

# **PhD Thesis Review Report**

**by**

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**On:** a dissertational thesis for the award of the scientific and educational degree  
*Doctor of Law* in the field of higher education 3. *Social, economic and legal  
sciences*, professional direction 3.6 *Law*, academic specialty *Roman Private  
Law*

**PhD Candidate: Stoyan Panayotov Ivanov**, an unsupervised PhD student on an  
individual plan at the Department of „Theory and History of State and Law“,  
Faculty of Law at Sofia University „St. Kliment Ohridski“

**Thesis title: Companies of Publicans**

## **1. Procedure Overview**

By virtue of Order № RD 230 of 21 July 2021 issued by the Rector of Sofia  
University „St. Kliment Ohridski“ (SU) I am appointed member of the academic  
jury for the defence of the dissertational thesis entitled “Companies of Publicans”  
for the award of the scientific and educational degree *Doctor of Law* in the field  
of higher education 3. *Social, economic and legal sciences*, professional direction  
3.6 *Law*, academic specialty *Roman Private Law*.

The set of materials submitted by the candidate for the application  
procedure complies with the Regulation requirements and the Procedure for  
Science Degrees and Academic Positions at Sofia University. At the Faculty of  
Law at Sofia University “St. Kliment Ohridski“ there is an accredited doctoral  
programme on Roman Private Law. The dissertational defence procedure at  
department meeting has been conducted in accordance with the rules and

regulations, all requisite documents have been submitted for the academic jury and the public defence.

**The PhD Candidate has submitted a Reference for compliance with the state minimum requirements for the scientific and educational degree of Doctor in the scientific field of 3. Social, economic and legal sciences, professional direction 3.6 Law, academic specialty Roman Private Law, as well as a Declaration of Originality and Authenticity under art. 27, para. 2 of the Law for the development of academic staff in the Republic of Bulgaria. Part of the published papers on the topic of the dissertation are in the electronic journal IUS ROMANUM, referenced and indexed not only in the national reference list of modern Bulgarian peer-reviewed editions but in three world databases – Erih Plus (<https://dbh.nsd.uib.no/publiseringskanaler/erihplus/periodical/info.action?id=490400>), HeinOnline (<https://home.heinonline.org/content/Law-Journal-Library/>) and CEEOL (<https://www.ceeol.com/search/journal-detail?id=2235>).**

The scientific requirements are met in relation to the dissertational procedure whereas 30 points have been formulated within the three papers submitted for the defence participation. The three papers are as follows:

- *„Изучаването на института на публиканите – пример за обвързване на обществено-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);
- *„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).

## **2. Brief Biographical Data about the PhD Candidate**

Stoyan Panayotov Ivanov is a graduate of the National High School for Ancient Languages and Cultures “Constantine Cyril the Philosopher”, in Sofia, 2007 with a specialty in Latin and Italian language, and has completed his education at the Faculty of Law of SU in 2012. His career path has been entirely within Sofia University “St. Kliment Ohridski“ where he was initially a part-time assistant professor in Roman Private Law in the academic year of 2013-2014, whereas for the period of June 2014 – 2018 he was appointed a full-time assistant. He teaches the seminar classes in Roman Private Law as a full-time assistant professor in 2014-2018 to full-time and part-time students and as a part-time assistant professor - from 2018 until now. As a doctoral candidate he has been assigned to teach separate lectures in Legal Terminology – Part I from 2019 until now.

After his assistant professor contract expiration in November 2018 he is approved and registered as an supervised PhD student on an individual plan at the Department of “Theory and History of State and Law“, the Faculty of Law at Sofia University “St. Kliment Ohridski“. He has successfully completed the doctoral minimum requirements exam in Roman Private Law in 2021 and has submitted a dissertational thesis entitled “Companies of Publicans”, approved and accepted for a defence by the Department of “Theory and History of State and Law“, the Faculty of Law at Sofia University “St. Kliment Ohridski“ in July, 2021.

He has done specialization courses in UNDROIT – an international institute for the unification of Private Law in Rome, Italy, 2015 and in Fribourg and Neuchatel, Switzerland as a scholarship student of the “Konstantin and Zinovia Katsarovi” Foundation in 2016 and 2017. He is a participant in the Roman Law Project, 2015 of the Faculty of Law at Sofia University at the moment as well. Since 2016 he has been the Secretary of the Balkan Association of Roman Law and Roman legal tradition “Societas pro iure romano” and Secretary of the IUS ROMANUM electronic journal. He takes active part in the project activities by organizing a number of meetings in the Roman Law Circle at the Faculty of Law, Sofia University “St. Kliment Ohridski“ in addition to taking part in academic conferences, public lectures, etc.

