

Constitución no escrita de Gran Bretaña

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por:

Tema: [Carta Magna hoy](#)

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A diferencia de la mayoría de los estados modernos, Gran Bretaña no tiene una constitución codificada sino una no escrita formada por leyes del parlamento, sentencias judiciales y convenciones. El profesor Robert Blackburn explica este sistema, incluido el lugar que ocupa la Carta Magna en él, y pregunta si el Reino Unido debería tener ahora una constitución escrita.

Para la mayoría de las personas, especialmente en el extranjero, el Reino Unido no tiene una constitución en el sentido más comúnmente utilizado en todo el mundo: un documento de importancia fundamental que establece la estructura del gobierno y su relación con sus ciudadanos. Todos los estados modernos, salvo el Reino Unido, Nueva Zelanda e Israel, han adoptado una constitución documental de este tipo, siendo el primer y más completo modelo el de los Estados Unidos de América en 1788. Sin embargo, en Gran Bretaña ciertamente decimos que tenemos una constitución, pero es una que existe en un sentido abstracto, que comprende una serie de diversas leyes, prácticas y convenciones que han evolucionado durante un largo período de tiempo. El hito clave es la Declaración de Derechos (1689), que estableció la supremacía del Parlamento sobre la Corona tras el reemplazo forzoso del Rey James II (r.

Desde una perspectiva comparada, tenemos lo que se conoce como una "constitución no escrita", aunque algunos prefieren describirla como "no codificada" sobre la base de que muchas de nuestras leyes de carácter constitucional están de hecho escritas en Actos del Parlamento o ley informes de sentencias judiciales. Este aspecto de la constitución británica, su naturaleza no escrita, es su característica más distintiva.

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