Introduction

Robert S. Barker

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Federalism is that juridical and political condition that 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, when 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 implicit in Catholic social teaching from the earliest days, 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 titled 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 suggested by Nicholas P. Cafardi, Dean Emeritus and Joseph A. Katarincic Professor of Le-
gal Process and Procedure, and its success is due in large part to his unfailing support.

Everyone associated with the Seminar and with Duquesne is grateful to the Law Review for generously devoting the articles of this issue to papers and commentaries presented at the Seminar. Special thanks are due to Kristine Fritz, the Editor-in-Chief; Sarah Cottrill, the Executive Editor; Megan Smith Miller, the Executive Symposium Editor; 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.