### **3. Data on the Dissertation Thesis**

#### **3.1. Thesis title**

The PhD candidate's, Stoyan Ivanov, thesis title is “Companies of Publicans”. The title as well as the matter under consideration make it obvious that it falls within the scope of the accredited doctoral specialty “Roman Private Law” by looking into an issue about which little is known in the Bulgarian legal community and that is related to the genesis of the concepts denoting a legal personality, commercial company, etc. The thesis examines the historical and theoretical aspects of the topic which comprise a contribution from a historical comparative perspective in terms of important institutes of the modern civil and commercial law, but also in terms of some public law matters such as: public spending, public-private partnership, concession regime, public procurement and state aid among others. The PhD candidate attempts to delineate the Roman legal tradition that has transcended into modern law on these issues by presenting a complete and thorough exposition. The rich bibliography is a basis for further research in the specified problematics.

The requirements under art. 27, para. 2 of the Law for the development of academic staff in the Republic of Bulgaria, respectively art. 64, para. 2 of the Rules on the conditions and procedure for acquiring science degrees and holding academic positions in Sofia University “St. Kliment Ohridski” are met.

### **3.2. Characterization and evaluation of the dissertation’s main parts and contributions**

The dissertation thesis comprises 365 standard pages, 327 of which are dedicated to the main exposition, organized in an introduction, three chapters and a conclusion. The thesis is well-balanced in terms of structure and content, whereas each of the main topics in the three chapters is developed in a sufficiently comprehensive way, and the conclusions are summarized in the final part.

The dissertational subject requires the consideration of a large temporal scope, i.e. from the period of the Early Republic (4<sup>th</sup> century B.C.) to the post-classical and Justinian era (6<sup>th</sup> century A.D.) whereby the PhD candidate presents the main characteristics of the companies of publicans from a developmental perspective. The thesis combines the Roman legal, historical legal and the legal-dogmatic research with a critical analytic approach and reference to the classical sources of Roman law.

The dissertational thesis introduction comprises a brief overview of the topic wherein its significance and relevance are pointed out and a conclusion is made that the study of the interaction between state authority and private business from a comparative-legal and legal-historical perspective may form an important contribution not only on a scientific level but also be of key importance as to proposals *de lege ferenda*. The research aims are defined: delineation of the actual scope of the concepts “company” and “publicans”, the types of activities performed by publicans and the shaping of the idea and regulation of the organizational formation of the publican companies as separate subjects of law, which as such leads to the revelation of an almost unfamiliar-so-far historical

development in the Bulgarian legal literature of the legal entity concept in Roman law. The PhD candidate, albeit rather daringly, presumes that the company of publicans may be perceived as the prototype of the modern commercial partnerships based on the study of their internal structure.

**Chapter One:** Concept and information about the activities of publicans, pp. 16-29 comprises a synthesized overview of the socio-political environment in Rome at the end of the Republican period, which sets out the preconditions for the emergence of the publican companies. The doctoral candidate clarifies the meaning of the terms and the notions of “publicans” and “company of publicans” based on the information from Roman legal sources although he refers to a lot of expert opinions in romanistics on these issues as well. Chapter One pays particular attention to the different types of publican activities ordered in terms of their significance. The exposition provides a full insight of these forms of activity performance structured in a private-law model for the performance of public-law activities.

**Chapter Two** (pp. 130-260) focuses on **the essence and structure of *societates publicanorum* and the study of their organizational formation.** This part of the dissertation contains the largest amount of new for Bulgarian legal literature information on the corporate structures in ancient Rome (*corpora*) and a slightly different meaning according to the candidate of the term “*societas*” in Roman law. It is difficult to determine if it constitutes his opinion as he refers to other sources of research, however, the conclusions on this issue are of particular interest in tracing the historical aspects of partnership law.

