[2] The expression 'Swiss-Germans' (Deutschschweizer, Suisses alémaniques, Svizzeri tedeschi) indicates Swiss nationals having German as their mother tongue. It excludes foreign German native speakers.

Although there should be no difference between the three official languages, the status of Italian is *de facto* subordinated to the one of German and French. Until the first half of the 1990s, most official publications without legal character were only available in French and German[3]. Romansh translations are still available for a very limited set of legal texts with highly symbolic character. These translations do not have any legal value.

In quantitative terms, the volume of texts translated into French and – especially – into Italian has considerably increased since 1990[4]. This development was preceded by a series of events that denounced the lack of efficiency and fairness of the approach adopted until the 1980s. On the one hand, there was an increased political mobilisation by members of parliaments representing the French, Italian and Romansh community requiring a more systematic production of texts in all the national languages. On the other hand, an extensive evaluation process on the efficiency of the Federal Administration denounced the absence of clear objectives in terms of language service and a rather inefficient functioning of the translation services in the departments.

The consequence was a significant expansion of the translation capacities into Italian, in order to increase fairness towards the third-largest language community. During the 1990s, the symmetry of language service was also increased through the employment of translators with German as an active language. This measure allows especially French native speakers to produce texts in their own first language.

However, the Swiss Federal Administration is still characterised by a strong asymmetry between the status of the three official languages. German continues to be overrepresented as language of legal drafting, implying that the French and Italian versions of most of legal texts are actually translations. Although the gap between French and Italian has been narrowed concerning the stock of texts available in each official language, Italian continues to be disadvantaged under many perspectives.[5] First of all, Italian cannot be considered as a procedural language within the Swiss federal institutions. Italian native speakers tend to use German and/or French as their main working language. Moreover, considering that between 10 and 25% of texts are produced in French and therefore do not require any translation, while only around 1% of them are produced in Italian, there is still a shortage of approximately 75 translators (40%) to fill the gap in compare to the capacity ensured by the French language services.[6]

Nonetheless, it needs to be stressed that the lack of official texts in Italian is by far not the main reason limiting the capacity of Italian native speakers to work in their own language. Despite the recent establishment of two Italian-speaking universities by the Canton of Ticino, the supply of academic programmes in Italian is still restricted to a limited set of disciplines at national level. As most Italian-speaking academics were enrolled in French- or German-language programmes, their foreign-language proficiency is usually higher in compare to native speakers of the two main official languages, who tend to follow the whole academic curriculum in their own mother tongue or, increasingly, in English. An academic curriculum in Swiss law taught in Italian is not available at any Swiss university, which implies that most Italian-speaking lawyers have been trained in German or French.

2.1.2 Federal institutions and translation policy

The translation procedures adopted by the Swiss Federal Administration have to cope with a system with four national languages and a rather complex institutional system.

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[3] The annual budget and the annual accounts of the Federal Government were only available in German and French until 2007 and the proceedings of parliamentary debates are not translated into Italian until today.

[4] Informal figures provided by the Swiss Federal Chancellery indicate an 65% increase of full-time equivalent translation positions between 1991 and 2012.

[5] In 1991 there used to be 117.5 FTE positions for translation into French and only 44.4 for translation into Italian. Nowadays, the ratio is narrowed to 152.1 to 111.9.

[6] Own calculations based on an internal survey by the Federal Chancellery.

The Canadian and Swiss political systems are characterised by a cross-level consistency in terms of institutional models. The Westminster system based on the rule of a partisan majority is found at a both level of governments in Canada. A rather unique directorial system, characterised by a clear separation between the executive and legislative branches of government and the absence of a majority vs. opposition dynamics, as well as a rather strong autonomy of each department can be found at all levels of government in Switzerland.

This governance structure has a consequence on institutional translation. In Canada, it is centralised in the Translation Bureau at the Department of Public Works and Government Services.

Within the Swiss Federal Administration, each federal department and most of federal offices have a pool of in-house translators. Due to the distribution of federal departments between representatives of different political parties, and the large administrative autonomy that they enjoy, each department tends to function as an autonomous organisation. Until the early 1990s, the management of language services followed quite inconsistent procedures and patterns across departments. In 1995, a first Ordinance on translation[7] set a series of guidelines concerning the management of translation services and defined division of tasks between the central language services and the departmental services. In 2012, a second Ordinance on translation services[8] introduced an Interdepartmental Conference on Language Services, directed by the Federal Chancellery, with the task of coordinating all departmental language services.

The Central Language Services (CLS) of the Federal Chancellery, themselves divided in three language-specific sections plus a terminology section, are seconded by 36 decentralised translation services established at the general secretariat of each federal department (7), and within 29 federal offices. Two departments, the Federal Department of Foreign Affairs (FDFA) and the Federal Department of Finance (FDF), have a single pool of translators serving all attached offices. The Swiss Parliament services have their own in-house pool of translators.

