



Stopping Short of Striking Down

Graz Jurisprudence Lecture 2026

Professor Aileen Kavanagh, Dublin

In comparative constitutional law and theory, the judicial power to strike down laws has long been viewed as a powerful weapon on the judicial arsenal, because it enables courts to invalidate or nullify democratically enacted laws. In this lecture, Professor Aileen Kavanagh will argue that the strike-down is neither as strong, as central, nor as censorious as is often assumed. Situating the strike-down in its broader adjudicatory context across multiple jurisdictions, she will show that judges often stop short of striking down. Even if they decide to declare a law invalid, judges use various techniques to soften the blow of the strike-down, and narrow its temporal and legal effects. The upshot is that the strike-down is neither as final, as fatal, nor as forceful as is often assumed.

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17:00 Uhr s.t.

RESOWI-Zentrum
HS 15.05

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