

REVIEW

by

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A competition for a professorship in the professional field 3.6 Law (Constitutional Law) for the needs of the Faculty of Law of the University of Sofia "St. Kliment Ohridski" has been announced in State Gazette, issue 65 of 28.07.2023. Only one candidate - Assoc. Prof. Dr. Martin Kirilov Belov – has applied and is taking part in the competition.

The Rector of the University of Sofia "St. Kliment Ohridski" has appointed by virtue of Order No. RD-38-487/08.08.2023 the following scientific jury: internal members of the jury: Prof. Dr. Daniel Valchev, Prof. Dr. Yanaki Stoilov and Assoc. Prof. Dr. Simeon Groysman; and external members - Prof. Dr. Boyka Cherneva from University of Veliko Tarnovi, Assoc. Prof. Dr. Zornitsa Yordanova from the University of Ruse and Assoc. Prof. Dr. Hristo Paunov from the University of Plovdiv.

In my capacity as a member of the scientific jury for this competition, I submit this review.

The review contains the following main parts:

1. Presence of conditions for holding the academic position of Professor
2. Biographical data and previous scientific and teaching activity of the candidate.
3. Scientific works submitted for the competition.
4. Conclusion.

I. Presence of conditions for holding the academic position of professor

Assoc. Prof. Martin Belov has submitted for participation in the competition the required documents under Article 117 of the Regulations on the Conditions and Procedure for Acquisition of Scientific Degrees and Holding of Academic Positions at Sofia University "St. Kliment Ohridski", certifying the existence of the necessary conditions for holding the academic position of professor under Article 115 of the same Regulations, namely:

- (a) he holds the degree of Doctor of Laws;
- (b) he has held the academic position of Associate Professor at the Faculty of Law of Sofia University. Kliment Ohridski" for not less than two academic years;
- (c) he has submitted a published monographic work and other original publications which do not repeat those submitted for the position of Associate Professor;
- (d) he meets the minimum national requirements and the additional requirements of the Sofia University for the position of Professor of Law;
- (e) there is no evidence of plagiarism in his scholarly works as required by law.

According to the submitted documents with regard to Assoc. Prof. Belov all conditions for holding the academic position of professor, provided for in the Development of Academic Staff in the Republic of Bulgaria Act, in the Regulation for its Implementation and in the Regulation on the Conditions and Procedure for Acquisition of Scientific Degrees and Holding of Academic Positions at Sofia University "St. Kliment Ohridski" are present.

II. Biographical data and previous scientific and teaching activities of the candidate

Martin Kirilov Belov was born on September 7, 1979 in Sofia. He graduated from the Faculty of Law of University of Sofia "St. Kliment Ohridski" in 2004. In 2006 he became a full-time PhD student at the Constitutional Law Chair of the Faculty of Law. In 2009 he defended his PhD thesis on "Direct Democracy - National and Comparative Legal Aspects". In 2008 he was appointed Assistant Professor, in 2011 - Senior Assistant Professor, and in 2018 - Associate Professor in the same Chair.

Martin Belov's scientific and teaching activities are well known in university circles. He teaches seminars and later lecture courses in Bulgarian and comparative constitutional law at the Faculty of Law of the University of Sofia "St. Kliment Ohridski". He also teaches courses in the doctoral programmes of the faculty, as well as courses in Bulgarian and English for "Erasmus" students. Moreover, Assoc. Prof. Belov lectures at various foreign universities.

Assoc. Prof. Belov has numerous specializations in prestigious European educational and scientific centers. He has been a visiting professor at universities in France, Italy, Germany, Czech Republic, Greece and Israel. He is a member of the scientific boards of several prestigious European scientific journals. He is a member of several national and international scientific organizations. Assoc. Prof. Martin Belov is the initiator/co-initiator and organizer of a number of international scientific forums, which the Faculty of Law of Sofia University "St. Kliment Ohridski" has hosted in recent years.