A cost-efficient management of public resources determines the functioning of both systems. From an accounting point of view, the translation bureau is not directly funded by the general government budget, but it works in the same way as commercial language providers. It 'sells' translation and interpreting services to other sectors of government, including Parliament. As a consequence, the Translation Bureau is funded through the budget of other government agencies or external contractors implementing public policies through public procurement. The Translation Bureau itself occasionally outsources a part of its tasks to commercial language service providers.

The advantage of a centralised system of language services is the concentration of the professional know-how within a single structure, a rather even distribution of the workload between translators, and the flexibility to provide services at any time. The main disadvantage is the lack of a personal contact between the translators and the authors of the texts and the risk that a text going through a long revision procedure is treated by different translators.

Due to the permanent deficit of in-house translators, most departments outsource a significant part of language services to external providers, mostly freelance translators. The average cost of outsourced translations is usually more cost-efficient than internally produced ones. However, this – rather uncoordinated – practice sets a certain number of challenges in terms of quality assurance, and, up to a certain extent, of compliance with international regulations on public procurement.

2.1.3   Legislative co-drafting
A very specific case of translation is characterised by drafting of legislative bills. As in most institutional systems based on the Westminster model, laws are centrally drafted in Canada by the

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[7] Ordinance of 19 June 1995 on Translation in the General Federal Administration (SR 172.081)
[8] Ordinance on the Language Services of the Federal Administration of 14 November 2012 (SR 172.081)

Legislation Service at the Department of Justice. In Switzerland legislative drafting is initiated by the federal offices on behalf of their respective departments.

The system of co-drafting by a mixed team of lawyers, linguists and jurislinguists has been considered as a model to produce simultaneously two parallel and equivalent texts. The advantage is that the two texts are adapted from the beginning to be applied under the two legal systems and that potential translation problems are avoided from the beginning. Due to a system of stable parliamentary majorities, the legislative procedure in Canada is usually quite short, meaning that the texts almost directly land in Parliament for adoption after having been drafted.

In Switzerland the legislative process is much more complex and time-consuming as it has to pass through at least four procedural stages. The first proposal is usually drafted internally by a Federal Office or a group of delegated experts. This first draft is sent to the other federal department or offices for an *internal consultation*, which may endorse, reject or request amendments through a 'co-report'. The revised version is sent to the internal drafting committee of the Federal Chancellery for proofreading. The proofread version of the first draft is later sent to a *public consultation* by stakeholders. In compare to 'green papers' and 'white papers' common in English-speaking countries, the public consultation process in Switzerland is based on a finalized draft of a legislative bill. After the closing of the public consultation, a possibly amended version of the draft bill with a draft message for Parliament is sent for *approval* to the Federal Council. The approved version is sent to the concerned parliamentary committees of the two chambers, which may propose additional amendments or a rejection of the bill, to their respective chambers. Once the bill is finally adopted by both chambers, it is still subject to an optional *referendum*, which can be called in after gathering 50'000 signatures or the support of eight cantonal governments within 100 days.

INSERT FIGURE 2 HERE

The legislative procedure follows a parallel but asymmetric co-drafting procedure in the three official languages. The very first proposal is most often drafted in German and sometimes in French or both languages, depending on the language skills of the drafting team. A translation into French or German is provided before the internal consultation. At this stage, the Italian version is usually still missing.

After the internal consultation, the two versions are sent to the Federal Chancellery to be crosschecked by the internal drafting committees and translated by the Italian section of the Central Language Services (CLS). The Italian draft can therefore be considered as a first interpretation based on the two other language versions.

The public consultation is based on the three equivalent drafts. The German and the French versions may be amended by the competent office after the consultation and sent back to the Federal Chancellery to be proofread a last time and to include the amendments in the Italian version.

The German and French drafting committees of the Federal Chambers are supported by a staff of in-house translators, who are in charge of translating the amendment proposal as well as the working documents for the parliamentary session. The Italian drafting committee is supported by the Italian section of the CLS.

The adopted bill is then returned to the Federal Chancellery, which checks the texts against formal shortcomings and publishes the acts in the Federal Gazette.

This procedure implies that the German and the French text go through three different language services, the in-house language services of the competent office, the internal drafting committee of the Federal Chancellery and the drafting committees of Parliament supported by the linguistic staff of the Parliament Services. By contrast, the Italian version is entirely handled by the Central Language Services of the Federal Chancellery.

The procedure is considerably simplified in the case of ordinances, which do not go through the bilingual co-drafting procedure and are usually translated into French or German by the in-house language services of the competent federal office and into Italian by the CLS. On the other end, major constitutional amendments may be co-drafted in the three official languages by a pool of multilingual lawyers.

