

# Costituzionalismo sociale e ruolo dei giuristi

## Sul rapporto tra “rendimento” delle Costituzioni, Stato sociale e giuristi-intellettuali

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*On the Relationship between the ‘Performance’ of Constitutions, the Welfare State and Jurist-intellectuals*

*Abstract:* In a recent book, Tania Groppi argues that social inequality is a by-product of the idea of hierarchy underpinning past and present human societies and that modern “social constitutionalism” is the antidote to social injustice. By assuming such a hypothesis, this article deals with whether and to what extent one can trace back “wins” and “losses” about social rights to the constitution’s performance. To do so, it discusses the relationship between constitutions and the welfare state and the intellectual function of legal scholars in advancing constitutional principles and ideals. The gist of the article is twofold. First, social constitutionalism is better advocated as a political ideal – which the Italian constitution enshrines – than a legal precept. Second, we should be cautious about downplaying hierarchy as a legal device linked to authority, not to risk favouring further social inequality.

*Keywords:* Constitution, Social rights, Welfare state, Hierarchy, Authority, Jurists as intellectuals.

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