Assoc. Prof. Belov has been repeatedly elected as a member of the Faculty Council of the Faculty of Law of the University of Sofia "St. Kliment Ohridski". Since April 2019 until now he is Vice Dean of the Faculty of Law, responsible for international cooperation, digitalization and digital environment.

My personal impressions are that Assoc. Prof. Martin Belov has always taken his teaching, research and other university activities seriously and responsibly. Along with his profound knowledge in the field of Bulgarian and comparative constitutional law, Assoc. Prof. Belov possesses a rich general and legal culture and the ability to create an academic atmosphere in the classroom and to provoke the students' interest with regard to the teaching material.

III. Scientific publications submitted for the purpose of participation in the competition

Assoc. Prof. Belov has submitted for the purpose of participation in this competition 24 scientific publications - one monograph and 23 studies and articles in Bulgarian and English, some of them indexed in leading databases for scientific results and citations. The latter fact should be specially emphasized, as it is known that not many scientific publications of Bulgarian lawyers are included in such databases. It is also noteworthy that, apart from being an author, Assoc. Belov is also a scientific editor of some of the edited volumes containing his articles/studies.

The scientific publications submitted by Assoc. Prof. Belov for the purpose of participation in the competition are the following:

1. Monograph:

Конституционна семиотика. Концептуални основи на една теория и метатеория, София, 2022, УИ „Св. Климент Охридски“; published in English as: M. Belov, Constitutional semiotics. The Conceptual Foundations of a Constitutional Theory and Meta-Theory, Hart publishing, Oxford, 2022.

2. Studies and scientific papers:

2.1. Three Models for Ordering Constitutional Orders, in *Pravni Zapisi*, Year XIII, Nr. 2 (2022), ISSN 2406-1387, p. 361-387, (indexed in Scopus).

2.2. Rule of Law and Democracy in Times of Transitory Constitutionalism, Constitutional Polycrisis and Emergency Constitutionalism: Towards a Global Algorithmic Technocracy? in: Belov, M. (ed.) *Rule of Law in Crisis: Constitutionalism in a State of Flux*, Routledge, 2023, ISBN 9781032393858, p. 21-47.

2.3. 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, in: Griller, S., L Papadopoulou and R. Puff (eds) *National Constitutions and the EU Integration*, Oxford, Hart, 2022, ISBN 9781509906741, p 33-59.

2.4. Constitutional Nationalism and Constitutional Globalism on the edge of Westphalian and Post-Westphalian Constitutionalism: the Bulgarian Case, in: M Kalyviotou (ed.), *Essays in Honour of Kostas G. Mavrias*, P.N. Sakkoulas, Athens, 2022, Vol. I, ISBN 978-618-203-100-1, p 221 – 251.

2.5. 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, in Belov, M (ed.) *Courts and Judicial Activism under Crisis Conditions: Policy Making in a Time of Illiberalism and Emergency*

Constitutionalism, Routledge, 2021, ISBN 978-1032060828, p 171-194. (indexed in Scopus and Web of Science).

2.6. Territory, Territoriality and Territorial Politics as Public Law Concepts, in Belov, M. (ed.) Territorial Politics and Secession. Constitutional and International Law Dimensions, Palgrave, 2021, ISBN 978-3030644017, p 15-45.

2.7. Post-human Constitutionalism? A Critical Defence of Anthropocentric and Humanist Traditions in Algorithmic Society, in Belov, M. (ed.) The IT Revolution and its Impact on State, Constitutionalism and Public Law, Oxford, Hart, 2021, ISBN 9781509940875, p 15-41.

2.8. The Role of Fear Politics in Global Constitutional 'Ernstfall': Images of Fear under COVID-19 Health Paternalism, in Belov, M. (ed.) Populist Constitutionalism and liberal Democracies. Between Constitutional Imagination, Normative Entrenchment and Political Reality, Cambridge, Intersentia, 2021, ISBN 978-1839700606, p 187-221.