2.1.4   An asymmetric organisation of language services
INSERT FIGURE 3 HERE

The asymmetry between a three official languages and an institutional system which is *de facto* based on receptive bilingualism is reflected in the organisation of the language services. Translators having French as active language are clearly over-represented in federal offices, where they do not only translate documents addressed to the public, but also internal working documents. By contrast, their colleagues translating into Italian are concentrated at the level of the general secretariats of the federal departments, where they usually translate final texts to be disseminated to the general public.

Last but not least, German-speaking translators are over-represented in department – like the External Affairs and Home Affairs – which have been traditionally headed by French-speaking politicians and have an over-representation of French native speakers among their staff, including at management level. By contrast, their presence is very weak in departments – like Finances and Defence – where internal communication is almost monolingual (Kübler et al., 2009).

2.2   *Cantonal and Provincial translation services*
Out of the twenty-six Swiss cantons, only four have a multilingual language regime. Out of these three are bilingual (French and German) and one is trilingual (German, Romansh, and Italian). Out of the ten Canadian provinces, two are formally bilingual (Manitoba and New Brunswick), one recognises French as the single official language (Quebec) and the remaining ones are formally English-speaking. Yet, the Canadian situation is more complex than it may look at a first glance. The formally unilingual province of Ontario recognises extensive rights to its French-speaking minority, and Quebec is constitutionally obliged to translate its legislation into English and it also ensures extensive language rights to its autochthonous English-speaking minority. Yet, Quebec's translation policy can be considered as a good example for a source-oriented approach to translation.

2.2.1   Quebec's source-oriented translation policy
In the same time as the Canadian federal government promoted official bilingualism, the Quebec government adopted a policy promoting a model of asymmetric multilingualism. English in Quebec was relegated to a minority status within a polity in which French is the only official language. English translations in Quebec are limited to the provisions set in the federal constitution, implying the fact that legal acts are published in the two languages. Informal translations ('traductions de courtoisie') of texts addressed to an audience outside Quebec or to a restricted group of English-speaking native Quebecers. English translations of official documents of the Quebec government are characterised by a compulsory use of French official terminology (e.g. designation of government departments and agencies) and place names (e.g. accentuation of Montréal and Québec).

The majority of the population in Quebec has shown a very pragmatic attitude towards these competing models. At provincial level, they systematically elected – federalist of sovereigntist – parties supporting an asymmetrical language regime, while they usually sent strong advocates of a symmetrical language regime to the federal parliament. As a consequence, there is an asymmetry between the French and English corpora of administrative texts in Quebec. The French versions of texts originating from the federal and the provincial government are drafted on the basis of similar terminological and stylistic conventions, as both the Translation Bureau and the Office québécois de la langue française aim at promoting a 'natural' use of the French language. By opposition, the official English texts and the 'traductions de courtoisie' are based on different drafting conventions, as they are intended to correspond to different function.

The function of the 'traduction de courtoisie' is not the adoption of an equivalent text, but the production of an illustrative text to facilitate the comprehension of the French original.

2.2.2 Bern and Fribourg: official bilingualism through translation

At a first glance, a certain parallelism can be observed between the situation at federal level, and the situation within the bilingual cantons of Bern and Fribourg. In both of them translation services are decentralised within the directions (department), and both of them adopted a regime of official bilingualism. However, it shall be mentioned that both cantons *de facto* have an internal language regime essentially based on a single working language. As the federal government defines itself as trilingual, but basically works with two procedural languages only, the cantons of Berne and Fribourg reach out to the minority mostly through translated texts.

Although both cantons keep promoting the acquisition of the other official language as first foreign language, the subjective level of personal bilingualism has declined over the last decades. Both cantonal parliaments have introduced simultaneous interpreting. Due to increasing geographic mobility, local bilingual managers are increasingly replaced by unilingual managers educated outside the canton. As a consequence, translators play an increasingly crucial role to transpose public policy in the minority regions.

2.2.3 Asymmetric federalism

The Canadian federation has been characterised since its very beginning by some linguistic and institutional asymmetries. By contrast, the Swiss federal constitution has been historically characterised by its symmetric federalism[9] and by a language-neutral approach. The adoption of a new constitutional article on languages in 1996 marked a shift towards language consciousness and, up to a certain extent, asymmetric federalism. From a normative perspective, it formally recongnises the existence of language communities, and it establishes a hierarchy between them. The German- and French-speaking communities can be considered as 'co-majorities'. All cantons having an unilingual language regime based on one of these two languages are not entitled to any supporting measure. By contrast, the cantons of Ticino and Graubünden are entitled to specific federal support as political representatives of linguistic minorities.

Thus, it can be considered that at least a part of the budget potentially invested for official translation into Italian and Romansh is transferred to representative communities of the minorities to be invested in alternative language-planning projects.

