# The Role of Constitutionalism in the American Political Culture

## Introduction

State constitutions are put in place to safeguard the laws of a society and other significant values that protect people’s privacy and free speech. State constitutions work hand in hand with federal constitutions in protecting the rights of individual Americans. In fact, federal constitutions were inscribed after state constitution becoming part and parcel of each other. Besides, these two set of constitutions work together for the better good of the American people. The American federal system embraces dual sovereignty and the state constitutions have the freedom of working independently but also upholding the laws of the federal constitution. This paper will illustrate how the texts in the federal and state constitution depend on the existence of each in defending the core values of the American society.

## Role of Constitutionalism

Federal constitutions act as standard criteria on which state constitution decisions are tested upon. In some instances, cases happening at the state level are concluded on a platform of equality and liberty boundaries while others can be compared to questionable federal cases. However, state constitutions are founded on the structures of liberty and freedom which are the leading description of the national values and the federal law (Long, 2009, p.795). In spite of that, there are situations where state courts have used the substantive law to shift away from the decisions reached by the United States Supreme Court. In this case, the state court gives verdicts that support the accused criminal or the basic civil rights of the complainant.

The decisions reached by the Supreme courts are always final and the opinions given by the justices on the bench about constitutional laws come with undeniable verifications. However, doubts exist on the correctness of the Supreme Court on yielding specific answers. As explained by Berger (2015, p.672), the text in the constitutions fails to give meaning to important cases and a good number of constitutional translators pay limited attention to the text by focusing on assembled practices, pieces of evidence, and principles used from one generation to another.

According to Long (2009, p.795), equality clauses were included in a given number of state constitution before writing the federal constitution. As new states were established, state own constitution was written while including similar equality provisions. However, these equality provisions varied in terms of text from one state to another and in most instances, they unfolded in restriction of certain special privileges. In addition, some state charged the government payment fee to include some equality clauses that guaranteed equal protection from the state in their constitution.

With regards to the Fourteenth Amendment, the federal constitution was modified and many states were obliged to embrace similar clauses in their constitution. Currently, for example, some states have embraced the mini-Equal Rights Amendment (ERAs) which are the category of ERA at the national level but had failed in approval (Long, 2009). The author also argues that many state constitutions have adopted more than one equality provision which restricts specific payment fee from the federal government, discrimination and the obstruction of equal protection laws. Besides, a few states have failed to add clear equality clauses in their constitution (Long, 2009, p.796).

State high courts have always followed the federal constitution in a clear and detailed manner as well as in utmost reasoning. Nevertheless, a good number of states have amended the criteria of interpreting the federal constitution in matters concerning equality provision by replacing graduate tiers with small-scale reviews (Long, 2009, p.796). Earlier, different states had dissimilar textual starting points in their constitution in respect to safeguarding equality. In this event, the differences in the text of each state constitution are ignored and the federal constitution is blended and regulated across the American nation. In other words, to comprehend the full definition of American equality, individuals need to exhaustively consider both the federal constitutional law and the state constitutional law.

First-year law students are always dazed while trying to understand the numerous aspects that shape and give meaning to the constitution that include; the pattern of common laws, complicated structure of the constitution, history, morality and the cycle of societal standards(Berger, 2015). Each of these modalities creates disagreement about when and how to use them in constitutional arbitration. For this reason, professors and lawyers familiar with the practices of the Supreme Court find it mindboggling to make predictions about the constitutional result. Admittedly, after the verdict of the court, there is always in a bitter exchange about the truthfulness and correctness of the ruling (Berger, 2015, p. 672).

After all, the constitutional decisions reached by the supreme courts are viewed as the ultimate answers to the toughest cases. In fact, all cases handled by the Supreme Court are the hardest and they entirely divide the nation as well as lowering the mandate of the federal courts and more often furthering down the individual Justices themselves. Despite all these, Justices always make constitutional verdicts on a 5-4 margin and their arguments are considered correct when compared to unending objections from relevant colleagues (Berger, 2015, p.673).

Concerning state constitutional cases, it can be concluded that many state high courts have failed to enlarge the basic constitutional rights apart from the education rights. Under the equality and Liberty, the constitution stipulates that Americans have the right to privacy including the right to marry, have a family, reproductive freedom, body integration, right of ingesting substances and right to refuse medical attention among other privacy rights (Long, 2009, p.797). The United States Supreme court is always applauded for leading the corridors of the right to privacy. For instance, in Ravin’s case, Alaska, the Supreme Court disapproved the clause of the state’s constitution that had criminalized marijuana use at home. Unfortunately, a good number of state high courts are blocking the way of federal courts as the nations’ primary enforcers of privacy rights.

## Conclusion

There is the need for understanding the relationship between federal and state constitutions. Besides, the philosophy of state constitution thrives because of the mutual vulnerability on the federal constitutional law which raises questions about the state self-governing nature. State justices may be dissatisfied by the standards placed in the equality and liberty rights and they may respond by upgrading their protection under the backing of their own states. On the other hand, federal judges might use some state constitution trends to interpret the federal constitution. Viewed in this angle, Americans are not under threat from the state constitutions as long as they have full comprehension about equality and liberty lessons; in fact, the state constitution is part and parcel of the overall United States Constitution.

## References

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