

Review

by Prof. Maria Dimitrova Stoicheva, Department of European Studies, Faculty of Philosophy,
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about the dissertation entitled

Legal Norms as Linguistic Conventions

by Boyan Vladimirov Bahanov, Faculty of Philosophy of Sofia University St Kliment Ohridski

PhD student, professional field 2.3. Philosophy (Philosophy of Culture, Politics, Law and
Economics - Philosophy of Language)

Boyan Bahanov is a full-time doctoral student in Philosophy at the Faculty of Philosophy, and he has passed all procedures before the public defence of his thesis, including the internal defence at the Department where he is officially enrolled as a doctoral student. He has a Master degree in Philosophy and Law from Sofia University St Kliment Ohridski, which is a very good basis and prerequisite for his interdisciplinary research. He has been active during his doctoral studies and carried out an Erasmus+ mobility study period abroad and an internship as a linguist-lawyer at the Directorate General for Legal Services at the European Parliament. Boyan Bahanov participated in the Doctoral Readings at the Faculty of Philosophy and has five publications, directly related to the topic of his dissertation. The Declaration on Originality is submitted as well as the report from the mandatory plagiarism check and the Protocol for verification of the originality of the dissertation by the supervisor of the doctoral student with the statement on the generated report of similarities found in the text.

After carefully acquainting myself with the documents submitted before the procedure I confirm that doctoral student Boyan Bahanov complies with the minimal mandatory requirements according to Art. 26, al. 2 and 3 of the Act on Development of Academic Staff in the Republic of Bulgaria, including the scientometric minimal requirements for awarding the educational and scientific degree PhD.

The submitted text of the dissertation is of 208 standard pages. It is structured in Introduction, three chapters, conclusion and used literature. It complies with the formal requirements for this type of research. The style is precise, academic and with clear references. The references include 127 entries, mostly primary sources in Bulgarian and English and 22 legal acts. They cover main theories in the research area and demonstrate knowledge of the Bulgarian academic context and discussions on topics close and relevant to the undertaken research.

The subject and object of research are clearly defined, although in a concise form without sufficiently unfolding the logic and stages of the application of the chosen approach. The candidate considers legal norms and linguistic conventions. The research questions are not specifically elaborated, which could better outline the scope of the research and more specifically the parameters of the application of an interdisciplinary approach. The limitations of the research are clearly formulated excluding regularities of behavior beyond legal norms, those with conventional and non-conventional nature, from the research tasks. The doctoral student refers to the understanding of legal norms as regularities for behavior, which can be considered as a starting point in the shaping and elaboration of the conceptual scheme for the research. Later in presenting his main research theses and in particular by reference to the Marmor's work this understanding is broadened since conventions, including linguistic conventions, are thought and analysed as contents while Lewis in his classical study on conventions conceives them as a type of behavioral regularities.

The aim of the research is clearly derived from the interest in the field of encounter of two scientific areas demonstrating an ambition for an interdisciplinary research with a potential contribution in the identification and analysis of the factors influencing these conventions and application of a method for distinguishing of conventional and non-conventional linguistic meaning in legal language. The structure of the dissertation and the logic of arguing provides an implicit answer to the question of the extent in which the set tasks are achieved. The fact that the candidate outlines in a broad academic context the framework in which answers can be sought, theoretical conceptions can be localized and research questions asked, can be considered as a contribution. "Combining the achievement of the two scientific areas" attained in the text cannot be defined as application of approaches and methods of one scientific discipline into a different scientific research field, but rather as mapping and correlating of specific perspectives of the different scientific fields and deriving a conceptual

framework, which has common features and enables a commencement of an interdisciplinary research.

I can identify as a second asset of the dissertation the extensive theoretical preparation and the competent orientation in the thematic complex of the two scientific areas. It is evident that the candidate has in-depth theoretical knowledge in philosophy of language and in legal studies such as theory of the state, legal doctrine, comparative legal studies (special attention is laid on the Anglo-Saxon and continental legal systems) as well as in the field of encounter of philosophy and law such as the philosophy of law and to some extent history and sociology of law. However, this solid basis of knowledge is insufficiently applied in outlining and application of methods and approaches, which can realise a genuine interdisciplinary research. The methodological part of the thesis demonstrates a desire for crossing disciplinary boundaries. In this respect I would recommend to the doctoral student to continue his research by attempting to construct a more harmonious, coordinated and coherent approach in the analysis of the links between the two disciplines.

The structural logic of the thesis shows consistency and in my view Chapter three sets the new context in which the subject gains topicality and in which contributions can be sought and identified, such as in the application of a wider intercultural approach towards the so-called “integrationist law of the European Union”, “[its] effective functioning” or “its equal effect on the territory of the entire Union” providing “common linguistic meaning as a pre-requisite for unambiguous interpretation”. The reference and explanation of the mechanisms for translation in the European institutions in view of the understanding of legal norms as language conventions can be identified as a contribution. Some important conditions related to multilingualism in law are considered as “given” and are not sufficiently addressed, such as the legal basis of multilingualism, the role of the Court of the EU, the applied regime and requirements for publication of EU legislation. Issues related to equality of languages, ensuring language equivalence and discrepancies in language versions are more widely and competently addressed. There is an adherence to the position that respect for language diversity is a condition for the adequate publicity of legislation as a pre-requisite for legal obligation of persons and trust of the citizens towards the Union. Procedures of translation of cultural conventions and ways of dealing with considerations of indeterminacy or translation of “foreign” law are considered and analysed. In this respect there are elements of applied

scientific contribution of the research carried out. The Chapter on the Court as a guardian of the unambiguity in the intergrationist legal order could have had better potential for contribution and weight in the research if its focus were rather on or at least with references to key cases brought to the Court related to specifying the principles of the languages of law and the obligation to present community law to the citizens of the Union in understandable for them language not only in view of legal security but also for ensuring the management of law itself.

Boyan Bahanov derives significance and analytical value based on examples outlining specific important aspects of the analysis and widely applies this analytical approach. However, it is not always the case that the conclusions are soundly argued as they are based on examples which do not sufficiently cover the complexity of the issue and cannot be considered as paradigmatic objects of analysis with potential for valid conclusions. The communication context is included in the consideration of legal norms by the perspective of interpretation, the lack of common semantic intensity and scope of the terms in different legal systems, the issue of the lawmaker intentions, their being recognized as dependent on social conventions. This presupposes a wider understanding of conventions as structural in the analytical conceptual frame and my recommendation is to work towards this aim in clarifying the theoretical and conceptual analytical aspect rather than going along the chronological/historical path.

As seen I focus on my critical comments and some gaps in the dissertation text. This, however, does not cast doubt on the value of the research, its topicality and its main conclusions. There are some inconsistencies which can be corrected, at some places the expressions need to be more precise and more importantly the conceptual tools can be outlined in a more consistent and detailed way. Despite this the research demonstrates breadth of the research perspective, multidisciplinary approach and is a product of independent critical and analytical effort. It contains general theoretical and some scientific applied contributions and constitutes an original contribution to the discussion on language conventions and legal norms.

In conclusion, the dissertation is an independent complete research with a considerable value, despite my critical remarks to the submitted text. I will vote without hesitation for awarding the educational and scientific degree “doctor” in the professional field 2.3. Philosophy

(Philosophy of Culture, Politics, Law and Economics – Philosophy of Language) to Boyan Bahanov.

Author of the review:

(Prof. Maria Stoicheva)