The most developed experience of asymmetric federalism is the Canton of Berne. In this canton, the French-speaking minority can count on asymmetric representative institutions (Conseil du Jura bernois and Conseil des affaires francophone du district bilingue de Bienne) as well as minority quotas for French-speaking residents of the French-speaking territories.

From this perspective, the massive investment in translation at federal level can be considered first and foremost as a way to sustain the horizontal component of the 'Helvetic system', based on the equality between language communities. The improvement of language rights at federal level is a way to contain the minorisation process concerning the Italian-speaking community, and preventing any attempt of minorisation of the French-speaking community.

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[9] With the exception of the historical 'half cantons' of Obwalden, Nidwalden, Appenzell-Ausserhoden, Appenzell-Innerrhoden, Basel-Stadt and Basel-Land, which only have one vote in the Upper House and half a vote in referenda.

3   Conclusion

Canada has been a frontrunner in formalising language regimes, establishing professional language services and developing legislative co-drafting techniques. Its development and its evaluation has been supported by a disciplinary innovation in the areas of political theory, political economy and applied linguistics. It has also set a benchmark used by Swiss policy-makers and academic scholars to conceptualise and assess the formalisation of the 'Helvetic system' as a language regime. Nonetheless, the Canadian language regime falls short to become a generalised model.

The Swiss experience clearly shows the relevance its own state tradition to (re)define its formal language policy. Yet, our study indicates the clear limits of a descriptive definition of Switzerland as a multilingual nation based on a republican project with strong liberal elements. From a normative point of view, the 'Helvetic' model based on a mononational model based on the 'Helvetic system' as a language regime based on receptive bilingualism continues gathering a strong support in the government sphere. Nonetheless, the discoursive characteristics of the public sphere come close to the models of 'multilateral democracy' or 'demoicracy' with some degree of ethnolinguistic polarisation.

A better understanding on the role of translation as an institution and its contribution as a public policy disclose the asymmetric nature of the 'Helvetic system'. A deep integration of French and German professional translators at all administrative levels shall ensure the pluralistic character of the federalist institutions through a language regime based on the written standards of the two 'co-majorities'. At different degrees, the Italian and Romansh minorities have undergone a minorisation process. Translation into these languages – generalised for Italian and selective for Romansh – is mostly monodirectional and completed with measures of asymmetric linguistic federalism. The growing presence of translation from and into English, as well as the choice of 'EU English' as the written standard for these documents, tends to confirm the 'lingua franca' thesis.

The combination between studies on mult-level governance and translation policy indicate that multilingualism does not only have a horizontal dimension, but also a vertical one. Hence, there is a need to develop the understanding on the contribution of translation in multi-level governance and multilateral democratic systems.

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Figures

Figure 1 – Institutional environments, language policy and translation

Frequency (years)	*Level*	*Language*	*Translation*	*Discipline*
$10^2 - 10^3$	Embeddedness	Vernacular languages		*Social theory*
10 to 10^2	Instututions	Official languages	Institutional translation	*Political theory, Politcal economy*
1 to 10	Governance	Language policy	Translation policy	*Transaction costs economics, Public policy*
Continuous	Distribution of resources	Language management	Translation proces	*Public management*

Based on Williamson (2000)

Figure 2 – Legislative co-drafting in Switzerland

Text *Procedure*	Authority	**German**	**French**	**Italian**	**Romansh**
First draft	Federal office	Federal office/ Experts group	Federal office (translation)		
Internal consultation	*Federal administration*				
Pre-draft	Federal Chancellery	Internal drafting committee (proofreading)	Internal drafting committee (proofreading)	Central language services (translation)	
Public consultation	*External stakeholders*				
Legislative bill	Federal Council	Federal office/Drafting committee (review)	Federal office/Drafting committee (review)	Central language services (translation)	
Deliberation	*Parliament (Committees)*	*German drafting committee (Parliament) (co-drafting)*	*French drafting committee (Parliament) (co-drafting)*	*Italian drafting committee/ Central language services (translation)*	
Legal Act	Federal Chancellery	Drafting committee (check)	Drafting committee (check)	Central language services (check)	Central language services (optional translation)

Figure 3 – Language services in the Swiss Federal Administration

	de	fr	it	en	rm	**Total**
Central services	9.1	12.1	24.6	3.4	0.6	**49.8**
	34%	*8%*	*22%*	*25%*	*100%*	*16%*
Department Secretariats	8.6	57.15	56.6	7.4	0	**129.75**
	32%	*39%*	*50%*	*54%*	*0%*	*43%*
Offices	9.3	78.38	32	2.9	0	**122.58**
	34%	*53%*	*28%*	*21%*	*0%*	*41%*
Total	**27**	**147.63**	**113.2**	**13.7**	**0.6**	**302.13**
	100%	*100%*	*100%*	*100%*	*100%*	*100%*