

Call for papers

International Conference

Beyond the State. New Perspectives on the Conceptual Relationships Between Constitution and Society

29th and 30th January 2026 – Paris

Constitutionalism, understood as a means of establishing a political sphere to make it autonomous from society, is seen as having built the opposition between the State and society. At the same time, the concept of constitutionalism is increasingly used to describe other forms of social power and normativity - economy, finance, digital, technologies, media, environment – even though the concrete and theoretical implications of these shifts have not always been clarified.

This call for papers has been inspired by two observations. Firstly, it has become commonplace to highlight the rise of social systems grounded in autonomous social normativities, independent of State regulation. At the same time, there is a growing emphasis on the significance of social structures that present themselves as counter-powers (such as the press, associations, unions, and the family). These forms of social normativity, collective organizations, or power have been analyzed through various theoretical frameworks as “social institutions,” “intermediate bodies,” “societal constitutions,” “social systems,” or a revitalized “civil society.” They draw the attention of legal scholars, sociologists and philosophers as they reveal the limits of traditional approaches to law, the state and the constitution, and the risks of abandoning them in the face of the privatization of power and the social inequalities that may result. Secondly, constitutionalism faces impasses, inherited from the eighteenth century, as it struggles to conceptualize the social (or societal) beyond the fiction of the body politic, the individualism of rights, or the state-centered approach of power. Between the 'private' and the 'public', the 'social' remains a significant blind spot in constitutional thinking. Hence the capacity to conceptualize the social sphere through the lens of constitutional theory appears limited.

These questions are not new. Theoretical, philosophical and sociological approaches have already linked the question of the social to issues of power. In contrast to formalism, the sociological turn of the second half of the nineteenth century in Europe (Ehrlich, Petrazyski, Gurvtich) and the United States (Pound, Llewellyn, Holmes) anchored the idea of law as a social fact. European scholars approached this issue from the perspective of the theory of the State, developing socio-legal concepts such as institutions (Romano, Hauriou), material constitution (Mortati), social solidarity (Duguit) and the social theory of the State (Jellinek). In a way, by remaining focused on the State, these approaches have sought to impose social ordering, in a historical context in which social movements were structured more around collectives. In the field of political and social philosophy, the relationship between the State, society, and human rights has been conceptualized in various ways (Ferguson, Smith, Hegel, Marx), and has been renewed in the twentieth century (Gramsci, Arendt, Lefort). In the aftermath of the constitutional transitions in Eastern Europe in the 1980s, drawing on the legacy of Habermas, scholars stressed the vitality of social structures in counterbalancing the excesses of power and averting totalitarianism.

More recent trends have emerged within the framework of socio-constitutionalism or societal constitutionalism to challenge the reduction of constitutional issues to state-individual

relations, acknowledging the complexity of the phenomenon of power. Despite their heterogeneity in assumptions as well as in their descriptive, normative, and theoretical ambitions (Teubner, Sciulli, Thornhill, Priban, etc.), these approaches have contributed to renew the inquiry into the relationship between constitution and society. They have proposed radical perspectives at the crossroads of sociology and constitutional theory that distinguish the idea of the constitution from that of political power.

The purpose of the conference is to examine the role of the social within constitutionalism. Its ambition is to assess the current boundaries of constitutionalism and to explore theoretical proposals seeking to overcome them. These approaches raise several fundamental questions: What role should be granted to social actors and sectors within constitutionalism? Can they be conceived as counter-powers? How can their normative autonomy be acknowledged while also regulating their private power and expansionist tendencies? To what extent do these transformations challenge traditional forms of politics? And how might the relationship between constitution and society be reconsidered today?

Three main lines of inquiry will be prioritized:

- The philosophical and conceptual legacy of the relationship between constitution and society

This first line of inquiry aims to identify the ways in which the relationship between constitution and society has been conceptualized in intellectual history. This can be achieved by highlighting shifts in the meaning of the notion of constitution, as well as the ambivalence of the concept of society conceived as an intermediate space between the individual and the political, between the private and the public. Several questions can be raised: what does the concept of society (or civil society) refer to? Is it more about the exercise of collective freedoms, about maintaining social counterpowers or about bolstering market relations? How can the boundaries between political/ social/ private be drawn in philosophy of law and political theory? To what extent should we consider that constitutionalism has been disconnected from society?

- The current limits of constitutionalism in the face of the differentiation of social systems

This second research line of inquiry seeks to draw on concrete cases in order to highlight some of the deadlocks in contemporary legal and political thought and the need for its renewal. One perspective will focus on the existence of social systems (or “societal constitutions”) that operate according to their own normativity, independently of the law of the State (e.g., the economic market, digital technologies, science, etc.). A second perspective will examine the role of “social institutions” (“intermediary bodies”) as potential vectors of civil society. These approaches raise important questions: Can we think the constitution beyond the State? Should we talk about a digital constitution, a market constitution, or a civil constitution? How to take into account the degree of institutionalisation or formalisation of these social institutions? How to link these societal constitutions between them? What are the ideological underpinnings of such conceptual shifts?

- Theoretical alternatives to traditional constitutionalism

The third line of inquiry will focus on theoretical proposals that seek to move beyond the state–individual equation by grounding their thinking in the social sphere. Whether revolving around material or institutional theories of the constitution, societal constitutionalism, sociological approaches to constitutionalism, or “bottom-up” constitutionalism, these perspectives share a

common goal: to alter our perspective on law and reconceptualize the issue of social powers. The emerging questions touch upon the very notion of constitutionalism: What remains of the ideals of constitutionalism? Is it desirable to change our traditional understanding of constitutional law? What is at stake in these shifts at a time when constitutionalism is being challenged?

Submission guidelines:

Presentations will be held in English. Please send the provisional title of your presentation and an abstract of no more than 400 words and a short bio by 3 July to the following address:

societalconstitutionalism@gmail.com

Speakers' travel and accommodation costs for speakers will be covered. We plan to publish the conference proceedings

Organisation:

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