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Institut für Politikwissenschaft



Institutskolloquium / DEPARTMENTAL SEMINAR

Sword of Justice, Shield or Rubber Stamp? Constitutional Courts and Social and Labour Policies in the Long-Run

Wednesday, 25 November 2026 · 16:00 c.t.

Room 124, Institut für Politikwissenschaft
Or join online via Zoom: zoom.us/j/93089750663
930 8975 0663 (Meeting ID), 142311 (Passcode)

Welfare state research has largely ignored national constitutional courts, although they can annul, and even rewrite, social and labour legislation. Do such courts act as a sword of justice that extends entitlements, a shield that protects existing rights, or a rubber stamp that ratifies political choices? We argue that this requires separating the direction of reform (expansion versus retrenchment) from the distribution of protection across groups. Using an original dataset of all rulings of the Italian Constitutional Court (1956–2025), we show that social welfare and health legislation is more likely than other legislation to be declared unconstitutional and rewritten, while labour and education legislation is not. Ideological heterogeneity within the Court reduces rewriting but not striking down, and older laws are more exposed. An analysis of 575 pension rulings shows that the Court levelled up a fragmented, category-based system in the 1970s and 1980s, upheld the post-1992 retrenchment reforms, and has since policed the proportionality of austerity under growing fiscal constraints. The Court has been a sword of justice against the dualisation of rights but closer to a rubber stamp on the direction of reform: it matters more for who gets what than for whether the welfare state grows or shrinks.



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For more information