

Yearbook of Socio-Economic Constitutions (YSEC) Series

OPEN CALL

The Yearbook of Socio-Economic Constitutions is pleased to announce a call for submissions for the third volume of the Yearbook (2022).

The Yearbook consists of three parts, a specific part covering a specific theme for the particular volume, a general part covering the broad theme of the Yearbook, and a book review part devoted to book reviews, conference reports and the like relevant to socio-economic perspectives on constitutional law. We encourage submissions for all parts.

Call for contributions to Part I of YSEC 2022 (Vol III)

Funding of justice: Access to effective justice in times of marketisation of justice and shrinking public budgets

Funding of justice has significant consequences for the enforcement of rights and impacts directly on access to justice and the right to a fair trial as constitutional rights. For example, if a potential litigant does not have the financial means to bring or defend a claim in court, because the litigant is not eligible for legal aid or cannot use private forms of litigation funding, that litigant is deprived of access to justice. Access to justice in turn essentially impacts on the effective enjoyment of any other constitutional right, since having the actual means to access a court in case of a potential breach strengthens that right.

As public funding is in decline and as market liberalization in the field of justice increases, crucial questions related to the rule of law, access to justice and social and economic development, in the intersection between states, citizens and business are raised. For example, potential questions of conflict of interest and how to ensure independence of the adjudicator, or how to ensure a basic level of equality of access to funding for weaker parties such as consumers, whilst at the same time protecting market freedom and the right to business.

Furthermore, the funding of justice is not an exclusively domestic issue but has increasing importance also for the supranational and international level of markets, actors and regulators. At the EU level this has been evidenced recently by the rules on third-party litigation funding in Directive 2020/1828/EU on representative actions for the protection of the collective interests and the broader study of the European Parliament “Responsible private funding of litigation: European added value assessment” published in 2021.

Funding of justice - the specific theme for this volume - concerns the socio-economic constitutional challenges associated with three broad perspectives on funding: **“venue funding”**, **“party funding”** and **“law funding”**. Funding of the venues of justice concerns funding of a multitude of bodies such as court systems, alternative dispute resolution bodies, or international dispute resolution fora. Funding of the parties to a dispute relates to both legal

aid and other public schemes as well as funding products available on private markets, such as litigation insurance, third-party litigation finance and crowd-funding, as well as different forms of assigning or selling claims. Funding of law revolves around intellectual property, availability, and accessibility of laws, court decisions, legal sources, and other law-related data.

Public funding of venues and parties has come under pressure due to the reality of financial austerity measures and the tightening public budgets in many countries across the globe. This has contributed to privatization and marketisation of funding for venues and parties in ever more jurisdictions. Funding of law-related data has also evolved in the private sector entailing that access to such data for the public and even public institutions is now in some jurisdictions in the control of private actors. This redistribution of funding from public to private actors can be beneficial if it increases access but it also elicits new perspectives on constitutional rights; both traditional rights such as access to justice and more nascent rights such as access to legal data.

The YSEC invites scholars to address in original contributions the socio-economic constitutional mechanisms relevant to the funding of justice, in different parts of the world, and to contribute new and critical perspectives. Questions to explore, in a domestic, regional or global context, could be how recent developments in the funding of justice have affected access to justice or access to the legal data; what effectiveness and efficiency gains and losses can be noted and what risks can be identified to constitutionally protected rights? What effects, if any, do marketisation and liberalization have on the fairness of proceedings and on the accountability of justice systems and how should constitutional rights be appropriately protected in this context?

Call for contributions to Parts II and III of YSEC 2022 (Vol III)

The YSEC also welcomes contributions for its general part focused on any relevant current developments in the broader field of the Yearbook's coverage. Prospective contributors should consider that the Yearbook aims to provide a forum for doctrinal legal treatment of the questions that various socio-economic constitutions are faced with in today's globalized context, and for contemporary analysis of the challenges that constitutional frameworks face in balancing fundamental economic and social interests at the local, national, regional, and global level. Finally, we also welcome proposals for the book review part.

Deadline for proposals: **17 September 2021**.

Submission of proposals: Proposals of no more than 500 words should be uploaded to the YSEC Submissions Platform. Successful applicants will be notified in **October 2021**. The deadline to submit the paper is **1 March 2022**. The manuscripts will be subjected to double blind peer review and authors will receive the comments from the editors and the reviewers. The deadline for final submission of the contribution is **30 June 2022**. Authors will use the template provided

by the YSEC and follow the YSEC's style guide, both of which will be provided upon successful application.

The full Call can be downloaded here: <https://www.ysec-yearbook.eu/upcoming-volumes/>

About YSEC

The English-language, peer-reviewed Yearbook of Socio-Economic Constitutions (YSEC) presents contemporary analysis of the challenges that constitutional frameworks face in balancing fundamental economic and social interests at the local, national, regional, and global level. YSEC is addressed to academics, professionals, politicians, and others involved or interested in socio-economic constitutional processes. Please visit our website for more information at <https://www.ysec-yearbook.eu/>.

The Yearbook aims to provide a forum for doctrinal legal treatment of the questions that various socio-economic constitutions are faced with in today's globalized context, while at the same time remains open to neighbouring disciplines to the extent that they inform the analysis.

The reference to "constitutions" mirrors the Yearbook's ambition to contribute to a better understanding of those legal rules which provide the very foundations for our economic and social well-being within a community. While the broad theme of the series revolves around constitutional frameworks for economic activities and their interaction with the social sphere, each volume in the series has a specific topical theme.

In terms of structure, the Yearbook has three sections (Part I-III). The theme specifically chosen for each volume is at the forefront in Part I, followed by Part II which includes contributions on other current developments, including case notes, in the broader theme of the Yearbook. The third and final section of each volume (Part III) is devoted to book reviews and conference reports related to research on socio-economic constitutions