

REVIEW

by Prof. Dr. Boyka Ivaylova Cherneva,

external member of the scientific jury in the competition for the academic position of "Professor" in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law

(Constitutional Law) in the Department of Constitutional Law,

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Dear members of the scientific jury,

I am participating as an external member of the scientific jury in the competition for the academic position of "Professor" in the professional field 3.6 Law (Constitutional Law) for the needs of the Constitutional Law Chair, Faculty of Law, Sofia University "St. Kliment Ohridski Sofia". (Order RD-38-487/08.08.2023). The competition was announced in accordance with the requirements of the Development of Academic Staff in the Republic of Bulgaria Act and the Regulations for the Implementation of the Development of Academic Staff in the Republic of Bulgaria Act via publication in State Gazette No. 65/28.07.2023. I am assigned to submit a review. Prof. Dr. Martin Kirilov Belov is the only candidate admitted to the competition.

Assoc. Prof. Dr. Martin Belov graduated with excellent grades from the Faculty of Law of Sofia University "St. Kliment Ohridski" (2004). In 2009 he successfully defends his PhD thesis on the topic "Direct Democracy - National and Comparative Legal Aspects". The continuous improvement of professional qualification through specializations is impressive: Oxford University, UK (2017); Institute of Federalism, Fribourg, Switzerland (2014); Max-Planck Institute for European Legal History, Frankfurt am Main, Germany (2011); Max-Planck Institute for Comparative and Public International Law; Heidelberg, FRG (2009); University of Dresden, Germany (2006); University of Cologne, Germany (2006, 2009); University of Ghent, Belgium (2004); University of Strasbourg, France (2003); University of Hamburg,

FRG (2002-2003); European Academy of Legal Theory, Belgium (2001) ; University of Vienna, Austria (2001); Specialization in German Society and Law, ZEDES "Germanicum" (1999-2001); University of Bremen, Germany (2000).

Martin Belov currently holds the academic position of Associate Professor of Constitutional Law at the Constitutional Law Chair, Faculty of Law, Sofia University "St. Kliment Ohridski". He is a lecturer in Constitutional Law of the Federal Republic of Germany (European Law and Introduction to Law at ZEDES "Germanicum" (2005-2010). Assoc. prof. Belov has been a guest lecturer at a number of European universities. His teaching activities include numerous public lectures on constitutional law. Assoc. Prof. Belov has been invited and participates in editorial boards of prestigious legal publications. He is the Vice Dean of the Faculty of Law of the Sofia University with the portfolio of International Activities, Digitalization and Virtual Reality (2019-present). The professional development of Assoc. Prof. Belov also includes active research and publication activities.

Assoc. Prof. Dr. Martin Belov has submitted documentation showing that he meets the requirements of Art. 29, par. 1, p. 2 of the Development of Academic Staff in the Republic of Bulgaria Act. As stated in the brief professional biographical outline, the applicant's teaching activity is mainly in the field of constitutional law and comparative constitutional law. He has an interest in constitutional law theory and legal theory.

On the basis of Article 29b (2) of the Development of Academic Staff in the Republic of Bulgaria Act, it is necessary to assess the fulfilment of the requirements of Article 29(2) p. 3 of the Development of Academic Staff in the Republic of Bulgaria Act, namely a review of the candidate's scientific publications on original scientific contributions. Assoc. Prof. Dr. Belov has submitted for review a monographic study (habilitation thesis) - Конституционна семиотика. Концептуални основи на една теория и метатеория, С., УИ „Св. Климент Охридски“, 2022, ISBN 978-954-07-5598-4., initially published in English (M. Belov, Constitutional semiotics. The Conceptual Foundations of a Constitutional Theory and Meta-Theory, Hart publishing, Oxford, 2022).

18 studies in edited volumes and journals were submitted for review, including the following titles: „Three Models for Ordering Constitutional Orders“; „Rule of Law and Democracy in Times of Transitory Constitutionalism, Constitutional. Polycrisis and Emergency Constitutionalism: Towards a Global Algorithmic Technocracy?“; “Structural Adjustments of the Bulgarian to the EU Constitutional Order: Between the Conditionality of Democracy in Transition and the Challenges of the Multilevel Constitutionalism of the EU“; „Constitutional Nationalism and Constitutional Globalism on the edge of Westphalian and Post-Westphalian Constitutionalism: the Bulgarian Case.“; „Mastering emergency