2.9. Bulgaria: EMU Integration and the Bulgarian Constitution: 'Missing Constitution' or EU Friendliness and Open Statehood Masquerading Implicit Sovereignist Strategies in the Context of Multilevel Constitutional Games? in Griller, S., E. Lentsch (eds.) EMU Integration and Member States' Constitutions, Oxford, Hart, 2021, ISBN 9781509935789, p 75-96.

2.10. Конституционният съд като съд по правата на човека? Състояние на системата за достъп до Конституционния съд на Република България във връзка със защита на правата на човека и предложения за нейната реформа, във Вълчев, Д., М. Белов (съст.) Правовата държава в България. Актуални проблеми в областта на конституционното правосъдие и съдебната власт. С, УИ „Св. Климент Охридски“, 2021, ISBN 978-954-07-5206-8, с. 56-99 (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)

2.11. Дебатът върху способите за защита на правата на човека пред Конституционния съд в България в периода 1989-2020 г. (в съавторство с Мария Димитрова), във Вълчев, Д., М. Белов (съст.) Правовата държава в България. Актуални проблеми в областта на конституционното правосъдие и съдебната власт. С, УИ „Св. Климент Охридски“, 2021, ISBN 978-954-07-5206-8, с. 17-56. (The Debate on the Instruments for Human Rights Protection in front of the Constitutional Court in Bulgaria during the period 1989-2020 (co-authored with M. Dimitrova) – 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)

2.12. The Constitutional Court of the Republic of Bulgaria as Law Maker, in Florczak-Wator, M. (ed.) Judicial Law-Making in European Constitutional Courts, Oxford, Routledge, 2020 (co-authored with A.Tsekov), ISBN 9781032187990, с. 91-111 (indexed in Scopus and Web of Science).

2.13. Judicial Dialogue – Westphalian or post-Westphalian Constitutional Phenomenon? in Belov, M. (ed.) Judicial Dialogue, The Hague, Eleven, 2019, ISBN-10:9462369631, с. 25-51.

2.14. Global Rule of Law instead of Global Democracy? Legitimacy of Global Judicial Empire on the Edge between Westphalian and post-Westphalian Constitutionalism, in Belov, M. (ed.) The Role of Courts in Contemporary Legal Orders, The Hague, Eleven, 2019, ISBN 978-9462369207, с. 99-133.

2.15. Constitutional Courts as Ultimate Players in Multilevel Constituent Power Games: the Bulgarian Case, in Belov, M. (ed.) Courts, Politics and Constitutional Law. Judicialization of Politics and Politicization of the Judiciary. Abingdon, Routledge, 2019, ISBN 9781032087214, с. 152-173.

2.16. The Bulgarian Constitutional Order, Supranational Constitutionalism and European Governance, in: Albi, A., S. Bardutzky (eds.) National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law National Reports, The Hague: TMC Asser Press, 2019 (co-authored with Evgeni Tanchev) ISBN 978-94-6265-272-9, с. 1097-1139.

2.17. Хуманизмът и рационализмът като основополагащи нормативни идеологии на конституционализма, в Новкиришка, М., М. Белов, Д. Начев (съст.) Научна конференция „Правата на човека – 70 години след приемането на Всеобщата декларация за правата на човека“, ISBN 978-954-07-4779-8, с. 69-90 (Humanism and Rationalism as Fundamental Normative Ideologies of Constitutionalism. In: Novkirishka, M., M. Belov, D. Nachev (eds.) Scientific Conference “Human Rights – 70 Years Since the Adoption of the Universal Declaration of Human Rights”, Sofia: University of Sofia ‘St. Kliment Ohridski’ Press, 2019)

2.18. The Challenges to Westphalian Constitutional Geometry in the Age of Supranational Constitutionalism, Global Governance, and Information Revolution, in Belov, M. (ed.) Global Constitutionalism and Its Challenges to Westphalian Constitutional Law. Oxford: Hart publ., 2018, ISBN 9781509914906, с. 13-55.

