

PhD Thesis Opinion

By Assoc. prof. Tanya Nikolaeva Buzeva, PhD

An associate professor in Commercial Law at the Department of Civil Law Studies, at the Faculty of Law of Sofia University “St. Kliment Ohridski”

on

The Dissertation Thesis

of

Stoyan Panayotov Ivanov,

An unsupervised PhD Candidate on an individual plan

At the Department of “Theory and history of the state and law”

At the Faculty of Law of Sofia University “St. Kliment Ohridski”

Entitled:

“Companies of Publicans”

Submitted for the award of the educational and scientific degree “Doctor”,

Field of higher education 3. *Social, economic and legal sciences*, professional direction 3.6 *Law, (Roman Private Law)*

Dear Members of the Academic Jury,

As a member of the Academic Jury appointed by virtue of Order RD-38—377/21.07.2021, amended by Order RD-38-406/28.07.2021, issued by the Rector of Sofia University “St. Kliment Ohridski” for the defence of the PhD Thesis of the doctoral candidate Stoyan Panayotov Ivanov entitled: “Companies of Publicans” for the award of the educational and scientific degree “Doctor”, I present the following PhD thesis opinion.

1. Information about the PhD Candidate

Stoyan Panayotov Ivanov was born on 28th January 1988. He completed his secondary education at the National High School for Classical Languages and Cultures “Constantine Cyril the Philosopher” in Sofia where he acquired his knowledge of classical languages. He completed his higher education at the Faculty of Law at Sofia University “St. Kliment Ohridski” in 2013 as a Master of Law.

From August 2010 to April 2011 within the ERASMUS student mobility programme the candidate was a visiting student at the State University of Milan. As a student in 2015 he also took part in the project of “Imperial Constitutions Issued in Serdica”/ *De constitutionibus principum Serdicae datis* under the authority of Prof. Malina Novkirishka-Stoyanova, PhD (2012). In 2015 he did a two-month specialization course programme in UNIDROIT - International Institute for the Unification of Private Law in Rome, Italy. He has conducted a number of research visits in other universities and participated in academic projects and forums. Since 2015 he has been the Secretary of the Balkan Association of Roman Law and Roman legal tradition “*Societas pro iure romano*” as well as Secretary of the IUS ROMANUM electronic journal.

Between 2014 and 2018 Stoyan Panayotov Ivanov is a full-time assistant and after 2018 – a part-time assistant in the discipline of Roman Private Law at the Department of “Theory and history of state and law” at the Faculty of Law of Sofia University “St. Kliment Ohridski” (Order RD 20-1705/29.10.2018 issued by the Rector of Sofia University “St. Kliment Ohridski”). Following the completion of the doctoral programme curriculum and successful preliminary examination of the dissertation, the doctoral candidate is dismissed before the PhD course end date and the submitted dissertation thesis is admitted for public defence (Order RD 20-1392/20.07.2021 issued by the Rector of Sofia University “St. Kliment Ohridski”).

2. General characteristic of the submitted dissertation thesis

The submitted dissertation thesis complies with the requirements of the *Law for the development of academic staff in the Republic of Bulgaria* and its implementing regulations.

The dissertation thesis entitled “Companies of Publicans” comprises 365 pages. The thesis follows a logical and consistent structure with an introduction, three chapters (each with 4 internal sections) and a conclusion. The scientific apparatus includes 1029 footnotes. The bibliographical literature consists of 217 titles, 29 out of which are in Bulgarian and 188 in foreign languages - predominantly in Italian, English, French and Spanish. Citations are correct referring to the scientific sources for the respective theme. The included Latin and Greek texts are presented in accordance with the common referencing system for ancient texts.

The subject of the dissertational research is the companies of publicans, part of the financial apparatus of ancient Rome in the last centuries of the Republic and the first centuries of the Principate. The research focus is on the activity of the publican companies and their functions, legal status and internal structure as well as the relations with the state regarding the assignation and performance of public functions.

3. General assessment of the dissertation thesis and the scientific results and implications

The research in the dissertation thesis is based on the use of an interdisciplinary approach whereas it also steps upon an analysis of the Roman legal regulation and opinions of Roman jurists in addition to the evaluation of the historically correlated social, religious, political and economic factors.

