

The When and the Where of Love: The Complexity of Subsidiarity as a Framework for Law

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PROPOSAL/ABSTRACT

The principle of “subsidiarity” is a cornerstone of Catholic Social Thought, and a significant politico-legal challenge as well. Although framed in many ways in different contexts, this principle requires that legal and political problems be resolved at the proper level -- at the lowest level that is capable of an effective response and at the highest level necessary. Obviously, this principle has important implications for considering the role of government and the reach of government activity, particularly in the context of social welfare initiatives.

However, it also has important implications in considering the obligation of love. That is, the way in which one views the obligations of individuals, intermediary institutions, and all levels of government to care for critical needs shapes the answer to the important questions of “when” and “where” love of neighbor can best be manifested. This paper will explore the complexity of subsidiarity and the unique roles played at many different levels. In particular, it will ask whether:

- there is anything that can replace the individual love of one individual for another?
- there are ways to organize intermediary institutions to better manifest the loving intent of those who participate in those institutions?
- a substantial role for government diminishes individual incentives to love, or whether an expanded role can be a public expression of the value of love in a particular society.

In order to make the theory more concrete, the provision of care to the elderly will be used as the case study for answering these questions.

BRIEF BIO

Prof. Lucia Silecchia received her B.A. degree *summa cum laude* from Queens College (C.U.N.Y.) and her J.D. from Yale Law School, where she was a senior editor of The Yale Law Journal and a Francis Coker teaching fellow. Prior to teaching, she was a member of the litigation department of Rogers & Wells (now Clifford, Chance) in New York. Prof. Silecchia has taught at Catholic University’s Columbus School of Law since 1991 and served as Associate Dean for Academic Affairs in 2004 and 2005. She also directs Catholic University’s new International Human Rights Summer Law Program in Rome. Prof. Silecchia has written in the areas of environmental law and ethics, Catholic social thought, legal education, law and literature, and legal writing. She has presented at national and international conferences for legal educators, law librarians, lawyers, religious groups, students, and environmental professionals. She has also participated in projects of the Pontifical Council on Justice and Peace, advised the Environmental Justice Project of the U.S. Catholic Conference, assisted the American Bar Association's CEELI Project in critiquing draft business association laws for Estonia, taught in Catholic University's cooperative programs at Jagiellonian University in Cracow, Poland, and lectured in Portugal as part of Catholic University's U.S. - Portuguese Law Initiative at the University of Lisbon. Professor Silecchia is admitted to the bars of New York, Connecticut, the District of Columbia, and the Supreme Court of the United States. Her publications may be found at <http://ssrn.com/author=625430>