2.19. Constitutional Foundations of Peace and Discontent, in: Belov, M. (ed.) Peace, Discontent and Constitutional Law. Challenges to Constitutional Order and Democracy, Routledge, 2021, ISBN 978-0367539702, с. 15-30. (indexed in Scopus and Web of Science).

2.20. 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, с.107-126 (indexed in Scopus).

2.21. Legislation in Bulgaria, in: Xanthaki, H., U. Karpen (eds.) Legislation in Europe. A Country by Country Guide, Oxford, Hart, 2020, ISBN 978-1509924714, с. 69-86.

2.22. Constitutional Identity – Westphalian Reflection of the Constitutional Heritage of the Nation State or Post-Westphalian Alternative to Sovereignty in the Context of Supranational Constitutionalism? in: Mercescu, A. (ed) Constitutional Identities in Central and Eastern Europe. Frankfurt am Main, Peter Lang, 2022, ISBN 978-3-631-80796-5, с. 73-91 (indexed in Scopus).

2.23. Human Dignity in Bulgaria, in Becchi, P. H. Mathis (eds.) Handbook of Human Dignity in Europe. Vienna: Springer, 2019, ISBN 978-3-319-28083-7, p. 130-149.

3. The scientific publications of Assoc. Prof. Martin Belov are thematically diverse and, although of unequal weight and depth, have undoubted scientific value. In addition to demonstrating the author's broad framework of intellectual curiosity, they give a good idea of his main scientific interests. These interests have found expression (mainly) in two separate, though often intersecting, strands.

The first line of scientific interests of Assoc. Prof. Belov can be broadly defined as a contemporary interpretation of classical problems of Bulgarian and comparative constitutional law. This is a scientifically valid and important (in my view) task, insofar as each generation has the right, and the duty, to critically rethink knowledge and conceptions of the legal order, its immediate environment, and the values in which it seeks support. This applies with full force to research in constitutional law. Within this line of research interests Assoc. Prof. Belov pays particular attention to the topics of constitutional justice, judicial activism and judicial dialogue. These themes are addressed within a broader framework including democracy and the rule of law, human rights and human dignity. To this line of research interests (in addition to the author's earlier works, including his PhD thesis) we should refer a significant part of the research presented in this competition. Traces of this interest can be found in virtually all of the author's publications.

The second (but undoubtedly leading in recent years) line of research interests of Assoc. Belov is directed towards the construction of a new (interdisciplinary in nature) conceptual and paradigmatic field on which postmodern constitutional studies can be possible, and this means (according to Lyotard) a field of possible scientific (in this case related to constitutional law) language games. To this line of research interests we should refer the monographic work "Constitutional Semiotics. Conceptual Foundations of a Theory and Metatheory", as well as a substantial part of the articles and studies presented.

4. In the following part of the review I will focus mainly on the monography "Constitutional Semiotics" that has the subtitle "Conceptual Foundations of a Theory and Metatheory", Sofia, 2022, University of Sofia "St. Kliment Ohridski" Press, insofar as it represents a concentration of the mentioned second and current line of the candidate's scientific interests and contains a substantial part of other presented works.

4.1. The initial thesis of Assoc. Prof. Belov in this monography is important and should be shared - today's constitutional law, respectively modern constitutionalism, works predominantly with concepts and paradigms born in the Enlightenment era and therefore set the logic of an inflexible rationalist framework. The development of social systems (and especially the development of societies organized by liberal-democratic constitutional models) raises new questions whose answers are difficult to find if we stay within the framework mentioned above. Such a framing of the problem is new to Bulgarian constitutional law scholarship, though not unknown beyond it. What is new, however, is the author's ambition to construct a whole new field of concepts and paradigms on which to develop postmodern language games related to constitutional law and constitutionalism. Assoc. Prof. Belov proposes that this new field should be delineated by semiotics, seen firstly as a general (significantly broader than the existing) theoretical framework of the science of constitutional law, and secondly - as a meta-theory capable of situating theories of constitutional law (and law in general) in a broad sociological and philosophical context. This would, in the author's view, enable approaches to 'law as text' and 'law as context' to be redefined and complemented with the semiotic analytical discourses of 'law as imagination' and 'law as signifying system'. In this way, the author's so-called 'shadow constitutionalisms' would also enter the field of scholarly interest of legal scholars.