The scientific research tasks set by the author are solved by the use of a complex methodology characteristic of the Romanistic research theses. The candidate used the legal-dogmatic method, the historical and comparative-law

scientific research methods as well as philological analysis (exegesis) of the texts of relevant Roman law sources.

It can be confirmed that the dissertation thesis accomplishes the set research aims and tasks and reaches scientific results, thus, clarifying the historical development, legal characteristic and activity of the publican companies as a legal and social phenomenon of that historical moment.

The dissertation thesis begins with an Introduction which argues the relevance and significance of the chosen topic, defines the subject of the scientific research and the tasks set, the research methodology used and the structure of the work.

Chapter One of the dissertation thesis focuses on the historical and socio-economic preconditions of the publicans' activity in the period at the end of the Republic which predetermines their emergence and role. In the course of the research the concepts of "a publican" and "a company of publicans" are elucidated. Conclusions based on an overview of the publican companies' origin are drawn as to the legal regulation in the different periods of their existence. Special attention is paid to the types of activities performed by the companies of publicans – public revenue collection, Roman army supply, infrastructural building and mine exploitation.

Chapter Two of the research study focuses on the legal essence and structure of the publican companies. The concept of "*societas*" in Roman law is elucidated in addition to the essence of the "contract of partnership" and the separate types of *corpora*. Subject to analysis are also the separate forms of partnership which existed in Rome whereas the Roman law understanding of legal entities (formations) is clarified, as different from individuals. In this light the candidate examines the structure and the specific characteristics of the publican companies and draws conclusions about their significant distinction from the other forms of partnership.

Chapter Three analyzes the legal aspects of the publicans' activity. The notion of *ultra tributa* is elucidated in addition to the mechanism of public contract assignation for the collection of public revenues and the performance of various types of public works by the companies of publicans. The terms *lex locationis* and *lex censoria* are defined. The laws preserved in the Justinian Digests regulating the publicans' activity are thoroughly studied and presented as well as the laws of *Lex portus Asiae* regarding the publicans' right to confiscate or take items into pledge.

The Conclusion summarizes and synthesizes the results from the scientific research and the main theses which the author presents and supports in the dissertation.

The submitted dissertation thesis definitely deserves a positive assessment. It demonstrates the author's in-depth scientific knowledge in the field of Roman law, in particular his theoretical knowledge, as well as scientific and research abilities in analysing the companies of publicans as the subject of the current scientific thesis. Worth mentioning is also the detailed study of the works of Bulgarian and foreign authors in addition to the confidence the author demonstrates in arguing with some of them.

Being a pioneering work in Bulgarian language on this topic, it will be undoubtedly interesting and useful for the Bulgarian legal community. It is an interesting work not only for those tempted in Roman law, but also for those who would like to explore it from the point of view of tracing the historical continuity in modern institutes such as public and private partnership, procurement and concession. The author's analyses of the Roman law concept of legal entities, the classification and the distinctions drawn among the different types of associations, companies, and forms of association in Roman law are interesting and original.

4. Assessment of the scientific contributions.

The submitted dissertation thesis represents a pioneering comprehensive monographic research study in the Bulgarian Romanistic literature on the companies of publicans (*societates publicanorum*). The scientific research rests upon the preserved sources from the historical era and considers the companies of publicans in a historical, political and socio-economic context which led to their emergence by analysing their legal essence and the legal aspects of their activity.

The dissertation thesis possesses specific contributory points among which worth mentioning are the following:

- Detailed study and analysis of the emergence, development and activity of the publican companies as well as the arguments about their role and significance for the management of the Roman state;
- The legal historical and linguistic analysis of the Roman law concept of legal entities and their regulation, the classification of the personified organizations of individuals in Roman law, in addition to the thesis that the companies of publicans are a specific form of association closer to the personified organizations of individuals in Roman law;
- The clarification and definition of the term *publican* and *company of publicans* which form a focal point of the scientific research study; in addition to the definitions of a number of other concepts about which there exist unequivocal interpretations, thus, explicating their terminological usage and contributing as a whole to the development of the legal science – *vectigal*, *publica vectigalia*, *ultra tributa*, *lex locationis*, *lex censoria*, etc.;
- The analysis of the legal essence of the publican companies in the light of the Roman laws on associations, the study of their composition and internal organizational structure which with some reservations supports the

author's thesis that same can be considered as a prototype of modern commercial companies;

