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Derecho y grupos desaventajados

By Gargarella, Roberto (Compilador), ,

Ed. Gedisa, 1999. soft. Book Condition: New. Durante mucho tiempo se consideraba que un sistema constitucional adecuado podía resolver las principales injusticias y desigualdades sociales. Se adoptaron Constituciones que prometían ciertos derechos básicos iguales para todos los individuos. Sin embargo, esta promesa no tardó en mostrar serios límites. Se criticaba los derechos constitucionales como mera ficción, el Parlamento como incapaz de representar a los ciudadanos de un modo adecuado y el poder judicial como instrumento de los intereses de unos pocos. ¿Qué era lo que provocaba estos problemas? ¿El cambio de la sociedad en un sentido cada vez más plural y heterogéneo? ¿Una mayor democracia que permitía presentar demandas en otro momento sofocadas? ¿O, acaso, la Constitución original era menos perfecta de lo que se creía? Lo cierto es que muchos grupos sociales afirmaban que en lugar de prometer a todos los individuos los mismos derechos, la Constitución debería establecer tratos diferenciales y derechos especiales para los más desaventajados. Los estudios de este volumen, realizados por profesores de la Universidad de Yale, se ocupan de la necesidad de reformar el derecho para asegurar a los sectores más desaventajados un "justo trato", algo que, por ahora, el derecho sería incapaz...



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