**Chapter Three** (pp. 261-342) entitled “**Legal aspects of the publican activities**” begins by clarifying the notion of “*ultra tributa*” in addition to the concepts of “*lex locationis*” and “*lex censoria*” related to the public-law aspects of the publican activity. The Roman public auction mechanism is also examined as well as the assignation of public contracts for public revenue collection and the performance of other types of public work activities by publican companies. The

candidate's conclusions are supported by the Digests texts – the special edict “About Tax Farmers” part of which is found in the fragments of title IV, book XXXIX, entitled “For tax farmers, vectigalia and confiscations”. Emphasis is laid on negative practices and state intervention for the neutralization of the ensuing ramifications – publican's and publican's personnel's abuse and violations with regard to the population of Roman provinces who were taxpayers. The analysis of the Customs Law of the Roman province of Asia is of particular interest where processual aspects abound in connection to the disputes between publicans and tax-paying persons indebted to them as well as the defence of the latter against abuse. In this respect, however, the candidate has not presented any conclusions, probably due to lack of information as to whether such violations happened on a regular basis and to what extent have public and law-enforcement authorities tackled this problem.

The conclusion (pp. 343-351) summarizes the results from the research as a whole as well as regarding each of the three chapters whereas conclusions are made with respect to the studied problematics.

The PhD candidate provides his evaluation of the dissertational contributions, a number of which can be found in the dissertation abstract. As a whole, they outline a well-structured, interesting and independent work. It seems to me that, among them the following contributions are worth mentioning:

1. Some basic legal concepts are considered through the prism of the Roman legal tradition and their modern meaning: legal entity, company, corporation, association, etc. A conceptual distinction is made between the notion of “*societas*” in Roman law, which traditionally referred to the consensual contract for partnership in Roman law, and the use of the same term for companies of publicans, which are a specific form of association closer to personalized organizations of individuals in Roman law (*corpora*). In the PhD thesis there are arguments presented considering the publican companies as a specific form of association in Rome and an

example of the special use of the Latin legal term “*societas*“ with the meaning of a “company“ with particular characteristics and an activity very similar to the modern commercial companies. Arguments are presented in favor of the thesis that the publican companies were organizations characterized by the creation of a sustainable and specific internal structure, allowing the exercise of one or more of the assigned public activities. This thesis is further developed with examples justifying the independent participation of publican companies in the Roman legal world through their representatives.

2. The etymology, the meaning and the use of the terms and concepts for publican (*publicanus*) and company of publicans (*societas publicanorum*) are traced and definitions for them are offered. The Roman law concept, the scope and the meaning of the notions for *vectigal*, *publica vectigalia*, *ultra tributa*, *lex censoria*, *lex locationis* etc. are also presented.
3. A systematized Roman law research study has been carried out analysing salient issues and conclusions related to the Roman tax and fiscal policy as well as provincial government.
4. It is noteworthy to pay attention to the legal and non-legal texts in Latin comprised in the dissertation in support of the main theses in addition to some in Ancient Greek along with their respective translation in Bulgarian and an interpretation, thus amounting to a significant contribution of the current dissertation in the field of legal terminology.
5. A contributory moment is also the fact that it is not only through the overall characterization of the publican companies activity that their interrelation is presented between their public legal functions and the development of a special private legal status *de iure* as separate personified organizations with business objectives, but special attention is paid also to the public auction procedure in Rome by outlining the key role of *societas publicanorum* as public contractors. A summary and a



classification has been made of the documentation and accountancy of the companies regarding public finances. An especially valuable contribution is the combination of Roman law information from the theoretical summary sources and the overall theoretical direction of the dissertation.

6. As this is a complete, integral and thorough Roman law research of the development of the publican companies, it is really impressive that the main research thesis is to present the genesis of the corresponding ideas and concepts in modern law by means of legal analysis of the statute and activities of the publican companies, by interpreting Latin texts, terminology and notions, without looking for a full identity or interrelation with the modern systematics and distinctions within public and private law. The whole study is in the spirit of preserving the balance between Roman and modern law striving to avoid unsupported and unconfirmed conclusions from the sources, alien to the authentic Roman legal tradition.

The dissertation makes a distinction with a clear style and logical order. Technically, it is well-formatted, reader- and user-friendly.

### **3.3. Scientific apparatus**

The dissertation is accompanied by a rich bibliography creating the impression that the candidate is well-acquainted with the issue and makes use of the accessible literature on the topic which is not unfamiliar in world romanistics. The bibliography comprises 217 titles, 29 out of them in Bulgarian and 188 in a foreign language – Italian, English, French and Spanish. The author uses 83 monographies, 44 papers, 27 textbooks, dictionaries and compendiums, as well as a number of Internet portals where the Latin and Greek texts sources can be found. The PhD candidate's good language preparation and completed specialization courses in Italy and Switzerland have facilitated his access to a substantial amount of scientific literature which makes it evident that the topic

about publicans is widely discussed in European romanistics despite its unfamiliarity as research problematics in Bulgaria.

