

# Federal constitution is undemocratic essay sample

[Law](#), [Constitution](#)



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## Introduction

The provision of the right of the citizens to participate equally to the processes of the government is what we know as democracy. Giving the recognition to public participation is one way of showing to the people that their voice matters and that the government values their insights. However, there are countries in the world that do not believe in democracy and so they have been governing their respective territories with other political ideology. Some would subscribe to the implementation of federalism, communism, socialism, capitalism and such. Though they have been subscribing to such ideologies with enough reasons behind, the voice of the masses should be on the top priority to be heard because they have been the reason why a government has to be established—to provide basic social services, to improve the welfare of the community, to provide equal footing to all and to achieve development.

## **Countries with Federal Constitution**

The federal constitution which has been practiced in America and in some Asian countries like Malaysia, has been allegedly termed to limit democracy. Robert A. Dahl, a political scientist and author of the book 'How Democratic is the American Constitution?' mentioned the undemocratic elements of the federal constitution.

## **Why Federal Constitution is Undemocratic**

Some of these are the following: the tolerance of slavery in the state, suffrage and the manner of presidential election. Suffrage is one that he highlighted most. In his book, he said that the rights of the women and the indigenous people have not been protected and specifically abridged. It was in 1920 when the nineteenth amendment of the American constitution has prohibited the denial of suffrage due to sexual orientation and due to race. The issue of suffrage continued until the twentieth amendment of such constitution.

The election of the state president was also undemocratic as the election happens through the establishment of an electoral college in which each state is given with the number of electors proportional to the congress. However, the issue with this is the ratio has not been proportional as always.

Others undemocratic provisions include the representation in the state in which two senators are allowed to take a seat in the state regardless of their population. Therefore, either big or small the population of the state is, both will have two senators. This is also the concern in the election of state president—the proportion is not valid. It does not represent the whole

population per se.

The judicial power as well is undemocratic. In United States, the judges are appointed and never elected. Their influence makes them be in the seat they are now. They also have a high threshold for removal that makes them feel they are independent. They have the power to rule even though having no accordance to what the constitution says. They can rule unconstitutionally any law or rule even those which were duly approved by the United States legislature and even the ones signed by the president of the United States. It is indeed an autonomic decision making body in which no one can intervene but the judges.

Having the limitations on the Congressional power is also seen to be undemocratic. As the constitution reserves sovereignty in the majority of the regulations dominant to the states, the powers of the congress must not be limited to a specific list. In 1895 to 1913 where the Sixteenth Amendment of the American Constitution has been ratified, the federal income tax has been impracticable as it has limited the revenue which was made available to the federal government. The Supreme Court has also narrowed the economic powers of the congress during the laissez faire period providing little power to the federal government to affect the economy. In short, the congress has not been given equal power as the other policy making bodies have. They are near the footing of the citizens and of the public rather than be in equal footing with those who has seats in the government of the United States.

## **Conclusion**

It is not yet too late for the federal constitution to get away the limitations in achieving a democratic country or state. To make it the best constitution

which could provide the best welfare and development to the people and to the whole country or state, it shall observe the present of stable political backbone, effective and fair protection of democratic rights as well as democratic fairness, the use of consensus building and the promotion of effective problem.

A constitution must protect democratic right. Government is made by the people for the people and not only to vest unnecessary political powers to those who do not recognize the public. Though federal constitution also have good sides, the point lies where the people has been limited, not given equal footing and obliged to follow under a leader that is only appointed and not elected. People should be given more importance than the other goals of having a government. Any political ideology would work but it has to make sure that it is able to address the needs and the wants of the people in a certain area or state.

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