Introduction

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Recommended Citation
Available at: https://dsc.duq.edu/dlr/vol43/iss4/3
Introduction

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Federalism is that juridical and political condition which exists when governmental authority is constitutionally divided between a national, or central, government, on the one hand, and local units (usually called “states” or “provinces”) on the other, and that division of authority cannot be altered either by the central government alone or by the local units alone.

Every lawyer in the United States is well aware that ours is a federal system. The division of lawmaking, adjudicatory, and enforcement authority, rooted in our Constitution, affects every aspect of the practice of law, however “local” a given practice may seem to be.

Today, our awareness and understanding of federalism must be broader still. Transnational activity is a fact of life, and transnational practice is an increasingly important part of the practice of law. Federalism, in turn, is a fundamental characteristic of the legal systems of many foreign nations, including many of our neighbors in this Hemisphere: Argentina, Brazil, Canada, Mexico, and Venezuela.

For those dedicated to or interested in the Catholic tradition, federalism is especially significant because it is an important manifestation of subsidiarity, a principle which is implicit in Catholic social teaching from the earliest days, and which has received special attention in the writings of popes from Leo XIII to John Paul II.

On November 12 and 13, 2004, Duquesne University School of Law, in cooperation with the Inter-American Bar Association, sponsored an international seminar on “Federalism in the Americas . . . and Beyond”, in which distinguished justices, judges, legislators, diplomats, practicing lawyers, and law professors from North America, South America, and Europe engaged in a country-by-country examination and discussion of federalism in the United States, Canada, Mexico, Argentina, Brazil, Venezuela, Germany, and the European Union. The idea of the Seminar was first sug-
gested by Nicholas P. Cafardi, Dean of the Law School. The success of this endeavor is due in large part to his unfailing support.

Everyone associated with the Seminar is grateful to the Duquesne Law Review for generously devoting two issues (including, of course, this one) to papers and commentaries presented at the Seminar. Special thanks for this generosity are due to Gina Mercurio, the Law Review’s Editor-in-Chief; Michael J. Crossey, the chairman of these issues; William S. Stickman IV, my excellent research assistant and a member of the Law Review; and Mrs. Kathy Koehler, faculty secretary of extraordinary ability, patience, and cheerfulness.