

FOREWORD

William G. Saywell
President, Simon Fraser University

The long-continuing constitutional debate, within Canada, stemming from the “Quiet Revolution” in Québec and French-speaking Canadians’ claims for recognition in the Constitution itself of the French language and the French culture in Québec, has brought a search today for new constitutional-governmental models or paradigms capable of taking us all safely into the twenty-first century. This has meant not merely satisfying Québec’s special interests and claims but also, increasingly, an attention to general constitutional modernisation and to the up-dating of old institutions and processes inherited from 1867 so as to meet the radically new conditions and needs of Canadian society today.

Constitutionalists, today, are necessarily Comparatists. One tries to profit from the often difficult and painful, occasionally trial-and-error expertise of other countries trying to deal with political, social, and economic challenges similar to our own, and to see the lessons that those other countries may have to offer us. For students of Contemporary Constitutionalism, no country’s experience has been more seriously studied than that of the West German federal state formed out of the three Western zones of Germany in 1949 and endowed with what was then described as a temporary governmental charter, pending final reunification of Germany. The Basic Law of 1949 has indeed stood the test of time and has now become, with the need of minor changes only, the Constitution of a reunited Germany. It has also become the preferred Constitutional model, for democratic Constitution-makers around the world, of a functional, co-operative federalism; and its most celebrated institution, the Federal Constitutional Court, is by now established as the archetype Supreme Court endowed with powers of judicial review of Constitutionality.

It is therefore extremely appropriate and timely that Simon Fraser University, through its Institute for the Humanities and its Department of Political Science, should now in co-operation with the *Goethe-*

Institut of Vancouver, organise a special, bilateral Canadian-German conference on the theme “The Challenge of Contemporary Constitutionalism: Canadian and German Federalism-in-the-Making,” held in the University’s new downtown, Harbour Centre campus, on 26-27 September 1991. I welcome the co-operation, in the Conference proceedings, of so many distinguished judges and professors from the two countries, and it is particularly pleasing that the Conference papers are now published in permanent book form as a contribution both to scientific knowledge in Constitutionalism and also to current ventures in Constitution-making and drafting in a number of countries—Western and Eastern Europe, North America—around the world.