



UNDERSTANDING CONSTITUTIONAL AMENDMENTS IN
MEXICO: PERPETUUM MOBILE CONSTITUTION

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ABSTRACT. *In spite of being formally rigid, the Mexican Constitution is frequently amended. In this article, I analyze the constitutional amendment procedure in order to understand the causes, consequences and potential solutions of the accelerated rhythm of constitutional amendments in Mexico.*

KEY WORDS: *Constitutional amendment, rigid constitutions, flexible constitutions.*

RESUMEN. *A pesar de ser formalmente rígida, la Constitución mexicana ha sido reformada con gran frecuencia. En el presente artículo se analiza el procedimiento de reforma constitucional para entender las causas, consecuencias y potenciales soluciones al acelerado ritmo de reformas constitucionales en México.*

PALABRAS CLAVE: *Reforma constitucional, Constituciones rígidas, Constituciones flexibles.*

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I. BRYCE REVISITED: FLEXIBLE AND RIGID CONSTITUTIONS

1. *Academic classification*

James Bryce, a constitutional scholar, is better known for his famous characterizations of constitutions as rigid or flexible. In his prominent essay *Flexible and Rigid Constitutions*, Bryce proposed a new classification of constitutions based on “(...) the relation which each Constitution bears to ordinary laws of the State and to the ordinary authority which enacts those laws.”¹

In his view flexible constitutions:

“(..) are on the level of other laws of the country, or also in the form of recorded decisions defining and confirming a custom. Such Constitutions proceed from the same authorities which make the ordinary laws; and they are promulgated or repealed in the same way as ordinary laws”² (...) “Technically, therefore, we cannot draw a distinction between constitutional and other laws.”³

On the other hand rigid constitutions:

“(...) stand above the other laws of the country which they regulate. The instrument (or instruments) in which such a constitution is embodied proceeds from a source different from that whence spring the other laws, is repealable in a different way, exerts a superior force. It is enacted, not by the ordinary

¹ JAMES BRYCE, CONSTITUTIONS 7 (Oxford University Press 1905).

² *Id.* at 7-8.

³ *Id.* at 12.

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