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Título: Judicial Review In México: A Study Of The Amparo Suit

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The "amparo" suit is a Mexican legal institution similar in its effects to such Anglo-American procedures as habeas corpus, error, and the various forms of injunctive relief. It has undergone a long evolution since it was incorporated into the Constitution of 1857. Today, its principal purpose is to protect private individuals in the enjoyment of the rights guaranteed by the first twenty-nine articles of the Constitution. Mexico after its independence produced many constitutions. One of the earliest problems was to find an adequate means of defending the Constitution against ill-founded interpretations of its precepts. Like the United States, Mexico has developed a system of constitutional defense in which the judiciary is the supreme interpreter of what this document means. Unlike the United States Supreme Court, however, the Mexican Supreme Court has not been innovative in its decisions or contradicted the administration on major policy decisions. This difference must be attributed to the civil law system of Mexico as well as to the political climate. The first part of Richard D. Baker's book describes the historical background of "amparo" and other methods of constitutional defense in Mexico. The three men most closely associated with creating a judicial form of constitutional defense in Mexico were Manuel Crescencio Rejón, José Fernando Ramírez, and Mariano Otero. Their own writings indicate that the immediate source of "amparo" must be found in the American institution of judicial review that was transmitted to Mexicans through Alexis de Tocqueville's "Democracy in America." The second part is an exposition of the workings of the "amparo" suit in the twentieth century and the constitutional and statutory provisions affecting it. Since 1857, when it was incorporated into article 102 of the Constitution, the "amparo" suit has evolved into a highly complex institution performing three functions: the defense of the civil liberties enumerated in the first twenty-nine articles of the Constitution, the determination of the constitutionality of federal and state legislation, and cassation. The Supreme Court is primarily limited to defending civil liberties through the "amparo" suit; it remains less innovative and more restricted than the United States system of judicial review, especially in the effect of its judgments on political agencies. Baker's study is the first one in English dealing with this subject and is one of the most extensive in any language. It should be welcome as a valuable tool to all students of Mexican law, history, and political thought