situations: The activist role of the Bulgarian Constitutional Court in redefining the constitutional design of war, state of siege and state of emergency”; „Territory, Territoriality and Territorial Politics as Public Law Concepts”; „Post-human Constitutionalism? A Critical Defense of Anthropocentric and Humanist Traditions in Algorithmic Society”; „The Role of Fear Politics in Global Constitutional ‘Ernstfall’: Images of Fear under COVID-19 Health Paternalism”; „Bulgaria: EMU Integration and the Bulgarian Constitution: ‘Missing Constitution’ or EU Friendliness and Open Statehood Masquerading Implicit Sovereigntist Strategies in the Context of Multilevel Constitutional Games?”; Constitutional Court as Human Rights Court? The System for Access to the Constitutional Court of the Republic of Bulgaria with Regard to Human Rights Defense and Suggestions for Its Reform in Valchev, D., M. Belov (eds) Rule of Law in Bulgaria. Contemporary Issues of Constitutional Justice and the Judiciary. Sofia, University of Sofia ‘St. Kliment Ohridski’ Press, 2021 (p. 56-99) (in Bulgarian) etc.

Assoc. Prof. Dr. Martin Belov has submitted for review 5 (five) articles on current legal issues of constitutional law theory and practice in edited volumes, journals and series with the following titles: „Constitutional Foundations of Peace and Discontent”; „Legislation in Bulgaria”; „Constitutional Identity – Westphalian Reflection of the Constitutional Heritage of the Nation State or Post-Westphalian Alternative to Sovereignty in the Context of Supranational Constitutionalism? „Human Dignity in Bulgaria”. It should be explicitly mentioned that the paper “Constitutional Memories: How do Constitutions Cope with Constitutional Past”, in Belov, M., A. Abat Ninet (eds.) Revolution, Transition, Memory, and Oblivion. Reflections on Constitutional Change, Oxford, Edward Elgar, 2020, ISBN 978- 1800370524, p.107-126 is indexed in Scopus.

In the framework of this review I will primarily focus on the monography presented as a habilitation thesis, namely "Constitutional Semiotics. Conceptual foundations of a theory and metatheory".

Issues of legal semiotics, and constitutional semiotics in particular, are underresearched in legal scholarship. They find their independent importance within the ever-expanding studies of law from the perspective of sociology and anthropology, psychology, exact sciences, etc. There has been a resurgence of interest in philosophical legal studies and the creation of metatheories that successfully reconcile context (the 'habit of the social') and meaning arising from the relationship between textuality and humanity. Semiotics is defined as a 'third culture', giving humanistic (human) dimensions to science (religia). Through legal semiotics, we can go even further - beyond the appropriately institutionalized will so characteristic of modern law as a way of making, interpreting and applying law.

The significance of legal semiotics research lies in the possibility of a holistic approach that combines the knowledge of legal sociology, philosophy and legal hermeneutics in order to use symbolism

in law to explain and develop (design) legal reality. Symbolic features of law are viewed through the lenses of what exists objectively, including objective law.

Legal semiotics is one of the ways to raise the question of the relationship between the ideal and the real in law. Unlike legal sociological studies, which take the social context (i.e., efficiency) as their starting point, the point of view of legal semiotics is symbolism-the meaning of signs and symbols embodied in the form, ideas, and meaning of law and legal experiences. What significantly distinguishes legal symbolism, when we speak of its relevance to legal reality, is its ability to contribute to the development of social and legal reality, beyond efficiency, based on a humanistic perspective, i.e., much more on an understanding of the psychophysical integrity of the individual. The conclusions of Assoc. Prof. Belov that legal semiotics is most applicable in constitutional law, but it definitely has its relevance for other branches of law as well.

It is no coincidence that Assoc. Prof. Belov defines constitutional semiotics as a metatheory - a theoretical model that can be used to study the relations between symbolism and legal reality without making law a "hostage" of the social, but also without ignoring the meaning of reality. It seems to me we do not have to choose between defining law as ideal, for example moral justice, or as legal practice, albeit in the context of the idea of justice. In this sense, the monography is novel, topical and contains a number of scholarly contributions.

The work "Constitutional Semiotics. Conceptual foundations of a theory and metatheory" is 400 pages long. Structurally, it contains an introduction, five chapters, and references to the used literature. Chapter 1 sets out the methodological foundations of the work. The author rightly sets out to search for the limits of the study, given the use of a primarily extralegal perspective in explaining constitutional law within a synthesized legal analysis. He seeks the intersection between textuality, normativity, visuality and performativity. He attempts to lay out independent theories of quantum constitutionalism, cloud constitutionalism, textual, visual, symbolic-imaginative, emotional, performative, and normative-institutional constitutionalism. While not denying rational constitutionalism, Assoc. Prof. Belov proposes to go beyond its traditional boundaries.