To accomplish this task, Assoc. Prof. Belov presents "several new theories in the field of constitutionalism and constitutional law, some of which also serve as meta-theories". According to him, these are the theories of quantum constitutionalism, cloud constitutionalism, textual, visual, symbolic-imaginary, emotional, performative and normative-institutional constitutionalism, as well as the theory with the greatest (according to the author) weight - the so-called constitutional geometry.

The structure of the book is largely consistent with the stated intention, from a critique of the rationalist approach to constitutional law, through a thesis for a new way of looking at constitutional text, including the idea of open textuality and making sense of constitutional codes and constitutional visualizations, to an attempt to sort it all out using mathematical metaphors.

The main scientific contribution of the author consists in the fact that he has managed to successfully build a comprehensive and truly new field of scientific inquiry, offering us both its parameters and possible projections, each of which can be considered in its turn as an independent contribution. Here, the idea of constitutional geometry, understood once as a possible theory for understanding and representing constitutional law in its dimensions of normative givenness, and a second time as a meta-theory in relation to constitutional theory, should be mentioned in particular. One should also mention at least one other contribution of the monograph that is also present in some of the other publications of the author - the idea of distinguishing between three civilizational stages (as the author defines them) in the development of

constitutionalism: Westphalian, Post-Westphalian and Neo-Westphalian constitutionalism. Referring to the Westphalian treaties of the mid-seventeenth century and taking them as a point of departure in the periodization of Western constitutional thought is not only interesting, but also provides broad possibilities for the study of legal systems. This idea allows Belov to draw out common features in the development of contemporary constitutional models as a result of their interpenetration, as well as to make reasonable assumptions about impending changes in them based on assumptions about the development of global political processes.

It should be noted that in the submitted monographic work, as well as in the other publications submitted for the competition Assoc. Prof. Belov demonstrates a very good knowledge of the existing scientific literature and an obvious ability to select and use it. This allows him to make relevant references and to enrich the lines of argumentation. Good handling of scientific sources also enables the author to situate his views within a broader picture of scientific thought in which he claims a certain place. There is also no way not to mention the excellent general linguistic culture of Assoc. Prof. Belov, as well as his rich and precise legal language.

4.2 I would not allow myself to criticize the work of a colleague whom (although I am in the position of a reviewer) I consider to be an accomplished teacher and researcher and fully equal to me in scholarly terms. As I have had occasion to point out in my other reviews and opinions, there is no hesitation for me that anything said or written by someone can be problematized from a particular perspective. I will, however, take the liberty of noting a few points in the monograph by the colleague Belov that, from my perspective, raise questions.

I will start by saying that my understanding of legal scholarship is based on the thesis that not all knowledge about law is legal knowledge. Legal knowledge, i.e., knowledge that is part of legal science, is only that which is derived from a more rigorous research method, which (method) necessarily includes, among other things (which I have written and spoken about many times), the researcher's internal perspective. This would mean that the researcher should discipline his or her scientific curiosity and limit it to those questions whose answer would be relevant to the decisions of a hypothetical judge in considering a possible legal dispute. This makes me predictably skeptical of research that offers not just an external but a dynamic perspective on law as an object of scholarly interest.

