Federalism

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Federalism and Juristocracy

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Federalism and Juristocracy

Being the most requisite inspiration in democracy spread across the world, the United States may not be among the world's most renounced nations as claimed by its state secretary many years ago. Ironically, the idea has not yielded an impact on the simulation of the America's organizational bodies such as the presidency. Thus, the major political system of the America that seems to be replicated is the undemocratic one. Hence, this paper aims at analyzing all the possible concepts of federalism in regard to juristocracy.

Comparing the Role and Impact of Federalism and Juristocracy

With the technological advancement and generational evolution of the modern world, the foundation of any given country or a state is devising documents, the constitution, that pertains all its legal actions, rules and regulation. The constitutions serve as a fundamental basis that creates the kind of governing establishment that a nation operates with in regard to the betterment of the nation's future. It is therefore with a great consideration that in this case, the constitution of United States has had a philosophical impact on the global history and the daily operational measures that the nation partakes. On the other hand, Eastwood's idea that the constitutions can either be a principle or a restriction towards government's abilities and power leads to a state known as constitutionalism. The state of constitutionalism embraces public opinion, whereby, people are given the power and ability to control the government and not the government controlling the people (Dickovick et al., 2016). While constitutionalism aims at embracing the public opinion, a nation's constitutional development is very significant since the nation or the states will not only show a presence of federalism, but it will ensure a direct influence on citizens and the magnitude of juristocracy conveyed.

In order to understand and defend this argument, the two concepts that are being presented should be clearly defined, well elaborated, and understood. Hence, the United States of America sets a very good example federalism in that, its political system offers numerous levels of government that have had some impact on the degree of self-governance or sufficiency, also referred to as autonomy (Dickovick & Eastwood, 2017). Practically, the government has portrayed the autonomy system in the same region. The constitution therefore, guarantees different states in the U.S of maintaining certain rights regardless of the difference in law. This is due to the fact that laws can always differ from state to state within the same country. On the contrary, a well-designed constitution utilizes both the state and its people in regard to unitarism or juristocracy. Thus, juristocracy regards the central government as the main level of authority or government that is recognized by the constitution. Additionally, power is not divided in the constitution and governance of the different layers within the government bodies, but the power exists wholly in the central government.

Many states or towns worldwide replicate this juristocracy type of governance and reflects it in their constitutions, with partly dominance by local authorities in respect to the size of the cities, towns, or states. Studies from the professions of the international relations have it that larger states have more population, hence, higher probability of embellishment from federalism. For instance, South Africa, United States of America, Brazil, India, among others. On the other hand, smaller states with less diverse population operate efficiently and effectively under a unitary government system (Dickovick & Eastwood, 2017). But regardless of the size of the state, what matters most is the blueprint of the constitution and its ability of effective execution.

The effectiveness and the methodology used in execution are solely determined by weighing whether the state is democratic or authoritative. The authoritative governance may seem absurd, but it has constitution that serves at nothing less but the by-laws of the government. Also, some authoritative government systems assure of certain freedom within the state. This freedom is reflected in the constitution as a foundation of their promising legitimacy. However, as the authority gains power, they promised freedom can either be fulfilled or forgotten (Dickovick et al, 2016). For instance, the constitution of the Soviet Union promised its people better health facilities, better education systems and programs, better senior pension plans, and better housing as their rights. But unfortunately, the promises made were never materialized.

Nonetheless, the federalism constitution has mounted several questions on the better mode of governance to be applied. For example, experts have raised multiple questions to determine whether federalism constitution is good for the society or not. As many argue that the many factors that decisions are being based on allows room for a cohesive society that enables citizens to be well represented. Others, however, believe that with such a comprehensive government execution range, secularizing of people and division of a state is inevitable. Basing this fact on the US, these are some of the factors that contributed the civil wars in America, since some states assumed that it was up to the state jurisdiction to determine whether slavery was legal. Meanwhile, the federal government aimed at making the slavery issue unconstitutional.

Examples from the United States

Correspondingly, one must wonder whether federalism is actually approvable for democracy. While the governmental power delegated gives room for forethoughts to states to build their indigenous legal systems in regard to their discrete beliefs, the sense of equalization is lost as rights provided for individuals differ from state to state as a result of individual freedom.

For instance, the medicinal and recreational purpose of marijuana is legalized in states such as Colorado but very in states like Kansas (DISA, 2020). This allows people to live the way they want. Lastly, federalism may or may not be good for the economy. When the government offers various economic activities for corporation from different states, it allows for competition and an eventual economic growth. On the contrary, in the absence of a competitive business environment, the federal government has to offer financial assistant to states, posing risks to the economy (Dickovick et al, 2016).

Another Country that has been Influenced

Another country that has been influenced by juristocracy is South Africa. This country is known for her history of the government system that was oppressive and violent, referred to as Apartheid. The whites dominated the blacks. The parliamentary authority was subjected to corruption and power abuse which was seriously noted during the formation of new constitution. The judicial courts were then granted the responsibility of ensuring that the government acts with limits and with the people's interest at heart. This was meant to enforce freedom within citizens of South Africa. Thus, the judicial council has gained more power that the African National Congress (ANC) had to step in. this is noted when Herbert Kawadza said, "continued intrusion might blur the lines that separate the judiciary from the legislature and Executive. Political constitutionalism, especially the alleged supremacy of the political system over the courts is best manifested through a number of statements by government ministers and the ANC's spokespeople" (Kawadza, 2018). He further stated that the ANC's Secretary General, Gwede Mantashe, criticized the judicial courts for the act of defiance toward political amendments. And just like federalism, juristocracy can either impose negative or positive effects on a states' ability to prosper in regard to the constitutional execution by the government body.

Influence in light of Biblical Principles and a Judeo-Christian Worldview

Both Biblical and Judeo-Christian assessment in examining federalism and juristocracy concepts are applicable. For instance, in the book of 1Samuel 13:8-14, King Saul waited for Samuel to come and make an offering before leading his soldiers into a battle with the Philistines. Samuel did not turn up; hence king Saul had to do it himself, an act that was forbidden. Since king Saul action was beyond the authority bestowed on him, he was punished by Samuel. Saul's kingdom was cursed by Samuel as a result of him failing to have faith in God by obeying. Thus, the will of God was made clear to the people of Israel through Samuel that God was the one to make the judgement. Even though Samuel did not convict king Saul, this shows that judicial appraisal cannot be overlooked by orders or laws presented (Titus et al, 2006). Another example is when Moses, in the book of Exodus, is instructed by his father to choose the able men to help him in his tasks and put them in groups. Moses is further instructed to allow leaders pass judgement to people that were in groups (Hyatt, 2010). This scenario shows federalism in that responsibilities and power were delegated to several layers in the government.

In conclusion, both federalism and juristocracy have positive and negative impact on the development of the constitution. Nevertheless, the effectiveness of the constitution relies solely on the government structure. The authoritative governance rarely delivers as opposed to the democratic governance. Juristocracy as a concept is very essential in government body as it protects civil rights and bargains on the state of legislature in the constitution. Thus, from the Judeo-Christian view, God's word should also be used while implementing laws, as in 1Samuel 13:4-14. Finally, federalism is also seen in the Bible, as leaders like Moses granting authority and power to small groups allowing room for public opinion.

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