
Crónicas y Documentación

Bibliografía de Derecho Constitucional canadiense.

Selección de Agustín Ruiz Robledo

*(A doña Encarnación Álvarez, con la que tanto hablamos
de Canadá y de nuestros canadienses)*

INTRODUCCIÓN

El *Dominio* del Canadá surge en 1867 y, quince años después, aparece el primer libro en español sobre él, "Cómo se Gobierna el Canadá", traducción de una obra de similar título de J.G. Bourinot. Pero tan temprana preocupación por el país norteamericano no supuso el comienzo de una tradición española de estudios canadienses, que nos hubiera llevado a ser unos auténticos pioneros de la *canadianística*. Por contra, tras la publicación de ese libro, Canadá ha sido un *desierto impresor* en la bibliografía española, muy especialmente en el campo del Derecho.

Esa falta de estudio es muy llamativa porque Canadá ofrece una peculiaridad que debería hacerlo interesante para los especialistas españoles en Derecho Comparado: su distribución territorial del poder político. Precisamente, "Cómo se Gobierna el Canadá", tenía la finalidad -y así se reconoce en el Prólogo- de difundir un "hermoso e instructivo ejemplo" de "autonomía colonial" para Cuba. No deja de resultar sorprendente que no se haya seguido esa opinión *ad intra* cuando la necesidad de buscar modelos que pudieran ser útiles en nuestro país ha propiciado que, tanto en la II República como -sobre todo- en la actualidad, no hayan faltado libros sobre los más diversos Estados compuestos.

Lentamente se va despertando en el mundo jurídico español un interés por Canadá, de tal forma que a los pioneros trabajos de Muñoz Machado y Bricall, muy volcados en la perspectiva económica del federalismo canadiense, se le van agregando

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otros que afrontan cuestiones muy diversas. La creación en 1990 de la Revista Española de Estudios Canadienses hace preveer que ese número de estudios sobre el sistema jurídico canadiense pronto aumentará de modo exponencial.

Con la intención de facilitar, en la medida de mis fuerzas, ese aumento he preparado la bibliografía siguiente, en la que he reunido medio millar de libros sobre la Constitución canadiense y a la que he antepuesto un trabajo sobre la crisis actual de su federalismo [véase, en ésta misma revista, RUIZ ROBLEDO, Agustín: "El federalismo canadiense"]; el cual -en sustancia- es la conferencia que dicté en el I Curso Superior de Estudios Canadienses en diciembre de 1991 en la Universidad de la Laguna, organizado por una de las personas que más está haciendo por difundir los estudios canadienses en España, el profesor Bernd Dietz.

El número de libros que he reseñado implica, evidentemente, que no se trata de una bibliografía exhaustiva, pero es lo suficientemente amplio como para cubrir, desde distintas perspectivas, los principales temas constitucionales. El grueso de las obras señaladas son posteriores a la Ley Constitucional de 1982, aunque me ha parecido conveniente incluir libros anteriores de importancia y, por supuesto, los clásicos, que un país tan moderno como Canadá también los tiene.

Sin ánimo de teorizar ahora mínimamente sobre el contenido del Derecho Constitucional, creo que para comprenderlo es necesario conocer tanto la sociedad en la que se va a desenvolver una concreta Constitución como sus fuerzas políticas, al fin y al cabo, ellas son las productoras de las normas jurídicas. Esta opinión me ha llevado a incluir, con moderación, en esta relación bibliográfica algunas obras de ciencia política, los informes constitucionales más relevantes de las comisiones parlamentarias e, incluso, las opiniones de grandes personajes de la vida pública canadiense, como Trudeau y Levesque.

Clasificar por materias las obras de derecho constitucional de cualquier país siempre es una tarea difícil, que se complica tanto en el caso canadiense que en algún momento he pensado limitarme a relacionarlas alfabéticamente. Ello se debe a un importante cúmulo de razones, entre las que destaco tres: la forma de Estado federal *cruza* todo el ordenamiento constitucional; la tenue barrera que existe en la cultura anglosajona entre el derecho constitucional y la ciencia política; y la costumbre norteamericana de las compilaciones de artículos, que origina que en un mismo libro se aborden los más diversos temas. Al final, me he decidido por hacer una somera clasificación en seis materias y aún así tengo para mí que me he equivocado, no pocas veces, al enviar un determinado libro a un apartado y no a otro. A veces, incluso, tengo la impresión de haber sido más arbitrario de lo permisible, como cuando incluyo todos los trabajos sobre el fallido pacto del Lago Meech dentro de "federalismo" en lugar de en el apartado "general"; pero me parece que, materialmente, la importancia de las relaciones entre Ottawa y las provincias (o entre el Canadá inglés y el francés) justifica este atentado al respeto estricto del contenido formal.

Por otra parte, he preferido no reseñar artículos de revistas ya que su localización desde España suele ser un poco complicada (las distribuidoras, por ejemplo, no suelen atender pedidos de revistas) y, por otra parte, la costumbre anglosajona de recopilar trabajos hace que los principales artículos estén casi todos *editados* en los libros que se citan.

La recopilación bibliográfica la he hecho en Granada, donde -gracias a la generosidad del Gobierno canadiense- tenemos una biblioteca bien provista en estos temas; y en Ottawa, donde he pasado el mes de diciembre de 1991 disfrutando de la perfecta organización y la amable acogida de las Bibliotecas de las Universidades de Carleton y Ottawa, así como de la hospitalidad de Carlos, Alena y Alex, tres amigos con los que cada vez tengo una deuda más difícil de saldar.

En fin, no me queda más que añadir en esta Introducción la referencia obligada a tres personas que han alentado y hecho posible este trabajo: Bernd Dietz, Presidente de la Asociación Española de Estudios Canadienses; Lorraine Choquette, agregada cultural de la Embajada Canadiense; y Joan Oliver, Secretario General de la Universidad de las Islas Baleares; a ellos y a las instituciones que representan, mi agradecimiento más profundo.

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