- The analysis of the publican companies activity from the perspective of both Roman public and private law regarding the assignation of public functions by the Roman state to separate organizations of private individuals in addition to the detailed analysis of the public auction procedure in Rome;
- The critical analysis of the attempts in Romanistics for direct transference of the Roman legal concepts to the modern concepts of public enterprise, commercial companies, concessions, public procurement, public contracts, etc.

The dissertation thesis demonstrates the required level of scientific research and the in-depth theoretical preparation of the doctoral candidate as well as his potential for future academic development.

5. Assessment of the publications on the dissertation thesis.

The doctoral candidate has a large number of publications on the topic of the dissertation as well as in the field of Roman private law in general. For the purposes of the current procedure only three publications in compliance with the requirements are listed, namely:

- *„Изучаването на института на публиканите – пример за обвързване на общественно-икономическата история с правното регулиране“* – IUS ROMANUM, 2016, № 2, с. 537-558, (ID № 1752 в Националния референтен списък на НАЦИД);
- *„Вътрешната организация на дружествата на публиканите според речите на Цицерон срещу Гай Верес“* – IUS

ROMANUM, 2018, № 3, с. 11-28, (ID № 1752 в Националния референтен списък на НАЦИД); и

- *„Санкции за административни нарушения според Митническият закон за римската провинция Азия“* – В: Научни четения на тема Санкциите в правото. Сборник с доклади от научна конференция, посветена на 140-ата годишнина от приемането на Търновската конституция, организирана от катедра „Теория и история на държавата и правото“ и катедра „Наказателноправни науки“ на ЮФ на СУ, 15-16 април 2019 г. – София: УИ „Св. Климент Охридски“, 2019, с. 304-319, (ID № 3798 в Националния референтен списък на НАЦИД).

The papers are on the topic of the dissertation or are directly related to it and present part of the contributions of the dissertation thesis.

By means of the above three publications the doctoral candidate Stoyan Ivanov meets the requirements for a minimum number of 30 scientometric points from publications in peer-reviewed editions, registered in the National Reference List of NACID for the award of the educational and scientific degree “Doctor”.

6. Assessment of the PhD Thesis Abstract

The Thesis Abstract written by the PhD candidate corresponds to the contents of the dissertation. The same presents a synthesis of the research study subject and tasks and the used methodology. The structure and the size of the work are presented as well as a chapter-by-chapter summary of the thesis which provides a clear picture of the research problem and the supported theses in the dissertation.

The PhD Thesis Abstract presents the author’s standpoint regarding the scientific novelty and the scientifically applicable contributions of the

dissertational work. The abstract contains information and data about the author's publications on the topic of the dissertation.

7. Conclusion

The submitted thesis by Stoyan Panayotov Ivanov entitled "Companies of Publicans" constitutes a comprehensive and complete research thesis on a topic which has not been examined so far in the Bulgarian Romanistic literature. The dissertation contains scientific results and implications in the field of Roman private law.

The presented dissertation complies with the requirements of the *Law for the development of academic staff in the Republic of Bulgaria* for the award of the educational and scientific degree "Doctor". On the basis of this scientific thesis and the presented publications on the topic it may be confirmed that the doctoral candidate Stoyan Ivanov possesses in-depth theoretical knowledge in the specialty of Roman Private Law and is capable of conducting independent scientific research.

With full conviction, I express my positive assessment of the dissertation thesis presented for defence and I propose to the honourable jury to award the educational and scientific degree "Doctor" in the academic specialty of Roman Private Law, in the professional direction of 3.6. Law to the PhD candidate – Stoyan Panayotov Ivanov.

Sofia, 20th September 2021

PhD Thesis Reviewer: _____

Assoc. prof.
Tanya Buzeva, PhD