In chapter 2, the author turns to the study of constitutional text and constitutional textuality from the perspective of semiotics. The authoritative constitutional text and the role of open textuality for constitutional semiotics are examined. Chapter 3 is devoted to the relations between ideas that, thanks to constitutional semiosis, take on different manifestations - symbolism, ideology, myths, codes and even imagination. Thus, constitutional texts become elements of the conscious, subconscious and collective

consciousness. Law exists at different levels in human consciousness and has its psychological being, which also receives explanation through legal semiotics.

The fourth chapter raises the topic of the digital dimensions of law and seeks the digital manifestation of constitutional law. Once again, the author extends the traditional legal studies, raising the topic of structuring, civilization (art-culture) and architecture of constitutional law, applying legal semiotics.

The fifth chapter of the monograph lays out the author's arguments for a new cognitive approach, a theory of constitutional geometry, and contains the foundations of a theory of constitutional algebra. Semiotics is used as a paradigm (philosophical concept) to order and explain the constitution, constitutional law and constitutionalism.

The candidate in the procedure has submitted a detailed statement of scientific contributions, which correctly reflects his achievements in the field of constitutional law. The main scientific contributions can be summarized in the following main groups.

First of all, Assoc. Prof. Martin Belov discusses and argues in detail the necessity of researching constitutional semiotics, a part of legal semiotics, as a way of explaining constitutional law. In doing so, he enriches legal knowledge, both in terms of Bulgarian legal science and in terms of global legal knowledge. Assoc. Prof. Martin Belov originally uses the knowledge of constitutional law science, legal sociology, psychology, cultural studies, anthropology and exact sciences to define constitutional semiotics as a concept.

Secondly, Assoc. Prof. Martin Belov develops legal studies by proposing a new cognitive approach that allows the meaning of law to be determined through symbols and signs without ignoring text and context. It is important to note that the author remains faithful to rational knowledge (of meaning) and defines concepts such as constitutional geometry, constitutional algebra, constitutional architecture. A contribution is the treatment of the role of constitutional law in relation to legal experiences.

Thirdly, Assoc. Prof. Martin Belov sets out a theory that explains constitutional law in terms of symbolism, meaning and significance. On this basis, he proposes a meta-theory - a comprehensive philosophical concept (paradigm) for constitutional law research - constitutional semiotics. The contribution is in the field of philosophy and theory of constitutional law.

Fourth, the use of legal semiotics to explain digitalization in law. Thus, the author, not only discusses one of the new issues of visualization in law, but also provides an example of the application of legal semiotics. Symbols and codes are increasingly important for both law and constitutional law in the

digital world because they successfully serve for visualization. The contribution of Assoc. Prof. Belov is in explaining digital constitutional semiotics.

The works of Assoc. Prof. Martin Belov contain numerous other contributions to the field of constitutional law scholarship. They address a wide range of issues - human rights and the dignity of the individual, the characteristics of legislation. The author's reflections on constitutional change are also impressive. In this way, he joins the discussion of social change, which is primarily conducted in the field of social and economic sciences. Assoc. Prof. Belov therefore contributes to legal science to give its own answer to the questions of legal change and constitutional change.

One can also address some critics and recommendations to the publications of Assoc. Prof. Martin Belov. It is useful for legal science that the publication raises many new issues for constitutional law and legal theory. On the other hand, the meta-theory of constitutional law put forward and the separate theories of constitutional law on which it is based combine many different perspectives, from approaches typical of legal science, through the methodology of sociology, psychology and the exact sciences. Adding to this the attempt to form a philosophical concept and paradigm based on humanism, civilizational criteria and symbolism, the exposition of a new cognitive approach is a formidable challenge. Assoc. Prof. Belov raises the issue of the limits of research in the very first chapter of the monographic study, giving the importance and significance of a unified methodology. Efforts in this direction should continue. Constitutional semiotics should be considered on the basis of a clearer notion of legal semiotics.

Interesting for me is the application of the new cognitive method (constitutional semiotics) for defining the institutes of constitutional law. "What would be the contribution of constitutional semiotics in considering, for example, caretaker government?" "How would constitutional semiotics take into account the social context - the changes being discussed at the constitutional level that are also aimed at caretaker government?"

Conclusion

In view of the characterization of the teaching and scientific activity of the candidate in the procedure, I give an overall POSITIVE EVALUATION and propose to the scientific jury to propose to the Faculty of Law of the University of Sofia "St. Kliment Ohridski" that Dr. Martin Kirilov Belov has to be elected to the academic position of Professor in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law (Constitutional Law) in the Chair of Constitutional Law.

10 November 2023

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