Contents

Ac	knowl	edgements	vii	
	Table of Cases			
		Legislation	xvii	
	3			
1: Mexico's Constitutional Trajectory				
	I.	Introduction	1	
	II.	Democracy	3	
	III.	Republicanism	7	
		Federalism	11	
	V.	Separation of State and Church	13	
	VI.	Fundamental Rights	15	
	VII.	The Nation's Ownership of Mineral Resources	17	
	VIII.	Conclusion	18	
2: Democracy and the Electoral System				
	I.	Introduction	21	
	II.	Institution-building and the Transition to Democracy	21	
	III.	The Judicialisation of the Electoral-Political Process	30	
	IV.	The Impact of the Inter-American System on Human		
		Rights	38	
	V.	Conclusion	42	
3: The Legislative Branch of Government				
	I.	Introduction	47	
	II.	Bicameralism	49	
	III.	Rules on the Integration of the Two Chambers of		
		Congress	50	
	IV.	Organising the Work of Both Chambers of Congress	53	
	V.	The Committee System of Congress	55	
	VI.	Parliamentary Groups in Congress	56	
	VII.	The Permanent Committee of Congress	58	
	VIII.	The Powers of Congress	59	
	IX.	The Legislative Process	62	

	X.	Congress's Powers to Check the Executive	64		
	XI.	Jurisdictional-like Functions of Congress	67		
		The 'Superior Audit of the Federation'	72		
	XIII.	Conclusion	75		
4:	The	Executive Branch of Government: Presidencialismo	77		
	I.	Introduction	77		
	II.	The Formation of the Tradition of a Strong Executive			
		Power	78		
	III.	Social Change, Economic Reorganisation and			
		Constitutional Reform: The End of the Hegemonic			
		Party System	82		
	IV.	Election of the President and his Position as Both			
		Head of State and Head of Government	87		
	V.	The President and the Legislative Process	88		
	VI.	The President and the Fiscal Process	93		
	VII.	Conclusions	100		
5:	The	Judicial Branch of Government: Courts and			
		Review	103		
	I.	Introduction	103		
	II.	The Structure and Organisation of the Judicial Power	105		
		in Mexico	106		
	III.	Judicial Power, Control of Constitutionality and the	200		
		Writ of Amparo in Mexico	113		
	IV.	Backlog as the Consequence of the Amparo Casacion:	110		
		'The Impossible Task of the Court'	120		
	V.	Towards a Constitutional Court: The Reform of 1994	123		
	VI.	The Court's Article 97 Investigative Power	128		
	VII.	Conclusion	131		
6:	The Federal System 13				
	I.	Introduction			
	II.		135		
	11.	The Constitutional Formula for Allocating Legislative	120		
	III.	Competences Fiscal Federalism	138		
			145		
		Mechanisms of Collaboration in Mexico's Federal System	149		
	٧.	Municipal Government	152		

		Contents	xi
	VI.	The Constitutional Status of the Federal District	155
	VII.	Recent Developments in State Constitutionalism	158
		Conclusion	159
7:	The	Protection of Human Rights	163
	I.	Introduction	163
	II.	Domestic and International Pressures and the Shift	
		Towards a New Human Rights Policy in Mexico	166
	III.	Changes in the Supreme Court's Interpretation of	
		Human Rights	170
	IV.	Constitutional Reform Relative to the Criminal	
		Justice System	177
	V.	The Emergence of a New Paradigm on Human Rights	179
	VI.	Freedom of Religion and the Separation of State and	
		Church	185
	VII.	Conclusion	191
8:	The Constitution and the National Economy		
	I.	Introduction	193
	II.	The Constitutional Regime of Property Rights in Mexico	195
	III.	Public Property	201
	IV.	Planning	204
	V.	Agrarian Reform and Social Property	206
	VI.	Expropriation of the Oil Industry	208
	VII.	The Electric Power Sector	213
	VIII.	Conclusion	215
C	onclud	ling Thoughts: Democratic Transition and Constitutional	
		Change in Mexico	219
In	dex		223