As I have already pointed out, in his monograph Assoc. Prof. Belov attempts to delineate (and to some primary extent to construct by introducing new concepts and constructing paradigms) a very broad field of possible language games. The fact that the author defines this field as the (albeit updated and

expanded, but still) field of constitutional law does not in itself resolve the question of either the limits of these language games or their relevance to legal thinking. To put it another way, I find semiotics to be a very broad garment with an undefined cut that is worn by a relatively well-defined subject (constitutional law). It is an object that is presumed to have a relatively clear and stable form - at least because of its normative determinacy, but also because it is required to serve as the foundation of a (also normatively determined) national legal order. The author manages to sustain the connection between semiotics and constitutional law at the expense of introducing a solid number of phrases that are key in the construction of the lines of argument in the monograph, but whose meaning is not obvious (much less generally accepted) and requires clarification - quantum constitutionalism, shadow constitutionalisms, symbolic-imaginary constitutionalism, visual constitutionalism, Westphalian, post-Westphalian and neo-Westphalian constitutionalism, constitutional geometry, constitutional algebra, cloud constitutionalism, etc. The general impression is that the author shares the understanding that semiotics is a discipline without boundaries (François Rastier et al.) and does not find this to pose any problems in relating it to a relatively distinct and formalized branch of law such as constitutional law. The not inconsiderable possible effect of this is the danger of problematizing and even obliterating the distinctions between text, which is the bearer of meaning, extra-textual phenomena in which meaning is embedded and, respectively, meaning is sought, and ordinary noise in which one would be tempted to seek meaning.

It is also debatable to what extent semiotics, which according to the prevailing opinion is a theory of the sign (in a broad sense), has managed to create a theory of its own for the interpretation of the text, significantly different from the theories already outlined by hermeneutics. In this sense, it is not entirely clear whether the author's guiding ambition is to update the idea of meaning interpretation of constitutional texts (which, however, even extended to the juxtaposition of text, context and intertext, would remain a hermeneutical task), or whether the aim is to map out a new field of interpretation of non-textual signs that are in some way related to constitutional law. The latter would be more interesting, but would no doubt clash with the jocularly expressed but profoundly very serious thesis (Umberto Eco) that semiotics is basically that discipline which studies everything that can be used for lying.

4.3. These remarks in no way diminish the importance of the monograph “Constitutional Semiotics. Conceptual Foundations of a Theory and Metatheory” and the other works presented by the candidate. They only show how difficult it is to propose interdisciplinary constructs linking legal scholarship with other fields of knowledge that cannot be questioned from a particular perspective.

Moreover, almost everything said above (with minor exceptions) concerns questions of methodology, which in the field of legal science and the philosophy of law (I will not hide that, to my regret) are primarily a matter of choice.

IV. Conclusion

Assoc. Prof. Martin Belov is an authoritative researcher and lecturer in the field of Bulgarian and comparative constitutional law, with a taste for the philosophy of law and sociology of law. His research is well known and recognized not only in Bulgaria, but also beyond the borders of Bulgarian legal science. The authority of Assoc. Prof. Martin Belov has been consistently and persistently built over the years of his scientific and teaching activity. With the monograph “Constitutional Semiotics. Conceptual Foundations of a Theory and Metatheory”, as well as with the other scientific publications described above submitted for the competition, he confirms his name as an established, well-esteemed and ambitious researcher. The choice of scientific issues, the theses formulated and the selection of supporting arguments are the product of a strong intellect combined with a remarkable scientific curiosity, a combination that (I am confident) will continue to bear fruit.

As a result of all the above reflections, I believe that Assoc. Prof. Martin Belov meets the requirements for the academic position of professor, stemming from the Development of Academic Staff in the Republic of Bulgaria Act, the Regulation for its application and the Regulation on the conditions and procedure for the acquisition of scientific degrees and the holding of academic positions at University of Sofia "St. Kliment Ohridski". Hence, it is both my duty and pleasure to recommend to the Scientific Jury and the Faculty Council of the Faculty of Law of the University of Sofia "St. Kliment Ohridski" to elect Assoc. Prof. Martin Kirilov Belov to the position of Professor in the professional field 3.6 Law (Constitutional Law).

Sofia, 10.11.2023.

Prof. Dr. Daniel Valchev