It is noteworthy that the PhD candidate refers to a lot of authors by including 1029 footnotes. Among these there are both references to actually used and studied works and cross-references to older and more inaccessible research studies. Roman law sources are correctly cited in accordance with the approved standards of reference. The translations and interpretations of original Greek and Latin texts from the sources related to the subject of the dissertation are especially important as some of them have been translated in English, French, and Russian, but not in Bulgarian.

Although I am not acquainted in detail with the achievements of romanistics in the research area and I do not have access to the cited literature which probably can be found only in specialised libraries, from the presented dissertation I am convinced that it is an in-depth and conscientious work summarizing the accomplishments of individual authors for over a century and key positions and discussions are presented on important legal issues concerning legal entities, partnership formation, commercial company creation, etc.

### **3.4. Thesis Abstract**

The PhD candidate has presented a thesis abstract of 36 pages. It entirely complies with the submission requirements for a dissertational thesis reflecting correctly and precisely its content and main contributory moments.

## **4. Evaluation of the Publications**

The PhD candidate has submitted 11 publications on the topic of the dissertation in referenced and indexed periodical editions and conference proceedings and academic readings. Most of the publications present separate aspects of the topic whereby the dissertational theses are further developed. It may be noted that, even though there is no “cutting out” of entire parts /sections

or paragraphs/ in the dissertation, still substantial texts from the dissertation have been reproduced (at times word for word) into them. There is an obvious striving in the different publications for showing the various angles of the research problem which he is acquainted with in detail in order to promote it among the wide legal community and particularly among the young colleagues who would use these scientific results in the historical parts of their research.

## **5. Recommendations on the future use of the dissertational contributions and results**

In compliance with the requirements of the Law for the development of academic staff in the Republic of Bulgaria, Stoyan Ivanov's dissertational thesis presents scientific results with an original scientific contribution demonstrating in-depth theoretical knowledge in the respective specialty and abilities for the creation of scientific work.

Recommendations can always be made both in terms of the theses supported by the candidate and the dissertation as a whole. Some of the conclusions seem overly reasoned to become part of the modern understandings and discussions on similar issues. It is too bold to impose continuity on institutes created under completely different economic, social and political conditions almost two millennia later. On the other hand, this approach, if balanced, could be a useful basis for a historical introduction to the given contemporary problems.

In the event of a future publishing of the dissertation which the candidate would undoubtedly like to do, my recommendation is for a thorough examination of the scientific apparatus whereby the actually used literature is included, and not the general bibliography of the existing titles on the topic irrespective of how useful this approach might be. I would also recommend that the footnotes be reduced, i.e. the cross-references in particular because with that much footnotes it can be formed a negative impression that the author expresses no personal opinion but instead keeps referring to other opinions and studies which on its own

can undermine his scientific contribution which for sure does not come down to a conscientious compilation and presentation in Bulgarian of a number of other authors.

**The topic is extremely prospective and it is my opinion that the PhD candidate is sufficiently competent and capable to continue his further scientific work in any of the aspects in the current research.**

## **CONCLUSION**

The dissertational thesis of part-time assistant Stoyan Panayotov Ivanov „Companies of Publicans“ comprises scientific results constituting an original contribution in the field of science and comply with the requirements of the Law for the development of academic staff in the Republic of Bulgaria, Regulation for implementation of the law, the Regulation requirements and the Procedure for Science Degrees and Academic Positions at Sofia University “St. Kliment Ohridski”. The submitted materials and dissertational results comply with the normative requirements. The dissertation demonstrates the candidate’s in-depth theoretical knowledge and professional skills in Roman Private Law, Theory and History of Law, qualities and skills for carrying out scientific research with original and significant scientific contributions.

**Therefore, I confidently give my positive assessment for the dissertation thesis submitted in the defence procedure entitled „Companies of Publicans“.** I recommend it to the honourable academic jury and I will give a positive vote for the award of the scientific and educational degree “Doctor” in the field of higher education: 3. *Social, economic and legal sciences*, professional direction 3.6 *Law*, academic specialty *Roman Private Law*, to the PhD candidate, Stoyan Panayotov Ivanov.

PhD Thesis Reviewer: \_\_\_\_\_

/Assoc. prof. Pavel Sarafov, PhD/